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PROCEEDINGS AND DEBATES OF THE SIXTY-FOURTH CONGRESS, SECOND SESSION.

SENATE.

SUNDAY, *February 25, 1917.*

(Legislative day of Tuesday, February 20, 1917.)

The Senate reassembled at 2 o'clock p. m., on the expiration of the recess.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE FINLEY.

Mr. TILLMAN. Mr. President, I ask that the resolutions of the House of Representatives on the death of the late Representative FINLEY, of South Carolina, be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. DAVID E. FINLEY, late a Member of this House from the State of South Carolina.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. TILLMAN. Mr. President, I offer the resolutions which I send to the desk and for which I ask immediate consideration.

The PRESIDENT pro tempore. The resolutions submitted by the Senator from South Carolina will be read.

The Secretary read the resolutions (S. Res. 373), as follows:

Resolved, That the Senate expreses its profound sorrow on account of the death of the Hon. DAVID E. FINLEY, late a Member of the House of Representatives from the State of South Carolina.

Resolved, That the business of the Senate be now suspended in order that fitting tributes may be paid to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. SMITH of South Carolina. Mr. President, DAVID EDWARD FINLEY was born February 28, 1861, in Trenton, Ark. He was the son of David M. Finley and Elizabeth McIlwaine Finley. Though he was born in Arkansas, yet he was in every sense a native South Carolinian. His parents had moved from South Carolina to Arkansas, and when young FINLEY was 2 years old his parents returned to York County, which was their native county and which county was the home of the Congressman during his entire life.

Like most southern boys of that period, Mr. FINLEY's opportunities for education were meager. His primary education was received in the public schools of his native country. He attended the law school of the South Carolina University, from which he graduated in 1885, when he began the practice of law in York County. He married October 9, 1889, Miss Elizabeth L. Gist, of York, a member of one of South Carolina's oldest and best families. He was elected to the South Carolina Legislature as a member of the house and served one term of two years. In 1892 he was elected State senator, in which capacity he served two terms. In 1898 he was elected to Congress from the fifth district and served in this capacity until his death. At the time of his death he was the ranking Member of the South Carolina delegation in Congress in point of service, having been reelected for his tenth consecutive term, the longest continuous service of any Congressman ever elected from the State of South Carolina. He had opposition in his candidacy for election and reelection, but was always returned with a substantial majority.

During the early part of Mr. FINLEY's political career the conditions in South Carolina were such as to test the qualities of character. The test proved the moral and intellectual integrity of Congressman FINLEY. Partisan spirit was at a white heat and passion was rampant, yet amidst it all FINLEY maintained his equilibrium—his sense of the right proportion of things—and he moved steadily along the line of his own conception of what was just and what was right. He was identified with what was then known as the reform faction, yet he did not allow his desire for reform or his association with the leaders of the reform faction to sway him from what he conceived to be the real mission of the reformer; what he conceived to be good in the reform movement he championed with his characteristic coolness and persistence, and what of good in the opposition, either as to principle or men, he unhesitatingly recognized. There were dramatic incidents wherein he played a marked and heroic part in this memorable era of our States' history.

He appreciated fully the highest and noblest of the old régime and did not hesitate to grant it a part in the new system of reform that he sought with others to inaugurate.

Mr. FINLEY would not be characterized as a brilliant man, but his character was of that type which, perhaps, in the storm and stress of life is more useful in the great structure of State and society.

As a Member of Congress he served his State as a national legislator as he had served her as a State legislator, with that same persistent adherence to his conception of right and duty.

He was the living embodiment of democracy; in his personal, social, and political relations he was democratic to the core.

Our first acquaintance and association was while he was a student of law at the University of South Carolina in the law department and I was a student in the academic department.

My association as friend and coworker with Congressman FINLEY is one of the treasured memories now of my life; he gave me his sympathy and support when I came to Washington as a Member of the Senate. He set an example worthy of emulation in his moral integrity, his intellectual independence, and his political manhood.

The State and Nation are richer for having had the strong character of DAVID EDWARD FINLEY to live and act for both.

Mr. WEEKS. Mr. President, if the Members of the Congress of the United States had no other association with each other than the formal and impersonal proceedings of its daily sessions, death might levy a heavy toll and still fail to make us fully realize our loss. But, fortunately, a large part of our daily task is performed in the smaller confines of the committee rooms, where the individual Members are brought closer together, and are given the opportunity to learn a man's true character and worth. It was through this medium, while a Member of the House of Representatives, that I came to know the loyal qualities and the high and patriotic principles of our late colleague, DAVID EDWARD FINLEY.

I served for four years with Mr. FINLEY upon the Committee on the Post Office and Post Roads, and during that period of intimate contact with him from day to day, I became increasingly aware that in him the State of South Carolina possessed one of its ablest sons and the Nation one of its most faithful workers.

As I look back over that period I can think of no man who had a clearer conception of the unlimited possibilities to be found in the proper development of the Nation's great Postal Service, and Mr. FINLEY made it his principal work in Congress. The advancement of the rural and city mail-delivery systems, the adoption of the parcel post, greater consideration and better pay for the postal employees—all of these steps being forward, and many others which have been made during the past decade, have had behind them the understanding mind and the efficient energy of the late Member from the Palmetto State. Knowing, as I do, how great and sincere a part he played in bringing these things to pass, I do not hesitate to say that the farmer, the business man, the manufacturer, and the "folks at home," whose comfort, success, or mere contentment depends upon the efficiency of our postal facilities, each of them alike, owes a debt of gratitude

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to DAVID EDWARD FINLEY. In his passing they have lost a faithful and forceful servant.

Mr. ROBINSON. Mr. President, considering the circumstances which attend congressional labors it is not surprising that every year records the death of many Members of both Houses. The last 10 years have brought a manifest change in the membership of Congress. Formerly the Senate was composed almost entirely of elderly men, and the same, in a less degree, was also true of the House of Representatives. Now, however, a considerable number of the Members of both Houses is composed of comparatively young men, who, if they lack the discretion and wisdom which attend experience and age, enjoy the boon and vigor of youth. Notwithstanding this, the death rate among Congressmen is said to be increasing.

Prior to the beginning of the last decade conditions here afforded to Members of Congress fair opportunities for recreation. The subjects dealt with were well defined and the sessions were comparatively brief. The details of congressional labor have multiplied until it is impossible for a Member of Congress to personally and deliberately perform the duties which claim his efforts.

New governmental activities and agencies have broadened the sphere of congressional duties. We are constantly creating bureaus and extending the domain of Federal legislation, until the whole system has become top-heavy. The presentations of requests from constituents touching applications for patents, claims, pensions, and pardons are alone sufficient to engage the entire time of a Senator or Representative. Add to this the committee work which we all perform, the duty of attendance upon the sessions of the respective bodies to which we belong, and the frequent and repeated requests of our deserving constituents for appointment to office and promotions in the Government service, and it is not surprising that many break down under the strain of overwork. On account of the large membership of the House committee work there is very much better distributed than in the Senate. Members of the House of Representatives now have, as a rule, only one important committee assignment. In the Senate every Member is overwhelmed with committee work. I know some Senators who devote, on an average, six hours per day throughout every session to committee work alone. This condition lowers the standard of service here. The prevailing system of congressional labors compels confinement and produces anxiety and worry, resulting in ill health to some and in death to others.

DAVID FINLEY died in the full splendor of manhood. He was vigorous, comparatively young, and filled with a love of life and a sincere devotion to duty. South Carolina has given to the Nation many men of distinction, some of whom will be honored as long as this Government endures. The Pinckneys, Calhoun, and Haynes are justly regarded as among South Carolina's most brilliant sons and the Nation's most loyal patriots and statesmen. South Carolina probably has other sons more brilliant and versatile than DAVID FINLEY, but there never served in Congress a more sincere, well-balanced Representative than he. Mr. FINLEY did not seek notoriety or fame. He was content to perform his duty without display and with a simplicity of manner truly admirable.

Some Senators and Representatives have obtained national reputation because their names have been associated with important acts of Congress, when, as a matter of fact, the real labors connected with the legislation for which they obtained the credit were performed by others. It is well understood among us that every great legislative act in recent years has been the result of the combined labors of the working members of the committee from which the measure was reported. Some Senators and Representatives have led the agitation for specific legislative reforms, and to them justly has been ascribed the credit which their efforts have earned. But in many instances important acts of Congress have been named for committee chairmen, who, by virtue of their positions, have been permitted to report bills which, in fact, often represent no more of their thoughts and efforts than of others. Mr. FINLEY never sought, never desired, credit for the acts or thoughts of others. He deservedly enjoyed the unlimited confidence and affection of his people. His home life, his devotion to wife and children, forcefully illustrated his kindly and affectionate nature.

On a beautiful Sunday, the 28th day of January, 1917, the occasion of his burial, a committee of Senators and Representatives visited York, S. C., the home of Congressman FINLEY, to attest the honor and esteem in which his character is held by the Congress. A great concourse of people, representing every condition in life, assembled to pay the tribute of loving sorrow to his memory. I learned from conversations with many of his old-time neighbors and friends that Mr. FINLEY was universally regarded as a faithful friend, a devoted husband and father, a just man, and an efficient Representative. His distinguishing characteristics were generosity and hospitality. On every hand we observed the evidences of his contribution to the material and moral progress of the people who honored and trusted him, and who loved him as few public men are loved by their constituents.

Throughout his prolonged political career Mr. FINLEY enjoyed many intimate and enduring friendships. These constitute a true basis for usefulness and happiness.

Somewhere I have read lines attributed to Daniel Webster, lines which are said to be his only effort at poetry, entitled:

"THE MEMORY OF THE HEART."

If stores of dry and learned lore we gain,
We keep them in the memory of the brain.
  Names, things, and facts, whate'er we knowledge call,
  There is the common ledger for them all.
And images on this cold surface traced
Make slight impressions and are soon effaced.
  But we've a page more glowing and bright,
  Whereon our friendships and our loves to write
That these may never from the soul depart,
We trust them to the memory of the heart.
  There is no dimming, no effacement there;
  Each new pulsation keeps the record clear.
Warm, golden letters all the tablets fill,
Nor lose their luster till the heart stands still.

Mr. FERNALD. Mr. President, it is fitting and appropriate that the Senate cease from its labors for a brief period to pay a tribute of love and respect to a deceased Member of our Congress, and a coworker—DAVID EDWARD FINLEY, of South Carolina.

It was not my privilege to have a personal acquaintance with Mr. FINLEY, although honored by the President of the Senate in the selection to be one of the company who should attend the funeral of this distinguished public man, and lay him to rest in his native State.

The men who come here are chosen from every section of our great country, and the community of labor gives opportunity for affinity to exercise its influence and selection of associates and friendships are made without reference to party affiliation. Friendships are formed here which will be a source of comfort and satisfaction to the end of our lives. We value these associations highly.

Now and then there comes here a man to whom all look with affectionate regard—such a man was Congressman FINLEY. He was kindly, frank, generous, manly, obliging to all, ever ready to give assistance when it was in his power to do so, having a great regard for loyalty to his convictions, to which he firmly adhered.

As a Member of the Congress he was capable of the fullest discharge of his duties, unerringly performing every duty committed to his care in an honest, courteous, efficient manner. Such a man is a great loss to his State and to the Nation.

But it is in the home circle that he will the most be missed. I wish it were in my power to say one word that would lend comfort to the sorrow-stricken wife and family, but I know how vain it is to attempt to gild a grief with words or try to assuage a pain with any expression of sympathy. We only know that all who live must die, and each must be brave enough to meet what all have met. We can not say whether the good-by here is not good morning there, or whether the night here is not somewhere else a dawn. Hope lures us ever onward—

Where the faded flowers shall freshen,
  Freshen never more to fade;
Where the shaded sky shall brighten,
  Brighten never more to shade.

Where the sun blaze never scorches,
  Where the star beams cease to chill;
Where no tempest stirs the echoes
  Of the wood, or wave, or hill.

Where no shadow shall bewilder,
  Where life's vain parade is o'er;
Where the sleep of sin is broken
  And the dreamer dreams no more.

Mr. TILLMAN. Mr. President, DAVID EDWARD FINLEY, the man whose loss we are all lamenting and to whose worth and character so many have paid tribute, was my friend of many years. I became acquainted with him first while I myself was governor of South Carolina and he was a member of the legislature in 1891, and we were friends until his death. We were friends, I say; for, while a political revolution was in progress when I first knew him, he never lost his independence of thought and action. I was the leader of the reform movement, a political upheaval that, beginning about 1886, rocked South Carolina for some 30 years. FINLEY was in sympathy with the aims of

the reformers, but he never did surrender his freedom of mind. He was not afraid of adverse majorities, but stood manfully for his own ideas, even when they seemed to spell disaster to his personal fortunes. He was not merely my political follower, he was infinitely more—he was my friend.

We have four counties in South Carolina—York, Lancaster, Chesterfield, and Chester—originally settled by English people. These early settlers were afterwards joined by pure Irish and Scotch-Irish. FINLEY was of this mixture of British nationality, and possessed the best characteristics of all of them. His sturdy independence and individuality everywhere compelled respect, while his suave and pleasant greeting and manner toward all, high and low, rich and poor, won him their love and friendship, so that when he grew to manhood and entered public life he won his way upward and onward without any break in his long career, having never been defeated in his county for any office he asked his people to give him. He always carried York County, his home, by large majorities. Impulsive and direct in everything he ever said or did, his neighbors knew and trusted him.

A lawyer by profession, he early interested himself in legislative affairs, being a member of the South Carolina House of Representatives in 1890 and 1891 and of the State senate from 1892 to 1896, which latter office he relinquished to represent his native State in the Fifty-sixth Congress. From that Congress until his death a few weeks ago his service here was continuous. As a lawyer he was painstaking and accurate; as a Representative and legislator he was careful and conscientious, always placing the interest of his constituents, his State, and his country far beyond his own, showing in the highest degree the spirit of service and fidelity to the common good. Such characteristics and rugged adherence to the faith of the fathers—upon which faith is founded government "of the people by the people for the people"—made his career in the public service useful and effective.

Useful as was his service here, however, it was in his private life, in his relations as a husband, father, and friend, that his light shone brightest. Loyal and faithful and honest as the day was long, his life was ever an open book, and he will be long remembered as a fearless, stalwart, noble gentleman, and "to live in the hearts of those we loved is not to die."

I shall not attempt to enumerate the many good and worthy things accomplished in his life of usefulness in the public service. My tribute is a personal one, though I do not undervalue his splendid work. He has crossed to the Great Beyond. God rest his spirit!

> So when a good man dies, for years beyond our ken
> The light he leaves behind shines on the paths of men.

Mr. President, I move the adoption of the resolutions.

The resolutions were unanimously agreed to.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE TRIBBLE.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
February 4, 1917.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. SAMUEL J. TRIBBLE, late a Member of this House from the State of Georgia.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. HARDWICK. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDENT pro tempore. The resolutions submitted by the Senator from Georgia will be read.

The Secretary read the resolutions (S. Res. 374), as follows:

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. SAMUEL J. TRIBBLE, late a Member of the House of Representatives from the State of Georgia.

Resolved, That the business of the Senate be now suspended in order that fitting tributes may be paid to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. HARDWICK. Mr. President, on the first day of the present session of Congress Hon. SAMUEL J. TRIBBLE, Representative from the eighth district of Georgia, was stricken with apoplexy, and after lingering for a few days in one of the hospitals of this city, died there on December 8, 1916.

This sudden and tragic event came absolutely without warning or notice, like a bolt from the blue, for Mr. TRIBBLE was apparently in the very best of health and spirits, full of life, ambition, and energy—and on the very morning that he was stricken I had a long and friendly conference with him respecting the work of the present session, and his own part therein. That he should have been stricken down in the very prime of his manhood and usefulness is not only inexplicable but inexpressably sad, and it was a great shock as well as a great sorrow to me, and to his other associates here, and to many thousands of his friends in Georgia.

The eighth district of Georgia, which he represented in the Sixty-second, Sixty-third, and Sixty-fourth Congresses, and of which he was the Representative elect in the Sixty-fifth Congress at the time of his death, is remarkable for the many splendid men it has sent to Washington. In the ante bellum period Howell Cobb represented it. Strong, able, brilliant, forceful, he became Speaker of the House of Representatives before he was 40, and a great party leader in those stormy days. Robert Toombs served it before he came to this body to illustrate Georgia. Since the war its representation has been worthy of its old traditions and it has sent many able and useful men to Washington. One of the most remarkable of these was William Marcellus Howard, who after 14 years of brilliant service in the House, was defeated in 1910 by Mr. TRIBBLE, and the fact that Mr. TRIBBLE defeated him is splendid evidence of the remarkable hold that Mr. TRIBBLE had upon the affections and confidence of the people of the eighth district.

Coming to Congress as the successor of a brilliant and noted man, Mr. TRIBBLE's path was not an easy one, and it is therefore with genuine and sincere pleasure that I bear testimony to the fact that he measured up from the beginning to the high responsibilities that were upon him.

A man of good mind, an earnest, honest, sincere, courageous Representative, he brought to the performance of his duties in that post indefatigable industry, high-minded courage, and unselfish patriotism. His principal legislative labors were upon the House Committee on Naval Affairs, of which comaittee he was one of the most prominent members, and his useful and efficient service on that committee is attested by all of its members.

In company with a number of his colleagues from both Houses of Congress, I attended his funeral services at his old home, Athens, Ga., the beautiful university town of our great State. I have never seen more universal, more touching, and more sincere demonstrations of real grief than came from his people when we brought him back to them, and I can never forget the great, silent, tear-stained concourse of people who witnessed the consigning of his remains to their long rest in beautiful Oconee Cemetery.

Mr. President, a good man has gone. A just, honest, earnest, God-fearing, and God-loving public servant is no more. Our country will miss him, our State will mourn him, and his friends will never forget his memory. Peace to his ashes. A good man sleeps his last, his well-earned sleep. May God console his friends and comfort his family.

Mr. SMITH of Georgia. Mr. President, in the loss of the Hon. SAMUEL J. TRIBBLE we are again impressively reminded of the uncertain tenure of life. He returned to us about the 1st of December for the resumption of his congressional duties with every appearance of health, with every reason to anticipate a long and continuous service. He had just passed through a contest with one of the strongest men in his district, and his people had given him an overwhelming indorsement, an indorsement so nearly unanimous that it is safe to say for many years at least no one would have offered against him. To have done so would have been to invite almost certain defeat. With such a brilliant future before him, suddenly, almost without notice, he was taken.

Mr. TRIBBLE was born a little more than 47 years ago in Franklin County, Ga. That is a county inhabited almost entirely by whites, having no large cities within its boundaries. Franklin is a large county populated by a wonderfully sturdy and prosperous class of farmers. The farms are not what would be called large farms, but they are large enough for the splendid men who own them, and who deem it a privilege in part to till them with their own hands as well as to direct cultivation with their brain, to earn from agriculture the comforts of life. They are a people distinguished for their courage, their industry, their thrift, and their independence.

It was from a parentage typical of the very best of Franklin County that SAMUEL J. TRIBBLE inherited and prized those splendid qualities which came to distinguish him in after life. He

spent his boyhood in part helping upon the farm, but taking advantage of all the school opportunities of his county. He might well have remained in the county, and followed the line of work of his ancestors, but he had an aspiration to practice law, and, after completing his course in the schools of the county, he went to the University of Georgia at Athens. There he stood among the very best at the college, taking a high rank for his character, for his industry, and for his intellectual strength. He also graduated from the law school of the university and then opened a law office in Athens.

Athens has been the home of as great lawyers as ever lived in the United States. From their number I may mention Joseph Henry Lumpkin, William Hope Hull, Thomas R. R. Cobb, and Benjamin Harvey Hill. It was a place of great culture and refinement. This ambitious boy from the country walked into a law office in Athens and at once took a position along with the very best, inspiring the confidence of men and growing day by day. He was soon made prosecuting attorney of the city court of Athens, and a little later on he became a candidate for solicitor general of the western circuit, where the judge and the solicitor conduct the business in half a dozen or more counties. He ran against a man of influence and prestige, but was elected by a handsome majority. Subsequently he entered the race for Congress. My colleague [Mr. HARDWICK] has called attention to the character of the opponent he encountered and to his long and distinguished record.

He has called our attention to the illustrious men who have represented that district. He might have added another since the war in every particular the equal of those who represented the district before the war. I refer to the great Georgian, Benjamin Harvey Hill, the ablest debater I ever heard.

Mr. TRIBBLE was elected to Congress in this first race by a good majority of the popular vote. Of his splendid service in the House of Representatives his colleagues have borne ample testimony. It is with all of us a source of deep regret that he has not been spared longer to serve that district.

His hold upon his people was deserved. It was due not alone to his ability and to his patient care about matters pertaining to the interest of his district; it was due also to the fact that he really thought with and felt with the people of his district; that he really loved the people of his district; that his heart really went out to those sturdy men all over his district, who were represented by the men I have described in Franklin County. There never was a moment from the time he reached maturity that he did not love and long to be of real use to it, not simply by showy speech but practically in any detail of service that was within his reach. He longed not only to serve them and to watch those problems that would conserve their interest upon the floor of the House, but he longed to serve them all the time and in every way; and I will mention one thing that he did during the vacation that commended itself to me and that I cordially appreciated.

He had a few months of leisure when Congress was not in session, and after canvassing his district and discussing political questions in the ordinary way he conceived the idea of giving an entertainment to his people; and in the smaller towns, not often visited by lecturers, where the people had not been given some of the opportunities that are found in larger cities, he gave an illustrated lecture on the public buildings of Washington, on the progress of the Navy, on progress in development and science that was a perfect treat to his people, devoting a number of weeks of careful labor to going over his district, entertaining and instructing them, and broadening the vision of his people.

Mr. TRIBBLE took his responsibilities seriously. He regarded office as a serious responsibility, one that meant more than mere pleasure to the occupant; one that meant more than mere reputation; one that gave a chance to serve his people; and the great thought of his life was how he could serve them and how he really could reach out in detail to the individual citizens and be of actual service to them.

Mr. President, his life is an inspiration to the young man who is willing to climb by industry and devotion to duty, and it is a lesson to us. We may well realize that mere patriotic effusions of fervid eloquence are not of equal service to our constituents with that care and thought that seeks to open wider the doors of opportunity to the less fortunate in life and that will give a chance for better preparedness to the children of the less fortunate, and that parents may look forward to children whose opportunities have made it possible for them to be ready for the joys and the struggles of life, to meet them boldly and even more successfully than their parents have done.

Mr. HARDWICK. Mr. President, I ask for the adoption of the resolutions which I have offered.

The resolutions were unanimously agreed to.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE BROWN.

Mr. CHILTON. Mr. President, I ask that the resolutions of the House of Representatives on the death of the late Representative BROWN of West Virginia, be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. WILLIAM G. BROWN, Jr., late a Member of this House from the State of West Virginia.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. CHILTON. Mr. President, I offer the resolutions which I send to the desk, and ask for their immediate consideration.

The PRESIDENT pro tempore. The Secretary will read the resolutions.

The Secretary read the resolutions (S. Res. 375), as follows:

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. WILLIAM G. BROWN, Jr., late a Member of the House of Representatives from the State of West Virginia.

Resolved, That the business of the Senate be now suspended in order that fitting tributes may be paid to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. CHILTON. Mr. President, this day has been set apart as a time upon which to pay a tribute of love and respect on the part of the Senate of the United States to the late WILLIAM GAY BROWN, Jr., who, at the time of his death, on the 9th day of March, 1916, was a Member of the House of Representatives, serving his third term in that body. He was born on the 7th day of April, 1856, at Kingwood, then in the State of Virginia, now a county of West Virginia. His father, William Gay Brown, sr., was born in the year 1800 at the same place, and his grandfather, James Brown, originally from Ireland, came over the mountains from Pennsylvania and settled at the same point in 1789. The elder William G. Brown was elected to Congress in 1845, 1847, and again in 1861 and 1863, and was a member of the Virginia convention in 1861, at Richmond. His mother was a Miss Gay, who lived to see her distinguished son a Member of Congress. She was a very remarkable woman. She was a peculiar combination of strong business qualities with all of the motherly tenderness, ever retaining the love of home and exhibiting a tender care of her family. It is well known that our deceased friend often referred to the fact that his father had been a Member of Congress and the ambition of his mother that he should likewise become a Member as the controlling reasons for his entering politics. Anyone who knew the mother and had studied the strong qualities of his father would naturally come to the conclusion that a strong, virile man like our deceased colleague would inevitably be stimulated by the two inspirations, one the father's success, the other the mother's love and ambition. Thus we find that early in life he resolved to overcome the adverse political majority which confronted him, and he never was satisfied until he gratified his mother's ambition and followed in the footsteps of his distinguished father to the Halls of Congress. He was married in 1883 to Miss Jessie Thomas, of Tyrone, Pa., who died in 1886. By this marriage there was one child, Mrs. Robert L. Brown, of Kingwood. In 1902 he married Miss Flora B. Martin, who died in September, 1912. On December 6, 1914, he was married to Miss Izetta Jewel Kenney, of Babylon, Long Island, N. Y., who survives him with an infant daughter, 1 year of age.

He was educated in the common schools of West Virginia and then attended the university of his native State, at Morgantown, where he graduated in the class of 1877 and at once entered upon a business, professional, and public career which was full of success, achievement, and honor. While at the university he was a roommate of his cousin, the late J. P. Dolliver, afterwards United States Senator from Iowa. In fact, during a part of the time that he was at the university he boarded at the house of Dolliver's father, and the two young men were congenial relatives, as well as inseparable friends. This friendship lasted till Senator Dolliver's death, and he had no warmer friend and more ardent admirer than Mr. BROWN.

The splendid old county of Preston, where he was born, has produced many distinguished men. It might be well content with the honor of the two Browns and the great Dolliver, but it can boast of still others. Maj. Gen. M. J. Luddington, retired, who was Quartermaster General during the Spanish-American

War; James C. McGrew, who was elected to Congress from the second district in 1868 and 1870, and declined a third term; Maj. Gen. Godwin, now retired; Hon. P. J. Crogan, one of the really great lawyers of the two Virginias; the late William M. O. Dawson, who was for many years the leader of his party and was governor of his State, and who died within a few days after the death of Mr. BROWN, are among the distinguished men whom this mountain county of West Virginia produced. It is neither a back nor a backward county. It is wild only in the Switzerland-like beauty of its mountains, valleys, green forests, brooks, and rivers. Here the brook leaps and bounds over precipice and bowlder, making a symphony of waterfall and a cantata of gurgling rill and sweeping stream; the high mountains, the gigantic forests, the broad valleys, and the deep jungle are sometimes the frame, then the picture, as the sun and cloud shift the kaleidoscope for man's pleasure and inspiration. Beauty, grandeur, power, and repose stimulate the imagination and beckon to healthy pursuits and noble aspirations.

Beneath the surface are found the well-known seams of West Virginia coal and oil and gas. Nature has indeed been prodigal. The soil yields the cereals, the mountains the timber, the bowels of the earth give up the coal, oil, and gas; but man in his quest has never succeeded in destroying the grandeur of its valleys, the never-failing perfume of the mountain flowers, the music of the rushing waters, nor the harmony of sunshine, waterfall, mountain, valley, and river. The railroads have come, and with them the towns, the factories, the busy shops, the mines, the oil derrick, the gas and oil pipe lines, but these have but made a frame to the picture or a contrast to bring out the inspiring beauty and grandeur of nature's work. Wealth has come, and with it the fine homes, large buildings, and factories, but everywhere in Preston County there is still beauty, flowers, and grandeur. It is still the place wherein strong men are reared; it is a place where tired nature loves to resort and where the vigor of nature seems to be communicated to the human being. Here he was born and educated and spent his life, and both the man and the life typified the same variety of strength, ruggedness, power, beauty, repose, and usefulness. Nature kissed him and called him blessed, as it had his birthplace and home.

The Elder Brown left to his family not only the heritage of a well-spent life in his professional business and public career, but also substantial property in bank stock, farms, live stock, and valuable securities. Our deceased friend was not compelled to work, but he did. He had ample without practicing law, but he entered upon his profession with the same vim that is expected from one who is forced to earn his own living. In addition to this, he took charge of his father's immense business affairs and made a success of every one of them. He improved the farms, managed the banks, and conducted the business with eminent success. He was a typical all-around West Virginian. He was a lawyer, farmer, banker, and publisher. He had a good law practice, managed several farms, was president and director of one bank and interested in others, and published an influential newspaper. He attended the bar associations, the farmers' meetings, the bankers' conventions, and the newspaper men's organizations. To all of them he brought original thought, hearty cooperation, active and intelligent participation, and always good cheer. Everyone was glad when he came and sorry when he left. He permitted no social demands to cause him to disappoint his business associates, and yet he never allowed his immense and varied business and professional occupations to so absorb him as to diminish or destroy his interest and pleasure in every social function. In dress suit or overalls, he was nothing less nothing more than Junior BROWN, always 100 per cent efficient, always approachable, never unreasonable, and while ever persistent and earnest in doing his tasks, he was never dogmatic nor arbitrary with friend or foe. I sometimes think that he literally wore himself out in his efforts to attend to his private business without neglecting a single official duty and at the same time endeavoring to listen and respond to every appeal to his big heart from those in distress.

His colleagues in the House know that he was a faithful attendant upon the sessions of the House, and yet he and his secretary kept an automobile going practically all the time in going to the departments looking after the requests and inquiries which came to him from the people of his district. No one will ever know the extent of his bounty, the cases of distress which he relieved, the boys and girls whom he helped educate, the friends he relieved in a quiet way or the thousands of acts of charity which he did in a true Christianlike spirit. Enough have been known to show that it was practically impossible for him to turn away from distress. He loaned money where there was practically no chance of ever having it returned. He helped friends who became embarrassed with trust funds with no hope of reward except that consciousness within, which brings inestimable treasures to the soul. His big heart did not inquire into the details of the cases of distress. The straitened sufferer who went to him received no lectures upon economy nor the rules of health. He had learned that hunger is hunger, no matter what chain of circumstances had made the human being its victim. With him heartache was as hard to bear alone when the victim's fault contributed to it as it was when no one was to blame. The old soldier, his family and children were as much the recipient of Junior BROWN's benevolent bounty as they were of his unceasing care and attention in the Halls of Congress. Truly he went about his tasks spreading sunshine to his fellow man, mingling good cheer, charity, and kindness with practicing law, farming, banking, publishing, and congressional duties. He built and improved, advised and helped. He trusted humanity as he wanted it to trust him; made friends because he knew how to be a friend; accomplished things because he had a well-trained mind and a ready hand; met difficulties with a strength and directness that beat down opposition. He lived in the world as it is but never neglected an opportunity to make it better. He had lofty ideals and dreamed even the poet's dreams without any diminution of his efficiency. He was a lifelong Democrat, never failing to contribute of his means to his party's success. Although he lived always in a county that was largely Republican, he and his newspaper always kept Democracy to the front and never yielded anything in principle for temporary success.

When he carried his county in his race for Congress every Republican who voted for him knew that he was voting for a Democrat who believed in Democratic principles and would vote for those principles, as he understood them, in the Halls of Congress. They voted for him because they knew that he would not deceive them, and because they believed that in the thousands of things outside of politics he had worked and would continue to work indefatigably for every man in the country as his friend. His strong personality, his beautiful character, his healthy life, his devotion to his mother, his successful business and professional career, his lively interest in all religious, social, and economic movements; his open, frank, and sensible course in every emergency had impressed the people of his county, and the voters broke political ties and voted for him, meaning thereby to honor and trust their distinguished citizen and personal friend. After he had served his people one term and had begun to know the district, the same high opinion in which he was held in his county became general, and it was perfectly evident that no man in that district could defeat him, whatever might be the political issues. He was strong because he was able, candid, earnest, faithful, useful, and good.

I first met "Junior BROWN," as he is known all over West Virginia, when he and I were very young. The friendship then formed grew closer and firmer until the day of his death. I entered the Senate when he entered the other House of Congress, and we were almost constantly together, socially and officially. I know of his devotion to the people of West Virginia, and especially to the people in his district and his county. He never tired of serving them as a whole or as individuals. He worked night and day for their interests, and there never was a more faithful, hard-working, capable Member of Congress than he. He was fair, frank, and noble in every relation of life.

There is an amusing and a touching incident which illustrates both the character of Junior BROWN and also proves that the child is very apt to foreshadow the man. I have referred to the fact that the late Jonathan P. Dolliver, of Iowa, was the cousin of Junior BROWN, and that they were children together, sharing each other's joys and sorrows. Dolliver's parents were poor, and the first years of that great man's life in the mountains of West Virginia were spent amidst surroundings which, while in every way respectable, were far from luxurious. On the other hand, the young BROWN's parents were well-to-do. He had everything that a boy could reasonably want and was always the object of the most tender solicitude of his fond parents. On one occasion when the two boys were scheduled to attend some function together, young BROWN's parents insisted upon his wearing shoes, which he put on and started for the party, or picnic, or whatever it was, but knowing that his friend and playmate, young Dolliver, would not have shoes, young BROWN, as soon as he had gotten around the turn of the road, took off his shoes, hid them, and went to the picnic barefooted, as was his friend and playmate. Returning, he put on the shoes before appearing at the parental home. He chose to be on equal terms with his boyhood friend and sacrificed pride to accomplish his purpose. The delicious touch to this incident was the studied effort to relieve his little friend of any mortification over a difference in dress, and the concealment of the plan so that young Dolliver would not know of

the boyhood sacrifice. This is an illustration of genuine friendship and loyal companionship, and foreshadowed the man Junior BROWN in his private and public life. His proprietorship of wordly goods never spoiled him and never inspired him to do an act or assume a position at all affected by the power of wealth. He never tried to use his money or his private or political power for supremacy. He constantly sought the human level, spurning friendships that were not based upon merit or a victory not attained by intellectual or moral forces. Money and power were both to him a trust. He was incapable of being cruel, arbitrary, dishonest, or unfair. He trod the earth unafraid, because he had the consciousness of using his own means and power with justice as a guide. This faith and confidence in his fellow man automatically inspired faith in him.

On the Saturday before his death I was invited with other Members of Congress from his State to a dinner which he was giving to the members of the congressional committee from his district. Unfortunately I was compelled on the day of the dinner to tell him that I could not attend, owing to other engagements which were pressing. At that dinner 13 sat down to the table on Saturday night, and on the next Tuesday morning he was stricken with apoplexy and died on the second day afterwards without regaining consciousness. Of course, there is nothing in sitting down to a dinner with 13, and yet I can not suppress a regret that I did not go to make the fourteenth. This loss is not Preston County's, for this man belonged to the State. His district and State need such men, and they feel that one of their distinguished men has been called away while in the vigor of his physical manhood, and just as he was finally placed for usefulness. He had improved his time in the House and was recognized as a Member who studied public questions, attended his committee meetings, and was a force to be reckoned with. He spoke when he had something to say; stated his propositions clearly and systematically; argued them when necessary; but rarely ever undertook to indulge in ornamentation of speech. He probably knew intimately more of his colleagues than any man in the House. His frankness, good sense, and sunny disposition made an asset that enabled him to accomplish much with little public discussion.

Success is relative. It depends upon many things past and present. The measure of an accomplishment depends upon the amount of resistance. The heights attained in business or politics are gauged by the surroundings and the obstacles. Junior BROWN became a successful man notwithstanding the handicap of wealth in youth. Thousands of young men have failed because they had money with which to gratify the appetities. We often extol the poor boy, who has risen in spite of poverty. Let us be candid and admit that poverty in youth has its advantages as well as its disadvantages. The young man who has wealth must run the gauntlet of temptation as the young man without means must carry the handicap of enforced work.

Lincoln's inspiration and vision may have pierced his soul because of some struggle with poverty and adverse conditions, which might not have intervened had he been in easy financial circumstances. Jefferson might not have been able to fathom the philosophy of self-government and the whole gamut of human liberty had he not been given a liberal education and the means which enabled him to pursue his studies without much care for his living expenses. The American heart loves the boy who struggles against poverty and ignorance to secure opportunity for genius and enterprise, and it is equally as generous in its praise for young millionaires, like Vincent Astor, who enlist for their country's service and leave luxury and ease for duty amid hardship and exposure in the trenches.

After all, rich or poor, each individual must tread the wine press of temptation or poverty alone. The poor Dolliver or the well-to-do BROWN must have strength of body and mind, solidity of character, habits of work, to rise in the fierce struggle for life's prizes. Both had the physique, the head, the heart, to persevere in their tasks, to consecrate manhood and honor, to love their fellow man. Each added a gem to the crown of West Virginia.

It was a benevolent dispensation of Providence that saved this kind-hearted, brave man from the pain and struggles of death. A kindly hand brought the message without a warning to distress or pain him, and he passed away to solve alone the great mystery—"If a man die, yet shall he live again."

He goes to the reward of the Christian who wrote his title to eternal happiness upon the hearts of his fellow man with whom he mingled here on earth. His funeral cortege was met in the dead of winter in the beautiful little town of Kingwood by people from every walk of life. It was painful and yet interesting to see the signs of distress among all the people. It did not take a close observer to tell that he had been beloved by his people. Sadness could be read in the faces of even the children. It was not a formal funeral, but from all sections of the country and from all parts of the State friends who loved him while he lived genuinely mourned his death. Death is but the promise and the beginning of a new life, and if it be the true work of a Christian to help one's fellow man and "do unto others as we would have others do unto us," then Junior BROWN in his life performed that full measure of duty which attaches to his profession of faith and his membership in a Christian church, and his spirit is now enjoying that bliss eternal which is promised by the Bible.

Mr. HUGHES. Mr. President, I had the privilege of serving with the Hon. WILLIAM G. BROWN, late Representative in Congress from the State of West Virginia, and had for him the affection and esteem which all had who, like me, knew him through that association.

He was one of those rare individuals with whom friendship and affection were not matters of slow growth, and from our first meeting I felt toward him as though he had been a lifelong friend. He was generous and courteous to those with whom he came in contact, and I think it can be truly said of him that no man ever came to injury through a transaction he had with WILLIAM G. BROWN.

He was one of those endowed by nature with a warm sympathy for and a broad understanding of humanity, despite its frailties and imperfections. I never heard him say a harsh word to a human being, and nature seemed to have endowed him with a knowledge of the great truth, one of the greatest of all truths, that "to understand all is to forgive all."

Take him all in all, I never met a man in the course of a long association here with men from every section of our great land who did more to make me feel that there was something about our people, our institutions, our Government, our national spirit that was calculated to make this Nation lasting and secure.

He was an industrious, patriotic, and able legislator, singlemindedly devoted to the interests of those whom he represented in Congress with an eye ever on the larger interests of the Nation which he loved and served. All the strength of mind, nobility of character, and loftiness of purpose could give him he brought to the service of the State and the Nation. So that as public servant and as private citizen he did the work each day which came to his hand and needed to be done, not reluctantly and grudgingly but with the optimism and enthusiasm of one who joyed in the performance of a difficult but necessary task.

And so we say to those whom he leaves behind, we, too, treasure the memory of your lost one; we note his absence with a pang, less poignant perhaps than yours but none the less real. We join those who mourn the absence of one who left the world better than he found it, and we indulge the hope that we ourselves may earn that consciousness of right doing which enabled him to seek his last couch "sustained and soothed by an unfaltering trust like one who wraps the drapery of his couch about him and lies down to pleasant dreams."

Unspoiled by wealth, unstained by contact with the sordid things of the world, the memory of WILLIAM G. BROWN will live long in the hearts of those who knew and trusted him. His epitaph is inscribed on those hearts in the words "He was my friend, faithful and just to me."

Mr. CLAPP. Mr. President, these services are a solemn admonition that death is ever stalking in our midst. In the 16 years which I have served in this body 41 Members of the Senate have died in service and 35 have died after their service here had terminated. Some one has expressed the sentiment "bring me flowers while I am living rather than strew them upon my grave." That sentiment broadened into a recognition of the duty we owe those around us, of the duty of making our pathway a ray of sunshine to others, is a noble sentiment, but if brought down to the individual there is always a possibility that favors done the living and shown the living may have back of them the thought of favors to be returned. However, the flowers which we strew upon the graves, the words we say of those who are gone, can have no such thought lurking behind them.

We come to-day to pay our heartfelt tribute to the memory of one who has departed. While we may not know as to whether he is cognizant of this tribute, we do know that the genuine tribute of the living to the memory of the dead reflects itself in a broadened impulse to prompt those who live and pay the tribute.

Man is not only dual in his nature, but he is many-sided in many ways. A man is largely the product of environment, and

yet a strong man contributes to form the character of the institutions about him.

Mr. BROWN came from a section where the people were a sturdy people. Following him but a little time a great struggle came, and out of that great struggle a State was born. It must have required a strong and sturdy people to have evolved that condition, and Mr. BROWN inherited and received from environment those attributes which contributed to his own strong nature, to his own sturdy character. On the other hand, he himself, in turn, left his impress upon those conditions and upon his environment.

It is not my purpose to speak in detail of the life of Mr. BROWN. There is one trait only that I shall dwell upon, and that was the great, broad, generous nature of our departed friend. Owing to circumstances beyond his own control, he was relieved of much of the stress that comes to so many of the boys and young men of our land, but, as has been well said, while poverty is a limitation, wealth too often also proves a limitation. While Mr. BROWN did not have to meet and overcome the limitations of poverty, as some have had to do, he did have to meet and overcome the limitations of wealth. In doing that he emerged with a great, generous nature, unshriveled, untouched by the possession of wealth that he himself knew not the cost of, having largely inherited it. To my mind, sir, that is an evidence of strength of character, and should be recalled in connection with his own character.

His benefactions knew no limitations of party nor of favors received or expected. His generous nature, out from his kindly heart and with liberal hand, bestowed its benefactions with reference to need, that being the only test. He has gone, but he lives, and he will live, in the inspiration which he gave to those with whom he came in contact, and that generous, broad spirit of his will grow and expand through the activities of others inspired by him.

The great mystery of life and death, in a definite sense, is as unsolved to-day as it was when the first mother felt within her a quickening life or later was astonished to find that life become cold and inanimate; but in all the time that has gone one great truth, among others, has come to us, and that is, that we do survive this life in the spirit of our activities here operating upon others. When I contemplate the departure of one whom I have known and loved, I am tempted to repeat the language of Whittier, addressed to the departed spirit of Sumner:

Thou hast gone like one who takes his leave and seeks his chamber,
While I remain a little time to cover up the embers which still burn.

While all time has thrown little light upon the great mystery, yet we have a guide; and by that guide men like Mr. BROWN live and die. More and more, sir, we are coming to realize that, as the Master taught 19 centuries ago, love of God is love of man; service to God is service to man, and that the great sermon, after all, is wrought out in the gospel of man's service to man. Measured by that test, which had its sanction from the lips and the activities of the Master, we need little concern ourselves with the further solution of this mystery. It will be unfolded in time. We may well, I think, embody our thoughts upon that subject in the beautiful language of Longfellow:

Ah, if the soul but poise and swing,
Like the compass in its brazen ring,
Ever steady, ever true,
To the task and the toil we have to do.
We shall sail securely and safely reach
The fortunate isles, on whose shining beach
The sights we see and the sounds we hear
Will be those of joy, and not of fear.

Mr. KERN. Mr. President, I became acquainted with WILLIAM G. BROWN, of West Virginia, in the spring of 1911, soon after I came to Washington. For four years or more we lived in the same hotel, and our acquaintance became so close and intimate that I had full opportunity to form a just estimate of his character. First of all, he was a thorough gentleman, urbane and courteous, gentle and dignified in manner, easily winning the confidence and respect of all who met him. Then, added to his dignity and courtesy was the possession of a great heart and kindly spirit, which captivated the men and women who knew him well, so that he was always rich in the friendship of all his associates.

When our acquaintance had ripened into a friendship, the memory of which I shall always cherish, and when I observed the noble qualities of head and heart which greatly distinguished him, I could readily understand why his neighbors, regardless of party, rallied about him in his contests, and, forgetting political differences, remembered only his greatness of heart and nobility of soul and cast their ballots accordingly.

His was a knightly and chivalrous soul, and in the presence of ladies he was the very embodiment of politeness and courtesy. His devotion to family was so marked as to command the attention of all who were brought in contact with them. He brought to Congress an intelligent and accurate knowledge of public affairs and addressed himself to his duties with great ability and rare fidelity. No district in the United States ever had a more faithful, conscientious, and patriotic Representative in Congress than did the second district of West Virginia in the person of WILLIAM G. BROWN. He loved his native State and gloried in her history and traditions, and right loyally did he espouse every measure that he believed would promote her honor and welfare and add to the happiness and prosperity of her people.

The divine Master, when on earth, declared that those who loved the Lord and their neighbors as themselves should surely inherit eternal life. Accepting this as the highest and most conclusive declaration on this all-important question, there can be no doubt but the future happiness of our friend is assured. He proved his love of God by his exemplary and useful life, eschewing evil and observing the important commands of the Master, and there is a cloud of witnesses to bear testimony that he loved his neighbor as himself.

Sir, in more than a third of a century of public life I have met and known a large number of public men of all parties and from all sections of the country, but I never knew a man of nobler instincts, higher ideals, or a keener appreciation of public duty than this friend of mine, who lived for his family, his friends, and his State, and who, when he came to die, left as a heritage to his loved ones the unstained record of an honorable and blameless life.

Peace to his ashes; honor to his memory!

Mr. LEWIS. Mr. President and Senators, I have not participated frequently in proceedings which we call obituary, and yet to my thinking there is nothing we do which in its effect is so far-reaching upon the young. There is nothing we do, Senators, which so greatly influences the aspiring mind as the certificate we give to the public servant of his country according to his merit and measured by his tried work. I was not on the list to respond to-day. It is only at this moment I am solicited for expression by Senator CHILTON, the dear friend of the distinguished Congressman.

Senators, I was a student, battling, as many of us have done, between the University of Virginia and toiling at whatever I could get in an office to maintain myself. I went to the city of Savannah, where my relatives were, and through the influence of some of them got a position between the sessions of the university as a clerk in a law office in Savannah. There was put into my hands during the summer in some way the bound volume of the obituaries upon Julian Hartridge, a Member of Congress from Georgia, who had been a member of the law firm which I was then permitted to serve in this obscure position. To this minute my mind returns to the observations of a man by the name of Martin Maginnis, of the State of Montana (then doubtless a Territory, for that was in 1888). I remember the impression his reference to the influence of the personal character of this man Hartridge—of his genial kindness, and of the little things of goodness he did of which he never spoke. These made a solemn impress upon me. I reflected how any man might long to live such a life that those who knew him intimately could, when he is dead, speak of those things which really mark the human being and his real value in life—his kindnesses, obscure and unknown to the public, extended to the miserable, the oppressed, and to those who are not so situated that they can reward the largess of favor. It left on me a strong conviction that, after all, the noblest trait of a man is the doing of good to the needy, and if he is to be remembered at all he should be remembered for that, and for that loved and praised.

I have never failed, Senators, as I have listened to obituaries since I have come to public life, to look for those little tributes which may be presented by men who have known the subject of the obituary in that personal intimate way.

Many men, Senators, may rise to where they may fulmine, as it were, upon the great public questions of the day. They may light the torch of eloquence and send it flaming against the skies in the eventful hour of an excited world. They may present from time to time suggestions of statesmanship that may serve the expedience of the hour, and these great events, like unto peaks along the mountain ridges, may be pointed to as evidences of their great mental power. These things, however, are only periods in a man's life—they flash and fade. They are the extraordinary and unusual. They serve save only the unusual and extraordinary conditions. Mr. President, it is the even tenor of the way of life wherein a man inscribes himself that his real worth is demonstrated. It is in the little things he does for unimportant fellow man which mark him as to

whether he was really worthy of the love of his fellow citizens, and the confidence of his countrymen. It is such as this that tests if he deserves to be remembered in kindly speech and gentle praise afterwards. It is here where he may be certified as being worthy of the certificate given him by his neighbors as a worthy man and by his fellow citizens as entitled to be embalmed in praise.

Mr. President, I was a Member of Congress from the State of Washington, representing that State at large, when a kindly faced gentleman, ruddy and genial, with blue eyes lighted from the skies and sparkling manner, rippling with joy, was on a visit to the town of Whatcom, now called Bellingham, Wash. He was pointed to me at a distance as visiting in the State of Washington and being from West Virginia; it was stated that he had some property possessions which he had come out to the State to view. I met this gentleman upon the only personal acquaintance I ever had with him previous to coming to the Senate. It appeared that he had gone out to the State of Washington with an interesting object, one we may detail here with pleasure. He had some poor relations. They were obscure and unknown; they were in poverty and in need. He had gone through poverty in his life and he had known need; and, while to the outer world, sir, it was certified that he had come to look over his land, he was missed for a day or two, and it was reported to me, not from his lips, on the morning of the evening I was to speak in the city in my own political campaign, that this man had been invited to take a place on the platform, but he would be late, and the reason given was he had gone out to this little village outside of the larger city to find his poor relations, to take the children and to arrange for their schooling, to take a deformed and paralyzed relative and bring him to where he could be treated in the hospital, to purchase a very small home for the woman of the house—to make them free at last from want. To do this godly act had been the mission for which he had traveled all these miles. This, sir, was the introduction I had with this gentleman, called WILLIAM G. BROWN, and his mission to that State and his service in this charity and godliness were his acquaintance to me.

I came afterwards, sir, to the State of Illinois to make my home, and now am honored with the privilege of sitting with my fellows as the representative of that State here in the Senate. I met Congressman BROWN from time to time after I came while he was serving here, representing the State of West Virginia. We often, of course, referred to the occasion of his being out in this State when I was in this political campaign. I never knew him intimately. I never knew him that I might speak of him in such a manner as the distinguished Senator from West Virginia [Mr. CHILTON], the charming and lovable gentleman, the Senator from New Jersey [Mr. HUGHES], who was his comrade in the House, or this my very excellent and beloved friend from Indiana [Mr. KERN]; nor could I speak of him in the sense of philosophy that the eminent Senator from Minnesota [Mr. CLAPP] discloses to-day. But, sir, I am permitted to say that I had the test which, I trust, if it shall be my misfortune to leave public life through the gates of death, those who know me would have some occasion to remember me by: It was for that personal characteristic of kindness, that little gentle speech that was encouraging, that manner that always greeted, the hand ever extended, a face glowing with a smile, an eye lighted with welcome, and a kindly nature that radiated warmth and joy and extended affection to all. No man came within the radius of his touch but felt the glow of that warmth and the joy of that association.

These personal virtues, sir, I have never a doubt, were what contributed to the successes referred to by these eminent men who knew him so intimately; for few men could have lived to the standard he displayed in his everyday life without receiving the rewards of his fellows in the honors of his country.

Mr. President, it is such monuments as are built by these men for whom we speak and such certificates as we are able to give which inspire young men to dream of lofty positions in government. They hope, when they may have earned the rewards of their fellows, to be certified as having deserved them. When we speak truthfully and justly of such men we say to the young man, "Live likewise; be worthy of the certificate of your fellows; and to the end that you do that, it is necessary that you shall love your neighbors, serve your fellow man, be faithful to your country, responsible to your God." There is no higher mission; there is no nobler task. As I contemplate this man W. G. BROWN on this sacred Sabbath day where we are assembled to convert this Hall into the temple where we pay him this tribute, I am pleased to recall that he seemed to me to personify all there was of that which St. James has said is religion pure and undefiled—the help to the orphan who was helpless, the cheer and the succor to the widow who was hopeless, the kindliness to all nature and help to all of God's children. This he performed without cant and without pretense; and thus he bore himself as I feel, sir, in the standard of a true man—loving his fellow man on earth and serving his God in heaven. I salute him in death as he was loved in life.

Mr. CHILTON. Mr. President, I ask for the adoption of the resolutions which I have offered.

The resolutions were unanimously agreed to.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE MOSS, OF WEST VIRGINIA.

Mr. CHILTON. Mr. President, I ask that the resolutions of the House of Representatives on the death of the late Representative Moss, of West Virginia, be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. HUNTER H. MOSS, Jr., late a Member of this House from the State of West Virginia.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. CHILTON. Mr. President, I offer the resolutions I send to the desk, and ask for their immediate consideration.

The PRESIDENT pro tempore. The Secretary will read the resolutions.

The Secretary read the resolutions (S. Res. 376), as follows:

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. HUNTER H. MOSS, Jr., late a Member of the House of Representatives from the State of West Virginia.

Resolved, That the business of the Senate be now suspended in order that fitting tributes may be paid to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. CHILTON. Mr. President, HUNTER H. MOSS was born in Parkersburg on May 26, 1874; he died at Atlantic City, N. J., July 15, 1916. He graduated from the University of West Virginia with a degree of Bachelor of Laws in 1896, when he was 22 years old, and at once entered upon the practice of his profession and rose rapidly in the confidence of the people, the bar, and the judges before whom he practiced and was soon recognized as a close student and indefatigable worker and an advocate of very rare ability. Within four years after his graduation from the university he was elected prosecuting attorney of Wood County, a position of great responsibility and honor. Wood County is one of the richest and most prosperous counties in West Virginia and dates its settlement back to about the time of the settlement of Marietta, Ohio. As a rule, its people are educated and prosperous, and the people of Wood County are noted for the eminent men it has produced.

I call to mind now one of the governors of our State, Hon. Arthur I. Boreman, the three Jackson brothers—James M. Jackson, who was a member of Congress and for many years circuit judge; Jacob B. Jackson, who was governor of his State and one of the leading lawyers of the State; John J. Jackson, who was appointed by Lincoln as district judge and served in that capacity for over 40 years; Johnson N. Camden, who was twice in the United States Senate from West Virginia; Jacob B. Blair, the late Bishop Peterkin, of the Episcopal Church; and Judge Okey Johnson, of the Supreme Court. In short, it may be said that in the old and the new Virginia, Parkersburg has furnished more than her share of the public men who have filled the high offices and accomplished the things worth while in the two Commonwealths. In all that time its bar has been noted for the ability of its members, and now there is no county in the State that has a larger percentage of distinguished men than has the bar of Wood County.

When Mr. Moss assumed the position of prosecuting attorney of that county, he had to represent the State against this able bar of Wood County, and he did it with great credit to himself. When he retired, he was elected circuit judge and discharged the duties of that position with signal ability and with absolute impartiality. He was recognized as a judge that held the scales of justice with absolute fairness, and he retired from that position with the entire confidence of the bar and the people whom he served. I had the pleasure of appearing before him, and I was struck by his courtesy and consideration for the members of the bar and his courage and ability. He had that peculiar power of convincing lawyers who appeared

before him that he was trying to find out the truth and that he would go wherever the truth led him.

Upon his retirement from the bench he was elected to represent the fourth congressional district in the Sixty-third Congress, and was reelected to the Sixty-fourth Congress. It can thus be seen that he went from one step to another in legitimate advancement, and when he was called away at the age of 44 years he had been in public positions for 15 years, 4 years as prosecuting attorney, 8 years as judge, and 3 years in Congress. As a Member of Congress he showed the same devotion to duty, the same industrious habits, and those peculiar qualities which made him successful as a prosecuting officer and as a judge. He was prompt in his attendance upon committees and his attendance upon the sessions of the House and was faithful and painstaking in discharging the varied details of business which the people look to a Congressman to attend to. He had patience, effectiveness, ability, power of analysis, and very rare ability to express himself on his feet. He engaged in the debates upon the floor of the House and always acquitted himself to the satisfaction of his friends and colleagues.

While he was a Republican, he did not always follow the party when he thought the interests of his people demanded a different course. A notable instance of this is found in the fact that he supported the shipping bill against the wishes of most of his party associates, and made a notable address to the House favoring the passage of that act. All of us understand that a service of a little over two years in either branch of Congress is barely sufficient to acquaint one with the rules and the general trend of legislation. Indeed, so complicated has become the affairs of the Government, so many are the subjects dealt with at every session, that a Member of either body is not expected in less than four years to feel at home in either body. Yet we see Mr. Moss taking prominent part in the work of his committees and a distinguished part in the discussions of questions upon the floor of the House, though his actual service in the House was not over three years. His life work, what he accomplished in public places, stamps him as a man of much more than average ability. Indeed, it shows that the judgment of his friends that he was destined to become one of the leaders of his State was well founded. He left a record in public life that will be a heritage to his children and a beacon light to young men. He demonstrated the capacity of young men in public positions to discharge high responsibility with distinction and credit. He was a young prosecuting attorney, a young judge, a young Congressman, yet when called to the discharge of the duties of these positions he showed mature judgment and those solid qualities of mind and heart expected only of the mature.

In 1902 he married Miss Annie Barker Ambler, the daughter of Hon. B. Mason Ambler. His father-in-law is one of that galaxy who have made Parkersburg noted for the ability and the high character of the members of its bar. He has never sought office himself, but has been contented with the pursuit of his profession. He belongs to that large class found in West Virginia who have made the legal profession their masters and have eschewed all kinds of political preferment, and yet he took pride in the achievements and the great success of his distinguished son-in-law.

When I attended the funeral of Mr. Moss I saw a most touching scene. After the funeral I called at the home of Mr. Ambler, and there I found him and his wife with two widowed daughters with their little orphaned grandchildren. I never heard an expression of complaint nor comment upon the fate which had orphaned their little grandchildren and widowed their two daughters. There was the true, old-fashioned welcome, the modern home surroundings, the quiet Christianlike obedience to the decrees of Providence that convinced me that HUNTER Moss had been sustained in life by a wife who had character, ability, and the true Christianlike spirit, and I have no doubt that some of the character of the great father-in-law and the lovely mother-in-law permeated the soul and life of HUNTER H. Moss through his wife and helped him to become a strong man while he was yet a boy in years. The disease which cut short his years, of course, had been sapping his vitality for a long time. No doubt that when he entered Congress he had been marked for death and was even then struggling against the monster which finally called him. No one can know the struggles, the will power, which enabled him to endure the pain that he must have suffered, but there was never a complaint that passed his lips. He worked and fought, bearing his cross alone.

His father was one of the successful bankers and business men of Parkersburg, and his mother was one of the family of Blair, distinguished in politics and business in the two Virginias. He inherited his liking for a business career from his father, his love of public affairs from his mother, and his attractive social qualities from both.

Shortly before his death he had business misfortunes of a serious character, but they were nothing for a brave spirit to overcome if his life had only been spared. A large percentage of business men have serious losses, setbacks, even failures before they finally settle down to the safe road which leads to business success. True manhood is helped by misfortune, and it is not to be doubted that had he lived the usual span of life he would have retrieved his business losses and been as successful in business as he was in public affairs. After all, the rules of success in anything are not known quantities and there is bound to be an element of chance in everything in life. The field of business, like the panorama of politics, is filled with surprises and disappointments. For good or evil unforeseen circumstances enter into every man's life. Every election must witness the disappointment of the defeated as well as the shouts of the victorious, and all along the road in every business and in official life there are those who fall by the wayside often because of things which human endeavor could not arrange otherwise. Like HUNTER Moss, I believe in initiative, genius, close application, hard work, energy, persistence, and patience, but even these have sometimes failed against the decrees of fate. Our departed friend never failed at college, nor at the bar, nor in politics. Here his social qualities, personal magnetism, brains, and power of expression were the factors of success.

I saw him many times in the last months of his life. There was a pained look upon his face, and it was perfectly evident that there was a depression of spirit which no outward effort could conceal. No hero upon the battle field ever made a braver fight. He was ever struggling for strength to discharge the duties of the office to which he had been elected, and it gave one pride in manhood and faith in the race to see his masterful battle for life and duty.

We took him to his last resting place at his home city of Parkersburg, in the beautiful valley of the Ohio River, and surrounded by devoted friends and relatives, upon a beautiful hillside covered with flowers and evergreens, we laid him to rest. It is strange that there is always a horror of what we call the mystery of death; strange that this ordeal which the billions who have lived in the world in the past, the billions yet to come, and the millions now living must experience, should be regarded as anything but natural. We are born and we live in and by the phenomena of death. Death and birth we see in the vegetable, the animal, and the mineral kingdom, always going on. With every death there is a new life, and in every new life there is the seed of death. There is nothing to be learned except the lesson that all mankind is subject to disintegration; every human being lives under the sentence of death. The time of execution is the only uncertainty. But that which is the common lot and which is nature's law can not be an evil and ought not to be dreaded.

In bidding farewell to this wonderful young man who left his mark written high in the history of his country we can truthfully say that he was an exemplary father and husband, a most delightful and lovable companion, a useful public-spirited citizen who filled every position to which he was called with marked ability, integrity, and fidelity, and that he was a patriot devoted to the interests of his State. He did his work well, and his life is an inspiration to the rising generation. He set a high mark in achievement, and feared none in debate. He walked erect among the great with the modesty becoming ability which does not dread a test. His enduring monument is his life work of successful intellectual achievement. His epitaph is his devotion to duty and the love of his family, friends, and constituents.

Mr. WEEKS. Mr. President, it is a genuine, though none the less poignant, privilege to be able to pass a word of eulogy upon the memory of the late HUNTER HOLMES Moss, Jr., of West Virginia, for in so doing I am paying a tribute to that type of young American who has done so much in recent years to keep the Nation abreast of the times, and to reestablish the fact that in this country it is worth that counts, and not age or artificial position. The rapid rise of this young man in public life, and the great promise which the future seemed to hold for him, were essentially the result of industry and honesty and a native ability which made itself apparent to the outside world even before he was sent to Washington to represent the fourth district of the State of West Virginia.

The law was the branch of human endeavor with which Mr. Moss cast his lot, and at the age of 26 years, because of his personality and earnestness, he had been elected prosecuting

attorney of one of the most important counties of his State. His election to this office gave young Moss the opportunity that he wanted—an opportunity to put into effect the effective execution of law and justice which subsequently brought about his rise to an impressive judgeship, and, not long afterwards, his election to the Congress of the United States.

It was not my privilege to know Mr. Moss before he came to Washington, but it was only a short while after he took his seat in the House of Representatives that his older colleagues, including myself, became aware of the fact that the State of West Virginia had sent an unusual young man to Congress—a man who, however new to the national field, had brought with him from his own State the talent of quickly adjusting himself to new circumstances and becoming at once an important factor in public life. Such a talent is as rare in men of years as it is in youth, and the fact that Mr. Moss possessed it and exercised it modestly and gracefully made us confident that he was destined to take an important place in the Nation's political and legislative history. For that reason it was a profound shock to his colleagues, both in the House of Representatives and in the Senate, when information of his untimely death reached us. Although our loss is great because of his passing, he had already contributed more richly to the traditions of life than many would be able to do in a much longer span of years. But when death comes we think only of our loss, and the Senate to-day pays tribute to an inspiring memory.

Mr. CHILTON. Mr. President, I ask for the adoption of the resolutions which I have offered.

The resolutions were unanimously agreed to.

Mr. CHILTON. Mr. President, I move, as a further mark of respect to the memory of Mr. FINLEY, Mr. TRIBBLE, Mr. BROWN, and Mr. Moss, that the Senate do now adjourn.

The motion was unanimously agreed to, and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Monday, February 26, 1917, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 25, 1917.*

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore [Mr. LEVER].

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, the same yesterday, to-day, and forever, increase our faith and confidence in Thee that we may be reassured of the eternal values, as we here assemble to take cognizance of the life, character, and public service of two deceased Members of the Congress of the United States, that their work may live as an inspiration to those who shall come after them. The good men do becomes immortal, since it is woven into the tissues of the soul. Quicken all that is truest and best in us that we may leave behind us a worthy record and build for ourselves a character which shall stand the test of time and eternity. Be graciously near to the colleagues, friends, and stricken families of those who have passed to the beyond, and encourage them to hope for a brighter day in that realm where sorrows shall be forever banished and love reign supreme. And glory and praise be Thine through Him who said, "He that believeth on me shall never die." Amen.

The SPEAKER pro tempore. The Clerk will read the Journal of the proceedings of yesterday.

Mr. AIKEN. Mr. Speaker, I ask unanimous consent to dispense with the reading of the Journal.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent to dispense with the reading of the Journal. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the special order for to-day.

THE LATE REPRESENTATIVE DAVID E. FINLEY.

The Clerk read as follows:

On motion of Mr. LEVER, by unanimous consent, ordered, that Sunday, February 25, 1917, be set apart for addresses upon the life, character, and public services of Hon. DAVID E. FINLEY, late a Representative of the State of South Carolina.

Mr. AIKEN. Mr. Speaker, I offer the following resolution.

The SPEAKER pro tempore. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 533.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. DAVID E. FINLEY, late a Member of this House from the State of South Carolina.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The question was taken, and the resolutions were unanimously agreed to.

Mr. AIKEN. Mr. Speaker, the success or failure of human life is measured not by years but by deeds. Those who find a place in history may have wisely used a single opportunity, or they may have climbed, inch by inch, by means of that precision of judgment, that mental poise which compel success. To this latter class belonged our dear and lamented friend, DAVID EDWARD FINLEY, in respect to whose memory we have assembled here to-day, solemnly to record our last affectionate tributes.

Mr. FINLEY was the dean of the South Carolina delegation, and as this term implies a kind of paternal interest of a senior in the welfare of his coworkers of shorter service, it likewise permits greater freedom in counseling with his coworkers. It is to his credit that he never attempted to use his seniority for selfish purposes, but as an elder brother he was the harmonizer of any little misunderstandings that might have arisen between members of our delegation.

While our friend was cut off in the prime of life, it has been given to few men to have served State and Nation so long, so faithfully, and so conspicuously. When a young man, he served for several years in both branches of the legislature of his beloved Carolina, and he has been elected nine times, consecutively, to this body. Death found him at his post of duty.

Sad and even terrible as death is to finite comprehension, viewed as a part of the plan of an All-Wise Providence, we must assume that it is never ill-timed. The Husbandman knows best when the grain should be garnered.

Our departed friend has tasted again and again of that well-merited applause that has been given so bountifully by an admiring, yea, a loving constituency. He has been spared the cup of disappointment that sooner or later comes to most men in public life, no matter how unselfish or how devoted has been their service.

For nearly a quarter of a century he has been an architect in the building of this Nation, in the most momentous period of its history. He was spared the engulfing horrors of the world war that even now is knocking at our door and that may upset the constructive legislation passed in this country during the last half century. He lived through the morning, through the warm and glowing noontide, and even into the lengthening shadows of the evening. Then may we not say with the poet:

> Sunset and evening star, and after that the dark,
> And may there be no mourning at the bar when I embark.

But, "He was my friend, faithful and just to me." He was the friend of hundreds of others in this body. His affable disposition, his frank and manly bearing, his honesty, his courage and independence, his splendid ability, his faithfulness to family, friends, and duty, his charity of opinion made him a general favorite. We can not see him across the open grave. We can not interpret the mystery of Providence that has taken him away. We see "through a glass darkly," but looking backward we recall the many endearing associations that melt the heart with pity and open the fountains of the soul.

"The stars go down to rise upon a fairer shore." While we may not see them beyond the horizon, we do not doubt the fact. Looking through our tears, may we not hope that the spirit of our dear departed friend has found its setting beyond the shadows, in the bosom of a merciful Savior.

Mr. LLOYD. Mr. Speaker, it is with genuine sorrow that I contemplate the death of DAVID E. FINLEY. I knew him intimately for nearly 18 years. We were genuine friends. I had opportunity to learn of his splendid characteristics and of his slight shortcomings as well. There was not as much of imperfection in his life as is found with most of us who survive him. He was a man of strictest integrity, honest, and reliable in every regard. He was a man of splendid intellect. His education was largely that which comes from careful study of environment and current events. He was a man of unusual poise, more so when I first knew him than in the last three or four years. During this later period he had had much more of affliction than his colleagues knew. He seldom referred to his own ills, but was at all times pleasant and courteous to his associates.

Mr. FINLEY, in his official career, became something of an expert in postal matters. For 16 years he was a member of the Post Office and Post Roads Committee of the House. But few, if any, of his associates knew as much of the intricate workings of the Post Office Department in all of its branches as he did. He was especially considerate of the welfare and proper compensation of the employees. He had taken unusual interest in the development of the Rural Delivery Service, and saw its growth to its present enormous proportion. He was a factor in framing the postal savings bank law and parcel post legislation, and, in fact, has been active in connection with all the legislation affecting the Postal Service during his career in Congress.

Mr. FINLEY interested himself in all legislation, and had decided conviction about every public question. He was a conscientious advocate of what he thought was best for the country.

Mr. FINLEY was devoted to his family and friends. He had frequently expressed his solicitude for his family and had spoken of them with the greatest affection. He, more than once, expressed the hope that he might live to see his children educated and in successful business. His ambition in this regard was not fully realized, but was nearly so.

Mr. FINLEY was a firm believer in the Christian religion and devoted to the tenets of his church. In one of his last conversations with me he said, "I am not living in every particular as I should, but no one has a more abiding faith in Christ as the Savior of the world than I have. I believe the Bible is inspired of God."

It is strange, from our standpoint, that a man in the prime of life with such capabilities should be called hence, but if we believe in and accept the truth of the Bible these conditions, which we can not explain, work out in the end for the real good of mankind.

At Mr. FINLEY'S home town, York, S. C., there seemed to be every evidence of the genuine affection on the part of those who knew him best. He lived in an ideal southern home, surrounded by that simplicity and hospitality which is only found in the southern city. With the simplest burial services, on an ideal day, Mr. FINLEY was laid to rest in a beautiful cemetery near his home. His life work is done, but his life is not ended, for he will live in the memory of those who knew him and who have learned of his deeds long after this generation shall have passed away.

Mr. BYRNES of South Carolina. Mr. Speaker, of the six men who with myself constituted the South Carolina delegation in this House in the Sixty-second Congress three have departed this life. First we lost our beloved friend George Legare; then, in November, 1916, Ed Ellerbe, who is so pleasantly remembered by his colleagues, passed away; and now our good friend Judge FINLEY has left us. Mr. Speaker, I loved these three men, and to-day, as I recall my pleasant association with them in this body, I am overwhelmed in sadness.

To his colleagues from South Carolina, as well as his friends from other States, the announcement of Mr. FINLEY'S death on January 26 last came as a shock, for while we knew that he was ill we did not dream that his illness was so serious as to endanger his life. And, Mr. Speaker, the universal expression of genuine and sincere sorrow that greeted the sad announcement in this Chamber testified most eloquently to his great personal popularity with his colleagues.

DAVID EDWARD FINLEY was born at Trenton, Ark., on February 28, 1861. His father was David M. Finley, and his mother, prior to her marriage, was Elizabeth McIlwaine. They were South Carolinians, and when their son was but 4 years of age they returned to York County, S. C. While Mr. FINLEY was but a child both his parents died, and he was reared by his uncle and aunt, Mr. and Mrs. John Campbell. He was educated in the common schools of the county, and later attended the South Carolina College, from the law department of which he graduated in 1885. He immediately entered upon the practice of law at Yorkville and quickly became a successful practitioner. In 1889 he was married to Miss Elizabeth L. Gist, of Yorkville.

Mr. FINLEY early in life became active in politics, and in 1890 he was a candidate for the House of Representatives in the general assembly. The Democratic Party in 1890 was split into two factions as separate and distinct as are the two great parties of the Nation to-day. Mr. FINLEY aligned himself with what was known as the reform faction and was elected to the legislature. After serving two years as a member of the house, he became a candidate for the State senate in 1892 and was elected. In 1898 he was elected to Congress, and from that day until the day of his death he continued to represent the fifth congressional district of South Carolina in this House. Had he lived until March 4 he would have completed a service of 18 years, a congressional career longer than that of any man who has ever represented the State of South Carolina in this body, and remarkably long in view of the fact that he was opposed every two years by strong men who sought the Democratic nomination. Last year he again went before his people seeking reelection, and after a bitter contest he was reelected by a substantial majority to represent his district in the Sixty-fifth Congress. I must say that I rejoice that this is true, for Mr. FINLEY was a proud man, and I sincerely believe that if, after his long years of service, he had been defeated he would have died with a broken heart. But once more crowned with the loyalty and fidelity of the people he loved dearly, I know in his last hours of consciousness his heart went out in gratitude to the good people who had so signally honored him.

If I attempted to make any extended reference to the legislative achievements of Mr. FINLEY in this House, I would consume more time than I desire. I could refer to his service on the Committee on the Post Office and Post Roads, where as the ranking Democrat he shared with the distinguished chairman of that committee the labor and honor incident to the development of the postal system during the last six years. I can truthfully say that I believe that he was the best friend the rural free-delivery carriers of the Nation had in this House, and that he was equally loyal to the city letter carriers. But, Mr. Speaker, I believe that if these exercises are to serve their purpose, something more than these facts should be recorded. All men are born, live, and die. Many attain success in their life's work, but only a few are selected from among their fellows for honor and distinction, and I believe that on an occasion of this kind we should endeavor to record and emphasize those traits of character which caused the deceased to attain distinction and success. I believe the dominant features of Mr. FINLEY'S character were his courage and independence of thought. He was first elected to office at a time when men of courage and of independence were in demand in South Carolina, and I have not the slightest doubt that his early success was due to the recognition by his people of these commendable virtues. Early in his career in the legislature of his State he demonstrated his independence. Though his sympathies were with the reform faction, he refused to be bound by them, and refused to enter a caucus of that faction, declaring it to be wrong for one group of Democrats to caucus against another group of Democrats. He was an old-time dyed-in-the-wool Democrat who believed so ardently in the doctrine of State rights that he gave the name of "State Rights" to one of the five sons who to-day mourn his death.

Mr. Speaker, those of us who knew him intimately have always admired his independence and courage. No stronger illustration of these traits of his character could be given than his attitude on the Panama Canal tolls question, when President Wilson asked Congress to reverse its action exempting vessels engaged in coastwise trade from the payment of tolls. We can all recall what a bitter contest was waged in this House on that question. Mr. FINLEY was one of those who in order to comply with the request of the President would have to reverse himself. Notwithstanding the request of the President was unanimously approved of by the press of South Carolina, and notwithstanding the fact that his friends, who believed he would injure himself politically, pleaded with him to change, he stuck to his position and voted against the request of the President and against the majority of his party. In his speech on that measure he ably defended his position, declaring that he stood by the Democratic platform, and, among other things, said:

> The President has performed his duty as he views it. I, as a Member of the United States Congress, have my duty to perform, and while it is with great regret that it will not be in support of the President's position and in accord with the views of many of my friends, I must vote according to the dictates of my own conscience. While, on account of weaknesses such as the flesh is heir to, I, in the opinion of some, may not have always been able to live up to the standard, yet my admiration is unbounded for the man described in the last clause of the fourth verse of the fifteenth Psalm.

Mr. Speaker, it is indicative of the character of Mr. FINLEY that he should look to the Scriptures for his ideal of a man. The clause referred to reads as follows: "He that sweareth to his own hurt and changeth not." That was his idea of a man, and, though he believed in this canal-tolls matter that he was acting to "his own hurt," he changed not. It must be said of him during all his career in this House he never hesitated to declare his position on any question, regardless of the effect it might have upon his political fortunes.

Mr. Speaker, I shall ever miss my friend Judge FINLEY. I know not how he acquired the title of "Judge," but it was thus that I always addressed him. In turn he always called me "Bud," and I think it accurately typified the fatherly in-

terest he displayed in me, and for that matter in all of the younger men in our delegation. It is inevitable that among Members serving from the same State there should at times arise some conflict of interest, some conflict of ambitions, and whenever it can be truly said, as it can of Mr. FINLEY, that he was loved by every member of his own delegation, it is indeed an eloquent tribute to the personal side of his character. With us he was always fair, and he was always square. He was thoughtful, and he was generous. He never attempted to promote his own interest if in so doing he worked an injury to any one of his colleagues. Instead of courting publicity he avoided it, but whenever as chairman of our delegation he thought it incumbent upon him to issue a statement to the press as to the attitude of the delegation on any pending measure, we knew that he would scrupulously guard the interests of each and every one of us. It is not surprising that such a man was loved by his colleagues.

But, Mr. Speaker, while the confidence and respect of our colleagues is desirable, even more desirable is the continued confidence and love of one's neighbors at home, the people among whom a man lives, and who by reason of their daily contact with him are best able to judge what manner of man he is. The place Judge FINLEY occupied in the affections of his neighbors was readily appreciated by those who attended his funeral services at York and saw the thousands of people who by their presence sought to show their love for the friend who was gone. Only a few of them could secure admission to the Associate Reformed Presbyterian Church where the services were held, and of which church Mr. FINLEY was for years a member. The others asked no greater privilege than that they be allowed to stand with bared heads as from the church the body of their friend was borne to its resting place. These were his true friends, the people who knew him and understood him; in whose homes he was known and welcomed; whose joys and sorrows had been his joys and sorrows. As his remains were lowered into the grave there were tears in the eyes of strong men, men who had followed him for years and now realized he was no more. As I looked into their honest faces unbidden tears came into my own eyes and my heart went out to those people because they loved my friend. I believe if they were here to-day they would join me in saying of him:

> He was a friend of truth, of soul sincere;
> In action faithful, and in honor clear;
> Who broke no promises, served no private ends,
> Sought no title and forsook no friends.

Mr. CLARK of Missouri. Mr. Speaker, 33 years is usually considered the average span of human life. Our well-beloved friend, DAVID EDWARD FINLEY, lived 56 years. Twenty-four of these years were spent in public service—6 in the Legislature of South Carolina, 18 in the National House of Representatives. At the time of his death he had been elected for two more years here. He was a prime favorite at home and a prime favorite here. He took high rank as a legislator both in the State legislature and the Federal Congress. He made a specialty of postal matters. To master the details of the elaborate, delicate, and intricate postal machine, the greatest business machine in the world, is enough for one man. To this vast business, with its almost countless phases, Mr. FINLEY devoted his time, his energies, and his ability with singular devotion. On that subject his information was encyclopedic. He was deeply interested in the work in all its branches. He was especially interested in the welfare of the employees in the Postal Service and was highly appreciated by them. All over the land are thousands of men and women whose situation is better and whose lives are happier by reason of his efforts in their behalf. They should bless his name forever. He was their friend, indeed.

Mr. FINLEY did not spend much time in speechmaking; nevertheless he was a clear, forceful, luminous speaker. His forte was work, work, work.

He was laid away to his final rest on a perfect day, warm, bright, balmy. His mourning constituents by the thousands followed him to the grave and banked it with flowers, thereby attesting their love and esteem.

In private life Mr. FINLEY was a delightful companion, interesting, jovial, generous, and kind.

Serving with him almost a score of years, appreciating his fine qualities and his valuable service to his country and his kind, I formed for him a close friendship, which survives the grave. His whole career may be appropriately summed up in the sentence, "He went about doing good."

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Speaker, I first met Mr. FINLEY when the Fifty-eighth Congress convened in its first session, 1903. I had been appointed a member of the Post Office Committee, of which he already had been a member for three or four years. A sincere friendship sprang up between us, and it was to me a pleasant thing to be associated with him in the labors on that committee. Although, as has been stated, he was a man of strong convictions, especially political convictions, it so happened that we were in disagreement but very rarely. Of course, on a question of party politics we differed radically, but such questions are few, comparatively, to the many questions that arise for consideration in Congress, and on many occasions Mr. FINLEY remarked to me that it was strange that he and I, he thought, voted together oftener than any two men in the House of Representatives. One of the questions of the day when I first entered Congress was the question of railway and ship subsidies. The Post Office bill had carried for many years special pay for one or two railroads over and above what all other railroads of the country received, and, although it was in the region of the country represented by Mr. FINLEY, he objected to any favoritism; he wanted everybody treated alike, and he opposed it, as did the present chairman of the committee, the gentleman from Tennessee [Mr. MOON], but the majority party on the committee voted for those provisions, and so it happened on this question we were agreed, and we made the fight on the floor, until after a session or two both of those items, which were sought to be included in the appropriation bill, disappeared, and the policy of a subsidy was dropped. It was not a political question, but it was one that concerned the welfare of the Postal Service.

As stated by the gentleman from Missouri [Mr. LLOYD] and the gentleman from South Carolina [Mr. BYRNES], he was a true friend of the Rural Free Delivery Service. There are few if any members of the committee who have done so much to extend and develop that service. Mr. FINLEY believed that the Postal Service was one of the greatest governmental functions that we have. He believed that it did more to consolidate and unify the people, to create a general public sentiment and solidarity among the people. The question of the exchange of literature through the periodical press, the distribution of commodities through the development of the parcel post, he believed was a very great element in the development of the country. He took an interest, as has already been stated, in all branches of that great service. I think it is perfectly fair to say that he had more to do, or at least as much to do, as any Member of either House in the formulation and enactment of the so-called classification act of 1907, which put the employees of the Postal Service, who were embraced within the terms, upon a better footing, not so dependent upon the autocrats of the bureaus, and gave them assurance that by faithful service they would eventually be promoted to higher places. He took special interest also in the development of the Parcel Post Service. He introduced bills on that subject five or six years before the measure was enacted into law. His first idea was for a Parcel Post Service on the rural routes.

Later on he extended it to the whole country. I heard him often declare, and it shows the soundness of his thinking, that this proposed Parcel Post Service was a freight service, and that it should pay its way both in handling and transportation; that every man who wanted commodities transported and delivered should pay the cost thereof; and that it should not be a burden on the taxpayers of the country. And in order to carry out this idea, as one of the members of the conference on the parcel-post bill between the two Houses in 1912, he favored the adoption of the zone system as the only system whereby this service could be made to pay its way.

He was a man, as has been said, of strong convictions, and there was one subject that we discussed together very often, and that was the theory of the separation of powers in government. He adhered strictly not only to the doctrine of State rights, but he believed in the original theories in regard to the separation of powers upon which this Government is founded and upon which the Constitution was written. He regretted that a tendency had been manifest for many years on the part of the executive branch of the Government to encroach upon the coordinate branch, the legislative, and he did what he could to resist this tendency. At every session, both during Republican and Democratic administration, bills appeared that were originated in the departments which had a tendency to diminish the authority and the dignity and the power of Congress; and these he resisted..

In discussing this subject with Mr. FINLEY he often referred to the remarkable change in the British constitution with reference to this subject of separation of powers and to the fact

that there and in most European governments, starting out with absolutism a few hundred years ago, the popular branch of the legislature has gradually absorbed the executive. Take the House of Commons, for instance. By the unwritten law and practice the members of the cabinet must be members of the house, and must belong to the dominant party. These cabinet officers, 18 or 20 in number, are really the administrators. They constitute together an executive body. It thus has happened that over there, instead of the executive encroaching upon the legislative branch the legislative branch has actually absorbed a large part of the executive functions, thereby augmenting the power of the people who elect their representatives.

The tendency here seems to be in the opposite direction. We elect a dictator once in four years, and the Houses of Congress are transformed from coordinate branches to ratification meetings of the decrees of the Executive power. This was a tendency which Mr. FINLEY feared. He feared it was destructive of our institutions.

Only last summer, when a question between Congress and the executive branch, involving these matters to some extent, was in conference between the two Houses and he was unable to be present he requested me, knowing that I agreed with him, to speak his views on the subject.

Personally, Mr. FINLEY was a delightful companion. He had no enemies, so far as I ever knew. All were his friends. He made few speeches, but he was an effective speaker and an able debater. I remember only a year or two ago, while he was discussing the question of the proper limitation of the Executive authority over the matter of appointments, and he declared himself a friend of civil service limited to its proper sphere, but did not want it extended to executive functionaries, some one asked him if the Democratic Party did not agree with Andrew Jackson that "to the victor belongs the spoils"? He replied, "Andrew Jackson was born in my district, but my people were Democrats long before his day."

I was one of the committee of Congress to attend the funeral on the 28th of January last, and went to York with that committee. Certainly the large attendance and the manifest sorrow on the part of all in that community was an evidence of the high esteem and love in which they held him. They believed he was their friend and he deserved their confidence. The good that he has done will live long after this generation. He ought to be, and probably will be, remembered by the hundreds of thousands of postal employees throughout the country for many generations. It has been well said:

* * * He
That, through the channels of the state,
Conveys the people's wish, is great;
His name is pure; his fame is free.

On the morning of the funeral it was cloudy and it threatened rain. As we stood near the grave and the last wreaths of flowers were brought by loving hands, the sky cleared and the sun shone brightly, and it was as warm as a day in June. To many of us it seemed like a sign of promise of a fairer day in the life to come.

There is no death; the thing that we call death
Is but another, sadder name for life,
Which is itself an insufficient name,
Faint recognition of that unknown Life,
That Power whose shadow is the universe.

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina [Mr. RAGSDALE].

Mr. RAGSDALE. Mr. Speaker, when the Creator of this world reached into space, and in His omnipotent hands molded this sphere and sent it down the aisles of time toward eternity, he made man in His own image and with the power of thought and direction, limiting his time on earth and making for him a place in eternity. I know of no better way to describe man's sojourn here than in the couplet of Burns, wherein he says:

Like a snowflake on the river,
A moment white, then gone forever.

Our deceased friend, following the path that all men must tread, has heard the last call to duty, has performed the last service for his country, has seen the last glorious sunrise and wonderfully beautiful sunset in the land that he loved so well, and has separated from time and passed into eternity.

DAVID EDWARD FINLEY was a man of strong convictions, of strong will, and of great moral and physical courage. In the discharge of his duty he was not moved merely by the desire to serve himself or to please those in whose lands lay his political future. More than once have I discussed expediency with him, and the conclusion of every discussion was his determination to do that which he believed was right and that which he believed would bring the greatest benefit to those whom he represented here. He was a partisan in politics and was sectional in his views. He loved and believed in the South, and always he strove to do those things that would add to her glory and give to her the place to which her service in the past, as well as the present, entitle her.

I shall always remember the day in York, when we were called there to do honor to him, the great throng that gathered there, and the universal expression of regret that their good friend, their wise counselor, and eminent statesman, had been called away. There seemed to be but one thought, and that a desire to pay just tribute to him whom they would meet no more in this land. It was a wonderful day in January, the sun shone like a day in early summer, and there was a feeling in the air that winter was behind us and that spring had come, and it seemed to me that this was as it should be. He believed in the South and longed to serve the South. It was but fitting, therefore, the she should have had her soft zephyrs and wonderful climate at their very best when it came to the parting of ways between him and the State he loved so well.

In paying tribute to the memory of the late George S. Legare Mr. FINLEY quoted:

The living are the only dead;
The dead live nevermore to die.

And this thought was with me as I looked upon his grave piled high with beautiful floral tributes, whose aroma filled the air, and whose beauty spoke of the spirit that had prompted their being placed there by the hands of those who loved and trusted him. As the tall pines of his Southland, swept by gentle winds, sing his lullaby, he sleeps, resting only until the sounding of the great summons which we all must answer. His brave spirit but awaits the call into a new life where the sable wings of death are never spread.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, DAVID EDWARD FINLEY and I were sworn in as Members of the Fifty-sixth Congress in December, 1899—he as a Democrat, I as a Republican. While we differed in politics that fact never interfered with our personal relations. In fact, the subordination of party politics in the personal relations of Members is one of the distinctive and pleasurable features of membership in this House. We soon learned that we were both born on the same day, in the same year, and that we were exactly of the same age. From that time until the date of his death we were staunch friends. For years we celebrated our birthday together.

He was elected to every succeeding term of Congress and served nearly 18 years in this House. That in itself is the best testimonial to his worth as a legislator and a man. No Representative can hope to receive the votes of his constituents unless he has the unbounded confidence of a majority of the electors in his district. The fathers of the Constitution intended that the Members of the House of Representatives should go to the people frequently in order that they may receive the mandate of those people on great public questions. Every two years we have to give an account of our stewardship to those whose commissions we bear. While in recent years it frequently has been asserted that the term of Members of the House should be extended, I believe it is a wise provision of the fundamental law that Members should be elected every two years.

For eight successive elections after his first term Mr. FINLEY was commissioned by his friends and neighbors, the people among whom he lived and who knew him best, to continue to represent them in this House. That he represented them well and faithfully we who were permitted to be his colleagues know full well. We can cheerfully testify to the faith with which he performed his services to them, to his State, and to his country.

In his private relations he was a fond and devoted husband; a kind and indulgent father. In this hour of their sorrow, we pour out our sympathy to his bereaved family.

He was a man of sterling qualities, loyal and devoted in his friendships. He despised sham, and on the other hand respected and admired ability and honesty of purpose.

He has answered the last roll call. He has been gathered to his fathers. We with whom he served so faithfully, so honestly, so devotedly will ever cherish his memory.

Mr. WHALEY. Mr. Speaker, it is only just and right that we are gathered here to-day to pay respect to the memory of our

departed friend and colleague who gave 18 consecutive years of his life to the service of the Nation. So well had he served his district that only recently his people had returned him for two years more, and had his life been spared he would have rounded out 20 years of service on the floor of this House. There are few and rare instances where constituencies reward the sterling worth of mind and devotion to duty of a Representative by such a long period of service. This unbroken preferment is an eloquent testimonial by the people whom he represented of their deep appreciation of his high character and great ability. It is the longest continuous service of any Representative from the Palmetto State. This was due in no small measure to his independence of thought and freedom of action, clear convictions on national questions, devotion to what he believed sound principles, combined with a warm sympathy for the downtrodden and oppressed and a lavish generosity in giving within his means to any and all causes that appealed to him. He never wavered on questions of principle and was never a straddler on party questions. His unquestioned personal courage would not permit his stand on any public question to be in doubt. He possessed the courage of his convictions and never feared to express them. By reason of these admirable traits of character his political following grew to be a personal attachment, and those who were at first only political adherents became devoted and faithful friends.

I did not know DAVE FINLEY intimately until my association with him here, although, of course, I knew of him through his public life, as everyone else in my State knew him. But after coming here and being in close association with him, I formed a deep affection for him, which daily increased until the time of his death. His warm cordiality and open-heartedness, his ever willingness to aid and assist, his kindly suggestions and wise counsel endeared him to me, and his death was a personal bereavement.

In no other place does a man stand so much upon his own merits as in this body, and here DAVID E. FINLEY will be remembered by his colleagues as a man of force and conviction, of clear and honest intellect and thought, faithful and painstaking in the performance of his duties, and ever willing to place at the disposal of a brother Member his vast store of knowledge of affairs gained by personal experience. His counsel was consequently sought and his judgment given great consideration. He did not believe in radicalism or any "isms," but was always a progressive and conservative thinker; the conscientious, fearless Representative of his people and the whole Nation. There was never any narrowness in his views, and being a man who believed in his own opinion and who knew the honesty thereof he had faith in his fellow man and he accorded to others who differed with him a high respect for the honesty of their views.

If his public life as a Representative excited admiration, it was his private life as a man which made him worthy of the highest respect and esteem—it was never open to question. He was a tender, loving husband; a fond, devoted father; a consistent Christian, and an upright, creditable citizen.

Possessing an open and courageous nature, he despised deceit. He was never a hypocrite in politics or religion. Truly he was—

> One who never turned his back, but marched breast forward,
> Never doubted clouds would break,
> Never dreamed, tho' right were worsted, wrong would triumph,
> Held we fall to rise, are baffled to fight better,
> Sleep to wake.

Mr. BELL. Mr. Speaker, it is indeed a sad occasion to all of us who knew the Hon. DAVID E. FINLEY personally. It was my pleasure to have known him before his election to Congress 18 years ago. He was elected to the Fifty-sixth Congress and served continuously until his death January 26, 1917. I had the pleasure of serving with him on the Committee on the Post Office and Post Roads for a number of years, consequently I had a good opportunity to know of the good work he did as a Representative. He was an able man and always ready to serve his constituents to the end that he might be of real value to those who had honored him with their votes and their confidence. He was not afraid to express his opinion on any subject in which his people were interested. He was not quick to make up his mind, nor did he jump at conclusions, but always in a quiet and modest way he thought out the best plan to reach that which in his judgment would best subserve the needs of his people. He was brave, and yet he had the quality of persuasiveness. He was determined and yet not obstinate. He had convictions peculiar to himself but did not manifest unpleasantness if one failed to agree with him. Withal he was a splendid type of southern manhood and was proud of his section and his people. He did many valuable things during his service in Congress. I remember his keen interest in the rural free delivery of mail, and he never lost an opportunity to do anything he could to better the conditions of the rural population. He was always on the alert in the increase of compensation of rural letter carriers and was always ready to take the initiative for them, and much credit is due him for advanced legislation along this line. He had a jovial disposition, and always had a kind word for those he liked. He enjoyed diversion and would often indulge in conversational levity to make himself agreeable and to afford pleasure and gratification to those around him. He was my friend and my relative, and I feel keenly his departure.

I was the recipient of many valuable suggestions from him in matters which involved the interest of my people. He was a good lawyer, and his opinion on matters of law was valuable to the country and his colleagues in the halls of Congress.

I remember, and was happy, to have done him a favor before he was elected to Congress; it was early in the morning of the day of his first primary election. I was in the town of York and stepped into the store of his brother-in-law, Mr. Will Gist, the best male friend he had in the world, and I found him visibly disturbed because he could find no one on election day to take charge of his business so that he might go out upon the streets and use his influence for his friend and brother. I volunteered my services, which were accepted, and took charge of the business of Mr. Gist for the day. This was the occasion of the warm friendship which sprung up between Mr. FINLEY and myself soon after I first came to Congress. We often discussed this incident, and he as often expressed his high appreciation of what appeared to him to be a sacrifice on my part.

Mr. FINLEY was yet a young man, and would not have been 56 years old until next Wednesday, the last day of February. His death was sad and so unexpected to those of us who were not with him during his illness. I have been told that his last campaign had much to do with his physical condition before his death. So anxious was he to succeed that he overtaxed his strength. So proud was he of his family and so solicitous of their welfare, happiness, and pleasure he drew too heavily upon his brain and body. He hardly knew his physical strength; consequently was oblivious to any limit to human endurance. He talked freely to me occasionally, and on several occasions spoke so endearingly of his wife and of her sacrifices for him, and the many things she had done to aid him in the success he had attained. He had a genuine father's pride in his boys and spoke of them as his "family regiment," and how proud he was of them and how happy he would be when they were all grown and settled in the world and became strong and useful men in life. He told me of his girls, and how tender, loving, and obedient they were and how anxiously they awaited his return when separated from them, and how delighted they were over all his successes. To these, one and all, we tender our sincerest sympathy.

I attended the last rites and ceremonies of our departed friend. It was gratifying to me to see people from all the walks of life there to pay honor to the one in death whom they loved in life. As we followed the lifeless form of our colleague and friend to the quiet cemetery I was reminded of the heartaches of the bereaved family, how much they would miss him, but they can find solace in the knowledge of his goodness to them and of his never-ceasing devotion to each and all of them—

> When through the deep waters I call thee to go,
> The rivers of woe shall not thee o'erflow,
> For I will be with thee, thy troubles to bless,
> And sanctify to thee thy deepest distress.

We can not understand the dispensation of Providence. We have seen the young, the strong, the active ones taken from our midst while yet able and willing to continue the good work assigned to them. We have seen the great and the small alike taken from us, and that without warning.

> The axman Death deals right and left,
> And flowers fall, as well as oaks.

And while our colleague has been taken from us almost in the zenith of his manhood, his memory will remain with us and his influence for good will be felt for years to come.

We hardly get ourselves prepared for life until death calls us. Our departed friend had just been reelected to Congress by an overwhelming majority, and no doubt felt that he was just entering the most important stage of his life. He had apparently as much guarantee of continued vigor and strength as any Member of this body, and I am sure felt a sense of safety in the continuation of the good will and friendship of his colleagues on both sides of the House. How important it is that we should all remember the words of Samuel, "Truly as the Lord liveth and as thy soul liveth, there is but a step between me and death." His good work has been brought to

a close. His activities have ceased. His voice is hushed. But there is a home beyond the sky and removed from this life of trial and vicissitudes, where rest may be complete and where companionship will have no end.

Tell me, ye winged winds,
That round my pathway roar,
Do ye not know some spot
Where mortals weep no more?
Some lone and pleasant dell,
Some valley in the West,
Where, free from toil and pain,
The weary soul may rest?
The loud wind dwindled to a whisper low,
And sighed for pity as it answered, "No."

Tell me, thou mighty deep,
Whose billows round me play,
Know'st thou some favored spot,
Some island far away,
Where weary man may find
The bliss for which he sighs—
Where sorrow never lives
And friendship never dies?
The loud waves, rolling in perpetual flow,
Stopped for a while, and sighed to answer, "No."

And thou, serenest moon,
That, with such holy face,
Dost look upon the earth
Asleep in night's embrace;
Tell me, in all thy round
Hast thou not seen some spot
Where miserable man
Might find a happier lot?
Behind a cloud the moon withdrew in woe,
And a voice, sweet but sad, responded "No."

Tell me, my secret soul,
O, tell me, Hope and Faith,
Is there no resting place
From sorrow, sin, and death?
Is there no happy spot
Where mortals may be blest,
Where grief may find a balm,
And weariness a rest?
Faith, Hope, and Love, best boons to mortals given,
Waved their bright wings and whispered, "Yes, in heaven."

Mr. NICHOLLS of South Carolina. Mr. Speaker, little did I think when I entered Congress in December, 1915, that I would be called upon, after such a short lapse of time, to pay my last tribute to my friend Judge FINLEY. While I did not know Judge FINLEY as intimately as the members of my delegation who had served for years with him, I had heard of him and knew of his splendid character and ability long before I came to Washington.

Judge FINLEY was a man who never hesitated to take what he considered the right position in all public matters regardless of public opinion. In the change of times in politics in South Carolina, regardless of the way the tide turned, he was always true to his convictions and always true to his party.

In the history of South Carolina on more than one occasion from a political standpoint it would have been very much to Judge FINLEY's advantage to have gone with the tide and listened to the voice of the majority of the people, but in each instance of this kind he stood out clearly as a man who could not be influenced by the public voice if it was against his own principle to follow.

Judge FINLEY started his political career in the legislative bodies of South Carolina, where he was considered one of the strong men of that body, and while he has achieved great things in the political world, I do not think his political success was as great as his professional success.

South Carolina has developed few lawyers who surpassed him. Judge FINLEY possessed qualities which a great many men in the legal profession do not possess. It has been my observation that as a rule a lawyer who is a strong advocate before the jury does not study his case and prepare the law as thoroughly as a lawyer who is not such a strong advocate. The strong advocate generally relies upon his ability before the jury to win his cases, whereas the man who can not advocate his case strongly and realizes this fact generally prepares his cases more thoroughly. Judge FINLEY was not only an extremely strong advocate before the jury but also a student and had a reputation among the bar of South Carolina of being a very dangerous opponent in the trial of any case.

When I was elected to Congress, as I have stated, I did not know Judge FINLEY very well personally, but as soon as the returns were announced he wrote me a very warm personal letter, stating that he was inclosing me a list of the committees, and so forth, of the House and that he wanted me to feel free to call upon him for any assistance he could give me in committee appointments and in any other way. I took advantage of his offer and from the time I came to Congress until the time of his death, I had no stronger friend or abler adviser than Judge FINLEY.

I always felt at perfect liberty to call on him at any time, and his long experience and splendid judgment have been of unlimited help to me since I have been here.

Those of us in the delegation looked on the judge as a young man would look upon a father. In speaking of his delegation he affectionately called us his "boys" and felt the same interest in us, I think, that he would have felt in his own sons.

It was my pleasure last year to dine with Judge FINLEY and his delightful family at his home. The occasion was a birthday dinner and the other guests besides myself were Mr. and Mrs. KAHN, of California, and Judge MOON, of Tennessee. I laughingly told Judge FINLEY that it was an old man's dinner. He laughed and said, "Why, Sam, I am the youngest man in this crowd and expect to stay young as long as I live." He told me that he and Mr. KAHN came to Congress on the same day; that they were born on the same day, and that ever since they had been in Congress they had taken turn and turn about celebrating their birthdays together. Although they differed in politics, few people who did not know them well know the personal friendship that existed between these two men.

I think above all Judge FINLEY's good traits was his absolute fearlessness. He has always been a man of remarkable courage, and in the stormy times in politics in South Carolina could always be relied upon to stand to his guns and carry out his part of the game. It will be a long time before South Carolina will send to Congress a man who can in any way surpass the faithful, fearless FINLEY, and his memory will always have a place in the hearts of those of us who had the honor to labor here with him.

Mr. GOODWIN of Arkansas. Mr. Speaker, it was not my pleasure to have known our friend, Mr. FINLEY, so long or so intimately as some of the Members who have spoken to-day. However, I believe I knew him fairly well for the length of service I have seen in this House. I knew of Judge FINLEY for many years through the CONGRESSIONAL RECORD, but mostly I knew of him through mutual friends—people who had known him in South Carolina before their removal to my county; and among these were kindred of my children, their maternal grandparents having gone from York County, S. C., to Bradley County, Ark. Not only this, but many of the very best families of my county hailed from York County. Many of them knew Judge FINLEY. They knew him well; but if he asked me one time about any former friends who had gone from his county to mine, he must easily have asked me a dozen times respecting an old negro, Lee Campbell, and his boys. I suppose he inquired of these a dozen times a year, and he not only always manifested the deepest concern as to their welfare but thought of even going out there at some time to see them. If I recall aright, Lee Campbell was a house servant in Judge FINLEY's adopted home in the days of slavery, and he nursed our friend, Judge FINLEY, after he removed as an infant from Arkansas to South Carolina. Those of you who do not know the negro so well as we in the South may not be aware of the peculiar attachment subsisting between the black man of the South and the white man of the South, especially those who knew one another in the days before the negro became a free man. I never returned home but these simple, trusting negroes asked me much about "Marse DAVE," and had I placed a $10 bill in the hand of each they would not have been half so happy as when I assured them of the very high rank and standing he had taken here. I only speak of this, Mr. Speaker, to show how broad and generous were his views. He had nothing of the narrow partisanship about his great soul, for while he doubtless was partial to his immediate section this never became evident in his public service, for he loved, indeed, the whole country and his was a national, an American spirit.

If I were called upon to lay my finger upon the true elements of his greatness I believe without hesitation I would say his courage, his fidelity to friends, his unquestioned faith in his Maker, and his love and passion for the right, his rare, overweening, consecrated love for his devoted and dutiful wife, and the almost reverential affection he bore for his children. I say I knew him fairly well for the length of service that I have seen in this House, and among all the membership here, except possibly the delegation from my own State, no one received me so cordially as did DAVID FINLEY when I first came to Washington, knowing that I knew many of his friends who had removed to my county. He was born in my State on the banks of the great Mississippi, in Phillips County, just above my district. Others have spoken of his service here, of his career at home as a lawyer, as a State legislator, as a friend, and as a neighbor, and of his conspicuous public service here and how the whole Nation has become his debtor. It was my privilege to be

a member of the congressional delegation that went down to his home to pay the last tribute of respect to his memory. No one who went down there upon that occasion, no one who attended those ceremonies, could go away without feeling that here was a man who had been tested at home along all lines and had never been found wanting. Many thousands of people gathered upon the sidewalk and upon the byways as it was impossible for all to enter the little church. They stood there with bared heads and with weeping eyes, anxious to take part in the last sad ceremony.

Many have spoken here to-day of his rare courage. He did have rare courage, Mr. Speaker, rare independence, and while as a party man he was, I think, always regular, yet if there had come a time to decide between the edict of a party declaration and his unquestioned belief as to that edict being erroneous, he would have taken his stand by the side of his conscience, for he was rugged in character, brave and fearless as a Numidian lion, and as courageous as Andrew Jackson. Once his mind was made up, he was as immovable as the rock of Gibraltar, and after all, Mr. Speaker, there is nothing like such a man; for, indeed, an honest man is the noblest work of God.

Mr. Speaker, it is a serious thing to die, but an infinitely more serious thing to live. DAVE FINLEY met the duties of life with a rare courage and fidelity. There was not the slightest trace of the demagogue in his whole make-up. He stood for principle. Man is a fleeting, evanescent atom thrown out into the universe. He serves his day and then is not. But principles originate in the councils of God, and, like Him, they are from everlasting to everlasting and are immutable. And the man who comprehends life and defies those who would compel him to bend his strong will for temporary gain is, after all, a nobleman, and, alas, he becomes the exception and not the rule.

DAVE FINLEY died, no doubt, as he wished to have died—full of honor and with many years of distinguished service to his credit; with the faith of a great constituency, as well as all of his coworkers in Congress, believing in his integrity. He died with his armor on, battling for his people and the common country. January 28 was a beautiful Sabbath day—an ideal springlike day; the winter's cold seemed to have disappeared overnight, for on that morning the sun shone brightly and with a warmth and glow so typical of an ideal day in the land of southern pines and palms. Our friend, Judge FINLEY, was laid to rest in the sacred sod he loved so well, and that very night, as the stars twinkled from the skies and the angels looked out from the windows of heaven, all that was mortal of our friend slept beneath a wilderness of roses and immortelles placed upon his grave by friends whose love he cherished, whom he so ably and honorably served, and whose devotion to him is evidenced by the trust reposed in him through his service of a century's quarter. Indeed, Mr. Speaker, we honor ourselves by honoring his memory to-day. His spirit is at rest with the God who gave it, and may the Lord, whom he loved and served, care for the widow and the fatherless, comfort their hearts and assuage their sorrows, and hold them as in the hollow of His hand.

Mr. McCORKLE. Mr. Speaker, words fail me at this time when I am called upon to make a few remarks relative to my lamented friend, the Hon. DAVID EDWARD FINLEY. The gentlemen who have preceded me have covered the ground so fully and so eloquently that there is little left for me to say, and yet I can not refrain from expressing my hearty indorsement of all that has been said. I am not accustomed to delivering speeches in public, and until I came into this Chamber this morning I did not know that I would be called upon to address the House. But, Mr. Speaker, "out of the fullness of the heart the mouth speaketh," and in my humble way I ask your kind indulgence.

The gentleman from South Carolina [Mr. BYRNES] has told you in beautifully chosen words of the life of Mr. FINLEY, the place of his birth, and so forth. When Mr. FINLEY was about 4 years of age he came to York County and was reared by his good relatives. Upon completing his education he commenced the practice of law in the town of Yorkville, now York, the county seat of York County, S. C., where I was born and reared. Ever since Mr. FINLEY cast his lot with us I have known him intimately. You have to live with people in order to really know them, and from my intimate knowledge of him I can truthfully and conscientiously say that he was a man of sterling character, loyal and generous, and that he possessed true moral courage.

His long service of 18 years in this House proves to his colleagues and the public generally his ability as a legislator. When he was laid in his last resting place in Rose Hill Cemetery, York, S. C., some few weeks ago, the large concourse of friends who gathered to pay tribute to his memory gave ample proof of their love and admiration for him as a man. It was a perfect day, seemingly made to order by the Supreme Being for this sad occasion. From Washington there came a large delegation of Congressmen and Senators to pay their last tribute of respect and love to their colleague. From neighboring towns special trains were run, bringing hundreds of friends of the deceased and about a hundred members of the Knights Templar, of which order the deceased was a member.

Mr. Speaker, it was only a short time after Mr. FINLEY had commenced the practice of law at Yorkville that he won the hand of one of our most charming young ladies, Miss "Bessie" Gist, as we all called her. There came to bless this union eight children—five boys and three girls. I can say that it is a genuine pleasure to meet with any of them, as their uniform courtesy and consideration gives evidence of their good breeding. In our section of the State the Gist family is recognized as one of the best families in the State. My people have always been closely associated with them, and my high regard for them is based upon this long and intimate association. The home of the FINLEYS adjoins the place where I was born and raised.

After Mr. FINLEY's death an election was called to fill the unexpired term ending March 4 this year. The campaign was necessarily short, but Mr. FINLEY's friends were my friends, and the people of the district saw fit to honor me by electing me. I recognize my shortcomings and know that in ability I could not be compared with Mr. FINLEY, but I deem it an honor, as well as a privilege, to be allowed to serve as a successor to so distinguished a man and so good a friend as the late DAVID EDWARD FINLEY.

Mr. AIKEN assumed the Chair as Speaker pro tempore.

Mr. LEVER. Mr. Speaker, DAVID EDWARD FINLEY was born on February 28, 1861, in Trenton, Ark. He was a son of David Miller and Elizabeth McIlwain Finley, and the youngest of eight children. At 2 years of age he was left an orphan, without estate, and from that moment until the day of his death, in large measure he fought his own battles and won his own triumphs.

Fortunately for this fatherless and motherless boy, God in His providence directed him, when a mere child, into the keeping of Mary McIlwain and John Campbell, his maternal aunt and her husband, who lived near Rock Hill, in the large and rapidly developing county of York, South Carolina.

In this Bible-reading, Sabbath-keeping, God-fearing, psalm-singing home of Presbyterians he was not only supplied with all necessary temporal wants, but, more important than this, he was furnished abundantly with that careful mental and spiritual training, without which no real success in life is ever possible. The wholesome impressions made upon his mind and heart in this typical home abode with him during all the days of his life, and fixed the foundations upon which his character rested, as well as his attitude toward all questions of a public or private nature. He never forgot the homely virtues of John and Mary Campbell, nor the eternal truths of correct living and honorable conduct imbibed from them. His relationship to his fellowman, his family, and his Maker, was measured largely by the ideals that guided the lives of these truly Christian guardians, and until the day of his death he honored them with a reverence almost approximating veneration.

The forbears of Judge FINLEY, as would be indicated by their names, were of Scotch-Irish extraction. They settled in North and South Carolina in the early history of the country, and they have wrought mightily ever since in its material development and in the promotion of good citizenship, orderly government, and the spiritual well-being of the community. He came of a sturdy, rugged, big-brawned, big-brained, law-abiding, self-respecting, proud people, who walked in the ways of righteousness and feared no man. Our late colleague was in all respects true to the type. Fear, either physical or moral, was foreign to his nature. He respected the rights and opinions of others and compelled the same consideration for his own.

As a boy, Judge FINLEY performed those services incident to the life of every southern boy raised upon a farm, and these experiences had a most decided influence upon his life and public service. From them he learned something of the problems of rural life, something of its isolation, of its inconveniences and drawbacks, and because of this first-hand knowledge, he was in a position always to legislate intelligently for its betterment. No doubt his strong advocacy of the development of the system of rural mails, of rural credits, and of Federal aid for country roads had its inspiration in these boyhood experiences upon the farm. He knew that the chief needs of the average country man and woman were better education—to be had largely through better mail facilities—better credit machinery for the financing of farm production and distribution,

and better transportation. His chief work as a public servant was centered around the purpose of bettering the condition of rural life—an undertaking worthy of the highest order of statesmanship.

The fundamentals of his education were received in the schools of his immediate community and at Rock Hill. In 1884 he entered the law school of the then South Carolina College, now South Carolina University, one of the oldest and most famous educational institutions in this country, and was graduated therefrom two years later with the degree of bachelor of laws. Immediately he located at York, the county seat, and began the practice of his profession. Three years later, in 1889, he was married to Miss Elizabeth L. Gist, who, with the following children, survives him: David Edward Finley, Mrs. J. Dexter Brown, Mrs. Walter B. Moore, jr., William Gist Finley, Robert McIlwaine Finley, States Rights Finley, Margaret Adams Finley, and John Campbell Finley.

In the practice of his profession he was successful from the very beginning, and quickly built up a lucrative business. His common sense, his knowledge of men, his candor, innate honesty, and manliness attracted to him clients who ever thereafter remained loyal in their friendship and in their trust. As he grew in age and experience, he came to be recognized as one of the soundest and most successful lawyers of the State. He was not only a successful practitioner, who won his cases in court and increased his business steadily, but he was in fact a splendid lawyer, who knew the philosophy of the law and its application to the affairs of men. His temperament was judicial; he had a legal mind, a keen insight into human nature, and a facility for quick and accurate analysis of facts, coupled with a wonderfully retentive memory. His sense of justice was almost instinctive; the standard of measure of things with him was the right and wrong of them. Nothing, in whatever form, to him was right which in fact was wrong; as was nothing, however clothed, wrong to him which inherently was right. His mind quickly separated the wheat from the chaff. He saw things as they were—not as they held themselves out to be or seemed to be. He would have won eminent renown as a judge, and it is known that he could have been elevated to the bench early in his career as a lawyer if he had been willing to sacrifice a friend who was then on the bench, but DAVID EDWARD FINLEY never sacrificed a friend, not even to promote his own ambitions.

Early in life Judge FINLEY manifested a keen interest in affairs political. When only 15 years of age, a mere strip of a boy, he joined the Rock Hill Democratic Club, in the famous Hampton campaign in 1876, when the government of South Carolina was returned to the keeping of the intelligence, honesty, and patriotism of the people of the State, and it is said that he exercised all the privileges and performed all the duties of adult membership, with the sole exception of voting. He had a natural love for public affairs, for politics. The glory of combat, the action and reaction of mind upon mind, fired and fascinated him, but he was more ambitious to serve the public than to win its mere passing approbation. He had an abiding faith in the ultimate judgment of the masses of the people, and his highest ambition was to direct their thoughts in the channels that would lead to their best and most lasting interests. Neither uncertain whims of public thought nor cure-all nostrums in the least affected his conduct. Every proposition had to square with common sense and ordinary, everyday sanity.

In the very beginning of his public career he evidenced a strong belief in the right and duty of the great majority of the people to participate more largely in the conduct of the affairs of the State. He believed in the people and in their capacity for righteous and efficient self-government. It is not surprising therefore to find the young lawyer, sprung from the loins of the people, offering himself in 1890 to his county as a candidate for the house of representatives of the general assembly of the State, to which position he was elected by an almost unanimous vote. This was the year of Capt. TILLMAN'S advent into the politics of the State as candidate for governor. Judge FINLEY championed the reform or Tillman movement, as it is sometimes called, and was elected to the general assembly as a reformer. Thus he began his long public career at that period, probably the most interesting in the history of the State, when the people began to demand more and more a larger share in the conduct of their affairs. It was the commencement of an epoch which swept away the old order of things and supplanted it with a more universal democracy. Even a résumé of the services of Judge FINLEY to the State at this critical time would be more than could be undertaken with propriety on such an occasion.

The historian who shall correctly analyze the philosophy of this movement and accurately measure the relative influences of its chief participants can not fail to take adequate notice of the part played by the young Representative from York. He was a prominent figure in those stirring days, and impressed himself so favorably on his colleagues as to be appointed chairman of the ways and means committee, the most important committee of the lower branch of the general assembly, in which position he soon developed into a strong, conservative, and resourceful leader. In this, his first public service, his independence of character prominently asserted itself, and while he was elected as the exponent of a faction of the State Democratic Party, he refused in his attitude upon public questions to become a factionalist. The dictates of his conscience and the mandates of his judgment directed his course. It was not his nature either blindly to follow or submissively to be driven; he did his own thinking and repeatedly refused to follow in the footsteps of the more radical leaders of his faction. He was what might be called a conservative reformer, who believed sincerely in the fundamental principles which lay at the root of the uprising of the people at this time. He never became a party to the bitter personal crimination and recrimination of that period, nor was he willing to subscribe to the doctrine that those who opposed his views were totally bad and without virtue, while those who favored them were totally good and all virtuous. He had the rare gift of discrimination, which throughout his life made him a safe counsellor and a wise legislator.

His conservative course in the legislature, his independence of thought and action, his refusal to wear the factional yoke or step to the whip crack of the factional boss, his efforts to unite the factions, and his impressive failure to attend or participate in factional caucuses, together with his vote for the reelection of Gen. Wade Hampton, the beloved Confederate chieftain and intrepid leader of the white people of his State in 1876, to the United States Senate, as against a leader recognized as the strongest and most powerful, with the single exception of the then Gov. TILLMAN, of his faction, all conspired to his election in 1892 to the State senate without opposition.

In this capacity he served for four years, and took a commanding part in the deliberations of this body of able lawmakers, being a member of the judiciary committee and chairman of the finance committee. He became an expert upon the finances of the State, and probably had a more intimate acquaintance with them than any man of his day. His energies were chiefly devoted to giving the State an efficient and economically administered government, and in providing for the improvement and extension of the educational facilities of the people.

The capable and disinterested services of Judge FINLEY in the State senate began to make a most favorable impression upon those who kept in touch with public matters. The liberality and broadmindedness of his attitude upon all questions, State or National, the soundness of his economic views, the genuineness and breadth of his sympathy for the people, with his fearless independence of action and disdainful disregard of factional demands, constituted his peculiar equipment for larger public service. It was largely his conservatism and his independence of thought that brought him into favorable public notice. His conduct fitted in with the psychology of the situation. He was constantly displaying qualities desired by the people. After nearly 10 years of factional intolerance and bitterness, they were beginning to tire of it, and to seek a leadership promising a saner and broader representation of their will. Partisanship, while still strong among the leaders, was rapidly subsiding among the voters, who seemed to realize that the destiny of the State depended upon the reunion of its white people, and that a house divided against itself must surely fall. Under such circumstances it was but natural that those who had watched his course should seek to induce Judge FINLEY to seek higher honors and a field of larger responsibility and usefulness.

In 1894 he first became a candidate for the Democratic nomination for Congress against the incumbent, Dr. T. J. Strait. In this contest he was defeated. Two years thereafter he again sought congressional honors, but was again defeated by Dr. Strait, but by a largely decreased majority. His home county, York, in all of these contests gave him heavy majorities, and in the meantime his circle of acquaintance in the other counties of the district was widening. Defeats did not cool his ardor or slacken his effort. On the contrary, they seemed to stimulate his ambition and nerve his determination to win. Without murmur, he bowed to the will of the people,

and with characteristic optimism assured his friends and admirers that these were only temporary reverses which were necessary preliminaries to final success. His next effort brought the coveted victory, when, in 1898, he was elected to the Fifty-sixth Congress.

Immediately upon his entrance into Congress he set himself with commendable zeal to the task of preparing himself for the accurate discharge of the large and onerous duties incident to a proper representation of his district and State in the councils of the Nation. With that purpose he familiarized himself with the rules of parliamentary procedure. While giving intelligent consideration and careful attention to the larger problems of the Nation, he did not neglect those smaller matters of peculiar and especial interest to his immediate district. Without unduly pressing himself forward, he began to be more and more known as a man of splendid information and safe judgment. He rarely engaged in debate, although he was no mean antagonist in forensic combat.

Early in his experience it became clear to him that to be of any real service in congressional work it was necessary to be a specialist along some particular line of effort. The work of Congress is so big, its problems so varied, that no individual can hope to master them all or even to have more than a casual understanding of them. The successful Representative selects a specialty and makes himself an authority upon it.

Judge FINLEY's wide reading and marvelously retentive memory gave him a broader information than is ordinarily possessed by the average Member of Congress, and yet he soon began to specialize in his work. The Postal Service at this time seemed to offer the best field for useful work, and after he became a Member of the Committee on the Post Office and Post Roads he devoted himself with conspicuous ability and assiduousness to the work of this committee and to the enlargement and greater efficiency of the Postal Service. His most effective work for the country, especially for his own district and State, was accomplished as a member of this committee, of which, at the time of his death and for several years preceding, he was the vice chairman. His realization of the importance of the work of this committee and of the opportunity for service which came from membership upon it caused him to resign the chairmanship of the Committee on Printing of the House in order to continue his chosen work through the Post Office Committee. He was a powerful factor in committee and on the floor of the House in shaping postal legislation, because he was known to speak with authority upon such undertakings. Probably no man in the House during his time had a more comprehensive grasp of the Postal Service than he had. Certainly none had a keener interest in extending postal facilities to all the people than he.

In the very inception of the system of rural delivery he became its able and untiring advocate, and his contributions to the inauguration and development of this system must be regarded as his chief contribution to the welfare of the people of this country, a contribution which entitles him to the lasting gratitude of the rural population of the United States. The delivery of mail at the door of the country man, rich and poor alike, is a service the profound and far-reaching influences of which upon country life—and that means, after all, the life of the Nation—can not be estimated.

The rural delivery system might be defined as the university of the country man and country woman, of the country boy and country girl, and to have had an opportunity to assist in the development of such a system is to have been in that degree a benefactor of the race. Without disparagement of any of the instrumentalities of education which are doing so much for the enlightenment of the people, I believe it safe to assert that the influence of all of them combined is less than that exerted by this new system of bringing rural life into intimate daily contact with world events. Judge FINLEY recognized this and devoted the larger part of his congressional life to insure the permanency and success of the system. In all truth it can be said that no Member during the past 18 years contributed more than he in this direction, and if he had done nothing further during all his long service this alone would give him a conspicuous place in the legislative history of the country; for after all history must measure public servants not so much by what they say as by what they accomplish for the good of the people.

To enter into even the briefest discussion of Judge FINLEY's record in this body would be inappropriate. This must be left to the biographer, who shall more fully analyze the character and service of this distinguished Carolinian. The highest evidence of the success of his work is to be found in the fact that for 10 successive terms he was elected to represent the people of the fifth congressional district of South Carolina in these halls, and each time by a majority which must have been very gratifying to his friends and immediate relatives. If he had lived until the 4th of March of this year he would have had an unbroken service of 18 years in this House, which is a longer service than has ever been given to any other man who has represented South Carolina in this body. To no ordinary man would have been vouchsafed this continued evidence of the confidence of the people.

Judge FINLEY was far above the average in intellectual force and equipment, and at the same time possessed in an extraordinary degree those qualities of heart without which the most brilliant man must be accounted a failure. Considerate of the rights of others, of unquestioned integrity, thoughtful in his personal relationships, courageous and manful in the discharge of his every obligation, private and public, beautifully loyal in his friendships and in his home life, he was just the type of man not only to command the respect, but to win the love and admiration of those with whom he came in daily contact. He was as jealous of the integrity of his word as is a woman of her good name. Deception had no part in his make-up; candor was a predominent characteristic. He had the gift not only of making friends, but of holding them ever thereafter, and no Member of this body in my time was held in higher regard by its membership than was he. There are only a comparatively few left of those who began their service with him; many of them have gone back into the ranks of private life, many have passed over the river into the world beyond. The few that remain join with us, if not in words, in spirit, in the willing tribute of love and esteem we now pay to our departed fellow worker.

When death called him on January 26, Judge FINLEY was prepared to answer the summons. As he lingered in the shadows, his trust was in the Shepherd of Shepherds, and in his last conscious moments he repeated:

The Lord is my shepherd; I shall not want.
He maketh me to lie down in green pastures; He leadeth me beside the still waters.
He restoreth my soul; He leadeth me in the paths of righteousness for His name's sake.
Yea, though I walk through the valley of the shadow of death, I will fear no evil; for Thou art with me; Thy rod and Thy staff they comfort me.
Thou preparest a table before me in the presence of mine enemies; Thou anointest my head with oil; my cup runneth over.
Surely goodness and mercy shall follow me all the days of my life; and I will dwell in the House of the Lord forever.

Mr. AIKEN. Mr. Speaker, I ask unanimous consent that Members have leave to extend their remarks on the life, character, and public services of the late Representative FINLEY until March 4.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

THE LATE SENATOR EDWIN C. BURLEIGH.

Mr. MCGILLICUDDY assumed the chair.

The SPEAKER pro tempore. The Clerk will report the order.

The Clerk read as follows:

On motion of Mr. MCGILLICUDDY, by unanimous consent,
Ordered, That Sunday, February 25, 1917, be set apart for addresses upon the life, character, and public services of Hon. EDWIN C. BURLEIGH, late a Senator from the State of Maine.

Mr. GUERNSEY. Mr. Speaker, I offer the following resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 534.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. EDWIN C. BURLEIGH, late a Senator from the State of Maine.
Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises this day, shall stand adjourned.
Resolved, That the Clerk communicate these resolutions to the Senate.
Resolved, That the Clerk send a copy of these resolution to the family of the deceased.

The question was taken, and the resolution was unanimously agreed to.

Mr. GUERNSEY. Mr. Speaker, the late Senator from the State of Maine, EDWIN CHICK BURLEIGH, had a long and a useful life. He was born in a little town in northern Maine in 1843, grew to manhood, became governor of his State, was sent to Congress as a Representative, and finally chosen a United States Senator.

His public service was almost continuous for more than 40 years. He was chosen State land agent in 1876 and later elected State treasurer, then governor of the State for two

terms. In 1897 he entered Congress and served to the time of his death in 1916, with the exception of two years.

No ambitious boy or man could ask more for a public career, and during all that period he enjoyed the complete confidence and respect of his fellow men. Never during all that long service was the honesty of any public act of his questioned.

Gov. BURLEIGH, as he was familiarly called by the people of our State, was a friend to everybody, and everyone was a friend of his. He stated at one time that he knew personally 10,000 men in the State of Maine—a remarkable fact.

He was a man who had exceptional ability in making and holding friends. He never forgot nor lost sight of a friend once made. So great was his personal following that in his prime this was a tower of political strength.

Through the whole period of his public life he was aided and advised in political and business matters by his charming wife, a woman of exceptional foresight and rare ability. Few women possessed keener political sense than Mrs. Burleigh. Their lives were so interwoven and their lifework so united and harmonious that when she was called from this life the blow was too great and the Senator soon followed.

When I came to Washington as a Member of the Sixtieth Congress I found in Mr. and Mrs. BURLEIGH friends at once. He was then serving in the House of Representatives and had at that time arisen to be one of its most influential Members. He was serving on important committees, and as a new Member I went to him frequently for aid and always received it in generous measure. I found his advice on matters connected with my legislative work of the greatest value. After he became Senator our relations continued very close, and he often sent for me to talk over matters of importance to our State and offer assistance that I might need.

His grandfather, Moses Burleigh, was a soldier and officer in the War of 1812. When the War of 1861 broke out the late Senator BURLEIGH, true to the traditions of his family, went forward promptly and enlisted in the District of Columbia Cavalry, but was rejected by the examining surgeon. He was as ready and willing to serve his country as any man when the dark clouds of rebellion rolled over the Republic. He was as ready then to do his duty as a soldier as he was in later years as a citizen.

As treasurer of the State of Maine, to which office he was elected in 1885, he performed exceptional service. He systematized the work of the office, inaugurating economies and studied methods that would be for the best interests of the State. Being a man of unusual industry, no detail of the office was too small for him to consider, with the consequent result that the service he gave as State treasurer was of great value to the State, and the benefits of his work in that office continue to this day.

As a business man Mr. BURLEIGH had few equals in our State. He was careful, conservative, and farsighted. His business methods were always above reproach. As years went by his business interests became more extensive and varied. Through his extensive holdings in Maine timberlands he was interested in lumbering—Maine's leading industry. He was a publisher of one of the leading dailies of the State—the Kennebec Journal—which was published at Augusta, the capital of the State. This paper has always had a commanding influence on public questions in Maine.

When he became governor of the State in 1888, to which office he was reelected in 1890, he brought to the office not only the experience of a man long familiar with State affairs but also the experience of a broad and able business man, with the result that during his administration many important undertakings were developed. Readjustment of the State valuation was imperative, and with great care he selected a valuation commission that under his direction studied the whole question of the revaluation of the property of the State and equalized taxes.

His long experience as a surveyor, his large interests in a business way made his service to the commission of especial value. I well remember his interest in the work, as I served with the commission in the humble capacity of a clerk. Following the report of that commission was created a permanent board of State assessors, a move which he strongly favored as a progressive measure and which proved to be a decided step in advance in the equalization of values for taxation purposes.

In his long political career he engaged in many notable political battles. Old-timers tell me that his first campaign for the gubernatorial nomination was a sharp contest, conducted with remarkable skill and showed great political generalship, which was a characteristic of the late Senator.

Although a quiet man, nevertheless he was a man of great energy, and he knew men. In 1892 he entered a contest for nomination to Congress against the late Hon. Seth L. Milliken, who had long represented the old "Blaine district" in Congress. The contest was long and bitter. In this contest Mr. BURLEIGH met defeat, but to the successful candidate Mr. BURLEIGH in the following and succeeding elections gave unstinted support personally and through his paper, and thus won the admiration of those who had opposed him.

On the death of Representative Milliken Mr. BURLEIGH was unanimously nominated by the Republican Party for Congress from the third congressional district.

Due to a general breakdown of his party in the State in 1910 he was defeated for Congress, and many thought his political career was then ended, but in 1912 he consented, against his own wishes, as he often told me, to enter a preferential primary that year for the nomination to the United States Senate.

It was a three-cornered fight and he was opposed by able men. His campaign was fought with the same thoroughness that characterized his previous political battles. He traveled from one end of the State to the other by night and by day. His correspondence was enormous, but before the day set for the primary he had received the written pledge of support of many thousand voters. It was one of the hardest-fought primary contests that has ever taken place in our State. The result showed that he won by a substantial plurality.

But the road to the Senate was not clear even then, as the primary only expressed a preference to the legislature as to whom it should elect. In the legislature a third party appeared to hold the balance of power and might combine with the opposition and defeat him at the last moment, but Mr. BURLEIGH, aided by able lieutenants, one of whom was the speaker of the Maine house and now a Member of this Congress, was elected by the legislature by a majority of one vote. The battle that day in the Legislature of Maine was one of the sharpest and most strenuous Maine has ever known and will long be remembered. Mr. BURLEIGH won what all now concede honestly belonged to him. But the contest was too severe a strain on his constitution and precipitated an illness from which he suffered for a long time. It was his last political battle.

During Senator BURLEIGH's long service in Congress as a Representative and a Senator he was not known as a debater but as a Member of great industry. He was constantly on the watch for legislation that might beneficially or otherwise affect his State. He was actively concerned for every constituent of his. None applied to him without receiving prompt and courteous attention.

The evidence of his work here can be found in the records of his votes written in the proceedings of Congress. It can be found in the public works undertaken throughout the State of Maine by the Federal Government; it is testified to by hundreds of old soldiers throughout the State and borne upon the lips of thousands of people in Maine who have received attention and assistance in their matters at Washington.

His record is the record of a faithful public servant who closed his life work with the benediction of "well done." The memory of the service and life of EDWIN CHICK BURLEIGH will always be remembered and cherished by the people of Maine.

Mr. PETERS. Mr. Speaker, EDWIN CHICK BURLEIGH, Senator from Maine, one of her best-loved native sons, died in office June 16, 1916, after a long and honorable public career. He came of old New England stock, his paternal ancestors having lived in Massachusetts, New Hampshire, and Maine, and being prominently identified with the early history and public affairs of those States. There is rather a striking parallel in the lines of activity and achievement followed by his grandfather, his father, and himself. It indicates that in all three generations there were strongly developed the same general characteristics which made for success in their different and successive periods.

The grandfather, Moses Burleigh, was born in New Hampshire of Massachusetts stock, and in early life removed to Palermo, Me., where he resided until 1830. It is said of him that he was a man of great natural ability, at all times active and aggressive, a born leader of men. He was the most prominent man in his section of the State. He was for years chairman of the board of selectmen. In the War of 1812 he was elected a captain of the militia and marched with his company to Belfast at the time the British entered Penobscot River and occupied Castine. He was made a lieutenant colonel in 1816. He represented his district in the Massachusetts General Court for three years, and later in the Maine Legislature for three years. He was a delegate to the convention in Brunswick in 1816 to canvass the returns of the vote upon the expediency of a separation from Massachusetts, and was one of one hundred and three members who

voted for a construction of the returns that favored the establishment of a sovereign State in the district of Maine. As a contractor he carried the first mail by carriage between Augusta and Bangor, it previously having been carried on horseback. In 1831 he was appointed assistant land agent of Maine and made a good record while in office. He was the first postmaster of Linneus, in Aroostook County, to which town he removed in 1830, and was for many years chairman of its selectmen. He must have have been a man of energy, ambition, and character, having the confidence of his neighbors.

Parker Prescott Burleigh, son of Moses and father of EDWIN C. BURLEIGH, was born in Palermo in 1812. He was a farmer and land surveyor. He was educated in the best academies in Maine, and also in Hartford, Conn., where he received instruction in military tactics. Removing to Linneus with his father in 1830, he devoted himself to land surveying and became well acquainted with timberlands in northern Maine and their value, and during his long and active career made many profitable investments in that kind of property. He was for many years and at various times chairman of the selectmen of Linneus, town clerk, town treasurer, supervisor of schools, county commissioner, and county treasurer. In 1839 he was elected captain of the Linneus Company of the State Militia, and in 1840 was promoted to be lieutenant colonel. For 25 years he was postmaster at North Linneus. He was a member of the Maine House of Representatives in 1856 and 1857, and of the Maine Senate in 1864, 1865, 1877, and 1878. He was elected State land agent in 1868, serving eight years, during which time he was appointed chairman of a commission for the settlement of public lands, in which position he did good service to the State. He lived to a very advanced age. He followed the footsteps of his father in all lines of activity and public service, and it is clear that he was a man of vigor, industry, good business capacity, and that he to an unusual extent enjoyed the confidence not only of his neighbors, but of all the people in the State.

EDWIN CHICK BURLEIGH, the son of Parker P. Burleigh, was born in Linneus, November 27, 1843. He seemed to have the same general tendencies and aspirations as his father and grandfather. He educated himself as a land surveyor. He had sufficient vision and imagination, coupled with hard business judgment, to see the future value of the timberland in Maine, which eventually made him one of the wealthy men of the State.

For a while after leaving Houlton Academy he taught school, but the war coming on, the military instincts of his ancestors controlled him and he went with his brother to Augusta and enlisted in the District of Columbia Cavalry, but not being at that time in the robust health that he enjoyed in later years he was rejected by the examining surgeons. Bitterly disappointed in his ambition to enter the service, but still eager to breathe the atmosphere of military life, he obtained a situation as clerk in the office of the adjutant general of Maine, where he remained until the close of the war. He then followed the occupations of farming and land surveying until 1870, when he was appointed a clerk in the State land office in Bangor. From 1876 to 1878 he was State land agent, and during the same years was assistant clerk of the house of representatives. In 1880 he was appointed a clerk in the office of State treasurer and moved his residence to Augusta, in which city he resided until his death. In 1885 he was elected State treasurer. In the conduct of this office he displayed those sterling business qualities and excellent judgment which always marked him as one of the leading business men of the State. He refunded the State debt on less than a 3 per cent basis as against a 6 per cent basis, saving the State large sums of money annually and reducing the rate of taxation. In 1888 he was elected governor of Maine by a plurality of 18,000, and reelected in 1890 by a still larger plurality.

His administration of State affairs was wise, constructive, and popular. His appointments were strong and met with public approval.

In 1892 he was a candidate for the nomination for Congress, but in a spirited contest, in which there were four candidates, he was defeated by Seth L. Milliken, of Belfast. Upon the death of Mr. Milliken in 1897 Gov. BURLEIGH was unanimously nominated by the Republicans of his district to fill the vacancy, and he was elected to the Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth, and Sixty-first Congresses. He was defeated for election to the Sixty-second Congress, but it was no defeat for him personally, as at that time Maine went heavily Democratic and elected a Democratic governor for the first time since 1880.

In 1912 he was a candidate for nomination to the United States Senate, and in a popular primary, the first held in Maine for that office, and, I believe, the first primary ever held for the nomination of a United States Senator, he won easily after a strong contest, although opposed by two men of great ability. He was subsequently, in January, 1913, elected by the legislature for the six-year term ending March 4, 1917. His election by the legislature came at the end of a long contest of extraordinary intensity by a majority of one vote. The Republicans had organized the house of representatives and elected a speaker, but subsequently the Democrats and Progressives were in actual control of that body, and it was only by the strength of character, resolution, and great organizing ability of Gov. BURLEIGH, coupled with the fidelity and activity of his many loyal friends, that saved this seat to the Republicans and gave Gov. BURLEIGH the culminating and highest honor of his remarkably successful career.

Gov. BURLEIGH, as he is usually referred to in Maine, like his father and grandfather, had distinctive qualities and capacities which enabled him to serve his State in the various high offices to which he was successively elected, with much satisfaction to his constituents. He never met a defeat at the polls save one, in 1910, when the whole party went down. Always a modest man and not given to seeking notoriety or to getting into the limelight, and never a self-advertiser, he had a stronger hold on the everyday citizen of his State than any other public man in Maine in recent years. He was very sympathetic with and shared the feelings and aspirations of the average voter in his State. No public man in Maine ever kept in closer touch with his constituents. He specially devoted himself while in Congress to the needs of the individuals in his constituency.

He was a great political organizer, of the best type, and probably had few superiors in New England. In his voluminous correspondence and personal contact with his constituents he added always a personal note which, with his democratic bearing, tact, and natural friendliness of spirit greatly endeared him to and strengthened him with his people, nor was he ever neglectful of their interests or their requests. A great number of humble citizens throughout Maine lost a good friend when Gov. BURLEIGH died. He was a man most temperate in his habits, careful and correct in his mode of life, which fact and a strong constitution enabled him to use his wonderful capacity for work and his great executive faculty to the best advantage and fullest extent.

While governor of Maine it came his way to accomplish some things of large importance, in the execution of which he showed not only his characteristic promptness, vigor, and capacity, but a great foresight and splendid judgment in appreciating the future needs of the State. He was largely influential in preventing the removal of the State capitol from Augusta to Portland and in obtaining money for and in carrying out the enlargement of the statehouse in its present location, all of which saved the citizens of Maine probably more than $2,000,000. In 1889 Gov. BURLEIGH became chairman of the committee to obtain a suitable location for a muster field, and again he headed off a movement to establish it in a distant part of the State, and upon his recommendation the site of Camp Keyes in Augusta was chosen and is now recognized as the most desirable place in the State for the purpose.

Also in 1889, through the influence of his newspaper, the Kennebec Journal, one of the most important and influential newspapers in Maine, he called attention to the crowded condition of the insane hospital and was instrumental in bringing to a successful conclusion a movement to establish another hospital on a suitable location at Bangor. In all matters of taxation, in handling the State's finances and business Gov. BURLEIGH was an expert, and when he came to Congress he was exceedingly well equipped for the duties of the office. He was a business man and a worker rather than an orator. He was thoroughly familiar with his State and every part of it and in close touch with the requirements of his constituents. He was of more value to his State and to the country in using his high character, good judgment, and business training along lines of routine work than are the great majority of men who are reputed to be orators. To Congressman BURLEIGH'S ceaseless efforts and influence is due the fact that Maine now has four Representatives in Congress instead of three.

With all his success in business, and with all the honors that were given him by his native State, Senator BURLEIGH was to the end the same modest, sincere, friendly, cheerful, earnest, loyal citizen of Maine that he was when he first came down from Aroostook County. He achieved great success, but it never turned his head.

During his long public career he constantly increased the respect, confidence, and esteem in which he was universally held by the people of Maine. No history of his State will be complete without giving weight to the large part he played in

her affairs of more than 40 years. The value to the State of his intelligent and efficient service will be felt for many generations.

The State mourns a loyal and distinguished son and its people a sincere and faithful friend.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Speaker, I first met Senator BURLEIGH when he was a Member of the House at the beginning of the Fifty-eighth Congress. The fact that he represented the district formerly represented by James G. Blaine probably impelled me to make his acquaintance. Another reason was that the State of Minnesota was settled to a considerable extent by people from the State of Maine. The vast forests of Minnesota and its fertile plains attracted settlers from that State, and they were all well equipped for the work of the pioneer. They were successful pioneers, and were among the leaders in the early days of Minnesota in the struggle to subdue the forests and the wilderness to civilization. Although they did not predominate in numbers, they soon occupied prominent places both in industry and commerce, and in politics. As evidence of this fact I want to cite the circumstance that the State of Minnesota has sent five men to Congress who were natives of Maine. Gen. John Thomas Averill, a brilliant officer of the Civil War, was elected to the Forty-second and Forty-third Congresses. Mark H. Dunnell came to Minnesota soon after the Civil War, was elected superintendent of public instruction, and served for 14 years in Congress as a Representative from Minnesota. William D. Washburn served six years, being elected to the Forty-sixth, Forty-seventh, and Forty-eighth Congresses, and we afterwards sent him for six years to the Senate of the United States. Solomon G. Comstock was one of my predecessors, lives in my district, and is the first citizen of that part of the State. He served in the Fifty-first Congress. Lorin Fletcher, who served for 12 years as a Representative of Minnesota in the National House, was also a native of the State of Maine. They were a sturdy type, free from affectation or cant, level-headed and open-hearted and democratic in their tastes. In Mr. BURLEIGH I recognized one of these, and I esteemed him most highly.

After a while it so happened that we both lived in the same hotel for some years, and we were associated daily. He was a member of the Committee on Public Buildings and Grounds, before which, of course, every new Member likes to appear, and I might say that I appeared successfully. Mr. BURLEIGH was chairman of the subcommittee that had charge of Minnesota. So my requirements were suitably and fairly taken care of.

Later on I had some work in Congress in which he aided me considerably. As chairman of the Committee on the Militia, I brought in a bill, I think in 1908, to reorganize and improve the efficiency of the militia of the United States and increase the annual appropriations from $2,000,000 to $4,000,000, which met with a good deal of opposition. As a matter of fact, the Republican floor leader, the Republican chairman of the Committee on Military Affairs, the Republican chairman of the Committee on Appropriations, the Democratic floor leader, and several other prominent men were strongly opposed to the measure for reasons of economy, as they contended. I talked with Gov. BURLEIGH about it. As governor he had taken a special interest in the National Guard of his own State and had provided them with an armory and grounds. In his quiet, unassuming way he went to work to aid me. I am satisfied that it was the work that he did which is responsible for my getting the bill through. It had to pass under the suspension of the rules, requiring a two-thirds vote, in the last days of the session. That we secured such a vote in face of such opposition was regarded as almost a miracle.

Gov. BURLEIGH believed that in the National Guard we had a body of patriotic citizens who voluntarily and at great personal sacrifice prepared themselves to serve their country in case of war, and that they should be encouraged by both the States and the Federal Government. Inadequate as the law may have been, it did actually increase both the strength and the efficiency of the militia, and furnished us an Army, at least partially trained, of the best material at a cost per man infinitesimally small as compared with the Regular Establishment.

Mr. BURLEIGH was a loyal Republican. He believed in the principles of the party, and he was a man of sound judgment. We all were anxious to know his views when party questions came up. From the biographies and in the eulogies that have already been delivered we have an outline of his life. His public services, although not given the publicity perhaps that they deserved, were valuable and enduring. To his friends the best portion of his life consisted of little and unremembered acts of kindness and of love which he was always free to give. He was an ideal friend, a delightful companion, and a true man. His name and works will shed luster on his family, his State, and the Nation for generations yet to come.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. AUSTIN] is recognized.

Mr. AUSTIN. Mr. Speaker, we have met to-day to honor the memory of one of Maine's loved citizens, one of her leading and best sons—the Hon. EDWIN C. BURLEIGH, who was an honored and distinguished Member of this House for seven terms. As one of his colleagues who served with him on the Committee on Public Buildings and Grounds during the Sixty-first Congress, and as an admiring friend, I wish to pay my simple but sincere tribute to his many excellent qualities of mind and heart. He was in every respect an ideal representative of the people. He understood their wants, sympathized with their aspirations, and it was a labor of love with him to champion their rights and to promote their best interests. He was a kind, frank, sincere man, open, manly, honorable in all his dealings in private and in public life. His devotion to duty in Maine and here in Washington City is a worthy example and a high inspiration to those of us left behind. The lesson we inherit from his eminent success in life is that if we will follow in his footsteps we will earn and receive the plaudits of those who have honored and trusted us.

What a long and useful public career he had and through it all not a cloud or blemish upon his character. He was devoted to the interests of the people of Maine, and his services to the country at large in both branches of Congress were of a high, useful, and important character.

I venture the assertion no State executive of Maine did more to originate and pass a greater number of wise, constructive, and beneficial legislative measures than Gov. BURLEIGH. His devotion, zeal, and loyalty to the interests of his constituents were well known in this House, where he enjoyed the respect, confidence, and friendship of his colleagues for 14 years.

In the House of Representatives and in the Senate of the United States his record for fidelity and usefulness was as marked as in the State offices he filled with such signal ability and with entire satisfaction to the people who made him their trusted leader and their uncompromising champion. The great State of Maine has furnished the Nation with many able and distinguished men in my time—Blaine, Frye, Reed, Dingley, Littlefield, and others—and to this illustrious list history and the impartial verdict of all who knew him will add the name of our late admired and loved colleague, EDWIN CHICK BURLEIGH.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. BURNETT] is recognized.

Mr. BURNETT. Mr. Speaker, Hon. EDWIN C. BURLEIGH was born in Linneus, Me., in 1843. His early education was of that practical kind which makes men strong in mind and in body. He was a youth of only 18 years when the tocsin of war between the States was sounded, but was among the first to offer his services for the preservation of the Union.

When that terrible struggle ended, he returned to the quietude of civil life, and by dint of tireless energy and perseverance rose through gradual promotion to the position of governor of his native State.

He was elected to the Fifty-fifth Congress and reelected to the Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth, and Sixty-first Congresses. He was elected to the United States Senate in 1913 and died June 16, 1916, a Member of that great body. It was while he and I were serving together in the Sixtieth Congress that I learned to know him well. We were both members of the Committee on Public Buildings and Grounds, and I served under him as chairman of a subcommittee of that committee.

I always found Senator BURLEIGH kind, liberal, fair, and honorable in all our association. He had a heart as pure and gentle as that of a girl, and it was always a pleasure for me to sit with him around the committee table.

Although we were members of different political parties, I never saw him try to inject partisan politics into his activities on that committee. Although we were from the two different extremes of the Union, I never heard him utter a word that would tend in the least to stir up sectional strife or animosity.

Above all things he was an American who knew no North, no South, no East, no West.

Although a man of few words, what he said showed business acumen and a desire above all things to be just and fair.

He loved work and was never more happy than when engaged in earnest, industrious efforts to promote the welfare of our common country.

Although especially alert to the interests of his own district and State, he had no spirit of hide-bound selfishness which would prevent his seeing the rights of others beyond the limits of Maine.

No one who knew him ever believed him capable of a mean or dishonorable deed.

Maine has produced a galaxy of great men, who made that State illustrious, but not one who was the superior of Senator BURLEIGH in love of country or in high and noble ideals.

A Democratic colleague of his in the Senate from Maine a few days ago paid him this true and just tribute: "Work was his pastime; success was his reward."

His history, Mr. Speaker, is inseparably interwoven with the history of his great State. Her people were his people, her country was his country, her flag was his flag, her destiny was his destiny, and her God was his God.

He was an American gentleman in every sense of the word, and when that is said eulogy is exhausted.

When the inevitable last summons came Senator BURLEIGH answered "Ready," and earth was made poorer and heaven was made richer when he answered that last call.

He sleeps beside the rolling Kennebec, and when the resurrection morn shall dawn Senator BURLEIGH will again answer "Ready."

I deemed it a great, though sad, privilege to be asked by his colleagues in this House to pay this my simple tribute to the memory of one whom I delighted to call my friend.

Lives of great men all remind us
We can make our lives sublime,
And, departing, leave behind us
Footprints on the sands of time:

Footprints that perhaps another,
Sailing o'er life's solemn main,
A forlorn and shipwreck'd brother,
Seeing, shall take heart again.

Mr. GUERNSEY assumed the chair as Speaker pro tempore.

The SPEAKER pro tempore. The gentleman from Maine [Mr. MCGILLICUDDY] is recognized.

Mr. MCGILLICUDDY. Mr. Speaker, the early years of a successful man's life are interesting and instructive. It is in this period that we so often trace the influences that mold the future career.

Senator BURLEIGH's life was a conspicuous example of this fact.

He was born and reared on a farm in the fertile county of Aroostook, in Maine.

When we look into the lives of men of great achievements in every field of human effort in our country, it is amazing how great a number of them trace their origin to the farm—the best place in the world to bring up an American boy.

It was amid the stern surroundings of New England farm life that young EDWIN C. BURLEIGH early learned the lessons and formed habits of industry, economy, thrift, and self-reliance—habits of life and traits of character that followed him to the very close of his career.

It was in these environments and associations that he was brought into close contact with the everyday lives of the plain people of his native State. He thus early learned to know and appreciate their character, their needs, and conditions, and knowing them he learned to sympathize with them and to trust them. And they, too, in turn learned to know and to trust him.

This mutual relationship between him and this type of the citizenry of his State, thus early formed, grew and strengthened throughout his long and successful career. It was no small factor in his extraordinary successes.

The life of Senator BURLEIGH is an encouraging example and an inspiration to every young man.

He was preeminently a modest man. He laid no claim to brilliancy or genius as these terms are ordinarily understood. His policy in life was to bring rugged honesty, fidelity, indefatigible industry, and the best there was in him to the performance of every task and the discharge of every duty that was laid upon him, whether great or small. He brought the same fidelity, industry, zeal, and indomitable perseverance to the discharge of his duties in the modest positions of his early life that he afterwards brought to the discharge of the great responsibilities of his later career. It was characteristic of his life that in each position which he held he not only performed its particular duties with capacity and efficiency but he reached out and beyond its limitations, stored his mind with information, and made each position a stepping stone to something higher and larger.

Among his early appointments to office as a young man was that of chief clerk in the office of the State treasurer of Maine. He performed the duties of this position with such ability and efficiency that he came to be considered almost indispensable in the State treasurer's office. He remained there for five years, and during that time acquired such a fund of information and grasp not only on the details of the chief clerkship but upon the larger activities of the treasurer's office that at the end of that time he was by common consent considered the best-equipped man in his party in the State for the important office of State treasurer.

In 1885 he was nominated by his party and elected to the office of State treasurer. This is one of the most important offices in our State. Its activities are State wide and, when wisely directed, make materially for the welfare of the people of the State. He held this office for two terms, and discharged its duties with such conspicuous ability and success that his reputation as a sound, safe business man and administrative official became known and appreciated throughout the State, and the eyes of his party associates immediately turned to him as the most available man in their party for the high office of governor of Maine.

In 1888 he was elected governor by a large vote and decisive majority and held that office for four years. His large business experience, sound judgment, strong executive ability, and high character won the confidence and esteem of the people of his State. His administration was a strong one, and, without taking the time of the House to go into the details even of its important measures, it is but just and deserved to say that he conducted the affairs of this office with eminent ability and success.

At the close of his term of office as governor Mr. BURLEIGH cherished an ambition to come to Congress. He became a candidate against Hon. Seth L. Milliken, the then distinguished sitting Member for the old third district. It was here that Mr. BURLEIGH met his first political defeat. But it was a defeat without loss of prestige or honor, and one that eventually turned into victory, for Mr. BURLEIGH accepted defeat so gracefully and supported his opponent in the following election so loyally that when Mr. Milliken died in 1897 Gov. BURLEIGH was unanimously nominated by his party in the convention and triumphantly elected at the polls as his successor.

He was elected to seven succeeding terms in this House, a marked tribute of the trust and confidence of a loyal constituency.

His service here was one of usefulness, efficiency, and accomplishment. No man ever served his constituency more faithfully and few more efficiently.

In the election of 1910 he was defeated for Congress, but it was in no sense a personal defeat, nor did it lessen his personal prestige or popularity.

In 1912 he became a candidate for United States Senator in the primary election, and had for his opponents men among the most able and brilliant of Maine's gifted sons. He easily won the nomination, and in January, 1913, he was elected to the Senate by the State legislature for the term beginning March 4, 1913. He served in the Senate until his death, June 16, 1916, in the seventy-third year of his life.

Here is a record of public service of more than 40 years, reaching heights of distinction rarely attained by men; a record of a useful and devoted life without a stain upon it; a record of which his family, his State, and his country may well be proud; a record of virtues and lofty purposes which we all would do well to emulate; and a record for which we all believe he has long ere this received that greatest of all rewards, "Well done, thou good and faithful servant."

The SPEAKER pro tempore. The gentleman from California [Mr. KAHN] is recognized.

Mr. KAHN. Mr. Speaker, when I came to Congress in 1899 EDWIN CHICK BURLEIGH had already served his first term. He came to the Fifty-fifth Congress at a time when the delegation from the State of Maine had no peer on the floor of this House. The late Thomas B. Reed was the Speaker of that Congress. The late Nelson Dingley was then chairman of the Committee on Ways and Means, and had just written the Dingley tariff law upon the statute books of the Republic. The late Charles Boutelle was chairman of the Committee on Naval Affairs. The late Seth Milliken, whose son, I believe, has just been inaugurated as governor of the State of Maine, had but recently passed away, while serving as chairman of the Committee on the Public Lands. Mr. BURLEIGH was elected Representative Milliken's

successor. In the Fifty-sixth Congress, in which I first saw service in this House, both Mr. Reed and Mr. Dingley were absent. Mr. Reed had resigned and Mr. Dingley had died in the closing days of the Fifty-fifth Congress. Mr. Boutelle was the only one of the famous quartet that was in the Fifty-sixth Congress.

Mr. BURLEIGH was a man of comparatively few words. He did not often address the House, but he was active and energetic in the work that devolved upon him. He was particularly interested in preventing the cutting down of the representation of the State of Maine from four Members to three Members during the apportionment fight in the Fifty-seventh Congress. He and the late Charles E. Littlefield led that fight on this floor with marked success for his State.

I have been in Maine on a number of occasions. While visiting among Mr. BURLEIGH's neighbors it was indeed a pleasure to find what a warm affection they had for him. They knew and loved him for his industry, for the service he had given his State and his country, and for his sterling qualities as a legislator and citizen. It was but natural that his fellow citizens should elect him to the Senate of the United States. He had already served them as governor and treasurer, and they knew his worth. They knew his business ability. They knew that he was fair and honorable and just in all his dealings with his fellow man. They knew he had served them faithfully and well for 14 years in the House of Representatives. His elevation to the Senate therefore was a fitting climax to an honorable political career. We who were privileged to serve with him in this House know that in his death the country has lost an able, conscientious public servant and his State a distinguished son who had lived up to the best traditions of the Pine Tree Commonwealth.

EXTENSION OF REMARKS.

Mr. PETERS. Mr. Speaker, I ask unanimous consent that until March 4 the Members have leave to extend their remarks in the RECORD on the life, character, and public services of the late Senator BURLEIGH.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

The SPEAKER pro tempore. Under the special order, the House will stand adjourned until 12 o'clock m. to-morrow.

Accordingly (at 3 o'clock and 5 minutes) the House adjourned.

SENATE.

MONDAY, *February 26, 1917.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Ferrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the high and mighty Ruler of the universe, who dost from Thy throne behold all the dwellers upon earth, we come to Thee at the beginning of this day to invoke Thy blessing. We call upon Thee with reverence and Godly fear, but we call upon Thee also with the confidence of a Christian faith. We bless Thee for the assurance that the storms of earth do not shake Thy throne, that Thy law standeth sure. Amid perilous times we come asking that those whom Thou hast led out into places of influence and power may themselves be inspired by the truth which Thou hast revealed unto men. Give to us this day as we face the unsolved problems that are before us a patriotism which is founded upon the conviction that Thou hast given to us these lands, that Thou hast inspired our laws, that Thou hast guided and controlled our national history. So may we look above the storm to the face of God, and with the light of Thy countenance upon our pathway, with confidence and courage and faith, may we move onward to the great purpose of our creation as a Nation. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Tuesday, February 20, 1917, when, on request of Mr. SIMMONS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the secretary of the Federal Trade Commission, transmitting a schedule of useless papers on the files of the Federal Trade Commission and requesting that action be taken looking to their disposition. The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from New Jersey [Mr. MARTINE] and the Senator from Washington [Mr. JONES] the committee on the part of the Senate. The Secretary will notify the House of Representatives thereof.

INVESTIGATION OF FOOD SUPPLIES.

The VICE PRESIDENT. The Chair lays before the Senate a resolution adopted by the board of estimate and apportionment of the city of New York, urging an appropriation of $400,000 to be used by the Federal Government for a food-supply investigation. The resolution will be printed in the RECORD.

The resolution is as follows:

BOARD OF ESTIMATE AND APPORTIONMENT,
New York, February 24, 1917.

Hon. THOMAS R. MARSHALL,
Vice President of the United States
and President of the Senate,
The Capitol, Washington, D. C.

SIR: I transmit herewith certified copy of resolution adopted by the board of estimate and apportionment February 23, 1917, urging the Congress of the United States to include in the appropriation bill now pending the sum of $400,000 to be used by the Federal Government for food-supply inquiry work.

Respectfully,
JOSEPH HAAG,
Secretary.

Resolved by the Board of Estimate and Apportionment of the City of New York, That the Congress of the United States be, and hereby is, urged to include in the appropriation bill now pending the sum of $400,000 to be used by the Federal Government for food-supply inquiry work.

I hereby certify that the foregoing is a true copy of a resolution adopted by the board of estimate and apportionment at a meeting of said board held February 23, 1917.

JOSEPH HAAG,
Secretary.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a telegram addressed to the Senate of the United States which will be printed in the RECORD.

The telegram is as follows:

BUFFALO, N. Y., *February 26, 1917.*

The SENATE OF THE UNITED STATES,
Washington, D. C.:

Fifteen thousand men of Buffalo assembled this afternoon at the Billy Sunday Tabernacle, and representing many of the city's largest industries and business and professional life, rising unanimously amid cheers while Billy Sunday from the platform waved a large American flag, voted to express appreciation to the Senate and the House of the United States for their action to effectively protect prohibition States against incoming liquor and the transmitting of liquor advertising through the mails into prohibition States, and urge the privilege to vote for national prohibition.

VOLNEY P. KINNEY,
Chairman Sunday Campaign Committee.

Mr. JONES. I have a memorial from the State Legislature of Washington, indorsing universal military training. I ask that it may be printed in the RECORD, if it has not already been printed, and referred to the Committee on Military Affairs.

The memorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
THE STATE OF WASHINGTON,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 5 of the fifteenth session of the Legislature of the State of Washington, with the original copy of said memorial as enrolled, now on file in this office, and find the same to be a full, true, and correct copy of said original and of the whole thereof, together with all official indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the capitol at Olympia this 17th day of February, A. D. 1917.

[SEAL.]
I. M. HOWELL,
Secretary of State.

House joint memorial 5.

To the honorables the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled for the fifteenth regular session, most respectfully represent and petition as follows:

"Whereas the present volunteer system of military training has been proven to be inadequate and inefficient in providing a satisfactory system of national preparedness; and

"Whereas universal compulsory military training has been indorsed by the leading military authorities of the United States as the only adequate, efficient, and proper method of national defense; and

"Whereas this system is preeminently democratic, inasmuch as it places the burden of this highest duty of citizenship upon all rather than upon a few as a professional class; and

"Whereas members of the military committees of your honorable body have deemed it advisable to recommend universal compulsory military training; and

"Whereas by virtue of this training every citizen would have an opportunity to repay in part a just debt he owes his country on account of the protection, liberty, and inalienable rights it guarantees him; and

"Whereas the present crisis in international affairs now confronting the United States impresses peculiarly upon everyone the imperative need of adequate preparedness: Now, therefore, be it

"*Resolved by the House of Representatives of the State of Washington (the Senate concurring)*, That the Congress of the United States be, and is hereby, urged to pass such legislation as will bring about a survey and preparation for mobilization in case of war, all the resources of the United States, and provide for universal training of our youth in military science or callings necessary for military proficiency."

Passed the house February 5, 1917.

GUY E. KELLY,
Speaker of the House.

Passed the senate February 13, 1917.

LOUIS F. HART,
President of the Senate.

[Indorsed.]

STATE OF WASHINGTON, *ss:*

Filed in the office of secretary of state February 16, 1917, at 4.38 p. m.

I. M. HOWELL,
Secretary of State.

Mr. THOMPSON presented petitions of sundry citizens of Spring Valley Township, Hepler, and Inman, all in the State of Kansas, praying that the United States remain at peace and that the question of war be submitted to a referendum of the people, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Kansas, praying for national prohibition, which were ordered to lie on the table.

Mr. GRONNA presented petitions of sundry citizens of Grand Forks; of 49 citizens of Hebron; of A. O. Banks and 78 other citizens of Fordville; of Rev. Z. G. Rugland and 24 other citizens of Corpio; and of 61 citizens of Bergen, all in the State of North Dakota, praying that the United States remain at peace, that the question of war be submitted to a referendum of the people and pledging their support to the President, which were referred to the Committee on Foreign Relations.

Mr. FLETCHER presented a petition of sundry citizens of Jacksonville, Fla., praying that the provision of the Post Office appropriation bill excluding interstate shipment of liquor through dry territory shall not take effect before October 1, 1917, which was ordered to lie on the table.

He also presented a petition of the Audubon Society, of Cocoanut Grove, Fla., praying for the enactment of legislation for the protection of migratory birds, which was ordered to lie on the table.

Mr. CURTIS (for Mr. GALLINGER) presented a petition of Local Branch No. 3, National Association of United States Civil Service Employees at Navy Yards and Stations, of Portsmouth, N. H., praying for an increase of pay for employees in navy yards, which was ordered to lie on the table.

Mr. LODGE. I desire to present certain resolutions adopted by citizens of Dedham, Mass., and I ask to have them printed in the RECORD without reading.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

OFFICE OF SELECTMEN,
Dedham, Mass., February 23, 1917.

HON. HENRY CABOT LODGE,
Washington, D. C.

DEAR SIR: At a mass meeting of the citizens of Dedham, Mass., convened in Memorial Hall on February 22, 1917, the following resolutions were unanimously passed:

"*Resolved*, That we, irrespective of party, commend and approve most heartily and earnestly, as an act of the highest wisdom and patriotism, the severance by President Wilson of diplomatic relations between the United States and the Imperial German Government.

"*Resolved*, That we are not unmindful that this decisive step may lead to war. We deplore it. But if it comes, we pledge ourselves to stand steadfastly by our President in all his efforts to uphold the honor and welfare and just rights of our country.

"*Resolved*, That the Secretary of this meeting be requested to forward to the President, the Senators from Massachusetts, and the Representative of our congressional district a copy of these resolutions."

Respectfully,

FREDERICK D. ELY, *Chairman.*
FREDK. B. KINGSBURY, *Secretary.*

Mr. PENROSE. I present a petition signed by over 7,000 railway postal clerks, praying for a salary increase. I ask that the text of the petition, without the names, be printed in the RECORD, and that the petition be referred to the Committee on Post Offices and Post Roads.

There being no objection, the petition was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

To the POSTMASTER GENERAL AND MEMBERS OF CONGRESS:

We, the undersigned railway postal clerks and substitute railway postal clerks, hereby pray for an increase in salary of $200 per annum for all railway postal clerks and substitute railway postal clerks for the following reasons:

1. The cost of living has increased and is continuing to increase with such alarming rapidity that it has become a question of serious concern to the salaried workers as to how they are going to meet the ever-increasing expenses.

2. Comparing wages paid by outside corporations with those paid in the Railway Mail Service you will find that we are much underpaid.

3. The study and requirements demanded of railway postal clerks and substitute railway postal clerks are greater than the brain expenditure of other classes of workmen who are better paid.

4. The Railway Mail Service is much harder to-day than it was even six months ago, on account of the numerous resignations of valuable men who played the part of experienced distributors in the service.

5. The civil-service records will show that the Railway Mail Service is not attractive to new men. On account of the present salaries nearly all are declining appointment. This condition makes it impossible to maintain the high-standard efficiency of the service.

6. We believe that we are asking for this increase in salary upon just and equitable grounds.

7. We can not live on the scale of the day laborer, but have to present a neat appearance before the public, and if we can not live respectably we can not work properly. The clerk who is worrying about his salary and wondering how he can meet his expenses can not put proper effort into his daily work.

8. Another point which we wish to bring to your attention is that the salaries of Government employees are fixed by statute, and they have no means of recuperating their losses occasioned by abnormal necessary living expenses, as they are prohibited from participation in outside business.

We therefore most earnestly solicit your best effort in support of legislation in the next Congress which is designed to immediately relieve the financial situation among the workers in our service.

We thank you in advance for any action taken in this direction.

Mr. PENROSE. I present a petition of the Philadelphia Board of Trade, urging the passage of the so-called Webb bill, which I ask may be printed in the RECORD. It is short.

There being no objection, the petition was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

PHILADELPHIA BOARD OF TRADE,
Philadelphia, February 21, 1917.

To the honorable the Senate and House of Representatives in Congress assembled:

Your memorialist, the Philadelphia Board of Trade, respectfully requests that your honorable bodies make every effort to pass the Webb bill (H. R. 17350), eliminating the two amendments passed by the House, which, if allowed to stand, would nullify the bill as originally presented.

And your memorialist will ever pray.

[SEAL.] WM. M. COATES,
President.

Attest:

W. R. TUCKER, *Secretary.*

Mr. PENROSE. I present a petition from the Philadelphia Bourse, protesting against the provisions of House bill 20573, authorizing a tax on excess profits and on capital invested by corporations and copartnerships, which I ask to have printed in the RECORD and referred to the Committee on Finance.

There being no objection, the petition was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

PROTEST AGAINST PROVISIONS OF BILL H. R. 20573, KNOWN AS THE REVENUE BILL, AUTHORIZING A TAX ON EXCESS PROFITS AND ON CAPITAL INVESTED OF COLPORATIONS AND COPARTNERSHIPS.

Resolutions adopted by the Philadelphia Bourse, an organization composed of over 2,500 business men, firms, and corporations, having as one of its objects the improvement of the commercial interests of the city, State, and Nation, acting through its board of directors, at a meeting held February 14, 1917.

To the honorable the Senate of the United States of America:

At a meeting of the board of directors of the Philadelphia Bourse, held February 14, 1917, the following was unanimously adopted:

"*Resolved*, That the officers of the bourse be, and they are hereby, authorized and directed to forward to the Senate of the United States a protest against the enactment of bill H. R. 20573 in its present form for the reasons set forth in the resolutions adopted by the Chamber of Commerce of the United States of America at its fifth annual meeting, February 2, 1917, as follows:

"'*Resolved*, That the Chamber of Commerce of the United States of America reaffirms its devotion to the program of preparedness which it has approved by vote of its constituent members through referendum No. 15 and through resolutions adopted in annual meeting, and further pledges the support of this body to any just and reasonable measures of taxation which the Government may see fit to adopt under such a program. But while reaffirming its devotion to this policy it feels compelled to protest against the inequitable and discriminatory methods of taxation proposed in the bill known as H. R. 20573, providing for a tax on excess profits of corporations and copartnerships; and be it further

"'*Resolved*, That while fully recognizing the necessity of providing increased revenues to carry out wise and patriotic measures for the adequate defense of our country, we would respectfully suggest that any bill passed by Congress to accomplish these purposes should be along lines of fairness to all interests in the country so that every citizen should pay his just share of the tax.'"

True copy.

Attest:

[SEAL.] EMIL ALBRECHT, *Secretary.*

Mr. PENROSE. I present a preamble and resolutions of the Legislature of the State of Pennsylvania, protesting against the imposition of a tax upon incomes, upon inheritance, and upon capital stock of corporations, which as it comes from the legislature I will ask to have read.

The resolutions were read and ordered to lie on the table, as follows:

IN THE SENATE, *February 20, 1917.*

Whereas the Federal Government has already imposed taxes upon income, upon inheritance, and upon the capital stock of corporations, all of which sources of revenue have heretofore been relied upon by the States for their income; and

Whereas the further extension by the Federal Government of the plan of raising its revenue by taxes upon sources which the several States have heretofore relied upon for their revenues constitutes a serious menace to the fiscal plans of the States; and

Whereas it appears to be entirely possible for the Federal Government to secure adequate funds for its legitimate needs through a judicious system of indirect taxes to cover current expenses coupled with the funding of amounts to cover permanent improvements:

Resolved (if the House concur), That the Legislature of the State of Pennsylvania expresses hereby its emphatic disapproval of the proposed plan to impose a Federal tax upon the profits of corporations, joint-stock companies, associations and partnerships, or any other extensions by the Federal Government of taxes upon sources heretofore relied upon by the States for their revenues, and the Senators and Representatives in Congress from this State are hereby requested to oppose any such contemplated action on the part of the Federal Government.

Resolved, That a copy of this resolution be forwarded by the clerks of the Senate and House of Representatives to the Ways and Means Committee of the National House of Representatives and to the Finance Committee of the United States Senate, and to each Senator and Representative in Congress from this State.

I hereby certify that the foregoing resolution was adopted by the Legislature of Pennsylvania on February 20, 1917.

[SEAL.] HARMON M. KEPHART,
Chief Clerk Senate of Pennsylvania.

Mr. WADSWORTH. I present resolutions adopted by the Legislature of the State of New York, with respect to the quarantine station at the Port of New York, which I ask be printed in the RECORD and referred to the Committee on Appropriations.

The resolutions were referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK,
IN SENATE,
Albany, February 15, 1917.

[By Mr. Cromwell.]

Whereas the commission created pursuant to chapter 342 of the Laws of 1916 to negotiate for the transfer of the quarantine establishment at the port of New York to the United States has passed the following resolution:

"*Resolved*, That the secretary be directed to inform the Secretary of the Treasury that, after due deliberation and consideration of such evidence and figures as it was able to obtain in regard to the value of the quarantine establishment at the port of New York, the commission agrees to transfer the quarantine establishment at the Port of New York, on or before July 1, 1917, upon the payment by the Federal Government to the State of New York of the sum of $1,395,275"; and

Whereas it is necessary, in order to carry out the transfer of the quarantine establishment at the port of New York to the United States, that an appropriation be made by Congress to be paid to the State of New York of the consideration stated in the resolution, to wit, $1,395,275:

Resolved (if the assembly concur), That the Legislature of the State of New York hereby requests the Senators and Representatives in Congress from this State to use their utmost efforts to obtain the passage of such appropriation; and

Resolved (if the assembly concur), That a copy of this resolution be forwarded by the clerks of the senate and assembly to the Ways and Means Committee of the House of Representatives and to the Finance Committee of the United States Senate, and to each Senator and Representative in Congress from this State.

By order of the senate, ERNEST A. FAY,
Clerk.

IN ASSEMBLY,
February 15, 1917.

Concurred in without amendment.
By order of the assembly.

FRED W. HAMMOND, *Clerk.*

Mr. PHELAN presented a memorial of Typographical Union No. 84, of San Bernardino, Cal., remonstrating against the provision in the Post Office appropriation bill applying the zone systems to newspapers, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 7827) to authorize the sale of certain lands at or near Yellowstone, Mont., for hotel purposes, reported it with amendments and submitted a report (No. 1108) thereon.

Mr. HUGHES (for Mr. JOHNSON of Maine), from the Committee on Pensions, to which was referred the bill (H. R. 20748) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1918, and for other purposes, reported it and submitted a report (No. 1110) thereon.

Mr. BROUSSARD, from the Committee on Claims, to which was referred the bill (S. 5400) for the relief of the heirs of Mrs. Susan A. Nicholas, reported it with an amendment and submitted a report (No. 1109) thereon.

STATUES OF PULASKI AND KOSCIUSZKO.

Mr. CHILTON. From the Committee on Printing I report back favorably, with amendments, House concurrent resolution No. 59, to print and bind the proceedings upon the unveiling of the statue of Count Casimir Pulaski in Washington May 11, 1910, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendments were, on page 1, line 5, to strike out the words "statue of Count Casimir Pulaski" and insert "statues of Brig. Gen. Count Casimir Pulaski and Gen. Thaddeus Kosciuszko"; in line 9, to strike out "National Polish-American Alliance" and insert "Polish National Alliance of America"; in line 13, to strike out the words "Count Casimir Pulaski" and insert "Brig. Gen. Count Casimir Pulaski and Gen. Thaddeus Kosciuszko"; and, at the end of the resolution, to insert "said proceedings shall be compiled and printed under the direction of the Joint Committee on Printing," so as to make the concurrent resolution read:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed and bound in the form of eulogies, with accompanying illustrations, 17,100 copies of the proceedings upon the unveiling of the statues of Brig. Gen. Count Casimir Pulaski and Gen. Thaddeus Kosciuszko in Washington May 11, 1910, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, 2,000 to be delivered to the Polish National Alliance of America for such distribution as said alliance may desire to make, and the remaining 100 copies shall be bound in full morocco and distributed through the Department of State to the descendants of Brig. Gen. Count Casimir Pulaski and Gen. Thaddeus Kosciuszko and the speakers who took part in said celebration. Said proceedings shall be compiled and printed under the direction of the Joint Committee on Printing.

Mr. CHILTON. I desire to explain that this matter came to the committee in the form of two resolutions, and for the purpose of economy the Committee on Printing embraced the substance of the two in one resolution.

The amendments were agreed to.

The resolution as amended was agreed to.

THE IMMIGRATION LAW.

Mr. CHILTON. There is a House concurrent resolution, No. 73, on the Vice President's desk, and a similar one has been reported. I ask that the House concurrent resolution be laid before the Senate.

The VICE PRESIDENT laid before the Senate House concurrent resolution No. 73, which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That 10,000 copies of the immigration law (Public, No. 301, 64th Cong.; H. R. 10384) be printed for the use of the Senate and House of Representatives, to be distributed as follows: One thousand five hundred copies for the use of the House Committee on Immigration and Naturalization, 1,000 copies for the use of the Senate Committee on Immigration, 4,500 copies to be distributed through the folding room of the House, and 3,000 copies through the folding room of the Senate.

Mr. CHILTON. I move that the Senate agree to the concurrent resolution.

The concurrent resolution was agreed to.

ADDRESS BY JUDGE BLAIR (S. DOC. NO. 723).

Mr. CHILTON, from the Committee on Printing, reported the following resolution (S. Res. 378), which was considered by unanimous consent and agreed to:

Resolved, That the manuscript submitted by the Senator from Oklahoma [Mr. OWEN] on February 24, 1917, entitled "What Corrupt Practices in Elections Did in Adams County, Ohio," an address before the national conference of the National Popular Government League, by Judge A. Z. Blair, be printed as a Senate document.

IMPORTATION OF SISAL AND MANILA HEMP.

Mr. CHILTON, from the Committee on Printing, reported the following resolution (S. Res. 377), which was considered by unanimous consent and agreed to:

Resolved, That there be printed, with corrections, 3,000 additional copies of Senate Report No. 919, Sixty-fourth Congress, second session, entitled "Importation of Sisal and Manila Hemp," for the use of the Senate document room.

ST. JOHN RIVER (S. DOC. NO. 724).

Mr. CHILTON. From the Committee on Printing I report back favorably with an amendment Senate resolution 362, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in line 3, after the word "Senate," to insert "with illustrations," so as to make the resolution read:

Resolved, That 5,000 copies of the report of the international commission pertaining to the St. John River be printed for the use of the Senate, with illustrations.

The amendment was agreed to.

The resolution as amended was agreed to.

BILL AND JOINT RESOLUTION INTRODUCED.

A bill and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PHELAN:

A bill (S. 8316) granting a pension to Edith Blankart Funston, widow of the late Maj. Gen. Frederick Funston; to the Committee on Pensions.

By Mr. OWEN:

A joint resolution (S. J. Res. 217) relating to the constitutionality of acts of Congress; to the Committee on the Judiciary.

INVESTIGATION OF FOOD SUPPLIES.

Mr. BORAH. I introduce a joint resolution and ask that it may be read and go over until to-morrow morning.

The joint resolution (S. J. Res. 216) providing for the investigation into the cause of the rise in prices of foodstuffs and furnishing relief for those who are in need was read the first time by its title and the second time at length, as follows:

Resolved, etc., That there is hereby appropriated, out of any money in the United States Treasury not otherwise appropriated, the sum of $6,000,000, or so much thereof as may be necessary, to be expended under the direction and in the discretion of the President of the United States, as follows:

1. To make thorough and complete investigation and inquiry into and concerning the rise in prices and the causes thereof, particularly of those articles of food and clothing entering into the daily living of the people of the United States.

2. To carry out the orders of the President of the United States to investigate within the scope of his powers and to report the facts relating to any alleged violation of the antitrust laws by any corporation or individual in the production, ownership, manufacture, storage, and distribution of foodstuffs or by-products arising from or in connection with their preparation and manufacture.

3. To cause to be formulated and outlined by those who have given special time and study to the question, publicists, economists, and experts a plan for a more efficient and thorough system of marketing of food products with a view and for the purpose of bringing the producer and consumer in more immediate relation and of eliminating, in so far as practicable, those who speculate in foodstuffs and to report such plan covering the whole subject matter to Congress not later than December 10, 1917, to the end that Congress may, if practicable, assist in establishing an extended and comprehensive system of marketing upon a national scale.

4. To cause to be made by those who have given special time and study to the question a thorough study of the distribution of our population with a view, if possible, of relieving the congested centers of population and of encouraging the people to become identified with production and of aiding and assisting those who desire to do so to become landowners and cultivators of the soil, producers rather than consumers, and to report the result of such investigation and study and any plan that may be proposed to Congress not later than December 10, 1917, to the end that Congress may, if practicable, assist in such matter in the way of legislation.

5. To give prompt aid and assistance if upon investigation it shall be deemed necessary to local authorities in the matter of furnishing food and clothing for those who are now actually suffering for want of the same and to take such action generally as may be necessary to relieve any conditions of want or hunger now obtaining in any part of the country.

Mr. BORAH. I take it that the Senate does not want to dispose of the joint resolution this morning, and I ask that it may lie on the table for the present.

The VICE PRESIDENT. The joint resolution will lie on the table.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SAULSBURY submitted an amendment to enable the Secretary of War and the Secretary of the Navy to completely report on certain portions of the improvements, as provided in the act approved August 29, 1916, and to enter into negotiations for the purchase of the existing Cape Cod Canal and the existing Chesapeake & Delaware Canal, respectively, etc., intended to be proposed by him to the naval appropriation bill (H. R. 20632), which was ordered to lie on the table and be printed.

He also submitted an amendment providing that the parcel of ground north of Q Street NW., between it and Cemetery Street NW., etc., be included as a part of the connecting parkway between Potomac Park, the Zoological Park, and Rock Creek Park, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to change the date relative to persons qualifying and being registered in the grade of colonel or lieutenant colonel, pursuant to the provisions of the act of January 21, 1903, from June 3, 1916, to February 20, 1917, etc., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. MYERS submitted an amendment providing that not to exceed $10,000 be expended for the salaries of employees of the field-surveying service temporarily detailed to the General Land Office, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Treasury to pay to Buford J. Lowman, of Hamilton, Mont., the sum of $65 in compensation for a horse lost while in the employ of the United States Forest Service, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JOHNSON of Maine submitted an amendment proposing to appropriate $1,200 to pay Dennis M. Kerr for extra and expert services rendered to the Committee on Pensions during the second session of the Sixty-fourth Congress, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Pensions and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $500,000 for the construction, repair, and maintenance of the military post roads, bridges, and trails in Alaska intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. MARTIN of Virginia submitted an amendment proposing to purchase the lands on the battle fields of the first and second Bull Run, etc., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. SHEPPARD submitted an amendment proposing to appropriate $50,000 for the improvement of the San Antonio Arsenal, at San Antonio, Tex., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $1,150,000 for aviation post, depot, necessary land, etc., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. WALSH submitted an amendment proposing to appropriate $189,430 for the construction of administration buildings, a bridge across the Flathead River at Belton, Mont., and a ranger cabin and auto-checking station at Glacier Park Station, Mont., etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $115 to pay M. I. Howell for services rendered the special committee appointed under Senate resolution 543, Sixty-third Congress, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

FEDERAL ANTITRUST DECISIONS.

Mr. CULBERSON submitted the following concurrent resolution (S. Con. Res. 33), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound uniformly with the "Federal Antitrust Decision" printed and bound under Senate concurrent resolution No. 3, Sixty-second Congress, first session, passed August 22, 1911 (37 Stats. at L., p. 1455), 3,000 copies of a revised volume, four thereof and of such succeeding volumes as may be necessary to contain the further compilation of such decisions to June 30, 1917, to be prepared under the direction of the Department of Justice, 1,000 copies for the use of the Senate and 2,000 copies for the use of the House of Representatives.

ADDRESS BY SENATOR POMERENE ON WASHINGTON'S BIRTHDAY.

Mr. HOLLIS. Mr. President, I present to the Senate an address delivered by the senior Senator from Ohio [Mr. POMERENE] in Memorial Continental Hall, in Washington, D. C., on Washington's Birthday. I ask unanimous consent that it be printed as a Senate document (S. Doc. No. 725).

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

THE PREFERENTIAL BALLOT.

Mr. OWEN. Mr. President, I ask to have corrected a Senate document which heretofore was printed on the preferential ballot prepared by Prof. Johnson, of Harvard University, and I ask that it go to the Committee on Printing.

The VICE PRESIDENT. Without objection, that action will be taken.

DIRECT GOVERNMENT IN CALIFORNIA.

Mr. PHELAN. Mr. President, I have a copy of a paper presented to the National Popular Government League at the national

convention, Washington, D. C., January 5-6, 1917, delivered by Dr. John Randolph Haynes, of Los Angeles, Cal., on direct government in California, which I ask may be referred to the Committee on Printing.

The VICE PRESIDENT. Without objection, that action will be taken.

ADDRESS BY SENATOR OWEN.

Mr. SHEPPARD. Mr. President, I have a copy of an address by the Senator from Oklahoma [Mr. OWEN] relative to withdrawing from the Federal courts the power to declare acts of Congress void, which was delivered by him at the auditorium in Oklahoma City, Okla., January 27, 1917, which I ask may be referred to the Committee on Printing.

The VICE PRESIDENT. Without objection, that action will be taken.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on February 26, 1917, approved and signed the following acts and joint resolutions:

S. 1697. An act to declare Ollala Slough in Lincoln County, Oreg., nonnavigable;

S. 2543. An act for the relief of the State of Kentucky;

S. 5450. An act to provide for an additional judge in the State of Texas;

S. 5672. An act for the relief of sundry building and loan associations;

S. 5716. An act to establish the Mount McKinley National Park, in the Territory of Alaska;

S. 7644. An act to create a new division of the northern judicial district of Texas, and to provide for terms of court at Wichita Falls, Tex., and for a clerk for said court, and for other purposes;

S. 7796. An act authorizing the Secretary of the Interior to sell and convey to the Great Northern Railway Co. certain lands in the State of Montana for divisional terminal yards and other railway purposes, and for other purposes;

S. 8044. An act providing for the extension of time for the reclamation of certain lands in the State of Oregon under the Carey Act;

S. 8079. An act to amend the first and seventh paragraphs of section 4414 of the Revised Statutes of the United States, as amended by the act of April 9, 1906;

S. J. Res. 157. Joint resolution giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the reunion of the Confederate Veterans' Association, to be held in the District of Columbia in the year 1917, and for other purposes incident to said encampment;

S. J. Res. 205. Joint resolution authorizing the removal of the statue of Admiral Dupont in Dupont Circle, in the city of Washington, D. C., and the erection of a memorial to Admiral Dupont in place thereof; and

S. J. Res. 208. Joint resolution to grant citizenship to Joseph Beech.

CIVIL GOVERNMENT FOR PORTO RICO—CONFERENCE REPORT.

Mr. SHAFROTH. I move that the Senate proceed to the consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

The motion was agreed to.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The conference report was agreed to.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (H. Con. Res. 78), which was read:

Resolved by the House of Representatives (the Senate concurring), That in the reenrollment of the bill (H. R. 9533) "To provide a civil government for Porto Rico, and for other purposes," the Clerk of the House of Representatives be, and he is hereby, authorized and directed to strike out the words "and who does not own in his individual right taxable property in Porto Rico to the value of not less than $1,000," as the same appears on page 21, lines 22 and 24, in the engrossed bill of the House of Representatives.

Mr. SHAFROTH. I move the adoption of the concurrent resolution.

The resolution was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 8295) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was on page 26, after line 14, to insert:

The name of Maberry M. Lacey, late first lieutenant Company A, and adjutant Sixty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. HUGHES. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives insisting upon its amendments to the bill (S. 8120) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HUGHES. I move that the Senate disagree to the amendments of the House, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives insisting upon its amendments to the bill (S. 8296) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HUGHES. I move that the Senate disagree to the amendments of the House, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT conferees on the part of the Senate.

BUREAU OF WAR-RISK INSURANCE.

Mr. SWANSON obtained the floor.

Mr. SIMMONS. Mr. President——

Mr. SWANSON. I yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, I ask unanimous consent for action upon House bill 20082. It is a bill to extend the life of the Bureau of War-Risk Insurance in the Treasury Department, being Order of Business 948 on the calendar.

Mr. SMOOT. Would it not be better to go on with the consideration of the revenue bill and not take up the calendar at this time?

Mr. SIMMONS. I thought, on account of the necessity for the passage of this bill, and in view of it having been unanimously reported favorably from the Committee on Finance, there would be no debate about it at all.

Mr. SMOOT. I have no objection to the bill.

Mr. SIMMONS. It will only take a minute to pass it, and it ought to be passed. Everyone will recognize that this bureau ought not to be allowed to die.

Mr. SMOOT. All I was thinking of was that at some time in the near future it is desired to take up the calendar and to pass a number of bills to which there is no objection.

Mr. SIMMONS. But I will ask the Senator from Utah, Is there any objection to this bill? There was no objection to it in the Finance Committee.

Mr. SMOOT. There is no objection to the bill whatever that I know of.

Mr. SIMMONS. Then why not let us get it out of the way? It has to go back to the House of Representatives because of the fact that important amendments have been reported to the bill by the Committee on Finance.

Mr. SMOOT. The only question is this——

Mr. SIMMONS. Does the Senator object to the bill?

Mr. SMOOT. I do not object to the bill at all; the bill ought to pass, and it will, in my opinion, pass without a doubt.

Mr. SIMMONS. I hope it will.

Mr. SMOOT. But what I was thinking of was that if we now begin to take up bills on the calendar other Senators will ask the same privilege, perhaps, as to bills in which they are interested.

Mr. ROBINSON. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. ROBINSON The Senate is not in order. Senators are totally unable to hear the proceedings of the Senate.

Mr. SIMMONS. Mr. President, this is a matter of probably as much importance as any bill that is pending. It necessarily has to go back to the other House, because the Senate Finance Committee has, upon the suggestion of the Treasury Department, reported very important and essential amendments to the bill.

Mr. SMOOT. I know the importance of the bill, and I shall not object to its consideration; but I shall object to the taking up by unanimous consent of any other bill on the calendar for consideration.

Mr. SIMMONS. Very well.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 20082) to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, which had been reported from the Committee on Finance with amendments.

The first amendment was, at the top of page 2, to insert a new section as follows:

SEC. 2. That section 7 of the act of September 2, 1914, be, and is hereby, amended to read as follows:

"That for the purpose of paying losses accruing under the provisions of this act there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $15,000,000."

The amendment was agreed to.

The next amendment was, on page 2, after line 7, to insert a new section, as follows:

SEC. 3. That all moneys received from premiums and from salvage shall be covered into the Treasury to the credit of the appropriation made for the payment of losses and be available for the purposes thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AGRICULTURAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. SMITH of South Carolina. I ask the Chair to lay before the Senate the conference report on the disagreeing votes of the two Houses on the Agricultural appropriation bill.

The VICE PRESIDENT. The Chair lays before the Senate the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, and for other purposes.

Mr. SMITH of South Carolina. I ask unanimous consent for the consideration of the conference report, with a view of having a further conference, the conferees on the part of the Senate to be appointed by the Chair.

The VICE PRESIDENT. Is there any objection?

Mr. GRONNA. I object.

The VICE PRESIDENT. Objection is made.

NAVAL APPROPRIATIONS.

Mr. SWANSON. Mr. President, I move that the Senate proceed to the consideration of House bill 20632, being the naval appropriation bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia [Mr. SWANSON] to proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes, which had been reported from the Committee on Naval Affairs with amendments.

Mr. SWANSON. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

Mr. POMERENE. Will the Senator from Virginia yield to me?

Mr. SWANSON. I will; but I desire to have the question put on the agreement for which I have asked.

Mr. POMERENE. Mr. President, there is very great interest manifested in what is known as the Webb export bill. I realize that the naval appropriation bill has the right of way, and I do not think, under the rules of the Senate, that anything ought to interfere with appropriation bills; but I simply want to call the attention of the Senate to the fact that the export bill, to which I have referred, is now on the calendar, and at an opportune moment I shall ask the Senate to take it up for consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from Virginia [Mr. SWANSON]?

Mr. LA FOLLETTE. Mr. President, I ask for the reading of the bill.

The VICE PRESIDENT. There is objection, and the Secretary will read the bill.

The Secretary proceeded to read the bill and read to page 22, line 14.

Mr. LA FOLLETTE. Mr. President, my attention was diverted for a moment, and I do not know just where the Secretary is reading. I want to follow the reading very closely, so I will inquire.

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Page 22, line 14.

The Secretary resumed the reading of the bill and read to page 31, line 9.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House had passed a concurrent resolution (H. Con. Res. 79) providing that the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, the 26th day of February, 1917, at 1 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them, in which it requested the concurrence of the Senate.

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair) laid before the Senate the following concurrent resolution (H. Con. Res. 79), which was read:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, the 26th day of February, 1917, at 1 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

Mr. KERN. I move that the Senate concur in the resolution of the House.

The PRESIDING OFFICER. Without objection, the concurrent resolution is agreed to.

NAVAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes.

The Secretary resumed the reading of the bill at line 9, page 31, and read to line 3, page 72.

JOINT MEETING OF THE TWO HOUSES.

The VICE PRESIDENT (at 12 o'clock and 55 minutes p. m.). The hour having arrived at which, in accordance with the concurrent resolution of the Congress of the United States, the two Houses are to assemble in joint session, the Senate will now proceed to the Hall of the House of Representatives to listen to an address by the President of the United States. The Sergeant at Arms will carry out the order of the Senate.

Thereupon the Senate, preceded by the Sergeant at Arms and headed by the Vice President and the Secretary, proceeded to the Hall of the House of Representatives.

The Senate returned to its Chamber at 1 o'clock and 20 minutes p. m., and the Vice President resumed the chair.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES.

The address of the President of the United States, this day delivered to the two Houses of Congress in joint session, is as follows:

GENTLEMEN OF THE CONGRESS: I have again asked the privilege of addressing you because we are moving through critical times during which it seems to me to be my duty to keep in close touch with the Houses of Congress, so that neither counsel nor action shall run at cross purposes between us.

On the third of February I officially informed you of the sudden and unexpected action of the Imperial German Government in declaring its intention to disregard the promises it had made to this Government in April last and undertake immediate submarine operations against all commerce, whether of belligerents or of neutrals, that should seek to approach Great Britain and Ireland, the Atlantic coasts of Europe, or the harbours of the eastern Mediterranean, and to conduct those operations without regard to the established restrictions of international practice, without regard to any considerations of humanity even which might interfere with their object. That policy was forthwith put into practice. It has now been in active execution for nearly four weeks.

Its practical results are not yet fully disclosed. The commerce of other neutral nations is suffering severely, but not, perhaps, very much more severely than it was already suffering before the first of February, when the new policy of the

Imperial Government was put into operation: We have asked the cooperation of the other neutral governments to prevent these depredations, but so far none of them has thought it wise to join us in any common course of action. Our own commerce has suffered, is suffering, rather in apprehension than in fact, rather because so many of our ships are timidly keeping to their home ports than because American ships have been sunk.

Two American vessels have been sunk, the *Housatonic* and the *Lyman M. Law*. The case of the *Housatonic*, which was carrying food stuffs consigned to a London firm, was essentially like the case of the *Fry*, in which, it will be recalled, the German Government admitted its liability for damages, and the lives of the crew, as in the case of the *Fry*, were safeguarded with reasonable care. The case of the *Law*, which was carrying lemon-box staves to Palermo, disclosed a ruthlessness of method which deserves grave condemnation, but was accompanied by no circumstances which might not have been expected at any time in connection with the use of the submarine against merchantmen as the German Government has used it.

In sum, therefore, the situation we find ourselves in with regard to the actual conduct of the German submarine warfare against commerce and its effects upon our own ships and people is substantially the same that it was when I addressed you on the third of February, except for the tying up of our shipping in our own ports because of the unwillingness of our shipowners to risk their vessels at sea without insurance or adequate protection, and the very serious congestion of our commerce which has resulted, a congestion which is growing rapidly more and more serious every day. This in itself might presently accomplish, in effect, what the new German submarine orders were meant to accomplish, so far as we are concerned. We can only say, therefore, that the overt act which I have ventured to hope the German commanders would in fact avoid has not occurred.

But, while this is happily true, it must be admitted that there have been certain additional indications and expressions of purpose on the part of the German press and the German authorities which have increased rather than lessened the impression that, if our ships and our people are spared, it will be because of fortunate circumstances or because the commanders of the German submarines which they may happen to encounter exercise an unexpected discretion and restraint rather than because of the instructions under which those commanders are acting. It would be foolish to deny that the situation is fraught with the gravest possibilities and dangers. No thoughtful man can fail to see that the necessity for definite action may come at any time, if we are in fact, and not in word merely, to defend our elementary rights as a neutral nation. It would be most imprudent to be unprepared.

I cannot in such circumstances be unmindful of the fact that the expiration of the term of the present Congress is immediately at hand, by constitutional limitation; and that it would in all likelihood require an unusual length of time to assemble and organize the Congress which is to succeed it. I feel that I ought, in view of that fact, to obtain from you full and immediate assurance of the authority which I may need at any moment to exercise. No doubt I already possess that authority without special warrant of law, by the plain implication of my constitutional duties and powers; but I prefer, in the present circumstances, not to act upon general implication. I wish to feel that the authority and the power of the Congress are behind me in whatever it may become necessary for me to do. We are jointly the servants of the people and must act together and in their spirit, so far as we can divine and interpret it.

No one doubts what it is our duty to do. We must defend our commerce and the lives of our people in the midst of the present trying circumstances, with discretion but with clear and steadfast purpose. Only the method and the extent remain to be chosen, upon the occasion, if occasion should indeed arise. Since it has unhappily proved impossible to safeguard our neutral rights by diplomatic means against the unwarranted infringements they are suffering at the hands of Germany, there may be no recourse but to *armed* neutrality, which we shall know how to maintain and for which there is abundant American precedent.

It is devoutly to be hoped that it will not be necessary to put armed force anywhere into action. The American people do not desire it, and our desire is not different from theirs. I am sure that they will understand the spirit in which I am now acting, the purpose I hold nearest my heart and would wish to exhibit in everything I do. I am anxious that the people of the nations at war also should understand and not mistrust us. I hope that I need give no further proofs and assurances that I have already given throughout nearly three years of anxious patience that I am the friend of peace and mean to preserve it for America so long as I am able. I am not now proposing or contemplating war or any steps that need lead to it. I merely request that you will accord me by your own vote and definite bestowal the means and the authority to safeguard in practice the right of a great people who are at peace and who are desirous of exercising none but the rights of peace to follow the pursuits of peace in quietness and good will,—rights recognized time out of mind by all the civilized nations of the world. No course of my choosing or of theirs will lead to war. War can come only by the willful acts and aggressions of others.

You will understand why I can make no definite proposals or forecasts of action now and must ask for your supporting authority in the most general terms. The form in which action may become necessary cannot yet be foreseen. I believe that the people will be willing to trust me to act with restraint, with prudence, and in the true spirit of amity and good faith that they have themselves displayed throughout these trying months; and it is in that belief that I request that you will authorize me to supply our merchant ships with defensive arms, should that become necessary, and with the means of using them, and to employ any other instrumentalities or methods that may be necessary and adequate to protect our ships and our people in their legitimate and peaceful pursuits on the seas. I request also that you will grant me at the same time, along with the powers I ask, a sufficient credit to enable me to provide adequate means of protection where they are lacking, including adequate insurance against the present war risks.

I have spoken of our commerce and of the legitimate errands of our people on the seas, but you will not be misled as to my main thought, the thought that lies beneath these phrases and gives them dignity and weight. It is not of material interests merely that we are thinking. It is, rather, of fundamental human rights, chief of all the right of life itself. I am thinking, not only of the rights of Americans to go and come about their proper business by way of the sea, but also of something much deeper, much more fundamental than that. I am thinking of those rights of humanity without which there is no civilization. My theme is of those great principles of compassion and of protection which mankind has sought to throw about human lives, the lives of non-combatants, the lives of men who are peacefully at work keeping the industrial processes of the world quick and vital, the lives of women and children and of those who supply the labour which ministers to their sustenance. We are speaking of no selfish material rights but of rights which our hearts support and whose foundation is that righteous passion for justice upon which all law, all structures alike of family, of state, and of mankind must rest, as upon the ultimate base of our existence and our liberty. I cannot imagine any man with American principles at his heart hesitating to defend these things.

Mr. STONE subsequently said: I move that the address delivered to-day by the President of the United States to the joint session of Congress be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The Chair is informed that the address is not before the Senate.

Mr. STONE. I have moved that it be referred.

The PRESIDING OFFICER. The Senator from Missouri moves that the address of the President delivered to-day be referred to the Committee on Foreign Relations.

Mr. JONES. I want to say that the address is not here. How can we send it to the committee when it is not in our possession.

Mr. STONE. It was delivered in a joint session, as much to the Senate as to the House. It is directed to the Congress of the United States.

Mr. JONES. I have not any objection, but I can not see just how it can be referred.

Mr. STONE. My purpose is merely to give the committee some control of it, or at least to bring it to the official consideration of the committee.

Mr. WADSWORTH. Would it not be possible for the Senator to ask that the address be printed in the RECORD and referred.

Mr. STONE. I have no objection to that; but it will be printed in the RECORD.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent that the address of the President be printed in the RECORD and referred to the Committee on Foreign

Relations. Is there objection? The Chair hears none, and it is so ordered.

THE REVENUE.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

Mr. McLEAN. Mr. President, whenever I am tempted to protest against an administration revenue bill my courage is completely dominated by those four small words, "What is the use?" The pending bill, worse than any of its predecessors, is checked through to arrive next Wednesday night at 8 o'clock. It is to become a law not because the majority of the Members of this body favor it but because of political conditions which enable a faction of the dominant party to control the caucuses of that party. I am not questioning the power and I am not questioning the necessity of its use if bills like the pending one are to be made a part of the law of the land. But I do say that the bill is unsound in principle, unjust in its operation, and utterly fails to represent or even consider the vital interests of the Nation which it is supposed to nourish and protect.

Taxes are inevitable in civilized States and high taxes are inevitable in times like the present. Just and equal taxes are well-nigh impossible at any time, but that is no reason why in an hour of great excitement and possible danger wisdom and experience should be thrown to the winds. In a time like the present every care should be had to use the merciless power to tax in a way that will encourage and protect the source from which other and larger taxes may be demanded in the future. The leaders who are now in control of this Government entertain views upon the subject of taxation which are entirely at variance with what is now the settled and approved policy of all the civilized nations of the earth. I do not question the sincerity of these men, but I deny their right to assume that the industrial life of this Nation can be protected and sustained by excessive taxes at home and unrestricted competition from abroad. The party responsible for this bill, for the enactment of which the alarm clock has been set, has spent four full years experimenting with regulative and restrictive legislation, laws punishing illegitimate business, but never approaching the honest business man except for the purpose of taking his money away from him in taxes or baring his back to the competition of the world.

The Republican and Progressive platforms in 1912 declared in favor of a trade commission. Mr. Wilson devoted a whole chapter in his "New Freedom" to a bitter denunciation of a trade commission and all similar devices for the control of monopoly. He insisted that the regulative policy would result in giving the great corporations complete mastery over the people. He changed his mind later on and became an ardent supporter of the Trade Commission.

The Trade Commission act and the Clayton Act severely punish the American business man for competing too sharply with his neighbor, while the President's pet revenue measure, the Underwood bill, "the halfway stone on the road to real liberty," invited, and still invites, the trusts and monopolies of Europe to rob the American producer of his market and the American laborer of his wages.

It is the duty of the Trade Commission to secure the latest accurate information with regard to the needs of legitimate industry, and I find in their recent report their conclusions as to the need of protection to the American business man after the war closes. They express their views in the following emphatic language:

> In their struggle to regain their former trade, such foreign manufacturers and producers may be expected to fully utilize their highly efficient organizations for the promotion and handling of trade beyond their borders, even foregoing profit or taking a very low profit till their costs again become normal and they have reestablished their trade. Hence competition from foreign industrial combinations, aided by foreign ship lines and foreign banks and backed by foreign Governments, may be even sharper than before the war.

Mr. Wilson, himself, in his third volume of American history, said of the conditions following the War of 1812:

> Peace changed the very face of trade. English merchants poured their goods once again into the American ports so long shut against them by embargoes and war. * * * It was manifestly injurious to every young industry that a flood of English imports should continue to pour into the country at the open ports. The remedy was protective tariff, such as Mr. Hamilton had wished to see at first, and the young Republican leaders of Congress did not hesitate to advocate and establish it.

I may add that during the recent campaign in New England certainly the Democratic press and candidates insisted that the tariff question had been taken out of politics by the creation of the Tariff Commission, and that every protection would be given to prevent ruinous competition from abroad. This was four months ago. Four days would have been sufficient to prepare a bill to meet the situation if the administration had made promises which it intended to perform. Up to date, certainly, legitimate business has received nothing but ridicule and criticism, and exposure to the merciless competition of Europe and Asia will come as soon as the war closes.

There is the Webb bill somewhere, which is well named, for it will do nothing but catch the unwary. If it does no harm it will certainly do no good.

The pending bill exhausts every source of revenue but the right one, the one resorted to first by other nations. Judging from the letters and protests which I have received from my constituents, when they hear that the periscope of another revenue bill has appeared above the surface in this Chamber, they wonder what Connecticut industry is to be torpedoed next.

The pending bill taxes mutual life-insurance companies. Why not take 8 per cent of the contents of our contribution boxes? The profits of the one are the same as the profits of the other. Why not tax the profits on church, hospital, and school endowments? Their net profits are as easily ascertained as those of a thousand-dollar mutual life-insurance policy.

This act taxes incomes, however small, if invested in corporations paying more than 8 per cent. A widow whose sole property consists of 50 shares of stock in a company paying 20 per cent must pay a tax of more than 5 per cent on her income of $1,000. It is no answer to say that the 19 per cent is enough. The stock may have cost and probably did cost $4,000 or more a share, and she is getting not 19 but less than 5 per cent on her investment.

The bill cruelly discriminates against copartnerships, as has been explained many times since this discussion began. It increases the tax on inheritances, thus driving the States to a land tax if they are to meet their constantly rising obligations.

But the real vice is the 8 per cent excess tax, not because of its size but because of the sound principle it offends. When this administration started in to impose direct taxes its spokesmen asserted that its purpose was to tax accumulation, large, and very large fortunes in the hands of individuals. This excess tax is a complete abandonment of that principle. It is as likely to fall upon small incomes as large, and what is worse it falls upon the producer or creator of wealth. Instead of taxing the lust of possession and accumulation it taxes production and so tends to prevent the beginning of new enterprises and cruelly discourages the extension of existing enterprises. It is a tax condemned by every economist on earth and is never to be resorted to except when a nation is in extremis. If we had 3,000,000 men in the trenches and a national debt of $20,000,000,000 it might be justified. There is no possible excuse for it under existing conditions. If the time comes when this sort of indiscriminate confiscation is necessary to save the honor of the country, you will find my constituents ready and willing to submit to any and all means to meet the needs of the hour. But why punish them now, when all the money needed in excess of the general income taxes can be raised by customs duties, which will encourage and protect our industrial independence and national prosperity while it furnishes funds to protect our political independence? Why tax life insurance and incomes, however small, and legitimate production, wherever it succeeds in this country, rather than raise the tax on silks from France, or broadcloth from England, or silver-handled cutlery from Germany, or cassimeres and cottons from Japan? A bill could be prepared in a day that would raise $100,000,000 in customs duties upon luxuries.

The few men who framed this bill and caucused the Democratic Party into supporting it are free traders. They are able men and very excellent men, but they belong to a school of political economy that is dead and which died because no nation can sustain it and live. The war, while it lasts, will cover and cloak the vices of a tariff for revenue only, and it will smother the folly and injustice of refusing to aid legitimate business in a wise and reasonable way. But when the war ends experience will come, and with it wisdom for a time.

If the gentlemen who are responsible for this legislation think they are representing the wishes of the American people let me call their attention to some facts which completely refute any such inference.

Most presidential elections settle temporarily some of the important disputes between the great parties. The election in November last settled nothing except the fact that Mr. Wilson received more votes than Mr. Hughes. In the West the issue was anti "old guard." If Mr. Hughes had been introduced to his audiences by the right persons he would have been elected.

It is not important to inquire what the issue was in the South. It may have been anti-Republican extravagances, or anti-civil-service reform, or just the name on the ticket. The fact remains that the South elected more than 120 presidential electors, with fewer votes than were cast in the State of Illinois. Nearly 90 per cent of the taxes collected in this bill will be paid in the States that voted for Mr. Hughes. States producing more than two-thirds of the national income and representing more than two-thirds of the industrial forces of the country voted for Mr. Hughes and protection. Can anyone see in these facts any indorsement of a tariff for revenue only? Nobody disputes your right to hold the reins. I am simply calling your attention to the fact that you have received no authority from the people to drive them into the ditch of panic and hard times. Your success at the polls in November last was due to a series of flukes and irreconcilable combinations of men and circumstances, and it was utterly devoid of any approval of your legislative records. The great Democratic prophet, Mr. Henry Watterson, in his recent forecast for 1920 throws a very bright light upon the forces which carried his party to victory in 1916. Let me read it:

> We live in an age of experiment. Barnum used to say that the people of his day liked to be humbugged. Now they dote on humbug. The party that succeeds in uniting all frauds, of combining all hypocrisies, of consolidating all the pharisees, the fools, and the cranks under a single standard will carry the election in 1920. But it will not be the Republican Party.

Certainly the combination he describes will, I hope, never bring success to the Republican Party. But I want to express the firm belief that within six months after the war closes reason will be restored to the people of the United States and everybody knows what happens at the polls when the American people are sane.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Georgia in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Hitchcock	Nelson	Shields
Borah	Hollis	Norris	Simmons
Brady	Hughes	Overman	Smith, Ga.
Brandegee	Husting	Owen	Smoot
Bryan	James	Page	Swanson
Chamberlain	Johnson, S. Dak.	Penrose	Thomas
Clapp	Jones	Pittman	Thompson
Clark	Kern	Poindexter	Underwood
Culberson	La Follette	Pomerene	Vardaman
Cummins	Lane	Ransdell	Wadsworth
Curtis	Lea, Tenn.	Reed	Warren
du Pont	Lewis	Robinson	Watson
Fall	Lodge	Saulsbury	Works
Gronna	Martin, Va.	Sheppard	
Hardwick	Martine, N. J.	Sherman	

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. There is a quorum present.

Mr. PENROSE. Mr. President, I should like to make an inquiry as to just what amendment is pending before the Senate? What is the question before the Senate?

The PRESIDING OFFICER. The Senator from Connecticut [Mr. MCLEAN] was addressing the Senate——

Mr. PENROSE. I understand the Senator from Connecticut has closed his address, and I make the inquiry for the information of the Senate.

The PRESIDING OFFICER. The Chair is advised by the Secretary that the question before the Senate is on the amendment reported by the committee, on page 13, in lines 24 and 25, to change the amount of "$300,000,000" to "$500,000,000."

Mr. SIMMONS. Mr. President, I did not catch the statement of the Chair.

The PRESIDING OFFICER. The pending amendment will be stated.

The SECRETARY. The pending amendment is, on page 13, line 24, where the Committee on Finance proposes to strike out "$300,000,000" and to insert in lieu thereof "$500,000,000."

Mr. BORAH. What is the nature of the amendment, Mr. President?

Mr. SIMMONS. The amendment is in reference to the certificates of indebtedness.

Mr. BORAH. And it is only proposed by the committee to increase the sum from "$300,000,000" to "$500,000,000"?

Mr. SIMMONS. Yes.

Mr. PENROSE. I should like to inquire of the chairman of the committee if any explanation has been given of why that increase has been proposed?

Mr. SIMMONS. No; but I shall be very glad to give it now.

Mr. PENROSE. I think the Senate ought to have some information on that point.

Mr. SIMMONS. Mr. President, I will now state that, because of physical exhaustion on the first day I addressed the Senate in explanation of the pending bill, I did not finish my general statement. I had intended to embrace this and some other features of the bill in that statement, but was not able to do so at that time.

The present law authorizes the Secretary of the Treasury to issue $200,000,000 of these certificates. It is a power which is given to him in case the revenues of the Government at any time during the fiscal year, because of inequality in the receipts from month to month, because certain taxes are not payable until late in the fiscal year, are not sufficient to cover current expenses, to relieve the Treasury by temporarily issuing short-term certificates, not to run at any time over a year, the certificates to be taken up as soon as the delayed receipts come into the Treasury. The other House provided for the increase of these certificates from $200,000,000 to $300,000,000; but that was not thought by the Senate Finance Committee to be sufficient, for this reason, that under the present law the tax imposed upon incomes and upon munition manufacturers, and by the provision of the pending bill the tax imposed upon excess profits amounting to about $500,000,000 would not be payable until the last month of that fiscal year. It is evident that under these circumstances that some time during the other 11 months there will be necessity for the issuance of a large amount of these certificates to run until the revenues from the sources above stated are collected during the last month of the year.

Of course, as soon as this money is paid in, during the month of June, the temporary deficit will be wiped out; but it may be necessary, and has heretofore been necessary very frequently in circumstances such as would be thus created, for the Secretary of the Treasury to have authority to issue short-time paper, in order to meet the situation. The purpose of the amendment made the amount of certificates sufficient to provide for the situation created by the fact that $500,000,000 of the revenues provided under the law, if this bill becomes law, will not reach the Treasury until just before the end of the fiscal year.

Mr. PENROSE. I understood that was the purpose of the amendment; but my mind is still not clear as to why the Senate committee found it necessary to raise the amount from $300,000,000, as provided by the other House, to $500,000,000.

This bill as amended by the Senate committee does not raise to any material extent any more money than it did when passed by the House, as I understand, and why is it necessary for the Senate to provide for a greater amount of certificates of indebtedness than the amount authorized by the House?

Mr. SIMMONS. Simply because the Secretary of the Treasury represented to the committee, or rather to me as chairman of the committee, that the amount provided by the House was not sufficient to meet the situation as created by the additional tax payable during the last month of the fiscal year if this bill was enacted into law.

Mr. PENROSE. Was not the amount as fixed by the House so fixed on the recommendation of the Treasury Department?

Mr. SIMMONS. I can not answer that question, because I do not know.

Mr. PENROSE. Mr. President, I am impressed with the fact that millions by the fifty and the hundred are thrown around in a rather free-and-easy manner. The House bill deliberately fixed the sum of $300,000,000, but the greatest discrepancy develops when the bill comes to the Senate as to the requirements of the department. This discrepancy is occurring in every phase of the consideration of revenue measures, and it presents a most disheartening condition to those who are endeavoring to ascertain the facts and seek the truth. Estimates are made by the department; and then, almost before the ink is dry on the original estimates, supplemental estimates come in. Appropriations are made for commissions and bureaus, and acts are hardly approved by the President, before very much larger amounts are asked for and provisions for such additional appropriations are hidden away in deficiency bills and other places where they are never noticed. I only want to call the attention of Senators to the great discrepancy occurring within two weeks between the amount estimated for by the House and the amount which, in the opinion of the Senate committee, seems to be necessary.

I do not intend to discuss the matter any further. The bill is bad enough; but, as the majority is entirely responsible for a deficit, principally due to wasteful expenditures, I am entirely willing to have them assume the responsibility of providing for it.

Mr. SIMMONS. Mr. President, without any reference to the action of the other House, it seems to me it must be apparent

to every Senator that, in view of the fact that $500,000,000 of this revenue can not reasonably be expected to reach the Treasury until the last month of the fiscal year, and a great part of it not until the very end of that month, any fund for the purpose of meeting that situation ought to be as large as the amount which can be withheld to the very end of the fiscal year.

Mr. PENROSE. Well, Mr. President, I do not intend to pursue the matter further; but it certainly seems to me extraordinary that, two weeks after the House deliberately decided on a certain amount as being necessary, the Senate committee discovers it necessary to increase that amount nearly 100 per cent.

Mr. CLAPP. Mr. President, I do not happen to have the bill before me; but does this proposed law contemplate that until it may be modified or repealed, year after year, these certificates can be issued?

Mr. SIMMONS. Yes; this bill does not place any limitation upon the issuance of these certificates, because the Treasury Department can only issue as many as may be necessary to supply a temporary deficit in the Treasury occasioned by reason of the failure of the receipts to reach the Government in time to meet the expenditures.

Mr. CLAPP. Then, under this bill—so long as this bill, if it becomes a law, remains a law—the receipts will be coming in behind the expenditures each year, to the same amount, approximately, will they?

Mr. SIMMONS. Well, from this source; yes.

Mr. CLAPP. So the more tax we attempt to raise the greater the debt we incur pending the raising of the tax. That may be finance, but with all due regard to the Senator from North Carolina—and I certainly entertain for him very high regard and respect—it does seem to me that, inasmuch as we have in hand the actual framing of the law, we ought to frame it so that one year after another—there might be an emergency just now—it will bring in the revenue in anticipation of its expenditure. The idea that for the future we shall contemplate that in each year there shall be an indefinite number of short-time certificates issued it does seem to me, Mr. President, with all due respect, indicates an unfortunate condition. It seems to me we ought to frame this law so that, at least after the first year of its operation, the revenues will come in in advance of the expenditures.

Mr. SIMMONS. Mr. President, it is very difficult to frame such a law as this differently from the manner in which it has been framed with reference to the time of making returns on incomes and the time for the payment of the tax on those incomes. Likewise, with the proposed new tax in this bill, it is based upon incomes for the calendar year, and we have to get it for the calendar year in such a way that it is difficult to make payment except at a late period in the fiscal year.

This power has existed in the Secretary of the Treasury, so far as I know, for 20 years to the extent of allowing him to issue $200,000,000 of such certificates. It existed under Republican administrations, where it was originated, and under the present Democratic administration; but the pending bill creates an additional fund that will not be available to pay the expenditures of the Government until right at the end of the fiscal year. That condition may make it necessary to issue, if any at all, a larger number of certificates than provided for under the present law. If from the funds coming in, or if from the general fund the expenditures can be met, these certificates will not be issued. There may be years in which none of these certificates will be issued, but it was felt that no harm could come to the Government by simply authorizing the Secretary of the Treasury, by way of anticipating funds that do not come into the Treasury until later, to issue these short-term notes to the amount indicated. The notes might be for only two months or three months, or, for that matter, only for one month, until the money coming in from the tax at the very end of the fiscal year has reached the Treasury.

Mr. WARREN. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from North Carolina yield to the Senator from Wyoming?

Mr. SIMMONS. Yes.

Mr. WARREN. Has the Senator explained or does he intend to explain whether or not the House took into consideration, or, if the House did not, whether the Senate will take into consideration the extra amounts which have been added, for instance, the $160,000,000 or $170,000,000 added to the naval appropriation bill and some millions that will necessarily have to be added, on account of later estimates, to the Army appropriation bill?

Mr. SIMMONS. I will state to the Senator that the Senate committee did not consider that, because at the time we acted there was no provision of that sort in any bill. The House Committee on Naval Affairs incorporated a provision for $150,000,000 of additional appropriations for the Navy, to hurry up the naval program, but provided that that money should be raised by a bond issue; but it was stricken out, as I understand it, on the floor upon a point of order.

Mr. WARREN. I speak of those increases which, as I understand, have occurred in the Senate, to the extent of $160,000,000 or $170,000,000 on the naval appropriation bill over and above what the House included.

Mr. SIMMONS. Is the Senator speaking about the certificates of indebtedness?

Mr. WARREN. I was asking if provision had been made by the Senate committee, to meet not only the outgo of the Government under the appropriations as made in the bills passed by the House but also under the additions that are to be made in the Senate. As the Senator knows, there have been large increases in the naval bill, for instance, since it started on its way in the other House.

Mr. SIMMONS. I will state to the Senator that the only additional increase we have any knowledge of is $31,000,000. The funds provided will be sufficient for that. It is true the Naval Committee of the Senate, as I understand—although I have not examined the bill—has added to the naval appropriation bill provisions carrying $150,000,000, in addition to the amount that was estimated to be appropriated for the purpose, for speeding up the naval program. That, however, has not yet been adopted. I do not know whether or not it will be adopted by the Senate and House; but I will express to the Senator my opinion about it, and say that, if it is adopted, I think it ought to be and will be provided for by an issue of bonds.

Mr. WARREN. I was not directing my question particularly to short-time paper, but the proposition I wanted to be sure of was whether, in the issue of $500,000,000 of certificates, there is going to be sufficient to cover these extra expenditures that were not perhaps contemplated when the appropriation bills began to be considered in the other House, because there will be further additions, as there must necessarily be, in connection with the Army appropriation bill.

Mr. SIMMONS. Mr. President, these certificates of indebtedness are not to cover additional expenditures. They are simply to enable the Secretary of the Treasury——

Mr. WARREN. I understand that; but the point is, in order to pay out so many million dollars we have got to get the money in some way; and what I am endeavoring to ascertain is as to whether under this bill ample provision is going to be made to meet the amounts that we are going to expend under the various appropriation bills?

Mr. SIMMONS. Outside of the $150,000,000, which I understand has been added to the naval appropriation bill; yes.

Mr. WARREN. Then that was contemplated?

Mr. SIMMONS. No; the $150,000,000 in the Navy appropriation bill was not contemplated and not included.

Mr. WARREN. And anything further that might be in addition and that might come up unexpectedly will be added to that?

Mr. SIMMONS. Excepting in the case of additional estimates made by the Treasury Department, which, I think, up to this time amount to $31,000,000. If the proposed additional appropriation of $150,000,000 for the Navy is made and bonds are issued for it, surely there can be no question as to certificates of indebtedness with reference to it.

Mr. BRADY. And, Mr. President, the thought, as I understand, of the Senator from North Carolina is that that amount will be covered by a bond issue, so that it will not be necessary to provide for that in the revenue bill.

Mr. SIMMONS. I was merely expressing my view about that. I do not know what action Congress will take about it. We have not yet acted upon the proposal of the Naval Committee. I simply said if we did make an additional appropriation of $150,000,000 to speed up the naval program I hoped that would be provided for by a bond issue.

Mr. BRADY. Well, it would have to be provided for either by additional revenue or by a bond issue.

Mr. SIMMONS. Undoubtedly. There is no use in appropriating money unless you are going to provide for its payment in some way or other.

Mr. BRADY. And the Senator thinks the better way to provide for it would be by a bond issue?

Mr. SIMMONS. I expressed that opinion.

Mr. BRADY. I am inclined to agree with the Senator as to that.

Mr. PENROSE. Mr. President, I should like to ask the Senator one more question, and then I am done. Does he not think that one year is a rather short time for these certificates to run? Would not five years be better?

Mr. SIMMONS. There is no necessity for their running more than a year. They may run less than a year, but there is no necessity for their running more than a year, because the funds will be in the Treasury to pay them as soon as the income tax and the excess-profits tax come in in June; and the bill expressly limits their life to not exceeding a year.

Mr. PENROSE. That is just the point, Mr. President. The Senator says the funds will be in the Treasury. As to that, I have very grave doubts. The realization of funds under the act of September 8, 1916, the Senator admits, is 25 per cent below what was expected, and in my opinion the tax on manufacturers of munitions is going to be an utter failure. As I stated last summer, it will be discovered that very few of them have made any money.

I venture the prediction now—and I expect to stand here in my place in the Senate and call attention to its verification—that if this kind of legislation keeps on, when peace conditions approach in Europe there will not be a corporation in the United States paying 8 per cent; and then from where will the funds come into the Treasury?

I think these certificates had better be for 5 years, or even for 10 years, or the balance of the present administration's term, to protect the Treasury from insolvency.

Mr. SIMMONS. Mr. President, before the preparedness program was entered upon, notwithstanding we did not realize quite as much as we expected under certain levies, we still had enough money to pay the expenses of the Government and some left. Last year we levied a new tax and made an additional appropriation of $329,000,000 for preparedness. We will not get quite as much money from the new tax as we estimated—very nearly as much, only a few millions less—but still we will have more than enough money in the Treasury when the Panama bonds are sold, as we calculated there would be, and the Mexican situation financed in that way, to pay all the expenses of the Government. If this bill passes, I have not the slightest doubt that we will have enough money to pay all expenses unless we shall make an additional appropriation of $150,000,000 for preparedness purposes to speed up the naval program. If we shall appropriate that additional sum, we will have to provide additional money by bond issue or otherwise. That is all there is in it.

Mr. HARDING obtained the floor.

Mr. SIMMONS. Mr. President, will the Senator let us have a vote on the amendment which is before the Senate before he takes the floor, unless he wants to discuss it? It is the amendment to increase the amount of certificates of indebtedness from three to five hundred million dollars.

Mr. HARDING. I have no objection, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. THOMAS. Mr. President, I have been in attendance upon a session of the Committee on Military Affairs all the morning and did not know that this bill had reached that stage. I want to reserve the right to say something upon that subject, and to offer an amendment when the bill shall come into the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment.

The SECRETARY. The next amendment is, on page 14, line 8, where it is proposed to strike out the words "a new section" and insert the words "two new sections," so as to make the paragraph read:

That Title I of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, be amended by adding to Part III two new sections, as follows:

Mr. HARDING. Mr. President, I shall not attempt to address my remarks to the amendment which is pending. I take it that that is not a very serious matter, in so much as such few thoughts as I may venture to offer at this hour are scarcely to be taken as addressed to the Senate, because it would be very much a waste of words if I attempted such a course. I think I shall assume that in talking to the Chair and those who honor us with their presence in the galleries I may say something to the Chair and to them and thus to the country.

The chairman of the committee having the bill in charge, during the heat of controversy in our last Saturday session, made some such remark as this: That "the minority was filibustering to defeat the revenue bill, carrying $248,000,000 of taxation, $226,000,000 of which is placed by the bill upon the great, rich, and powerful corporations of this country"; and there was the challenge, impliedly at least, that the minority was seeking to defeat the revenue legislation because of this burden placed upon the great corporations.

I can not speak for anyone on the minority side except myself; but I venture to put into the RECORD, Mr. President, the acceptance of that challenge, and I for one am speaking in opposition to the pending revenue bill because of the two hundred and twenty-six millions of unfair, unjust, unreasonable, and uncalled-for class tax upon the great corporations of this land.

I know it is not very popular to rise and speak in defense of the corporations. Many a man who finds himself with a seat in Congress has contributed to his presence or his ascendency to that position by going about swatting corporations. It is about as popular in Ohio as it is in Kansas or North Dakota. Usually, the swatters come from communities which have no corporations in them. That is why they are communities instead of cities. Much of it is done by men who do not know anything about corporate endeavor, but are very eager to seize upon a popular prejudice and take whatever temporary political advantage there is therein.

I happen to be of a different mind, because I come from a city which is an industrial center, and I know what made it that. As a newspaper publisher, chronicling its progress from a little crossroad county seat trading center, back in 1870, to an important industrial city, I have seen the various steps of progress. I know what has made its advancement, and I know that without its corporate bodies it would still be the same old country crossroads county seat trading center, without very much excitement except when the circus comes to town or there is a revival meeting in the winter. But through the corporate combinations of capital—which means association and cooperation—we have developed a corporation community; and the capital represented in those corporations already pays more tax and contributes more to the public funds of that community, twice over, than the capital individually owned.

We have been making very curious progress, if you can call it that, with the irresponsible fakir in politics and the educated fakir on the Chautauqua platform and a good many newspaper fakirs faking for commercial gain. We have been making a good deal of progress in the lines of taxation. I venture to cite my own experience.

Some years ago, as a youngster without capital—about three-tenths of 1 per cent capital and 99.7 per cent hope and aspiration—I went into the newspaper business. I suppose if there had been any means in the world whereby I could have gotten out of it at any time during the first seven years I would have done so. Many a time the sheriff or the constable tried to help me out of it, and friends would not allow it, and so I was bound to continue, and by that sort of persistence and hopefulness I eventually became the owner of a county-seat newspaper, an interior newspaper, which eventually paid its way, and more.

Then, in 1909, I became a real uplifter, not a pretender or a fakir; I became a real one, and looking about me and seeing the young men engaged on our newspaper who were giving the very best of their energies to its success, I said: "It is hardly fair that these fellows should give the best part of their lives to the making of this individual property for a mere salary or wage. If they want it, I believe I will incorporate it and let them become part owners," and I did so.

Now, I want you to note the processes by which the law, State and Federal, under this modern hypocrisy about corporations, penalizes well-meant endeavors.

Nobody could fix a real value on this plant. As I intimated a few moments ago, the initial investment was $300; but in the accumulation of years, through persistency and some little good fortune, it, of course, became more valuable; and when we came to incorporate it and give the several working units in our office an opportunity to have a part in the corporate ownership, the sum of the capital stock was arbitrarily fixed, and not too high, I will say. The charter for an $80,000 corporation cost us at that time $80, a tax by the State of Ohio, since increased to $120 per year for the mere privilege of having a corporate existence; and the county taxing agent, who heretofore looked upon our little physical property which was the tangible thing that might be assessed, who heretofore was delighted to have that returned at approximately $10,000, immediately that we became a corporate body advanced that physical property to approximately $70,000. It was the same property, no change of policy of the paper, no new reason why I, as the chief owner of it, should be penalized; but my effort at uplifting was penalized by this increased valuation because of the face value of our capital stock. Then the State stepped in and required us to publish all our affairs to the world. Then the Federal Government

steps in under the recent enactment, the one of 1916, and requires us to pay a tax on our capital stock and surplus in excess of $99,000, I believe; and in passing I want to say that the Federal Government, in collecting that tax, requires a statement from our corporation that can not be made to dovetail by any political genius that ever existed with the pending revenue measure. I am going to call attention to that, however, a little bit later. So that by the mere act of becoming a corporate body we were assessed in round numbers a thousand dollars a year more than I was required to pay as the individual owner of that property; and I think, Mr. President, that is the experience of 90 per cent of the transfers of personal property to corporate ownership throughout this land.

These are the taxes that are already assessed, and now the Federal Congress comes in and proposes to assess a tax of 8 per cent on profits in excess of 8 per cent on the capital stock of the corporations of this land; and I want to voice the protest that has been uttered in every industrial center in my State. I want to put into the RECORD, Mr. President, that this tax in the first place is not necessary; that it is revolutionary; it is unfair; it is sectional in character; it is distinctly class legislation, and not designed but well inclined to discourage success; and then, in the last analysis, it is utterly impracticable to collect it along lines of just application.

Mr. President, I have not any desire to indulge in a political discussion. I would not want to address it to the genial Senator from New Jersey [Mr. MARTINE] if I did. You know it takes a new Member of this body a little while to get inured to the emptiness of this Chamber when he indulges in an illuminating address, such as I am in the process of delivering. It puts me in mind of the story of Nat Goodwin's speech in a Missouri town, where they were about to have a benefit for their "busted" theatrical company. Just as everything was being completed in perfect order they heard a fire alarm sound, and when they looked out they saw the department go down the street, and somebody offered the cheering news that the opera house was burning up, but that they were saving some of the red-plush chairs, and so forth. We have the red chairs.

The Senate is a curious body, Mr. President; it is so wise that a goodly number of the contributors to the learning of the Senate will make their utterances and in a little while they are gone beyond the reach of one who might choose to make reply; therefore I am a little reluctant, I say, to indulge in the political phase of this discussion, because the esteemed Senator from North Carolina [Mr. SIMMONS], who has talked about the recent political campaign, is not present; but I want to make just one reference along that line.

A very genial and affable agent of the Federal Government dropped into my home city the other night to address the chamber of commerce—which, by the way, is an organization maintained very enthusiastically in my city for the promotion, very largely, of corporate organization and endeavor. Our chamber of commerce puts a feather in its cap every time it establishes a corporate industry in our community, and the community applauds every time it does such a thing. This genial agent of the Government dropped into my town to address the chamber of commerce the other night. He was talking about these new methods of taxation, and he proclaimed the necessity for them by explaining that on account of the war we were not receiving the customary amount of imports from foreign countries, and therefore were unable to have the usual amount of revenue by the collection of duties. The members of the chamber of commerce of my home town being an honest lot of fellows, and knowing one honest man in public service from their own community, I assume they thought that most of public men were inclined to tell the truth, and they accepted that balderdash. I want to say to the chairman having this bill in charge that the imports into the United States for 1916 were $571,000,000 greater than in any previous year in the history of the country; they were $574,000,000 greater than in 1912; and yet, because of the existing tariff law, the duties collected were $110,000,000 less; and I think no one will offer to dispute it when I say that with the schedule of duties existing under the last Republican tariff legislation, on the imports of 1916 we would have collected $248,000,000 more duty than was collected under the present Underwood-Simmons law.

It is this fact, Mr. President, that leads me to state that in the first place the pending legislation is not necessary, and if we had in existence such a law relating to duties on imports as I should like to support there would be no necessity for putting this unjustifiable class burden upon the great corporate industries of this land.

Mr. President, I said "corporate industries," when perhaps I ought to correct that statement. The tax, of course, applies to all corporate organizations; and I want to ask, what is there about this term, so freely bandied on the stump and the lyceum and the Chautauqua platform, that makes it an odious thing in the popular mind? I should like to correct the impression in this country that anything corporate is something inimical to the popular interests of the American Republic.

Why, Mr. President, suppose I want to undertake some little enterprise for which I have not sufficient means myself. Suppose it is a $25,000 undertaking, and I can only command $5,000; but, rather than have it fail, I ask the Senator from Kansas [Mr. CURTIS] and the Senator from California [Mr. WORKS]—I will pick him because he is retiring from office, and a little corporate association can not possibly injure him—and the Senator from Indiana [Mr. KERN], and then, in order to have it entirely virtuous, I will take the Senator from Minnesota [Mr. CLAPP], and we all put our little savings of $5,000 each together and we have a $25,000 corporation, which furnishes us the necessary capital to undertake what we want to do. I want somebody to tell me what there is about that that taints the money, that is inimical to the public interests, that makes it proper to add twice or thrice the normal burden of taxation we should have to bear as individuals? What is there to bring upon us public suspicion and the outcry of the demagogue who would tax us, if he could, out of existence?

Why, Mr. President, I have seen this thing work out. I said a little while ago that I lived in a fairly representative industrial center in Ohio. I know very well what made it. One day early in the seventies a little, modest, German blacksmith came into that community. I do not think he had a dollar in the world; but he had genius in his head, and he had courage in his heart, and he so deported himself that he could enlist the confidence of a number of men in that community. They saw the possibilities in an invention that he had brought out, and they put their small means in this county-seat town together in a corporate body, and gathered it about their confidence in the genius and the talent and the industry of that modest little German blacksmith. That was the first industrial corporation in my community, and it was the beginning of a new city and a new existence. Instead of that man being an enemy to the community, when he died a few years ago—all too soon—we stopped every wheel in the city, closed every business house and bank, every activity was suspended while we paid tribute to that man who had become and was recognized as the benefactor of that city.

Out of his beginning and attending success sprang others, not all prosperous ones. As a newspaper publisher, chronicling the progress of the making of that city and trying to practice what I preached in the press, I became in a small way an investor in every corporate undertaking in that community, and I could to-day paper a small office with stock certificates which I own and for which I paid good money, which are not worth the snap of one's fingers.

That is the curious phase about it, Mr. President. Nine out of ten of these undertakings are failures but the average popular mind takes no cognizance of that, though it is ever ready to sit on guard and cry out in envy when one succeeds. I know an institution in my town that paid out more than $2,000,000 in wages to add to the golden stream of the industrial wealth of that community, and every stockholder in the organization that put out that splendid sum was assessed to pay the indebtedness of the corporation. Its failure was a miserable one, but in the some 20 years it existed it had contributed a very large part to the fortunes and the progress of that community; yet in the end some 200 stockholders lost ever dollar that they had placed therein, and paid assessments in addition. There are two sides to this story.

But my chief objection, Mr. President, to the assessment of this excess-profit tax is that it establishes class legislation and is absolutely sectional in its character. I can not emphasize this last thought without drifting to the verge of a line of discussion that I am very reluctant to take up at this moment, but I want to say to you of the majority side of this Chamber, who are sponsors for this bill, you are adding to the belief in this country that it is the righteous thing to indulge in class legislation. You are encouraging the belief that those who have ought to be plundered. I make bold to say that that is dividing American citizenship along the most dangerous lines to be found in the development of this Republic.

It is sectional in character, because it is putting the burden of this taxation on the great industrial centers of the United States; and I tell you, Mr. President, the good fortune of our agricultural centers would be unknown if it were not for the good fortunes of the industrial centers of the land.

I heard it said in the campaign, as all of you heard it said, that the Democratic Party and administration were responsible for peace and prosperity and the European war was responsible

for high prices. Mr. President, I am not going to say that the Democratic Party was not responsible for peace, though if I understand developing events—no; I will not say, Mr. President, who is responsible for peace just now; but the party that claims the sponsorship for prosperity must accept at the same time the sponsorship for high prices.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. HARDING. Certainly.

Mr. MARTINE of New Jersey. I should like to ask the Senator from Ohio, when he questions who is responsible for peace, what he thinks would have been the situation had President Roosevelt been in the chair during the past three or four years rather than President Wilson. Does he think then we would have had peace?

Mr. HARDING. I am very glad the Senator from New Jersey asks me that question. I have an abiding conviction, Mr. President, that if Theodore Roosevelt had been President of the United States the last four years the *Lusitania* would not have been sunk. [Applause in the galleries.]

The PRESIDING OFFICER. The Chair admonishes the occupants of the galleries that demonstrations of applause are not permitted under the rules of the Senate, and the Sergeant at Arms will clear the galleries under the direction of the Chair if the demonstration is repeated.

Mr. HARDING. I have a striking conviction, if the Senator from New Jersey will allow me, that we would be living under the guarantee of peace to-day rather than trembling on the verge of war.

Mr. MARTINE of New Jersey. Of course that is only an opinion on the part of the Senator.

Mr. HARDING. That is all I am offering. That is all you have a right to ask.

Mr. MARTINE of New Jersey. I only ask the Senator's opinion, but I think it is the universal consensus of opinion throughout our country that had President Roosevelt been in the chair for the past four years this country would have been plunged deep into the abyss of war. And let me say——

Mr. HARDING. Mr. President, I am not holding a brief for the former President of the United States. I only know that he was the President of the United States during seven eventful years, and he held us honorably at peace throughout that time, and there were wars across the sea in which we might quite as reasonably have become involved as we could be with the present war in Europe. Again, if the Senator from New Jersey will allow me, I will say the former President of the United States not only kept us aloof from the war between Russia and Japan, but Theodore Roosevelt intervened and brought about an honorable peace between those great warring nations.

Mr. MARTINE of New Jersey. Be that as it may, I am not yet satisfied with the answer of the Senator from Ohio that we would have been at peace, as we are to-day. Possibly we are on the verge of war to-day, but for four years we have been at peace, and we have been blessed with prosperity unexampled.

The Senator made some remark later as to what was responsible for high prices. I can not believe it possible the Senator will insist that the war has not been largely responsible, if not entirely so, for high prices. I believe that the inordinate price of food in our country to-day is the result of the war, and it is my hope that through the passage of a bill which I introduced we may prevent a further rise in commodities which is directly the result of shipments abroad.

Mr. HARDING. The Senator from New Jersey is taking me out of the line of thought I meant to follow; but I am very glad to make reply to him. I think myself that the war in Europe is responsible for the high prices existing throughout the United States as well as——

Mr. MARTINE of New Jersey. Then, our proclamation to the people previous to the election that the war was responsible for the high prices has the authority and the acquiesence of the Senator from Ohio.

Mr. HARDING. Oh, I am not going to quarrel with the Senator.

Mr. MARTINE of New Jersey. I would not quarrel with him for the world.

Mr. HARDING. At the same time, Mr. President, there are a good many manifestations of high prices that are not to be traced entirely to the war. We have been having some very interesting developments about high prices and food riots in this country. I myself have the conviction that the food demonstrations in this country are not real, but are part of a propagandist movement to deter the United States from protecting its commerce on the high seas. That may be a far-fetched statement, Mr. President, but the demonstrations that we have had in the great centers of population in the East hardly could have come from natural causes.

Appropriate to my theme, since I am following this line of thought, I venture to say that if the corporations of this country were holding back food products for advanced prices, as does the American farmer—within his rights, let it be said—there would be an outcry from one end of the country to the other. I know of farmers out in Ohio so fortunate in their material affairs that they are not obliged to seek the market, and they take their grain products, their live stock—unless it is ready for the market—their garden products, and they hold them, just as anyone else would, for the most advantageous market possible, holding their supplies back from the current market. But there is plenty, nevertheless. Food is ample, if only marketed.

Mr. WORKS. Mr. President——

Mr. HARDING. If that were done by any organized capital in this country there would be an investigation at once at the hands of the Department of Justice or the Federal Trade Commission. I yield to the Senator.

Mr. WORKS. The Senator from Ohio seems to concede the fact that the war is the cause of the high cost of living. Does not the Senator think that to a great extent the war instead of being the cause of high prices may be an excuse for putting up prices?

Mr. HARDING. Mr. President, I think the Senator from California has asked a very pertinent question. Primarily the war is responsible for the high cost of living, because this unspeakable world war is carrying on a destruction the like of which no man ever contemplated before, and the destruction of wealth, foodstuffs, clothing, and life itself must inevitably involve an increase in prices. But the Senator from California is quite right. With the natural, normal, inevitable advance in prices has come a saturnalia of price advances, and every thief and every robber in the land has taken advantage of the situation. I would be very glad, let me say in passing, if the Government would reach out its arm at every opportunity and stop it.

But, Mr. President, while I have that in mind, I do not agree to the suggestion that the Federal Government should step in with enormous appropriations of money to relieve any existing situation, because in every State in the Union where there is a condition of starving the State is quite equal to meet the situation.

Mr. President, I have gotten away from my theme. I did want to say one thing more about the tendency of this proposed law to create a situation which I can best describe by saying a lack of oneness of purpose or unanimity of citizenship. I want to say it now with all the earnestness that I can command. Much as I love and believe in this great country of ours, it is a mighty serious thing to contemplate the existing lack of solidarity of citizenship and lack of national character—the Republic's lack of nationality. Just such class legislation as that in this pending measure is contributing to the lack of American nationality. It conveys the impression that those who do, those who accomplish, those who succeed, are to take up the burden of taxation and the support of the Government, and somehow or other the tendency of this legislation is to array Kansas and the Dakotas against Pennsylvania, Ohio, and New York. It has a tendency to make Louisiana, Mississippi, and the cotton States suspicious of the industrial States of the North; at least it has a tendency to make them believe that the industrial centers should bear all the burden.

I tell you, Mr. President, we are all interested alike. Recently, after the election, somebody made the statement that the victory of President Wilson in the West had divorced the country from Wall Street, New York. Mr. President, I am not a defender of Wall Street; I know precious little about Wall Street; but I want to make the statement in this Chamber now that when you divorce the great financial artery of the Republic from the great agricultural regions of the West you have got a divided Union, and the continued onward march of the American Republic is founded on the mutuality of interest of agriculture, industry, and our financial forces—Wall Street, if you choose to call it so. It is founded, at least, on the great financial resources of the country working in perfect harmony with the great agricultural resources of the country. They inevitably go together, and either would fail alone.

So I am objecting, Mr. President, to this measure, because it has a tendency to establish sectionalism in the United States. It does not for one minute contribute to the nationality that we must establish in the United States if this Republic is to continue worth while.

Mr. President, I said that this bill is objectionable because it is not practicable to justly collect the taxes. I hold in my

hand a copy of the blank on which any corporation is obliged to report to the income-tax department its capital stock for purposes of taxation under the enactment of last September. This blank contemplates a report to the taxing department of the Federal Government of the market value of any specific stock for every month in the year. It requires a report of its surplus, undivided profits, estimated earning capacity, and so forth, in order that the taxing department, requiring a tax on capital stock, is in a position to exact that which is a just return on the part of the company; I may say in passing that in contemplating this tax the Government takes cognizance of intangibles. In short, the policy is intangibles for taxation, but no intangibles for valuation or dividends.

Mr. President, out in Ohio, where, under a modern constitution, we have the initiative and the referendum, but not Bryanistic referendumitis, which has been spreading over the country, we have developed the means of fixing the value of public-utility corporations for taxing purposes, and we not only, under the law, take cognizance of intangibles, but we have a State commission which sits down and takes the sworn reports of a public-utility corporation, and from those sworn reports figures out its earning capacity and adjusts its capitalization for taxation according to earning capacity, and then requires it to pay taxes accordingly.

That is the practice of the State of Ohio; and yet this law, in conflict with the one passed last September, or in conflict with the practices adopted under the law of last September, proposes that a corporation shall not have this 8 per cent exemption on anything except capital actually paid in or the actual physical value of the property at the time it was transferred to a corporate ownership.

Mr. President, the two practices are in conflict at once on that proposition, and one or the other would be the most unfair thing ever attempted in the assessment of a tax burden.

The value of a corporation is not always the capital involved. I know of an instance where an institution of $250,000 capital could not sell a certificate for its shares at 5 cents on the dollar because its business had been unsuccessfully conducted and its assets dissipated, until one day a man with a genius for the management of that particular line of business was engaged at a large salary to come to this failing corporation and bring with him $25,000 additional capital, which was but 10 per cent of the total amount involved. The coming of that man with brains and only 10 per cent in cash put the value of the $250,000 already paid in back again to par.

The value of the capital stock, Mr. President, does not rest exactly on the sum of money paid in. There is the increment; there is the valuation of service; there is everything which goes to the making of success. Mr. President, I want to cite an instance, and I should like to do it for those on the other side of this Chamber who are always talking about taxing the man according to his ability to pay. Not many years ago somebody possessed several hundred acres of land in Montana that had heretofore been used as grazing land and was never thought to be worth anything except for grazing purposes—land that might have been put on the market at any time at $5 or $6 per acre. That somebody, with the scientific knowledge of soil productiveness and with the courage to try put out a crop of wheat, developed the grazing lands into the wheat lands of Montana, and instantly that land which was worth heretofore $5 or $6 an acre became worth $75 to $100 an acre. Where would the justice lie in taxation if you did not require the owner of that land to pay according to the valuation which was so enhanced in the development of that land as a wheat-raising country? Yet if a corporation owned the land, you would—following the inference of this bill—deny it the privilege of increasing its assets or its capital accordingly.

There is another phase of this bill that I want to allude to in passing. There is a provision in section 204 wherein you propose to exempt corporations from tax under the provisions of this law. Corporations and partnerships which are doing business, as the bill originally was drawn, in agriculture or in personal services were exempt from this tax; and the bill as amended and pending before this body proposes to exempt corporations and partnerships which are engaged in exclusively personal service. Mr. President, since when have we reached the stage in the United States when a man engaged exclusively in personal service is entitled to extraordinary consideration at the hands of the taxing authorities? I am not lacking in the deference that any man owes to one who achieves distinction in personal and professional service. It was my ambition once to make an achievement along professional lines myself. I honor the man whose development in his profession makes him a shining light and makes him able to command large fees. But that man has much less to do with the weal or woe of any community than the man who gives his personal attention and his energies to the conduct of an enterprise which involves the employment of men and adds to the activities of that community. So I want to ask the Senators on the other side of the Chamber, why do you propose to exclude from the tax the great money maker in personal activities and put the burden on the man who is a contributor to the progress and fortunes of his community through his corporate activities and the employment of men in the promotion of enterprise?

I think it is absolutely unfair. It is unjust. It is nothing but class legislation, Mr. President, and I stand here to cry out against it, not alone in the name of the great hive of industries which enliven the great Commonwealth of Ohio but in crying out against a wrong in principle. It ought not to have the sanction of the Federal Government.

Why penalize a man who has the courage to go into an enterprise that bestows its beneficence on a score or a hundred or a thousand of his fellow men and gives them an opportunity to advance and achieve? Why exclude the man under the name of personal service who would be eligible to the tax when his earning capacity brought him beyond the exemption of the income tax? Why not let the burden of taxation fall on all men alike?

I should not hesitate, Mr. President, now that we have been committed to the policy of the income tax, if the needs of the Government are such as to demand it, to increase the rate of the income tax, but I would not vote to increase it until we first voted to reduce the exemption and put the burden of sustaining government equally, according to ability to pay, on the shoulders of all men who know the advantages of government and the advantages of citizenship under that Government. I know why it is not done. It is not done, Mr. President, because it is not considered popular. It is not done because there are many voters who would come in under the exemption if it were reduced to $1,500 or $1,200, as it might well be reduced. But you put this double burden of class legislation upon the corporations because you know they have no votes; because we think of them as soulless things. They have no outcry to make. Mr. President, it may be that a corporation has no soul, but it has just as much conscience as the men who manage it, and ever must have.

I want to say that in our boast to-day of American achievement, when we point with so much pride to American development, when we plume ourselves that we have taken an advanced place among the industrial nations of the earth, when the great Executive of this country is exhorting us to ply our genius and energies in open competition with the world—I want to say, Senators, that, while I rejoice in the advancement that we have made, and I hope it will ever continue, the United States of America to-day would not be one-twentieth in the list of industrial nations if it were not for the corporations of this country, which have brought together men of small means and made possible their united endeavor and enabled them to dominate the markets at home and to go out and make successful conquests of the markets of the world.

FLOOD CONTROL.

Mr. RANSDELL (at 3 o'clock p. m.). Mr. President——

Mr. HARDING. Mr. President, I yield to the Senator from Louisiana.

Mr RANSDELL. In accordance with the unanimous-consent agreement, I move that the Senate proceed to the consideration of House bill 14777, which is known as the flood-control bill.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The Senator from Louisiana moves that the Senate proceed to the consideration of the flood-control bill.

Mr. HARDING. Mr. President, I am not going to object, but I merely wish it understood that the Senator from Louisiana makes this motion with my assent. I do not think he has any right to take me from the floor. In view of the fact, however, that the Senator desires to take up this bill for consideration at this time, I will assent to the motion.

Mr. RANSDELL. I am very much obliged to the Senator; but there was a unanimous-consent agreement that at 3 o'clock——

Mr. SMITH of Georgia. It was agreed that the motion to take up the bill might be made at this time.

Mr. RANSDELL. It was agreed that I should move, or that at least the friends of the measure would have the right to move for the consideration of the bill.

Mr. SMITH of Georgia. Mr. President, I expect to vote against taking up the bill, but the Senator from Louisiana is clearly in order to move that it be taken up.

The PRESIDING OFFICER. The Chair thinks the motion of the Senator from Louisiana is in order under the unanimous-consent agreement heretofore made.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. The Senator from Louisiana moves that the Senate now proceed to the consideration of what is known as the flood-control bill.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NORRIS. There are several Senators who, I think, desire to participate in the discussion of this question and who are not now present. I therefore suggest the absence of a quorum, in order that Senators may be called into the Chamber.

The PRESIDING OFFICER. The Senator from Nebraska suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Overman	Smoot
Beckham	Hughes	Page	Sterling
Brady	Husting	Penrose	Sutherland
Brandegee	James	Phelan	Swanson
Broussard	Johnson, S. Dak.	Pittman	Thomas
Bryan	Kirby	Poindexter	Tillman
Catron	La Follette	Pomerene	Townsend
Chamberlain	Lea, Tenn.	Ransdell	Underwood
Culberson	Lee, Md.	Reed	Vardaman
Cummins	Lewis	Robinson	Wadsworth
Curtis	Lodge	Saulsbury	Walsh
Dillingham	McCumber	Shafroth	Warren
du Pont	Martin, Va.	Sheppard	Watson
Fernald	Martine, N. J.	Sherman	Weeks
Fletcher	Myers	Simmons	Works
Gronna	Newlands	Smith, Ga.	
Harding	Norris	Smith, Mich.	

The PRESIDING OFFICER. Sixty-six Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Louisiana [Mr. RANSDELL] to proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes.

Mr. RANSDELL. Mr. President, I shall occupy but a few moments of the Senate's very valuable time to explain this bill. It is well understood by most of us and is a very brief measure, consisting of only nine pages, divided into three sections. The first of these sections provides for authorization of the expenditure of $45,000,000 for continuing work on the Mississippi River, under the Mississippi River Commission, which has had charge of that stream since 1879—for more than a third of a century. Not a dollar of that money is appropriated in the bill, and we are not adopting any new projects. The work has been under way for many years. We are simply providing in this measure that contracts may be entered into to the extent of $45,000,000 during the next five years, in amounts not to exceed $10,000,000 per annum, for the carrying on of the work of levee building, bank revetment, and navigation on that river in connection with the local authorities, who are required to expend for levees a sum equal to one-half of the amount expended by the National Government; in other words, if it costs $45,000,000 to complete the levees—and we estimate that it will not cost exceeding $40,000,000—but if it should eventually cost $45,000,000 the National Government is to expend $30,000,000 of that sum and the local people are to expend an additional $15,000,000. So for every $2 expended by the National Government the local people must expend $1. The work is to be carried on from Rock Island, Ill., to the Gulf of Mexico under the Mississippi River Commission. That, in brief, is what is proposed by section 1 of the bill.

Section 2 provides that contracts to the extent of $5,600,000 shall be entered into for the work of levee building and navigation on the Sacramento River in conjunction with the California Débris Commission. The total amount to be expended by the National Government for the completion of that work is $5,600,000, and the State of California is to appropriate a like sum. That will give complete protection to the great Sacramento Valley, thereby redeeming a large area, and will restore splendid navigation up to the city of Sacramento.

Section 3 of the bill provides machinery by which various and sundry places in the United States, the inhabitants of which think they are entitled to aid in safeguarding their sections from overflow, may be examined. It authorizes the War Department to examine flood-control problems throughout the United States. Not alone, however, is the War Department to participate in this work, but other departments are authorized to name representatives to assist the War Department in such investigations.

So, Mr. President, if this measure is passed, provision will be made for the completion of the levee system and improvement of the navigation of the Mississippi River from Cairo to the Gulf, so far as the navigation and levees are concerned, and from Cairo as high up as Rock Island, so far as levees are concerned.

Provision will also be made for the completion of good navigation on the Sacramento River up to the city of Sacramento and for a complete levee system on that river.

Again, let me say, machinery will be provided for the investigation of flood-control problems throughout the United States. I shall not attempt to go into details in regard to the Sacramento, for I understand the senior Senator from California [Mr. WORKS] wishes to explain that matter somewhat in detail, but I will speak more particularly about the Mississippi.

Mr. President, levee building on the Mississippi River began 199 years ago, when Bienville, the founder of New Orleans, constructed, in 1718, in front of that city, then a mere village, the first levees. It has been a constant growth ever since. Enormous sums of money have been expended on levees. To give you a slight idea of the matter, let me tell you what my own State has done since 1866. I quote from the official reports made by the Mississippi River Commission on November 26, 1915, presented in House Document No. 645, Sixty-fourth Congress, first session:

These reports show that Louisiana has expended since 1866 a total of $66,527,116. Since 1882, when the Government first began to take a little interest in our levees, Louisiana has expended over $51,308,828. During that period of time the other States of the Mississippi Valley, especially Mississippi and Arkansas, expended something over $39,000,000—nearly $40,000,000. The total amount expended by the riparian States on levee building since 1882 has been something over $91,000,000, and during that same period the National Government has expended on levees about $30,000,000. So the people themselves have expended for levee protection about $3 for every dollar spent by the National Government.

What are those levees to accomplish, and what is the necessity for them? Mr. President and Senators, those levees are to protect 16,000,000 acres of the finest lands on this continent, lands which are flooded by the accumulated waters that pour down on that valley from the rainfall of 31 of our States. Something like 40 per cent of the entire area of continental United States sheds its rainfall into the Mississippi Valley. The rainfall from a total of 1,240,000 square miles of the area of this Nation has to reach the Gulf through the enormous drainage ditch which we know as the Mississippi River. These 16,000,000 acres, if properly protected against the ravages of that river, would, beyond any question, be the richest agricultural jewel in the American crown. There is no similar area in this country of greater fertility or in which the returns of agriculture are more certain. For many years, in fact, from the very first settlements, agriculture has been an uncertain thing in that valley because of the constant overflows.

As far back as 1850 an elaborate report was made on the valley by Lieut. Ellet, and it was shown that "the processes by which the people living in the upper States were benefited were the processes by which those in the lower States would be injured."

An interesting table in regard to that subject has been prepared by the Flood Control Committee. That table, taken from official sources, shows—and I hope Senators will listen carefully to the figures—that in 1850 the lands in the upper valley States, such as Missouri, Iowa, Wisconsin, Indiana, Illinois, and Ohio, the Great Plains States, where the waters fall that pour down into the Mississippi, were valued at less than $1,000,000,000. Sixty years later, in 1910, those lands had increased in value to $20,000,000,000. They had gone up over 2,000 per cent in value because of the splendid development of those regions, because the agricultural lands and all natural reservoirs had been drained. There were a great many shallow lakes and marshes, many places where water would accumulate as it fell from the clouds and be retained on those lands for a long, long time; but, as the years passed by, all these lands were drained. A notable instance is that of the flats at East St. Louis, where a few years ago there was a marsh. Those flats have been thoroughly drained, and I understand the lands formerly covered by water are now worth at least $250 per acre. That system of drainage has caused the water to flow with the greatest rapidity into the various artificial canals, creeks, and rivers and to rush on with a great volume toward the Mississippi. The great flood of 1858 showed a flow of 1,475,000 cubic feet per second at the city of Cairo. Bear in mind that at that time the lands in the valley States were worth less than a billion dollars. Follow me now down to the flood of 1912, when the lands in those States had increased in value to $20,000,000,000. In that year what did the flood records show? The records of the flood of 1912 showed a flow of 2,300,000

cubic feet per second, which was an increase in the flood waters of more than 50 per cent in 54 years. In other words, while the lands in the upper States were increasing 2,000 per cent in value the lands in the lower States were remaining practically in value where they were, and the flood waters were poured down on them with an accumulated force 50 per cent greater than was the case 54 years before. I mention that fact to try to impress upon Senators the wisdom and the fairness of the upper States helping the people of the lower States to control waters that they can not control alone and unaided.

Again, let me say that the improvements, by drainage and otherwise, above have forced the water with greater rapidity on the States below. I glory in those improvements; I congratulate the people above for what they have done, but I ask them and their representatives in all fairness to come to the relief of those of us who are below, who suffer from their actions.

Do we come to you empty-handed? No. I have shown you that since 1882 the people of the States of Louisiana, Mississippi, Arkansas, Missouri, Tennessee, Kentucky, and Illinois have expended for levees more than $90,000,000, while the National Government has expended about $30,000,000. This bill proposes to have the National Government complete those levees by expending $30,000,000 additional, and the local communities $15,000,000 additional.

The question naturally arises, Will that amount do the work? Will it give protection? I can only answer that every great engineer who has ever studied the problem, including every member of the Mississippi River Commission, asserts that if we will build those levees strong and high, under the specifications of the Mississippi River Commission, the valley will be thoroughly and completely protected against any flood as great as those of which we have any record. They further say that 150,000,000 cubic yards of earth will be sufficient. They know what it will cost to put in place those 150,000,000 cubic yards, and they know that it can be done for about $40,000,000. If Congress will give them the money continuously, if they know in advance that they can make contracts, if the contractors themselves are positive that they can get work for a continuous period of four or five years, the engineers are convinced that it can be done for that amount.

What would be the saving to the Government if this work should go on continuously? Gen. Goethals testified before the Senate committee that there was always a very great saving if work could be done in a continuous manner. He said that, beyond any question, the great Panama Canal never could have been completed on time and for anything like its cost if there had not been authorization from the start for carrying on the work under the continuing-contract system.

The ablest engineers in the Mississippi Valley, men like Col. Townsend and Maj. Ockerson, of the Mississippi River Commission; Gen. Perrilliat, of Louisiana; Judge Taylor, of Indiana, who for 33 years was a member of the Mississippi River Commission—in fact, all of them who have studied it—say that if Congress will allow them to do this work under a continuing-contract system they can save from 20 to 25 per cent. Suppose that normally the work would cost $40,000,000, and we can save 20 per cent, is it not readily seen that that involves a saving of $8,000,000; and, as business men, ought we not to save that amount? Beyond any question; there can be no debate on that point.

We ought to place this work under a continuing-contract system and let it be finished. It has gone on in a piecemeal way for more than a third of a century with the assistance of the Government. It has gone on for nearly 200 years by the people themselves. For the first 160-odd years the Government did not aid at all, but it has been aiding for the last third of a century. The Government is as thoroughly committed to this work as it can be committed to any project; and if we are going to do it at all—and we are doing it to some extent every year; we are making appropriations in every river and harbor bill; the Government has been aiding in this work to the extent of from $4,000,000 to $6,000,000 a year for several years—if we are going to do it at all, why not do it right? It will never be done right until we place it on a continuing-contract basis, until some such big, far-reaching, comprehensive measure as this is passed.

Senators, let me remind you that there is a great flood problem of as large merit relatively in the far West on the Sacramento River, as will be explained to you in a little while. Let me remind you also that there are flood problems on several rivers of this Nation which ought to be looked into, for which we ought to legislate, and this bill creates the machinery and provides the methods by which that can be done.

I wish to call attention very briefly to the great danger in the Mississippi Valley from the enormous floods which pour down the river. In 1912 twenty-odd people were drowned near the city of Greenville. The levees have constantly been built higher and higher. It is thought by the engineers that we have about reached the limit as to height. The waters are now confined in the natural channels—that is, natural and artificial, caused by the levees—and if we can make those levees strong enough they will hold any water that will come against them. Those levees are very high in places, and if a crevasse should occur in front of one of the towns of that valley—such, for instance, as Arkansas City, Greenville, Lake Providence, St. Joseph, Plaquemine, or the great city of New Orleans, all of which are on the banks of the river—there might be a very great loss of life. It should not be forgotten that in some of the big floods in China tens of thousands of human souls were drowned.

I hope Senators in considering this measure will bear those facts in mind. I hope you will consider that if this measure be not passed now we are taking great risks; we are possibly endangering the lives of a very large number of people. Whenever we have great overflows, such as those of 1912 and 1916, people are lost, vast amounts of property are destroyed, the damages run into many millions in a property way; and why should we, I repeat, run the risk of a thing of this kind continuing?

Oh, Senators, I hope that nothing of the kind will be done. This bill passed the House by an enormous majority about 10 months ago. There was very little objection to it; and I hope that you are going to pass it this evening before we adjourn.

Mr. WORKS obtained the floor.

Mr. NEWLANDS. Will the Senator permit me to offer an amendment to the bill (H. R. 14777) and ask that it be printed in the RECORD?

Mr. WORKS. I have no objection to the Senator offering an amendment if he is not going to take it up now.

Mr. NEWLANDS. Oh, no.

The PRESIDING OFFICER. In the absence of objection, the amendment will lie on the table and be printed in the RECORD.

The amendment is as follows:

Add an additional section as follows:

"SEC. —. That a commission, to be known as the Waterways Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and three additional members to be appointed by the President of the United States from the active or retired list of the Engineer Corps of the Army, or other Government services, or from civil life, one of whom shall be designated by the President as chairman, is hereby created and authorized, under such rules and regulations as it may adopt, to bring into coordination and cooperation the engineering, scientific, and constructive services, bureaus, boards, and commissions of the several governmental departments of the United States and commissions created by Congress that relate to study, development, or control of waterways and water resources and subjects related thereto, or to the development and regulation of interstate and foreign commerce, with a view to uniting such services in investigating, with respect to all watersheds in the United States, questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, drainage, forestry, arid and swamp land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil erosion and waste, storage and conservation of water for agricultural, industrial, municipal, and domestic uses, cooperation of railways and waterways, and promotion of terminal and transfer facilities, to secure the necessary data, and to formulate and report to Congress, as early as practicable, a comprehensive plan or plans for the development of waterways and the water resources of the United States for the purposes of navigation and for every useful purpose, and recommendations for the modification or discontinuance of any project herein or heretofore adopted. Any member appointed from the retired list shall receive the same pay and allowances as he would if on the active list, and not more than one member may be selected from civil life, and his compensation shall be $5,000 per annum.

"In all matters done or to be done under this act relating to any of the subjects, investigations, or questions to be considered hereunder, and in formulating plans, and in the preparation of a report or reports, as herein provided, consideration shall be given to all matters which are to be undertaken, either independently by the United States or by cooperation between the United States and the several States, political subdivisions thereof, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as may be undertaken by the United States, and to the States, political subdivisions thereof, municipalities, communities, corporations, and individuals such portion as belongs to their respective jurisdictions, rights, and interests.

"The commission is authorized to employ or retain and fix the compensation for the services of such engineers, transportation experts, experts in water development and utilization, and constructors of eminence as it may deem necessary to make such investigations and to carry out the purposes of this section. And in order to defray the expenses made necessary by the provisions of this section there is hereby authorized to be appropriated such sums as Congress may hereafter determine, and the sum of $100,000 is hereby appropriated, available until expended, to be paid out upon warrants drawn on the Secretary of the Treasury by the chairman of said commission.

"The commission shall have power to make every expenditure requisite for and incident to its authorized work, and to employ in the District of Columbia and in the field such clerical, legal, engineering, artistic, and expert services as it may deem advisable, including the payment of per diem in lieu of subsistence for employees engaged in field work or traveling on official business, rent of offices in the District of Columbia and in the field, and the purchase of books, maps, and office equipment.

"Nothing herein contained shall be construed to delay, prevent, or interfere with the completion of any survey, investigation, project, or work heretofore adopted or authorized upon or for the improvement of any of the rivers or harbors of the United States or by this act."

Mr. WORKS. Mr. President, I desire to say just a few words in explanation of the necessity for the appropriation for the Sacramento River. My colleague [Mr. PHELAN], who is probably more familiar with the situation than I am, as he comes from that part of the State, may desire to go more into the details.

The Sacramento proposition presents a somewhat different one from the ordinary appropriations for this purpose. It involves a moral responsibility on the part of the Government to restore navigation on that stream. In the early days of mining in California there was a great deal of hydraulic mining carried on upon the upper reaches of the Sacramento River, permitted by the Government upon public lands, against the protests of the people of California, and in opposition to the most expensive litigation in order to prevent it. The result of it was that the upper reaches of the river were filled up, in some places as much as 4 feet, practically destroying the navigation of the river for a large part of the way above Sacramento. Finally a decision was secured from the United States Circuit Court at San Francisco enjoining mining of that kind, which was practically destroying the navigation of the stream. Following that the people of California endeavored in every possible way to induce the Government to take some steps not only to prevent further action of that kind, that was affecting the navigation of the stream, but to restore the navigable quality of the stream by the expenditure of money for that purpose. That was carried on until March 1, 1893, when an act was passed by Congress establishing what has been known since as the California Débris Commission. The statute provides for two things—first, that the commission should devise means by which the stream might be restored to its navigable quality, and to take steps necessary to prevent the carrying on of mining projects that had been injuring the navigation of the stream for years past.

That commission was appointed immediately after the passage of the statute. It made its first report June 30, 1907, which was a partial report. It made a second report on the 10th day of August, 1910. Congress adopted that report and appropriated $400,000, a like amount to be appropriated by California, to carry on the work of improving the navigability of the stream. That report recommended an equal amount to be paid by the Government and by the State of California. The expenditures necessary to be made were estimated at $33,000,000. That report was not satisfactory to Congress, and the appropriation was not made. Another and fuller investigation was made by this same débris commission, which was composed of Army engineers exclusively, and they made their final report on the subject June 17, 1913, and it is upon that report that this appropriation is founded.

It has been said by the Senator from Louisiana [Mr. RANSDELL] that California was required to put up dollar for dollar with the National Government to pay the expenses of this improvement. On the contrary, Mr. President, the State of California is compelled to put up something over $6 to $1 put up by the Government. To be exact, the Government pays $5,858,504 and the State pays $27,941,496. The Débris Commission undertook to determine, in the first place, what the total cost of these improvements would be, in conjunction and cooperation with the State authorities, by which not only the navigability of the stream might be restored, but the thousands of acres of overflowed lands might be reclaimed. It was estimated by the commission that the cost, exclusively of restoring navigation, would amount to $11,717,008. That, mind you, had no reference whatever to the amount necessary to be expended for the reclamation of the land; and it was recommended that the Government pay one-half of this amount—$5,858,504—and that the State of California should pay the balance of that amount for the exclusive purpose of restoring navigation.

The report was adopted by the House and this appropriation followed, making the total amount that is necessary to be paid for the purpose of reclaiming the land, as well as the total amount as found by the commission—it is itemized here, and I will introduce it as a part of my remarks directly—$33,000,000. Of that amount the Government, as I have stated, is only required to pay $5,800,000; so that in this particular instance, instead of the Government paying one-half of the amount that is necessary to do the improvement work, it pays nearer one-seventh of the amount, and the State of California and the people who own the lands pay the balance.

In order to meet the expenditure on the part of the people of California the legislature of that State passed an act establishing what is called a reclamation district, providing for the assessment of the land that was to be benefited by the making of this improvement. It included the appointment of a reclamation board, that had control under that statute of the work of making these assessments and raising the amount of money that was necessary to pay that portion of the expenses that devolved upon the State of California. That law has gone into effect. The reclamation district has been established. Assessments have been made already for the purpose of meeting these expenses, and the Government has paid $400,000 up to the present time and the State of California and its people have paid $1,900,000 in furtherance of the work that is already in progress.

I am not going to undertake to point out to the Senate the enormous benefits that will result in restoring the navigation of the stream, in reclaiming these thousands of acres of land that are submerged almost yearly during the rainy season. For the purpose of bringing this matter to the attention of the Senate I shall only ask to include in the remarks I am making—and I am trying to make them as brief as I can—a report that was made in the House, which sets out specifically the facts with respect to the appropriation and its necessities, taking only parts of that report showing what I think, if Senators had the time to read it, are the necessity, the propriety, and the justice of making this appropriation.

As I said in the beginning, the Government owes it to the people of California on account of the fact that it allowed a large part of its greatest stream to be practically destroyed as a navigable stream by permitting Government lands to be so used as to fill the stream with débris and silt that practically destroyed the navigation of the stream for a long distance. This report of the committee will show, among other things, the amount of money that has been appropriated by the State of California, the shipping that is done on the river that I shall not take up the time to discuss at the present time, and various other things, showing the advantages not only to the people of California but to the Government of making this appropriation.

The PRESIDING OFFICER. Without objection, the request of the Senator from California will be granted.

Mr. WORKS. And with this very brief statement of the facts as I understand them I shall ask also to introduce as a part of my remarks these tables to which I have referred, and the statute bearing upon this question, which will show the purposes of the débris commission that was appointed under that act, and the work which has been done since that time.

The PRESIDING OFFICER. Without objection, the request of the Senator from California will be granted. The Chair hears none.

The matter referred to is as follows:

An act to create the California Débris Commission and regulate hydraulic mining in the State of California.

SECTION 1. *Be it enacted, etc.*, That a commission is hereby created, to be known as the California Débris Commission, consisting of three members.

The President of the United States shall, by and with the advice and consent of the Senate, appoint the commission from officers of the Corps of Engineers, United States Army. Vacancies occurring therein shall be filled in like manner.

It shall have the authority, and exercise the powers hereinafter set forth, under the supervision of the Chief of Engineers and direction of the Secretary of War.

SEC. 2. That said commission shall organize within 30 days after its appointment by the selection of such officers as may be required in the performance of its duties, the same to be selected from the members thereof.

The members of said commission shall receive no greater compensation than is now allowed by law to each, respectively, as an officer of said Corps of Engineers.

It shall also adopt rules and regulations, not inconsistent with law, to govern its deliberations and prescribe the method of procedure under the provisions of this act.

SEC. 3. That the jurisdiction of said commission, in so far as the same affects mining carried on by the hydraulic process, shall extend to all such mining in the territory drained by the Sacramento and San Joaquin River systems in the State of California.

Hydraulic mining, as defined in section 8 hereof, directly or indirectly injuring the navigability of said river systems carried on in said territory other than as permitted under the provisions of this act is hereby prohibited and declared unlawful.

SEC. 4. That it shall be the duty of said commission to mature and adopt such plan or plans for examination and surveys already made and from such additional examinations and surveys as it may deem necessary as will improve the navigability of all the rivers comprising said systems, deepen their channels, and protect their banks.

Such plan or plans shall be matured with a view of making the same effective against the encroachment of and damage from débris resulting from mining operations, natural erosion, or other causes, with a view of restoring, as near as practicable and the necessities of commerce and navigation demand, the navigability of said rivers to the condition

existing in 1860, and permitting mining by the hydraulic process, as the term is understood in said State, to be carried on, provided the same can be accomplished without injury to the navigability of said rivers or the lands adjacent thereto.

SEC. 5. That it shall further examine, survey, and determine the utility and practicability, for the purposes hereinafter indicated, of storage sites in the tributaries of said rivers and in the respective branches of said tributaries, or in the plains, basins, sloughs, and tule and swamp lands adjacent to or along the course of said rivers, for the storage of débris or water or as settling reservoirs, with the object of using the same by either or all of these methods to aid in the improvement and protection of said navigable rivers by preventing deposits therein of débris resulting from mining operations, natural erosion, or other causes, or for affording relief thereto in flood time and providing sufficient water to maintain scouring force therein in the summer season; and in connection therewith to investigate such hydraulic and other mines as are now or may have been worked by methods intended to restrain the débris and material moved in operating such mines by impounding dams, settling reservoirs, or otherwise, and in general to make such study of and researches in the hydraulic mining industry as science, experience, and engineering skill may suggest as practicable and useful in devising a method or methods whereby such mining may be carried on as aforesaid.

SEC. 6. That the said commission shall from time to time note the conditions of the navigable channels of said river systems, by cross-section surveys or otherwise, in order to ascertain the effect therein of such hydraulic mining operations as may be permitted by its orders and such as is caused by erosion, natural or otherwise.

SEC. 7. That said commission shall submit to the Chief of Engineers, for the information of the Secretary of War, on or before the 15th day of November of each year, a report of its labors and transactions, with plans for the construction, completion, and preservation of the public works outlined in this act, together with estimates of the cost thereof, stating what amounts can be profitably expended thereon each year.

The Secretary of War shall thereupon submit same to Congress on or before the meeting thereof.

* * * * * *

SEC. 17. That at no time shall any more débris be permitted to be washed away from any hydraulic mine or mines situated on the tributaries of said rivers and the respective branches of each, worked under the provisions of this act, than can be impounded within the restraining works erected.

SEC. 24. That for the purpose of securing harmony of action and economy in expenditures in the work to be done by the United States and the State of California, respectively, the former in its plans for the improvement and protection of the navigable streams and to prevent the depositing of mining débris or other materials within the same, and the latter in its plans authorized by law for the reclamation, drainage, and protection of its lands, or relating to the working of hydraulic mines, the said commission is empowered to consult thereon with a commission of engineers of said State, if authorized by said State for said purpose, the result of such conference to be reported to the Chief of Engineers of the United States Army, and if by him approved shall be followed by said commission.

SEC. 25. That said commission, in order that such material as is now or may hereafter be lodged in the tributaries of the Sacramento and San Joaquin River systems resulting from mining operations, natural erosion, or other causes, shall be prevented from injuring the said navigable rivers or such of the tributaries of either as may be navigable and the land adjacent thereto, is hereby directed and empowered, when appropriations are made therefor by law, or sufficient money is deposited for that purpose in said débris fund, to build at such points above the head of navigation in said rivers and on the main tributaries thereof, or branches of such tributaries, or at any place adjacent to the same which, in the judgment of said commission, will effect said object (the same to be of such material as will insure safety and permanency), such restraining or impounding dams and settling reservoirs, with such canals, locks, or other works adapted and required to complete same.

The recommendations contained in (1) Executive Document No. 267, Fifty-first Congress, second session, and Executive Document No. 98, Forty-seventh Congress, first session, as far as they refer to impounding dams or other restraining works, are hereby adopted, and the same are directed to be made the basis of operations.

The sum of $15,000 is hereby appropriated, from moneys in the Treasury not otherwise appropriated, to be immediately available, to defray the expenses of said commission.

The estimate for the work in which the commission recommends that the United States should participate on a 50 per cent basis is as follows:

(a) Enlargement of river channel below mouth of Cache Slough		$9,075,420
(b) Weirs		1,617,560
(c) Rectification and enlargement of river channels		191,375
		10,884,355
Add 15 per cent for contingencies and administration		1,632,653
		12,517,008
Less amount appropriated by the United States and the State of California under existing project		800,000
		11,717,008
Share each of United States and State of California		5,858,504

Estimates of total costs in report of 1910.

Levees:		
58,000,000 cubic yards, at 6 cents	$3,480,000	
28,000,000 cubic yards, at 12 cents	3,360,000	
18,000,000 cubic yards, at 20 cents	3,600,000	
		$10,440,000
Excavation:		
148,600,000 cubic yards, at 6½ cents	9,659,000	
8,250,000 cubic yards, at 12½ cents	1,031,250	
380,000 cubic yards, at 25 cents	95,000	
		10,785,250
Land:		
4,400 acres, at $200	880,000	
8,400 acres, at $75	630,000	
78,000 acres, at $25	1,950,000	
		3,460,000
Spillways:		
8,000 feet, at $125	$1,000,000	
4,500 feet, at $100	450,000	
1,140 feet, at $80	91,200	
		$1,541,200
Bridges		1,382,000
Miscellaneous		1,740,000
Engineering and contingencies, 15 per cent		4,451,550
Total		33,800,000
Less amount appropriated under existing project		800,000
Total		33,000,000
To be paid by the Government		5,858,504
To be paid by the State		27,941,496

[H. Doc. 81, 62d Cong., 1st sess.—Flood control.]

APPENDIX A.

REPORT OF CALIFORNIA DÉBRIS COMMISSION WITH REGARD TO AFFORDING RELIEF FROM FLOODS IN THE SACRAMENTO VALLEY AND THE ADJACENT SAN JOAQUIN VALLEY, CAL.

1. The principal duties of the commission as prescribed by the act of Congress approved March 1, 1893, which created the California Débris Commission, are:

"(a) To regulate hydraulic mining so as to permit the resumption of that industry so far as is compatible with the protection and restoration of the navigability of the Sacramento, Feather, and San Joaquin Rivers, and the prevention of damage from overflow.

"(b) To improve the navigability of all the rivers of this system, deepen their channels, and protect their banks, with a view of restoring as near as practicable and the necessities of commerce and navigation demand the navigation of said rivers to the conditions existing in 1860.

"(c) To afford relief in flood time and to provide sufficient water to maintain scouring force in summer season."

2. The first of these objects has been accomplished.

3. The commission, in a special report dated June 30, 1907, submitted a project for the continuance of the control of débris in the tributaries of the Sacramento River.

4. The commission now desires to submit a project for the control of the floods in the Sacramento River.

5. The interests of navigation, débris control, and flood control in the case of this river are so inseparably connected that it is thought that they should be considered under one general project, thus utilizing to the fullest extent and for the common good any work done under projects for improvement of navigation, control of débris, or the control of the floods.

6. The United States is interested in the improvement and maintenance of the present navigable channel; it is interested jointly with the State of California in the control of mining débris; but to date it has given no attention to the flood problem.

CONCLUSIONS.

114. The project here submitted differs much from the commonly accepted solution, but this commission is satisfied that it more nearly meets the requirements of the case than any heretofore considered. In a consideration of this project attention is invited to its small estimated cost and short time of completion; also to the fact that the floods are controlled immediately and completely upon its completion.

115. The results to the State of California in permitting reclamation and preventing damage to reclaimed lands are great, but the United States also gains in keeping the present channels uninjured. It is the opinion of the commission that both should therefore share in the construction of the works under this project—the United States to the extent of 33⅓ per cent. It is also the opinion of the commission that the State of California will benefit to such an extent by the control of the floods of the river that upon the completion of this project it should take over and maintain all flood-control works, the United States to provide only for the maintenance of the navigable channels. This seems an equitable distribution both of the first cost and the maintenance.

RECOMMENDATIONS.

116. It is therefore recommended:

First. That the United States begin at once the work for the control of the floods of the Sacramento River in accordance with the above project and provide for its early completion.

Second. That the United States contribute one-third of the cost of work and the State of California contribute the remaining two-thirds.

Third. That upon its completion the United States turn over to the State of California for maintenance all flood-control works.

Respectfully submitted.

JOHN BIDDLE,
Lieutenant Colonel, Corps of Engineers.
THOS. H. JACKSON,
Captain, Corps of Engineers.
CHAS. T. LEEDS,
First Lieutenant, Corps of Engineers.

The CHIEF OF ENGINEERS, UNITED STATES ARMY.

[Committee on Rivers and Harbors, House of Representatives—Doc. 5, 63d Cong., 1st sess.]

WAR DEPARTMENT,
BOARD OF ENGINEERS FOR RIVERS AND HARBORS,
Washington, D. C., June 17, 1913.

From: The senior member Board of Engineers for Rivers and Harbors
To: The Chief of Engineers, United States Army, Washington, D. C.
Subject: Sacramento River, Cal.

1. This report is submitted in compliance with the following resolution:

"*Resolved by the Committee on Rivers and Harbors of the House of Representatives, United States,* That the Board of Engineers for Rivers and Harbors created under section 3 of the river and harbor act approved June 13, 1902, be, and it is hereby, requested to examine and review its report of December 27, 1910, upon the navigation and flood control of the Sacramento and San Joaquin River systems, California, printed in House Document No. 81, Sixty-second Congress, first session, and to report its subsequent information and conclusions thereon."

* * * * * * *

In view of the present situation, the commission is of the opinion that the following conclusions may be properly drawn:

"(1) That the land should and will stand a larger share in the total cost of the project than was originally proposed.

"(2) That private capital may be depended upon to carry out certain elements of the project under a general supervision only as to the location and capacity of the river and overflow channels to be provided.

"(3) That the rate at which reclamation has proceeded in the last three years and the fact that such reclamation work is being designed and laid out to conform to the flood heights and general lines of the plan proposed by the commission renders extremely urgent the work of increasing the channel capacity of the Sacramento River below the mouth of Cache Slough."

5. The commission's original recommendations were as follows:

"First. That the United States begin at once the work for the control of the floods of the Sacramento River in accordance with the above project and provide for its early completion.

"Second. That the United States contribute one-third of the cost of work and the State of California contribute the remaining two-thirds.

"Third. That upon its completion the United States turn over to the State of California for maintenance all flood-control works."

6. The commission now recommends:

"First. That the United States begin at once the work for the control of floods, removal of débris, and improvement of navigation in the Sacramento River in accordance with the commission's report submitted August 10, 1910, and printed in House Document No. 81, Sixty-second Congress, first session, in so far as the same provides for the rectification and enlargement of river channels and the construction of weirs, and provide for the early completion of these features of the plan.

"Second. That the United States contribute one-half of the cost of the work indicated in the first recommendation and the State of California contribute a like amount.

"Third. That all land required for the work indicated be turned over free of cost to the United States.

"Fourth. That upon its completion the United States turn over to the State of California for maintenance all flood-control works."

7. The estimate for the work in which the commission recommends that the United States should participate on a 50 per cent basis is as follows:

(a) Enlargement of river channel below mouth of Cache Slough	$9,075,420
(b) Weirs	1,617,560
(c) Rectification and enlargement of river channels	191,375
	10,884,355
Add 15 per cent for contingencies and administration	1,632,653
	12,517,008
Less amount appropriated by the United States and the State of California under existing project	800,000
	11,717,008
Share each of United States and State of California	5,858,504

8. As the commission originally recommended an expenditure by the United States of $11,000,000, it will be noted that the division of cost now proposed reduces the amount to be appropriated by the United States by about $5,000,000. No estimate for maintenance is given, as all of the works covered by the estimate are flood-control works and as such are to be maintained by the State of California after their completion.

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The BOARD OF ENGINEERS FOR RIVERS AND HARBORS,
United States Army.

GENTLEMEN: The flood-control committee of California that has for several years been cooperating with the California Débris Commission and with the State engineering department in the interests of navigation and reclamation in that State, respectfully submits the following suggestions and requests for your consideration:

In early years hydraulic mining precipitated vast quantities of débris into the Sacramento River and its tributaries, greatly impairing navigation in the main river and entirely filling the Feather River so that navigation became impossible.

The filling of the channels also increased the difficulty of controlling the floods and in protecting adjacent lands from overflow.

In 1893 the Federal Government recognized some obligation on its part to restore the stream to the condition that existed before the havoc was done by the mining interests, which operated under the laws of the United States.

In that year Congress passed an act known as the Caminetti Act creating the California Débris Commission, and declaring a purpose of dealing with the subject.

Appropriations were made from time to time for this object, and the State usually contributed an equal amount.

In 1907, pursuant to the directions of the Caminetti Act, the California Débris Commission made a partial report, recommending the execution of part of the plan under its jurisdiction.

Congress and the State each appropriated $400,000 for this purpose, which sum has been used in part to construct two large dredgers which have been completed and are ready to begin actual excavation at the mouth of the river.

* * * * * * *

The California Débris Commission kindly assumed the burden of separating, as far as possible, the portions of the plan which related to reclamation and which did not relate directly to navigation, although it has always been understood that a complete separation of these elements is impossible.

The purchase of rights of way for channel enlargement and rectification by the drainage district, created by the act of 1913, clearly affects and assists navigation, and this burden is cast upon the district; there is no logical way to separate the two elements.

Channel enlargement, in the interests of navigation, also has a resultant influence on the flow of the streams, and of course benefits reclamation to some degree.

A supplemental report has been submitted to you by the California Débris Commission, embodying its conclusions, and rearranging the estimates upon a basis considered by it to be fair to the United States.

The estimate of cost by the report of 1910 was $33,000,000, one-third of which, or $11,000,000, was apportioned to the United States. The supplemental report segregates all except $12,517,000, from which is deducted $800,000 already appropriated, leaving $11,717,000 to be borne by the State and Federal Government, or $5,858,000 each. This leaves over $20,000,000 of the original estimates to be provided by taxing the land of private concerns which would be benefited by the work.

A considerable portion of these estimates have already been paid by the reclamation of large tracts at private expense, under the direction of the State reclamation board, which is in turn guided by the débris commission.

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[Supplemental report of House committee on pending bill (Rept. No. 616).]

A BUSINESS INVESTMENT FOR THE UNITED STATES—WHAT WILL BE ACCOMPLISHED BY IMPROVEMENT.

In the following statement of the results which will be accomplished by the completion of the project will be found sufficient justification for the Nation to regard it as a good business investment on its part.

40. It is the only plan through which flood control of the Sacramento River can be secured; and only through that flood control can the following results be obtained:

41. (a) Restoration and maintenance of the navigability of the Sacramento River, injured through hydraulic mining. Ocean freighters drawing 13 feet used to deliver cargoes at Sacramento city, 125 miles from the sea, at all seasons of the year. Light-draft craft formerly carried freight and passengers all the year round to Red Bluff, 323 miles from the sea.

42. (b) Protection of the San Joaquin River, which has a common delta with the Sacramento, and which is affected by floods of the Sacramento as far as the city of Stockton, 45 miles from the river's mouth.

43. (c) Transportation for passengers and freight from the lower stretches of the two rivers, which because of the physical conditions are not accessible to railroads.

44. (d) Maintenance of low freight rates for the products of the two valleys. Ninety per cent of all freight between Sacramento and San Francisco and between Stockton and San Francisco is carried by river boat, at about one-third the expense of rail transportation. Improvement of river conditions above Sacramento city would tend to induce similar conditions in the upper valley.

45. (e) Maintenance of an inland waterway system of which the two navigable rivers must be necessarily the main arteries. Upon such a waterway system depends in large measure future development of the Sacramento and San Joaquin Valleys and the commerce of the State, since without cheap water freights to tidewater products of the valleys can not secure profitable access to the markets of the world. The history of inland waterways in Europe will make this point very clear.

46. These two valleys, comprising about 10,000,000 acres, will grow to advantage any product called for by the necessities or desires of the Nation. Properly developed and under intensive cultivation the year round they could furnish a large portion of the supplies demanded by the country in time of stress. They would become under such conditions a national economic asset which might be invaluable and which, it would seem, Congress at this time can not afford to ignore.

47. (f) Safety from disastrous floods for a million and a quarter acres of rich alluvial lands. The annual crop on so much thereof as is now reclaimed, or partly reclaimed, is valued at $30,000,000. Included in the district are the cities of Sacramento and Stockton, with population of 120,000 and property assessment of over $100,000,000.

48. (g) Creation of permanent wealth in lands now subject to overflow and which can not be reclaimed or used for any purpose in the absence of flood control of the Sacramento. If these lands were reclaimed and under intensive cultivation under protection of the completed flood-control project, the present value of the annual crop in the river districts would be easily doubled. (Secs. 188 to 215.)

EARLY NAVIGATION ON THE SACRAMENTO.

61. In the early pioneer days the Sacramento River was a perfectly clear stream with pebbly bottom. From 1850 to perhaps 1865 it was navigable at all seasons of the year for seagoing craft drawing from 9 to 13 feet of water up as far as Sacramento and, for the earlier part of the period named, some little distance beyond Sacramento. Indeed, most of the steamers which plied on the river in those days had to be seagoing craft, for they made their way to California from east Atlantic ports around Cape Horn or through the Straits of Magellan. Tidal influence was felt in 1849 at the mouth of the Feather River and at Sacramento was fully 2 feet. The records on these points are conclusive and interesting.

62. In the transcript of the hearing, held in California July 23, 1915, before the Rivers and Harbors Committee, appears, at page 15, the following statement made by A. E. Anderson, president of the California Transportation Co., which for many years has operated steamboats on the Sacramento and San Joaquin Rivers:

"Prior to the time when the river was damaged by hydraulic mining and up to 1865 seagoing ships drawing from 9½ to 13 feet made regular trips to Sacramento at all seasons of the year—spring, summer, autumn, and winter. One steamboat, the *Senator*, drew 13 feet of water."

The steamer *Senator* referred to by Mr. Anderson was a boat of 755 tons, built to run from New York to Portland, Me. She came to California, reaching Sacramento November 6, 1849, and thereafter plied regularly for many years between Sacramento and San Francisco. The *New World*, a very much larger boat, which was placed on the river many years afterwards to run between the same points, was built to run out of New York to Atlantic ports, and, like the *Senator* and other steamers, came to California by sea. (Judge Sawyer's decision, Exhibit A.)

63. Seagoing craft went up the Sacramento beyond Sacramento city and 30 miles up the Feather River to Marysville. In 1849 the steamer *Linda* came to California around Cape Horn, went up the Sacramento and Feather, and beyond Marysville up the Yuba 4 miles. The township within which she landed still bears the name Linda.

64. During the fifties several lines of steamers were regularly running to Marysville. The Sacramento Bee on February 16, 1862, recorded the fact that the *Defiance*, drawing 2 feet, had gone up the Feather 30 miles above Marysville to Oroville.

65. In "The History of Sacramento County," by Winfield J. Davis, published in 1880, from pages 60 to 66, are interesting details as to early navigation, from which the following facts are briefed:

66. The Alta California (a San Francisco newspaper) in its issue of January 4, 1850, refers to the bark *Whiton* (which arrived at Sacramento May 4, 1849, with cargo from the Atlantic) as a comparatively small craft. She drew 8 feet. The first big steamboat to be seen at Sacramento was the steam propeller *McKim*, which reached there from New Orleans in September, 1849, and thereafter made regular trips on the river. Her passengers paid in fares on her first river trip $16,000, the fare being $30 apiece. The steamer *Senator's* first trip to Sacramento is mentioned.

67. The Alta California of August 31, 1849, published a list of 45 vessels plying up the rivers Sacramento and San Joaquin, the sizes of which are not given, but most, if not all, of which must have come by sea from east Atlantic ports.

68. One day in 1850 a list of steam and sailing vessels at the wharves of Sacramento numbered 65.

69. A list of 25 steamers, large and small, is given which regularly ran in and out of Sacramento in 1853, the *Senator* being the largest. The total value of the steamers was $1,086,000. Fares had been reduced in 1851 to $1.

70. In 1854 one of the new river boats, the *Queen City*, built by the citizens of Marysville, 200 feet long with 9-foot hold, carried on her first trip 919 passengers.

71. The Sacramento River steamers increased in size and improved in appointments steadily for some years, the largest making regular trips to Sacramento being the *Capital*, 1,625 tons, which appeared first in March, 1866.

INJURY TO NAVIGATION—EFFECTS OF MINING DÉBRIS.

93. The deposits of mining débris, moving down the channels of the navigable rivers with each flood, acted in manner similar to that noted on the Yuba, gradually choking the channel, forming sand bars, and decreasing the available depth until in time it became impossible for even the lightest draft craft to navigate the Feather during the greater part of the year, while on the lower Sacramento the large seagoing craft were in time replaced by flat-bottomed stern-wheelers of light draft, and even these could not load to capacity in the summer and fall months, and often had to lighter cargo below Sacramento.

94. In 1875 the low-water depth in the Feather had been reduced to 2 feet, and one small steamer made a weekly trip between Marysville and San Francisco. In 1890 boats ceased running on the Feather, the débris conditions having become so bad that one steamer and one barge with full cargoes were sunk and insurance companies declined to write risks on the river traffic. Navigation of the river has not been practicable since then, save at flood stage. (Statement of Marysville levee commission to Board of Engineers for Rivers and Harbors Aug. 15, 1914, p. 27.)

95. In the latter part of 1859 and spring of 1860 a bar formed in the Sacramento River across the mouth of the American, which then entered the Sacramento a half mile below the present location, and extended down to the Sacramento city drawbridge, forming an obstacle to up-river navigation. In 1866 the large river steamers could no longer reach their landing at Sacramento city and the city levied a tax to clear out the channel. (History of Sacramento County, by Winfield J. Davis, pp. 60 to 66.) Dredging of this kind, however, could not stay the flood of débris, and gradually the deeper-draft steamers, such as the *Senator, New World, Capitol, Chrysopolis, Yosemite*, and others were withdrawn from the river and used exclusively on the Bay of San Francisco and its salt-water estuaries.

96. These deposits of débris in the stream were always greatest after heavy flood, and particularly below crevasses in the levees which had permitted a diversion of the current and a deposit in the channel below each break where slack water was produced.

97. Opposite Sacramento city in many seasons at low-water stage there was a bar on which one might walk dry-shod across the greater portion of the river. In 1910 the channel itself in front of the bridge draw was thus closed, and the United States Army Engineers used a clam-shell dredge to clear a channel so that up-river traffic might be resumed. They deposited the material, through necessity, at one side in the middle of the river, where it formed an immense mound, which gradually disappeared during succeeding flood seasons. In 1913 the engineers dredged through a similar shoal in front of Sacramento city, moving 27,000 cubic yards of material, and through another deposit at the mouth of the Feather, moving 25,000 cubic yards. (Report of Chief of Engineers, 1914, p. 3169.)

THE COOPERATION OF CALIFORNIA—APPROPRIATIONS BY CALIFORNIA.

175. Following the enactment of the law of 1893, in which Congress clearly indicated its intent, with the cooperation of California, to mature a plan and push it to completion, by which the navigability of the river could be restored, the débris cared for, and flood control secured, the State has cheerfully done her share, and even more. In making the first appropriation called for by the California Débris Commission under that act, California formally accepted the terms of the act and in effect pledged herself to carry out her share of the contract. Since that time she has promptly fulfilled all conditions and made appropriations usually in advance of Congress. She has already paid into the United States Treasury, to be expended by the California Débris Commission as agent of the Federal Government in carrying out the terms of the Caminetti Act, $1,000,000. These appropriations were made as follows:

1897	$250,000
1909	150,000
1911	400,000
1913	200,000
	1,000,000

Of these appropriations $400,000 was for impounding débris and $600,000 for improvement of navigation. In addition, $250,000 was appropriated in 1915 and is now awaiting requisition from the California Débris Commission. Over $350,000 more has been spent for rights of way, some of it from State appropriations, but most of it subscribed by landowners, and all necessary for carrying on operations of the California Débris Commission under the Caminetti Act. In addition, the State has spent independently, under its State engineering department and river boards, since 1897, all for rectification of navigable river channels and in direct interest of navigation, $1,275,000.

176. This is entirely aside from the work done by private landowners in dredging and construction of river levees, all valuable for and necessary to the preservation of navigation, as elsewhere referred to.

177. With each new appropriation the State formally renewed its approval of the plan and intent of Congress, as indicated in the Caminetti Act, and when that plan was finally perfected by presentation of the completed project in the report of 1910, transmitted to Congress by the Secretary of War June 27, 1911, the California State Legislature had adjourned and would not again meet until January, 1913. A special session, however, was called in December, 1911, for consideration of vital matters, and Gov. Hiram W. Johnson, realizing the overshadowing importance of this matter to the State, made it one of the few subjects in his special call to be considered at that session.

178. By legislative act the plan as presented by the California Débris Commission in Document No. 81 (Exhibit D) was formally adopted as the State plan for flood control of the Sacramento River; the State's aid, cooperation, and appropriations pledged thereto; and the State reclamation board created, in order that the duties imposed upon the State under the plan might be fully and promptly executed. In addition, State Senator A. Caminetti, who, as Congressman in 1893, had introduced the Federal act creating the California Débris Commission, introduced and had passed by the State legislature December 15, 1911, senate joint resolution No. 13, calling the attention of Congress to the fact that the legislature in extraordinary session assembled had formally adopted the project and recommendations of the California Débris Commission, and had provided for cooperation on the part of the State in putting the project into effect, and asked that Congress, on its part, give favorable consideration thereto.

PRESENT COMMERCE OF THE RIVERS—SHIPPING ON RIVERS.

205. The official reports on the commerce of the Sacramento and San Joaquin Rivers for the last year available give the following figures (Report of Chief of Engineers, 1915, pp. 1466–3347):

206. Sacramento River: Freight, 720,000 tons; valuation, $38,000,000; passengers, 175,485.

207. San Joaquin River: Freight, 772,000 tons; valuation, $35,479,000; passengers, 189,667.

208. These figures do not include the tonnage of the large mosquito fleet of gasoline boats and their barges, which is not available.

At the hearing before the Flood Control Committee April 5, 1916, at page 8, Col. Harry Taylor, Assistant Chief of Engineers, United States Army, referred to the mosquito fleet and difficulty of securing statistics thereof, and said: "We know the published statistics are far short of the commerce carried on the river."

209. Through Sacramento city's lower or M Street Drawbridge (Northern Electric Railway) there passed during the year 3,054 steamboats, 1,005 barges, 969 gas boats, 73 sailing vessels, 30 dredges, and 29 pile drivers. Through the upper or H Street Drawbridge (Southern Pacific Railway) there passed in the same time 895 steamboats, 799 barges, 867 gas boats, 31 sailboats, 27 dredges, and 20 pile drivers. (This indicates traffic above Sacramento city; the down-river traffic goes through the M Street draw.)

210. On the Sacramento River most of this freight and practically all of the passenger traffic was between Sacramento and San Francisco and intermediate points. Present conditions in portions of the river above Sacramento city do not permit the use of boats thereon during the greater part of the year, and there is in consequence no incentive for investment of capital in steamers giving the frequent and rapid service to induce a large patronage, and no opportunity for shippers to secure the most advantageous water transportation rates. On the San Joaquin all of the tonnage and passenger traffic indicated was between San Francisco and Stockton and intermediate points.

211. The high class of freight handled on the two rivers is a noticeable feature, the value averaging $50 per ton, almost the highest, if not the highest, reported on any river in the United States. It includes fruit, alfalfa, hops, beans, asparagus, rice, potatoes, onions, celery, cabbage, dairy products, etc.

212. Ninety per cent of all freight between Sacramento and San Francisco and between Stockton and San Francisco is handled by boat, the average rate being 35 per cent less than by rail, while on certain classes of freight it is 66 per cent less. Between Sacramento and San Francisco is a daily merchants' express service by boat (overnight), the rates for which are between 7 and 10 per cent cheaper than for ordinary freight by rail.

222. (b) Reclamation's interest: The project has been criticized as a reclamation scheme. The project is undeniably of value to reclamation, since only through the flood control which it will insure can reclamation be made possible in some cases and permanent in all. But it is also true that navigation can not be fully protected by any other plan and that the interests of navigation, flood control, reclamation, and care of mining débris are so interwoven on the Sacramento River that they can not be separated in remedial measures. (See the Engineers' Reports, 1910 and 1913, Exhibits D and E, as quoted above.) And, further, because of reclamation's interest in the project it is being assessed for five-sevenths of the cost thereof, including all that can fairly be construed as being exclusively in the interest of reclamation and also much—notably the construction of river levees—which is undeniably partly in the interests of navigation, and even as to that portion of the project which is admittedly in the interests of navigation and in the navigable channel over which the Federal Government exercises exclusive jurisdiction, Congress is asked to pay only half of the expense. There is not recalled any flood-control project in which the State proposes to deal more generously with the Federal Government than in the case of the Sacramento project. Certainly this project does not deserve in any objectionable sense the charge of being a reclamation scheme.

Mr. KENYON. Mr. President, may I ask the Senator a question before he yields the floor?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Iowa?

Mr. WORKS. Certainly.

Mr. KENYON. Under the bill, I understand that as to the Sacramento project one-half of the expense is borne by the State or by local interests, whatever they may be.

Mr. WORKS. One-half of that portion of it which is devoted to the restoration of the navigability of the stream; but there is in addition to that the amount of $33,000,000, only about $11,000,000 of which is necessary to expend, as the engineers find, in improving and restoring the navigation of the streams. The State pays one-half of that amount, and pays all the balance.

Mr. KENYON. So that the Government in no part of this plan pays over one-half?

Mr. WORKS. The Government does not pay anything over one-half of that portion which is devoted exclusively to improving the navigation of the stream, and it does not pay any of that portion of it which goes to the reclamation of the land.

Mr. KENYON. Now, as to the other part of this bill, the southern streams, the Government pays over one-half. Why is it different there? Does the Senator know?

Mr. WORKS. I do not. I am not familiar with the Mississippi branch of it. As I said a while ago, the débris commission first reported in favor of the Government paying one-half of the total amount; but that was rejected by the committee of the House, and a new report was made on an entirely different basis than what I have already mentioned.

Mr. KENYON. The Senator has no reason in his mind, then, for the distinction between the amount that the Government pays in the Sacramento project and the amount the Government pays in the lower Mississippi project?

Mr. WORKS. I do not know anything about what moved the House of Representatives to make that distinction, if there is a distinction.

Mr. KENYON. The Senator knows there is a distinction?

Mr. WORKS. There is a distinction, as I understand; but I believe it is claimed that the people along the Mississippi have heretofore expended large sums of money in the improvement of that stream. I am not at all familiar with that, however, and do not undertake to speak with reference to it.

Mr. VARDAMAN. Mr. President, the time which the Senate has generously set apart for the discussion of this measure—a measure of so much importance to my constituents—is so limited that I can not afford to consume very much of that time in presenting my views to the Senate. Furthermore, after what has been said by the able Senator from Louisiana [Mr. RANSDELL], touching upon the merits of the proposition as it relates to the Mississippi River, and what the learned and patriotic Senator from California [Mr. WORKS] has said touching the Sacramento River project, anything that I might say would be a twice-told tale, vexing the dull ears of a tired Senate. These gentlemen have discussed the two projects in this bill in a most illuminating and convincing manner. But I will be permitted, I hope, in behalf of the people of the Mississippi River Valley to thank the Senate for this opportunity to consider this bill. I would also return my sincere thanks to the able Senator from Ohio [Mr. HARDING] for so gracefully yielding to us in the matter of the consideration of the bill. Mr. President, may I express the hope that the friends of this bill will not take up too much of the time in discussing it, because I want those who are opposed to it, if unfortunately there should be such in the Senate, to have an opportunity to express their views. But I sincerely hope that there are none here who will overlook the merits in this bill because I believe it is overwhelmingly meritorious. The subject matter has received the careful investigation and I believe the universal approval of the best Government experts upon questions of this character. It contains not only the elements of justice—carrying out a policy of long standing—but it is the most economical method by which this great problem can be solved. I am interested in this matter very deeply for the reason that upon the favorable action by the Senate depends the happiness and security of homes, in truth the lives and welfare generally of a large element of the people whom I have the honor to represent in part in this Chamber. They have been knocking at the doors of Congress for many years, pleading that justice be done them, and this is the first opportunity that has come since I entered public life to grant the relief so much needed. May I not hope, therefore, that the friends of the bill and those opposed to the bill, if you please, may limit their remarks so we may be able to vote on the measure finally before 8 o'clock. I shall be greatly disappointed if we fail to get a vote. So great is my faith in the merits of the measure that I am perfectly willing for it to stand or fall upon the justice of its demands. I would be willing to submit the case at this moment to the jury without further argument. I am sure the Senate is informed and further discussion will not change a vote.

It has been suggested that the bill will probably be talked to death—that 8 o'clock will arrive or, rather, the five hours will be consumed and find us far from the end. I do not believe any Senator is going to abuse the privilege of free speech, vouchsafed to him by the rules of the Senate, and talk this bill to death. I trust we may be permitted to vote on it at the earliest possible moment. I want an expression of the will of the Senate, and if the Senate rules against my people I shall accept the verdict without complaint. Of course, it will be a disappointment to my constituents as well as to myself; it will be a miscarriage of justice, for they have suffered grievously and borne their sufferings with heroic fortitude; but if the issue shall be against them, we will accept it without complaint. My good friend, the distinguished Senator from Iowa [Mr. KENYON], asked a moment ago why it was that the people on the Mississippi Delta, the owners of the rich riparian lands on the Mississippi River should not pay as much as the people in the Sacramento Valley. Well, there is a great difference. There are many reasons why the people in the Mississippi Valley should not be called upon to pay as large percentage as the people of the Sacramento Valley. The Mississippi River carries water to the Gulf that falls upon 31 States of this Republic, and nothing but the Government of the United States is able to build levees and revet the banks so as to make it possible for the channel of the Mississippi River to convey all of that water to the Gulf without destroying the adjacent lands; while the Sacramento River begins and ends in the State of California. The proportion which the Government pays to the two projects embodied in this bill were fixed by Government officials appointed to investigate the projects. The Board of Engineers that investigated the Mississippi River project recommended that one to three would be a fair division of the expense, while the Government board acting upon the Sacramento proposition agreed that the Government's proportion should be one to one. Now, this bill provides that the riparian landowners on the Mississippi River should pay not less than one to two. That is the minimum sum which they are to pay. If the Mississippi River Commission shall finally conclude that the riparian landowners ought to pay more under the terms of this bill, the Mississippi River Commission can fix the amount. I think, Mr. President, that one to two is a fair proportion; certainly it is fair for the Government.

As I said in the beginning, Mr. President, I am not going to take up very much time of the Senate. The principal purpose of my rising was to ask the Senate to permit us to vote upon this matter before the five hours expired. I want to appeal to the Senate to do that because this is of such vital, far-reaching interest and concern to the people of the Mississippi Valley. If the Senate does not approve the bill, we want to know it. We want the question determined. I hope it will be acted upon favorably, but whether favorably or unfavorably let us have the will of the Senate upon it. And after that shall be done I am going to accept the conclusion of the Senate for my constituents, and I shall do it uncomplainingly.

Mr. BORAH. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. VARDAMAN. I yield.

Mr. BORAH. Does this bill provide for a bond issue?

Mr. VARDAMAN. No; it does not provide for a bond issue, as I understand.

Mr. RANSDELL. It does not.

Mr. VARDAMAN. No; it does not.

Mr. RANSDELL. I will say to the Senator that the greatest amount that could be expended under this bill would be $11,000,000 per annum. It does not appropriate a single dollar. It authorizes contracts on the Mississippi to the extent of not to exceed $10,000,000 per annum and on the Sacramento not to exceed $1,000,000 per annum; a total on the Mississippi of not to exceed $45,000,000 in the next five years and a total on the Sacramento of not to exceed $5,600,000. Appropriations for those sums may hereafter be made by Congress. This bill does not appropriate anything, and no bond issue is provided for.

Mr. BORAH. This bill, then, provides simply for the obligation?

Mr. RANSDELL. Yes, sir; that is all.

Mr. BORAH. Which in future, of course, will fall upon the Treasury?

Mr. RANSDELL. Yes, sir.

Mr. McCUMBER. Mr. President, I want to ask the Senator from Louisiana why this bill, providing, as I understand, for an expenditure of about $40,000,000, is limited in its operation to just two sections?

Mr. RANSDELL. I will say to the Senator that the reason for that is that we have the information as to those two sections. In 1879 the Mississippi River Commission was created, and since that time it has been surveying and making the most elaborate studies of the flood-control question on the Mississippi River. It has studied it in every imaginable way, and all the engineering information which possibly can be obtained in regard to it has been obtained. A number of years ago—I do not recall the exact date—the California Débris Commission was created for the purpose of studying the flood control, reclamation, and navigation problems on the Sacramento. That commission was composed of United States Engineer officers, and it has made several elaborate reports. It is thought that all the information that possibly could be obtained in regard to the Sacramento from an engineering viewpoint has been obtained. That is not true as to any other flood-control problem in the United States.

We have not authorized the engineers to make an examination of floods in other localities. This bill, however, as I stated before, provides the machinery for examination of flood-control problems in other localities, and there are several places, I will say, where it is contemplated to have these investigations made. Probably in the future we will have similar problems in other localities. But we have not before us at this time sufficient information to legislate in regard to any localities other than these two.

Mr. McCUMBER. Mr. President, I see that the Senator has colored maps on the wall, I assume, to designate what sections are subject to this flood control. Will the Senator tell me what the loss in 1916 in Louisiana was by reason of the Mississippi floods?

Mr. RANSDELL. I could not tell the Senator exactly what that loss was. We had a very bad overflow about 60 miles below where I live. It caused the death of a very large number of live stock of every kind and sort; it broke up a great many people in their business, destroyed their crops, and stopped every kind of enterprise. People were in very great distress as a result of that flood. I do not know exactly what the loss was.

Mr. McCUMBER. I wish the Senator could give us an estimate of it.

Mr. RANSDELL. My friend, Mr. Humphreys, who is the chairman of the Flood Control Committee of the House of Representatives and who has been giving great attention to this matter, tells me that he understands the loss was about $11,000,000 in the 1913 flood and $40,000,000 in the 1912 flood.

Mr. McCUMBER. Does that mean just in Louisiana, or in the whole valley?

Mr. RANSDELL. No, sir; it means in the whole valley. I will state to the Senator, however, that Louisiana has considerably more than one-half the total overflowed area of the valley. I can give you pretty nearly the exact figures on that point. In the valley there are about 15,617,000 acres of overflowed land. That is the entire valley, now, from southeastern Missouri down to the Gulf, taking in some of the land in Illinois, Kentucky, Tennessee, Arkansas, Mississippi, and Louisiana. Of that total of 15,617,000 acres 8,573,000 acres are in the State of Louisiana, considerably more than one-half of the entire area.

Mr. McCUMBER. Mr. President, we have been appropriating for flood sufferers and for damages ever since I have been in the Senate—for about 18 years. Those appropriations somehow or other always seem to run down toward the mouth of the Mississippi River or the Ohio. They have not reached any farther north than that. We have a valley known as the Valley of the Red River of the North, about 60 miles wide at the south end and on our Canadian line possibly 125 to 150 miles wide. Very little of that, practically, is under cultivation. The Red River of the North flows north and not south. It falls at the head before it does at the mouth of the river. That produces ice gorges, and the ice gorges in that flat country throw out an immense quantity of water, which naturally in a level country flows very slowly, and covers hundreds of thousands and I do not know but millions of acres of land. Last year we suffered greatly by reason of floods, due to the cause I have mentioned and also because of an extraordinary fall of rain and the ditching on the Minnesota side of the valley into the Red River. I think the loss would run from sixty to seventy-five million dollars in a single year.

We have not yet gotten into the habit of coming to the Government every flood or every time we lose a cent up there. This year, on account of the drought and blight and the flood together, the entire State probably lost more than $300,000,000, and yet it has never occurred to us that we must ask the Government of the United States to make good.

If we are going into the matter of flood control, it does seem to me that we who have suffered so very much in the last year ought to have some consideration in this bill, and that there ought to be an amendment which will provide for the expenditure of a few million dollars in ascertaining how we may protect the farmers of the Red River Valley against these dangers and against the enormous losses due to the flooding of the valley on account of an extra amount of rainfall and because of the ice gorges which are formed in the spring.

Mr. WORKS. Mr. President——

Mr. McCUMBER. I yield to the Senator.

Mr. WORKS. The remarks made by the Senator from North Dakota respecting the payment of damages for floods do not apply to California. We have suffered immensely from these overflows. I have been through that section of the country when it looked like the whole section was under water. We have made no claim upon the Government on that account. We are only asking now for doing the work that will restore the navigation. We are taking care of it with our own money and we are asking of the Government nothing.

I wish to say further that these two projects were selected because they have been thoroughly investigated and reported upon by the Board of Engineers. In the case of California a board of engineers was specifically provided for that purpose, and nothing more can be done except to make the appropriation.

Mr. VARDAMAN. May I ask the Senator a question?

Mr. McCUMBER. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I find in the river and harbor bill, in section 5—

That Congress hereby consents that the States of Minnesota, North Dakota, and South Dakota, or any two of them, may enter into any agreement or agreements with each other to aid in improving navigation and to prevent and control floods on boundary waters of said States—

And so forth. Is that the Red River?

Mr. McCUMBER. That is the Red River.

Mr. VARDAMAN. The bill provides that there shall be a report made upon it—

and the expenses of carrying the same into effect and what share of such expenses should be borne by the respective States, local interests, or by the National Government.

The sum of $25,000 is appropriated to make that survey. I wish to assure the honorable Senator that when the survey shall be made and reported upon, as is customary before the Government takes action upon it, as was done in the case of the Sacramento River and the Mississippi River, I do not think he will have any trouble in securing sufficient funds from the Federal Government to protect the interests of his constituents. I do not think there is any doubt about Congress doing the proper thing when the way is pointed out by the facts, and the merits of the question justify it.

The policy of making appropriations for leveeing the Mississippi River is of long standing. Whatever may be the fate of the flood-control bill, I know that Congress is going to make an appropriation for the leveeing of this river. Year after year large sums of money have been appropriated, but it has been in piecemeal, makeshift policy—the most expensive system by which such work could be done. A few days ago Gen. Black, head of the Board of Engineers, of this city, came before the Commerce Committee, when that committee had under consideration a great project for the improvement of the East River, N. Y., and he stated to the committee that if this project should be adopted the improvement should be made under the continuous-contract system, for the reason that it would save to the Government between 10 and 20 per cent on the cost of the completed project. I believe the entire project will cost something like $20,000,000 when it is completed. Now, I think it would be wise economy for the United States to adopt the continuous-contract system in all large Government enterprises. Four million dollars saved in the East River project is a matter worthy of the attention of the Congress. Up to this time the work on the Mississippi River has been done by yearly contracts, and millions of dollars have thereby been lost to the taxpayers, and the work has not been half so efficiently or durably performed as if it had been done under the continuous-contract system.

The plan proposed in this bill will settle it in a definite length of time for a definite amount, and, as stated by the Senator from Louisiana, there will be an actual saving to the taxpayers of the United States in the appropriation out of the National Treasury and by the contribution from the States of something like $8,000,000. That would be saved in addition to the enormous amount of property which is destroyed every year by the floods and the lives which are lost and, added to all that, the anxiety and suffering experienced by the women and children resident in the Delta.

Mr. McCUMBER. I am not complaining——

Mr. RANSDELL. Will the Senator yield to me?

Mr. McCUMBER. In just a minute I will. I am not complaining of the means under which this appropriation is to be made; it is the purpose of the appropriation. Senators will not say that the $40,000,000 is being expended here in aid of navigation. It is $40,000,000 that is being expended for the purpose of protecting vast areas of land.

Mr. RANSDELL. If the Senator will yield, I can not allow that statement to go unrefuted.

Mr. McCUMBER. I understand the Senator's side of it.

Mr. RANSDELL. That is a mistake. All the engineers on that river have said that if there were no country there to be protected they would be compelled to build levees for the purpose of navigation. I will say to the Senator whenever a break occurs in the Mississippi levee system an enormous volume of water pours through that break, and the diminution of the cur-

rent causes sand carried in solution to fall a short distance below the break, and a great sand bar is formed, and boats can not run there the next summer. It is absolutely necessary to build those levees for the purpose of navigation. Only a portion of it is for straight-out protection of the bank. Some of it is, but navigation is a very important question there, too.

Mr. McCUMBER. The Senator agrees with me. We may not agree upon what proportion is for the benefit of the land and what proportion is necessary for navigation. I would rather reverse the figures if I were passing my own opinion upon the proportionate part. I have no objection to the appropriation of money for the purpose of navigation simply because it also protects the overflow. I think the two are more or less necessary. However, when I want to get $10,000 or $20,000 for the upper reach of the Missouri, where we have in reality some river commerce, I have found great trouble in getting it through the committee, and especially in getting a recommendation, unless we will get the people along the shores to do the revetting or to pay a proportionate share of the little work that is done to keep the current in its proper place.

I agree with the Senator from Mississippi [Mr. VARDAMAN] that the attention of the public has always been turned toward the southern section of the United States. That is very natural, because you have been so long in the habit of crying when you are hurt and reaching into the National Treasury that you very naturally get a report upon the necessity of the work being done in that section. But the point that I want to make is this: There is ten times as much necessity to protect the farmers of the Red River Valley to-day against floods as there is to protect the farmers along the border of the Mississippi.

Mr. RANSDELL. Will the Senator allow me?

Mr. McCUMBER. That is, measured by the damage that these floods are doing in that section of the country.

Mr. RANSDELL. Will the Senator yield for a question?

Mr. McCUMBER. In just a minute I will yield.

The Senator from Mississippi read a section from the pending river and harbor bill. Twenty-five thousand dollars is appropriated. Why? It is appropriated for the benefit of the Government of the United States, which claims control over the river itself and claims the right of control because it is a navigable stream. The States of Minnesota and North Dakota are attempting to enter into an agreement to settle the damages that have been caused, that have resulted from the overflow, and they are not asking the Government to settle it for them. They are not asking the Government to put in a dollar, but they can not settle their differences and they can not arrange for straightening the contortions of the river to give it a more rapid flow without the consent of Congress, and they can not get the consent of Congress unless there is a survey made. That is why an appropriation is made in the bill for the purpose of making that investigation. But to-day if you are going to reach into the question of protecting lands and protecting the people that suffer from overflow there should be another forty or forty-five million dollars provided for the Red River of the North.

Mr. RANSDELL. Will the Senator tell us how much he needs up there and where he got the information?

Mr. McCUMBER. Mr. President, I can say right now that an investigation has been made by the people there, and they think that at the present time the work should be commenced and that they should have not less than $2,000,000. I do not know whether they need that; I do not know whether they need $20,000,000, so far as the work is concerned. All I know is that they are neglected and that the Government is taking care of other sections of the country.

Mr. RANSDELL. Mr. President, I would not suggest to the Senator, and no one who has served here with him would suggest, for a moment that he has been neglecting his duty as a Senator, because he is one of the most wide-awake and forcible men we have; but certainly if the people up there have been neglected and have not had a survey it must be because he has not had it done. We have had surveys galore on the lower Mississippi, and have been doing our utmost there for a long time.

I want to say to the Senator that this bill is framed along broad lines. It is not confined to the Mississippi and to the Sacramento. It is framed in section 3 to take into consideration the very things the Senator speaks of. That is undoubtedly one they have in mind. It provides for having elaborate surveys made wherever they are needed, throughout the whole United States, and if the bill is passed they can go ahead and make those surveys from time to time.

I will further say to the Senator that "a fellow feeling makes us wondrous kind." My people are suffering in Louisiana so much from overflow that if it will appear from the report of the engineers that the people of the Red River of the North are suffering and need Government relief the Senator will get not only my vote but my voice. I will work night and day to help him, if his people suffer anything like the people of my section suffer.

Mr. McCUMBER. Mr. President, I must tell the Senator now we never have been in the begging habit. We have never called upon the Government to take care of our losses. We meet them whether they come in the shape of storm or hail. We do not look upon the Government as the insurer of our interests against Providence, against floods, or against hail. We have never asked you to insure us. But when you come to voting Government money by little items of $45,000,000 for one project or two projects in the United States I think it is about time to call your attention to the fact that there are other sections in the United States outside of Louisiana and Mississippi that do sometimes suffer by reason of floods, and to invite your attention to the necessities in the northern part of the United States in protecting the Red River Valley against inundations. We simply ask for a fair consideration of that subject, not for the purpose of reaching into the pockets of the American public and having them tax themselves to pay our losses but to give us fair consideration, such consideration as we ought to have in the expenditure of public moneys for the prevention of damage by floods.

Mr. RANSDELL. Mr. President, just one word. The Senator speaks about our losses. We are not asking that a single dollar of loss be paid. We simply want to have these levees built to protect us from the enormous loss that may be caused in the future, not to pay back—that can not be done—the untold millions of dollars that have been lost. We do not ask that. We simply ask that these levees be built so that in future the floods that pour down from the Senator's State and from 31 other States of the Union shall go in safety to the sea without causing further awful losses.

Mr. PHELAN. Mr. President, the Senator from North Dakota would seem to indicate by his remarks that these projects are new and that the policy of the Government has not been established upon the lines and principles embodied in this measure. The Senator from Louisiana has explained very thoroughly the project, so far as it relates to the Mississippi Valley; but I desire, in addition to what has been said by my colleague [Mr. WORKS], to call attention to the fact that far from this project being new or introducing a new policy on the part of the Government there is subsisting to-day between the State of California and the Federal Government what might be called contractual relations, because as far back as 1893 Congress created the California Débris Commission, consisting of United States Army engineers, and that act is still in force.

The very duties of the commission are to provide for the resumption of hydraulic mining, so far as can be done without injury to navigation and without damage from overflow, to restore as near as practicable the degree of navigability of the Sacramento and San Joaquin Rivers which obtained in 1860, to afford relief in flood time, to provide sufficient waters to contain scouring force in summer.

Cooperation with the State was provided by empowering the commission to confer with such body of engineers as might be appointed by the State, and the expense of barriers, dams, ditching, etc., done by the Federal commission in pursuance of these duties was to be shared half and half by Congress and the State of California.

Therefore that act of 1893 was a business proposition made by Congress to the State of California. The State accepted it promptly, the legislature ratified the proposition, making it in effect a contract, and since that time California has promptly paid to the United States Treasury such sums as were called for under the act as her one-half of the necessary expense involved, because it was the Federal commission that had the power to use and to employ the money. The State of California has paid those amounts in good faith on the assumption that when the necessary plan had been matured it would be carried out so that the injury done to navigation could be corrected and so that future loss from flood might be prevented.

The plans have been matured. The very purpose of the appointment by the Federal Government of the commission and of the reclamation board by the State was to mature plans. As in the case of the Mississippi, so in the case of the Sacramento, we have matured and approved plans by Army engineers. These propositions are the only two finished and completed plans which have been so approved and reported. That is the reason why they are before Congress to-day. It is certainly not on account of any discrimination against the Red River Valley or against any other valley. Those valleys have not perfected

their plans, and I believe that a proposition is to be presented, either as an amendment to this bill or to the river and harbor bill, providing for a comprehensive scheme for caring for all such conditions, where valuable lands are washed away by extra-seasonal flood waters.

The Sacramento River was navigable 326 miles from the sea to vessels which sailed around the Horn as late as 1860, but that river and its tributaries are now full of débris; they have silted up, as it is called. Hence the necessity for providing some means, apart from perfunctory dredging, to protect them against such obstructions to commerce.

I conceive that it is peculiarly the function of Congress to insure the navigability of streams. The navigability of the Sacramento River is provided for in these plans, and incidental thereto vast areas of land will be reclaimed. While the Federal Government is not paying for the reclamation of land, it is not repugnant to the purpose of Congress that such land might be incidentally reclaimed. The payment for that cost, however, is made by the State of California through her citizens.

This bill provides ultimately for the expenditure of $5,600,000 on the Sacramento, not more than $1,000,000 to be expended each year. The State of California has already provided for her half of that expenditure. Hence it is in all good faith and reason a matter, I say, of contract for Congress to provide in the passage of this bill for the continuation of that work. Thirty million dollars will have to be levied upon the property owners, who will derive some profit from it, covering an area of 1,750,000 acres of land. The California Reclamation Board is now engaged in the business of making assessments upon that land, so as to take up the work for the benefit of the property owners, and incidentally the State and the Nation, just as soon as the major work is accomplished by the Army Board of Engineers provided by the United States. So it is not in any sense a discrimination in favor of one State as against another. This State has its plans approved by the Federal Board of Army Engineers, which is known as the California Débris Commission. We are ready, having accomplished our part, to receive what Congress has to grant. Other projects are not in that position.

I take it that it is the wise policy of the United States to reclaim land, whether it be from the desert by reclamation and irrigation or whether it be the saving of what we have against the incursion of floods, that come like an invading army and blot out lands under cultivation. Such reclamation yields great wealth to the country and recompense to the farmer. To stand by and see the devastation go on without preventing it when it is within our power and not to lift a hand to save it by cooperation with the State would be a neglect of the exercise of the wise and beneficent power which has been conferred on Congress by the Constitution of the United States.

Nations go to war for the purpose of acquiring territory, causing, in the exercise of the war power, tremendous loss of treasure and of life; but here, if we may look upon it in that view, we peacefully acquire new territory or save the loss of territory. It is none the less the acquisition of territory to reclaim it from storm waters or from desert conditions than it is by conquest in war—without the loss of life and by the wise expenditure of comparatively an insignificant amount of money. We are told that the European war now costs $100,000,000 per day. After it is all over, instead, possibly, of there being anything acquired by any nation, there will be nothing but waste and loss. In good season we are now reclaiming this land from natural conditions by reason of the skill of engineers and adding it to the national domain in the broadest and most comprehensive sense.

I do not think that the Senator from North Dakota [Mr. MCCUMBER] quite understands that this measure is one that has been before Congress since 1893, and that it has now reached its fruition. The work that has been required of the State has been done, and Congress is now asked to perform its part of the contract. In that view I think the Senators present will agree with me, that there is an obligation upon the part of Congress to comply with the conditions of its agreement. Any other course pursued by Congress would savor very much of bad faith, and I do not think that Congress, advised as it is now of this fact, will hesitate to give this measure of productive relief to the State of California, which at the same time adds so much to the greatness and the wealth of the American Union.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. JONES. Mr. President, there is one amendment I desire to suggest that was practically agreed to in the committee, but which has been left out, I think, by inadvertence. On page 7, line 25, after the words "in their discretion," I move to insert the words "and shall."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 7, line 25, after the word "discretion," it is proposed to insert the words "and shall," so that it will read "in their discretion, and shall, upon the request of the Secretary of War."

Mr. RANSDELL. There is no objection to that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. JONES. On page 8, after the word "thereon," in line 8, I move to insert "and the separate report of the representative of any other department."

Mr. RANSDELL. That amendment is agreeable to the committee.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDING OFFICER. The question is, Shall the amendments be engrossed and the bill be read the third time?

Mr. CURTIS. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The Senator from Kansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Norris	Smith, Md.
Bankhead	Hughes	Overman	Smoot
Beckham	Husting	Page	Sterling
Brady	James	Penrose	Stone
Broussard	Johnson, S. Dak.	Phelan	Swanson
Bryan	Jones	Pittman	Thomas
Catron	Kenyon	Poindexter	Townsend
Chamberlain	Kirby	Pomerene	Underwood
Clapp	Lane	Ransdell	Vardaman
Clark	Lea, Tenn.	Reed	Wadsworth
Cummins	Lee, Md.	Robinson	Walsh
Curtis	Lewis	Saulsbury	Watson
Dillingham	McLean	Sheppard	Weeks
du Pont	Martin, Va.	Sherman	Works
Fletcher	Martine, N. J.	Shields	
Gronna	Nelson	Simmons	
Harding	Newlands	Smith, Ga.	

The PRESIDING OFFICER. Sixty-five Senators have answered to their names. A quorum is present.

Mr. NEWLANDS. Mr. President, I have no objection to the Mississippi River project or to the Sacramento River project as approved projects under a general scheme of legislation that will take care of all our waterways and promote them and develop them, not only for navigation but for every possible beneficial use, by a system of coordination of the engineering and scientific services of the country, and by a system of cooperation between the Nation and the States. The objection I have is not to these projects, but to the fact that there is no general scheme of legislation in this bill under which we can accomplish the full development of all our rivers. With that view I have offered as an amendment an additional section which is a condensation of the bills which I have been introducing on this subject for the past 10 or 12 years, which have been the subject of constant agitation throughout the entire country, which are well known in every watershed in the country, and which have received in terms the indorsement of all party platforms, the approval of three Presidents—Mr. Roosevelt, Mr. Taft, and Mr. Wilson—and the approval of every Secretary of war from Roosevelt's time down to the present, with the exception, perhaps, of Mr. Garrison, whose approval was qualified. I urge that this condensation, this condensed section, embracing simply a scheme of administration and investigation, shall be adopted as a part of this bill.

Now, Mr. President, from what does this bill arise? It arises from the fact that certain parties, both on the Sacramento River and the Mississippi River, own large areas of swamp land which they desire to have reclaimed. That is the principal purpose of this bill. I find no word in this bill regarding the promotion of interstate commerce. I find no word in this bill regarding river regulation. I find no word regarding the promotion of transportation; and it is that word which I want to put in this bill and make it fruitful hereafter of results in a system which, through the teamwork of all the engineering and scientific services affected, and teamwork between the Nation and the States, will secure a related system of waterways throughout the United States as perfect as that of Germany and France, and, in connection with that develop-

ment, promote the reclamation of arid lands and swamp lands, the development of water power, intensive cultivation, and other beneficial purposes, just as the development of waterways in those countries has produced that result.

I urge this because it will result in a wider economic distribution of benefits. The purpose of this bill is to prevent flood waters from destroying property. I want to add to that purpose the purpose that will be covered by a general scheme, and that will be of creating property and wealth; and just to the extent that we can create wealth under a plan of regulating our rivers, to that extent we will diminish the cost of merely protective measures.

Now, Mr. President, to whom did these swamp lands originally belong? Have they been handed down by way of private title to the present owners? No. All of them were once in the possession of the United States. They belonged to the sovereignty of the United States, and the United States, abandoning its trust, turned over these swamp lands to the States, with the understanding that the States would by some process reclaim them; and the States, abandoning their functions as sovereigns, turned them over to individuals, in the expectation that the individuals would reclaim these lands and make them the homes of numerous people.

It was an undertaking that individuals could not pursue with success. The very nature of the undertaking required the control of large areas, the control of great rivers from source to mouth, such a control as a sovereign alone could exercise. So the individual grantees of these lands, having failed as might have been anticipated in their undertaking to reclaim these lands, come back to the National Government, the original owner and grantee, and ask it to cooperate with them in this great work, and to divide and apportion the cost.

Mr. President, as a mere scheme of reclamation of lands in private ownership, I deny the right of the sovereign to take hold of these lands and reclaim them for their owners, or aid in that reclamation; but if that reclamation will tend to regulate and control the river in such a way as to promote navigation, and thus advance what comes under the jurisdiction of the national sovereignty, interstate and foreign commerce, then it is within the jurisdiction of the Nation, and only then. Yet I contend that there is not a word in this bill that would tie this great work to the sovereignty of the Nation in the exercise of sovereign powers. The amendment which I propose will do that, and will make this entire work a part of the sovereign work of the Nation and of the States in securing an efficient system of transportation.

Mr. President, I have no disposition to obstruct this bill, although I have long realized that the only way to get through a measure of general effect and operation is to oppose those measures that are piecemeal in their character; that propose to take up work here and work there as a part of the piecemeal system, of the spoils system, which has come under deserved condemnation. Under the piecemeal system and under the spoils system we have expended hundreds of millions of dollars upon our rivers without result so far as any national purpose is concerned. The rivers are not so much used to-day as they were in years gone by in the promotion of commerce; and we have allowed the land carriers, the rail carriers, to sandbag the water carriers, so that they have almost been driven out of the commerce of the country.

This bill is a part of the piecemeal system and the spoils system as it stands. I want to make it a part of a great national system that will embrace every watershed in the country and that will result in the promotion of a real national purpose, and that is the promotion of transportation and commerce. This short amendment, boiled down, covering only a couple of pages, is offered with that view.

How am I, a friend of this bill; how am I, a friend of these projects, as approved projects under a general scheme, met? Why, they say: "We can not accept your amendment." They say: "It will imperil the bill in the House." Why? Are we to assume that the House is so devoted to the piecemeal system and to the spoils system that it will never get right upon this subject? Are we to assume that if this matter is presented in conference it will not receive fair consideration? And if the House, then, is opposed to it, can not the entire matter come back to the Senate to be disposed of, either by an affirmance or a recession?

Mr. President, in my judgment, it is cowardly not to express the conviction of the Senate—for I know that a majority of this Senate stands for a general system—simply because some one says that the House is opposed to it. So far as the River and Harbor Committee of the House is concerned, I have reason to know that that committee is converted to this theory; that in a recent river and harbor bill they proposed to insert an amendment such as I ask to this bill, and that it was supported by the River and Harbor Committee and went out in the House upon a point of order and not upon its merits. Then, when the powerful River and Harbor Committee, so long standing for the piecemeal system with reference to river and harbor legislation, yields the prejudices of years and proposes to adopt this system, what reason is there for believing that the House itself will be recalcitrant?

Mr. President, it is true that some of the large features of the bill which I have been urging for many years, involving large appropriations, continuous appropriations over a period of 10 years, have met with opposition because they seemed large. My purpose in presenting these large sums was to accustom the public mind to the fact that we were entering upon a great work, a work that would cost money, and a large amount of money. My original bill called for $600,000,000—$60,000,000 annually for a period of 10 years; and some timid souls raised their hands in apprehension with reference to an expenditure of this gigantic sum. Yet in the development of rail transportation our corporations have evolved a capitalization of $20,000,000,000, and are spending money at the rate of $600,000,000 annually in the extension of their lines, and are claiming that they ought to expend a billion dollars annually. Do the people shrink from these large sums, upon which they pay interest in the shape of freight and passenger rates?

Look at the map. There are 50,000 miles of waterways in this country—the most wonderful system of waterways in the world. Yet we have abandoned that system of transportation and neglected it in order to take up a system of transportation adapted better to the expensive and high-priced products, competent to pay high rates of transportation, water transportation being better adapted to cheap products, to bulky products; and one of the troubles under which this country is suffering to-day is the congestion caused by the cheap and bulky products upon our lines of railway transportation. Had we permitted our waterway transportation to advance step by step with rail transportation the rails to-day would not be overburdened as they are by the carriage of cheap and bulky products, such as wheat, corn, hay, coal, iron, and other products of the mines, which must be cheap, and which can only stand a very low rate of freight.

Mr. President, in deference to the fears of the timid I have reduced the proportions of this bill. I have absolutely stricken out the dedication of these large sums to a waterway fund for the development of our waterways and have provided simply for a commission of investigation, with a view to bringing these various services into teamwork, and appropriating only $100,000 for that work of investigation and report. Why is that work of investigation and report required? Because to-day there are four departments, each one having from two to four services or bureaus devoted to some form of water development, each department pursuing its way unrelated to the other department, each service pursuing its unrelated and noncooperative way, involving duplication of work, involving plans that do not dovetail into each other.

How is this cooperation provided for in this amendment? Simply by providing that a waterway commission shall be created consisting of the Secretaries of War, Interior, Agriculture, and Commerce, under whom all these scientific and engineering services now are, and three engineers of distinction in addition; and their undertaking is, through these chiefs of departments, to bring these various services, these various bureaus, these various engineering and scientific organizations into teamwork, so that their plans will dovetail into each other, so that their expenditures will dovetail into each other, so that their work will progress in such a way as to enable each to dovetail in with the other.

It is impracticable to take away all of these services from these various departments and put them under a board of public works; for if you did that, you would deprive the Cabinet officials, the department chiefs, of the jurisdiction which they now have.

Now, what are these services? In the War Department is the Engineer Corps of the Army, which is now at work upon the navigable parts of our streams; in the Interior Department are services, the Geological Survey, engaged in the study and investigation of all the problems that relate to water, and the Reclamation Service, which is now practically in occupation of the headwaters of most of our great rivers that flow into the Pacific Ocean and that flow into the Mississippi and the Missouri from the west, yet there is no method of bringing those two departments into teamwork. Organize a commission of which the Secretary of the Interior and the Secretary of War are members, and through their departments these services will be brought immediately into teamwork—one on the lower parts of

the rivers with regard to their navigability, the other on the higher parts of the rivers where the waters can be used for the reclamation of the public lands of the United States and for the development of water power—and the reclamation of the arid lands of this country and the development of the water power of this country mean the slowing up by artificial storage or by natural storage of the soil itself of this great flow of water that vexes our neighbors to the south. The policy heretofore upon the part of our southern friends has been to invite us to hurry these waters down to them. They say to the people of the North, we do not object to the reclamation of your swamp lands, to your hurrying these waters down upon us. All we insist upon is that you build levees of sufficient height and thus protect our lands from the inroads of these waters.

Is it not a part of the general scheme of flood control to hold the waters back at their source as well as to guard them in the lower reaches of the river? Is it not absolutely wise to bring these two great services, both of them composed of great engineers, into collaboration upon this great work? Yet there is no machinery under the law for accomplishing that. It is hardly known, perhaps, in the Senate that the Reclamation Service has attacked more difficult problems in hydraulics than have been attacked by the Engineer Corps of the Army, great as is the ability and experience of that organization. The problems that have been attacked by the Reclamation Service of the United States surpass even those of the Panama Canal in complexity and variety.

Why should not these two great engineering services be brought into collaboration, and why should we not provide the machinery for that purpose? So it is with reference to the Geological Survey, a survey that is engaged under appropriations made by Congress in studying all the questions that relate to water. And so it is with reference to the Coast and Geodetic Survey under the Department of Commerce and the Bureau of Fisheries, which ought to be brought into collaboration with the scientific services of other departments. So it is with the Drainage Bureau, the Bureau of Soils, and other services of the Agricultural Department. All of them studying problems relating to the development and control and beneficial use of water and all of them studying these great problems in a detached and unrelated way, a single river being the subject of investigation and development by many services of the National Government acting without cooperation or a common purpose.

And so it is with the several States. My amendment provides for cooperation between sovereigns, National and State.

Mr. President, it is not my purpose to delay the consideration of this bill or to delay a vote upon it. I will be glad to have read here the approving statements of such men as Theodore Roosevelt, William H. Taft, and Woodrow Wilson. I would be glad to read the reports and the statements of every Secretary of War in any administration since Roosevelt's time. I would be glad to read the corroborative statements of such men as Secretary Fisher of the Interior Department, and Secretaries Taft and Stimson of the War Department, and Secretary Lane of the Interior Department, and of Secretary Baker of the War Department, and of Secretary Houston of the Agricultural Department. Secretary Baker appeared only recently before our Commerce Committee and urged legislation upon these lines. I would like to read the platform declarations of the different parties. I would ask permission of the Senate to have these matters inserted in the RECORD without reading.

The PRESIDING OFFICER. Without objection, leave will be granted. The Chair hears no objection, and it is so ordered.

The matter referred to is appended.

Mr. NEWLANDS. Now, Mr. President, I stated a few moments ago that the objection is urged that this amendment ought not to go upon this bill, because it will not be accepted in the House. I think I have shown the absurdity of that contention. If the House conferees can not accept it and will not accept it, it simply comes back to the Senate for action. I have not the slightest doubt that the Senate, rather than lose the bill, if it favors it, will make the concession, and there is certainly time enough to accomplish that. But another objection is made to the insertion of this amendment upon this bill, and that is that the Commerce Committee has put this very amendment on the river and harbor bill. Now, that is so. It has been put upon the river and harbor bill the very amendment which I have offered. But I am told that a point of order will be made regarding it. I do not know whether the point of order will lie or not; but it may go out on a point of order. Then, we run the chance of the river and harbor bill not passing. We know that there is strenuous objection to that bill as part of the discredited piecemeal system. I think the objections to that bill have been very largely removed in recent years in that regard; but still we know that at every session a contention—a determined contention—is made against this bill, because it belongs to the old spoils system. If that bill does not pass, this amendment will fail with it, and then we will have the piecemeal system perpetuated, and no check whatever upon the spoils system. We will have lost our opportunity for general legislation upon this subject when the Senate favors that legislation, as manifested three years ago, by putting an amendment in substantially these terms upon the river and harbor bill; I ask why should we lose this opportunity simply because our friends from the South think that there is a remote danger that it may imperil the bill?

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. NEWLANDS. Certainly.

Mr. CUMMINS. As the Senator from Nevada has long known, I am in favor of the plan which he has so frequently presented, of which the amendment is an abbreviation. I rise to ask him what authority would the commission which he creates in his amendment have over the appropriation that is made in the bill?

Mr. NEWLANDS. It would have none over this appropriation. I have been obliged to very much abbreviate the measure, which I have been urging for so many years, so as to simply create a commission for the purpose of investigation and report to Congress, and it can bring all these bureaus into teamwork with a view to making that report. But I do not understand that it would control this particular expenditure under this bill. It would be controlled, however, by the Secretary of War, who is one of the commission, and so it would be with reference to the expenditure for the Reclamation Service; that expenditure would be controlled by the Secretary of the Interior, who is a member of this commission; and so, although the bill does not especially provide for it, we will find that as the result of processes of investigation these departments would gradually get into teamwork before full authority for it is given by Congress in the shape of definite constructive work.

Mr. CUMMINS. But the $45,000,000 appropriated in this bill would still be spent for the purpose named in the bill, and that expenditure can not be either changed or supervised by the commission which is created in the section offered by the Senator from Nevada.

Mr. NEWLANDS. Yes; that is true; and I can only defend that by saying I approve this appropriation for the lower Mississippi, and I approve the one for the Sacramento. I believe that they ought to have the power of making continuing contracts. I believe that those projects have been thoroughly studied by the Army engineers and that they ought to be approved. What I am contending is that they should be simply approved as projects under this bill under a general system, and not as projects under the old system, and that we should now provide for a general system of development.

I will say that I have the deepest sympathy for my friends in the Mississippi Valley. I realize that this is a problem that the localities there can not take hold of. It is unreasonable to expect it, but I think it is also unreasonable to expect us to vote for these large appropriations unless we justify them under the interstate-commerce power of the Constitution. What I object to in this bill is that there is not a word said regarding interstate commerce nor a word said about the promotion of navigation. It is true that the work can be done in such a way as to promote navigation, but I want to see to it that navigation is declared to be the dominating purpose.

What are these great areas of swamp land—20,000,000 acres—from Cairo down? What are they but the alluvial deposits carried down the Mississippi River into what was at one time undoubtedly an arm of the Gulf of Mexico, an arm which has been filled up with this alluvial deposit? The alluvial soil there, I am told, in some places is 1,200 feet deep, a soil unparalleled in richness. Recollect, that the force of the Mississippi River is increased and its destructive power is increased by the reclamation of the 20,000,000 acres, those large areas that were the natural outlet of the flood waters. Just as soon as you confine the river within its banks, or within levees upon both banks, you contract the width of the stream, and to that extent increase its height and its destructive force.

I think it may well be worthy of consideration as to whether we should go along with our present system of reclaiming the swamp lands in the North and hurrying our waters down as fast as we can to the Gulf of Mexico. It is a question whether a portion of the Delta itself should not be maintained as an area of flood overflow. The question in my mind is whether we can ever build levees high enough to control and keep within their boundaries these flood waters if we pursue our present policy

of hurrying instead of retarding the waters on the way to the Gulf.

So it is of the highest importance from the standpoint of the southern interest itself that we should see to it that a system is pursued in the North that will gradually slow down the progress of the flood waters so that the period of flood can be lengthened a fourth or a half. Such lengthening of the period of flood will necessarily diminish the height and the crest of the flood and its destructive force.

All these things ought to be studied with scientific accuracy. We all realize that water is one of the most valuable assets in the world, absolutely essential to life. It composes three-fourths of our own physical organization and three-fourths of all the plant and animal life that we know of. It is the thing that is absolutely essential to production. Unfortunately the waters fall from the heavens in an accidental way. If we could control them so that they would fall with scientific accuracy from the heavens upon the soil there would be neither droughts nor floods. But that is impossible, and so the next best thing is to take these waters just as soon as they fall from the heavens and wherever they fall, whether it is on the watersheds of the Ohio or the Mississippi or the Yellowstone or the Missouri or the Arkansas, and slow up the progress of the water as it flows to the ocean, meanwhile putting the water slowed up in its progress to a remunerative and wealth-creating use.

Mr. President, in closing my remarks I wish again to disclaim any unsympathetic purpose in reference to the bill. My purpose is helpful. I also wish to state that the amendment as printed contains a mistake. The amendment as it is printed states that it is to be inserted in lieu of section 3 of the bill (H. R. 14777). That is not my purpose. I propose to leave the entire bill as it stands and to have this section as section 5—as an additional section to the bill. I ask that the Secretary may read the amendment.

The SECRETARY. It is proposed to add as a new section the following:

Add a new section, as follows:

"SEC. 5. That a commission, to be known as the Waterways Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and three additional members to be appointed by the President of the United States from the active or retired list of the Engineer Corps of the Army, or other Government services, or from civil life, one of whom shall be designated by the President as chairman, is hereby created and authorized, under such rules and regulations as it may adopt, to bring into coordination and cooperation the engineering, scientific, and constructive services, bureaus, boards, and commissions of the several governmental departments of the United States and commissions created by Congress that relate to study, development, or control of waterways and water resources and subjects related thereto, or to the development and regulation of interstate and foreign commerce, with a view to uniting such services in investigating, with respect to all watersheds in the United States, questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, drainage, forestry, arid and swamp land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil erosion and waste, storage, and conservation of water for agricultural, industrial, municipal, and domestic uses, cooperation of railways and waterways, and promotion of terminal and transfer facilities, to secure the necessary data, and to formulate and report to Congress, as early as practicable, a comprehensive plan or plans for the development of waterways and the water resources of the United States for the purposes of navigation and for every useful purpose, and recommendations for the modification or discontinuance of any project herein or heretofore adopted. Any member appointed from the retired list shall receive the same pay and allowances as he would if on the active list, and not more than one member may be selected from civil life, and his compensation shall be $5,000 per annum.

"In all matters done, or to be done, under this act relating to any of the subjects, investigations, or questions to be considered hereunder, and in formulating plans, and in the preparation of a report or reports, as herein provided, consideration shall be given to all matters which are to be undertaken, either independently by the United States or by cooperation between the United States and the several States, political subdivisions thereof, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each, respectively, with a view to assigning to the United States such portion of such development, promotion, regulation, and control as may be undertaken by the United States, and to the States, political subdivisions thereof, municipalities, communities, corporations, and individuals such portion as belongs to their respective jurisdictions, rights, and interests.

"The commission is authorized to employ, or retain, and fix the compensation for the services of such engineers, transportation experts, experts in water development and utilization, and constructors of eminence as it may deem necessary to make such investigations and to carry out the purposes of this section. And in order to defray the expenses made necessary by the provisions of this section there is hereby authorized to be appropriated such sums as Congress may hereafter determine, and the sum of $100,000 is hereby appropriated, available until expended, to be paid out upon warrants drawn on the Secretary of the Treasury by the chairman of said commission.

"The commission shall have power to make every expenditure requisite for and incident to its authorized work, and to employ in the District of Columbia and in the field such clerical, legal, engineering, artistic, and expert services as it may deem advisable, including the payment of per diem in lieu of subsistence for employees engaged in field work or traveling on official business, rent of offices in the District of Columbia and in the field, and the purchase of books, maps, and office equipment.

"Nothing herein contained shall be construed to delay, prevent, or interfere with the completion of any survey, investigation, project, or work heretofore adopted or authorized upon or for the improvement of any of the rivers or harbors of the United States or by this act."

Mr. SHIELDS. Mr. President, I have taken a deep interest in this bill from the time of its introduction in the other House and have given it a great deal of attention since it has been in the Senate. I had intended to speak at some length upon it, but I am satisfied that the Senate fully understands all of its provisions and appreciates the necessity of it immediately becoming a law.

The Senator from Louisiana [Mr. RANSDELL], who has charge of this bill, has explained it, I have no doubt, very fully and forcefully to the Senate. I was unfortunate in not being present during the time he was explaining the provisions of the bill, being absent at a sitting of a conference committee. But, well knowing how fully he understands the subject matter, the necessities of this legislation, and knowing his ability to state the merits of the measure I am not going to delay the Senate with a further discussion of the bill. I perhaps should say nothing upon the subject, but for some suggestions concerning the character of this legislation which have been made by Senators who have spoken.

This legislation has been described, I hope not seriously, but still it has been so characterized, as a new project, as a reclamation project, as sectional, and as piecemeal legislation. This, Mr. President, does the measure great injustice. It is not a new project. It has been before Congress for more than half a century. It is not sectional. It affects 31 States of this Union directly and indirectly. It is not piecemeal. It relates to the great Mississippi Valley, one of the most important sections of this great country; a section over 2,100 miles long and over 1,300 miles wide, containing an area of 793,000,000 acres—covering the great valley lying between the Allegheny and the Rocky Mountains. It has been recognized, as I have said, for half a century, as a national project, as one affecting the whole country, and in which the entire Nation is directly interested and should bear the burden of its consummation.

I have said that this is not a new project, and the record bears me out. As far back as 1867 President Johnson, in a message to Congress, specifically urged legislation for the preservation of the levees of the Mississippi River, declaring it to be a matter of national importance. I quote his words:

As a subject upon which depends an immense amount of the production and commerce of the country, I recommend to Congress such legislation as may be necessary for the preservation of the levees of the Mississippi River. It is a matter of national importance that early steps should be taken not only to add to the efficiency of these barriers against destructive inundations, but for the removal of all obstructions to the free and safe navigation of that great channel of trade and commerce.

President Garfield, in his letter accepting his nomination for the Presidency, said:

The wisdom of Congress should be invoked to devise some plan by which that great river shall cease to be a terror to those who dwell upon its banks and by which its shipping may safely carry the industrial products of 25,000,000 of people.

President Hayes recommended legislation for the improvement of the Mississippi River for navigation and the protection of the people living along its banks.

President Arthur, in a message to Congress, said:

The constitutionality of a law making appropriations in aid of these objects can not be questioned. The safe and convenient navigation of the Mississippi is a matter of concern to all sections of the country; but to the Northwest, with its immense harvests, needing cheap transportation to the sea, and to the inhabitants of the river valley, whose lives and property depend upon the proper construction of the safeguards which protect them from the floods, it is of vital importance that a well-matured and comprehensive plan for improvement shall be put into operation with as little delay as possible.

Mr. Roosevelt, while President, in a message to Congress, said:

We, the Nation, must build the levees and build them better and more scientifically than ever before.

Mr. Taft, after he had inspected the river, traveling the entire distance affected by the provisions of this bill, said:

I am strongly in favor of expending the whole $50,000,000 to save that part of the country from floods in a reasonable time and to provide a proper levee system.

In addition to these utterances of Chief Executives, the great parties of this country in their platforms have repeatedly embraced provisions favoring the improvement of this great river by levee construction, as is now proposed, to promote navigation facilities for the benefit of many States and incidentally afford protection to the people inhabiting the country through which it flows. In 1912 all three of the great political parties recognized the improvement of the Mississippi River as a great national charge and pledged their respective parties to legislation to accomplish this purpose.

In the light of these declarations of Presidents and all the great political parties of this country, the fact that the measure affects 31 States, nearly 800,000,000 acres of land, and 25,000,000 people, it is impossible for me to conceive how anyone can characterize it as a sectional measure or as piecemeal legislation.

It is a subject so important and of which so much can be said in its favor that it is difficult to speak of it without consuming more time than ought to be taken at this time. Therefore I am not going to trespass further upon the time of the Senate. I only wanted to call attention to the utter want of facts to sustain the objections made to the bill.

The Senator from Nevada [Mr. NEWLANDS] has presented an amendment, a condensation of the great scheme which he has been bringing to the attention of Congress for years past, one worthy of his ability and long experience as a legislator and in keeping with his interest in the prosperity of this Nation and the development of its great natural resources. A similar amendment, though somewhat different in form, was presented to the House when this bill was there pending, and rejected by a very decided majority. It was not the amendment now presented, but the principle was the same.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Nevada?

Mr. SHIELDS. I do.

Mr. NEWLANDS. I merely desire to say that I heard that statement made some days ago, and I took occasion to look at the proposal that was made in the House and found that it went far beyond the amendment which I have offered here. It was quite different, whilst of the same general character.

Mr. SHIELDS. I am not going to controvert what the Senator has said, because I have already stated that the amendment offered in the House was in different form from the amendment which the Senator from Nevada has here presented.

Mr. President, this is a most important measure to all the people of the Mississippi Valley. The duty of the Nation to bear the expense of it has been recognized by the Nation. I speak more particularly of the Mississippi Valley, because I know more of that region, and because my State suffers tremendously from the annual floods of this river.

The amendment proposed by the Senator from Nevada, however meritorious it may be, if adopted would defeat the whole bill. There will be time yet for the consideration and enactment of the legislation the Senator from Nevada has proposed. There will be future Congresses which can take the matter under consideration and act upon it.

I believe that, however meritorious it may be, if the amendment proposed by the Senator from Nevada should be adopted at this late hour it would work the defeat of this bill. We never could at this session secure an agreement to that amendment by the other House; we never could get it considered there, in view of all the legislation that is now pending. It would simply result in allowing the difficult and conscientious labor which has been put upon the flood-control bill to be nullified and go for naught; all the work and time that has been spent upon it would be wasted; and this great measure defeated. I hope the Senate will not accept it.

Mr. NEWLANDS obtained the floor.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. The Senator from Nevada first addressed the Chair, and is recognized.

Mr. NEWLANDS. I should like to have a vote on the amendment I have offered, if that is agreeable to the Senator in charge of the bill.

Mr. RANSDELL. I have no objection to a vote on the amendment.

Mr. SIMMONS. Mr. President, before the vote is taken——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. NEWLANDS. I yield.

Mr. SIMMONS. I simply desire to make an announcement. In order to accommodate the convenience of Senators, I desire to announce that I shall ask the Senate to remain in session continuously until we have finished the bill now under consideration and the conference report on the Indian appropriation bill, at which time I shall ask for an adjournment until to-morrow.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Nevada.

Mr. NEWLANDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JONES. Mr. President, when the Senator from Nevada [Mr. NEWLANDS] originally presented his proposition for a commission to look into these matters I was one of the few Senators who favored the proposition and joined with the Senator in support of it. Since then it has developed gradually until it has come to the proposition that he has now.

I want to say to the Senators present that I am going to take only a minute or two.

I can not support the proposition that the Senator from Nevada has now. I am not in favor of a commission composed largely of Cabinet officers. I am in favor of the idea of his amendment, and I want that to be understood. I do not want it to go out that I am opposed to the idea of coordination of the different phases of flood control. I am in favor of it. I do not believe that this will bring about the proper coordination, however. I believe that the machinery that is provided here is of the most objectionable character, and that is the reason why I am going to vote against the amendment. I hope that the amendment in the form it is in now will be defeated. If it should be put upon this bill as an amendment it will lead to a great deal of debate to-day.

Mr. NEWLANDS. Mr. President, I wish to say to the Senator from Washington that I greatly regret that I can not agree with him, because we have agreed with each other so much in relation to this water legislation. It is of the highest importance that this coordinating commission shall be composed in part of the department chiefs, because they are the ones who are to give directions to their subordinates in the various scientific and engineering services.

I do not wish to dwell further upon the matter.

The PRESIDENT pro tempore. The yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the junior Senator from Georgia [Mr. HARDWICK], and therefore withhold my vote.

Mr. FALL (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. CHILTON] and withhold my vote.

The PRESIDENT pro tempore (when Mr. SAULSBURY'S name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT], and therefore withhold my vote.

Mr. SMITH of Maryland (when his name was called). I transfer my pair with the senior Senator from Vermont [Mr. DILLINGHAM] to the senior Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. STERLING (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH], and therefore withhold my vote. If at liberty to vote, I would vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. WALSH (when his name was called). I inquire whether the senior Senator from Rhode Island [Mr. LIPPITT] has voted?

The PRESIDENT pro tempore. He has not.

Mr. WALSH. I have a general pair with that Senator, which I transfer to the senior Senator from Indiana [Mr. KERN], and vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. The senior Senator from Pennsylvania [Mr. PENROSE] has a pair with the senior Senator from Mississippi [Mr. WILLIAMS], and we have arranged that they may be transferred. I vote "nay."

Mr. OVERMAN (after having voted in the affirmative). I have a pair with the junior Senator from Wyoming [Mr. WARREN]. Noticing his absence, I withdraw my vote, as I do not know how he would vote on this question.

Mr. CATRON. Has the junior Senator from Oklahoma [Mr. OWEN] voted?

The PRESIDENT pro tempore. He has not.

Mr. CATRON. I transfer my pair with that Senator to the junior Senator from Maine [Mr. FERNALD] and vote "nay."

Mr. UNDERWOOD (after having voted in the negative). I have a general pair with the junior Senator from Ohio [Mr. HARDING], who is absent from the Chamber. I transfer my pair with him to the senior Senator from Texas [Mr. CULBERSON] and will let my vote stand.

Mr. LODGE (after having voted in the affirmative). I have a general pair with the senior Senator from Georgia [Mr. SMITH]. I do not see him in the Chamber. I transfer that pair to my colleague [Mr. WEEKS] and that will permit the Senator from Kentucky [Mr. JAMES] and myself to vote. I will let my vote stand; and the Senator from Georgia [Mr. SMITH] stands paired with my colleague [Mr. WEEKS].

Mr. JAMES. Mr. President, in view of the announcement of the Senator from Massachusetts, I vote "nay."

Mr. OVERMAN. I transfer my pair with the junior Senator from Wyoming [Mr. WARREN] to the senior Senator from New Jersey [Mr. MARTINE] and vote "yea."

Mr. CURTIS. I desire to announce that the senior Senator from New Hampshire [Mr. GALLINGER] is necessarily absent from the Senate. He is paired with the senior Senator from New York [Mr. O'GORMAN].

Mr. STONE (after having voted in the negative). I find that my pair, the senior Senator from Wyoming [Mr. CLARK] has not voted. I transfer that pair to the senior Senator from Ohio [Mr. POMERENE] and will let my vote stand.

The result was announced—yeas 29, nays 32, as follows:

YEAS—29.

Borah	Johnson, S. Dak.	Norris	Sutherland
Brady	La Follette	Overman	Thomas
Brandegee	Lane	Page	Townsend
Bryan	Lodge	Penrose	Wadsworth
Cummins	McCumber	Pittman	Walsh
Fletcher	McLean	Poindexter	
Hollis	Myers	Shafroth	
Husting	Newlands	Smith, Mich.	

NAYS—32.

Ashurst	Kenyon	Reed	Stone
Bankhead	Kirby	Robinson	Swanson
Broussard	Lea, Tenn.	Sheppard	Thompson
Catron	Lewis	Sherman	Tillman
Chamberlain	Martin, Va.	Shields	Underwood
Hughes	Nelson	Simmons	Vardaman
James	Phelan	Smith, Md.	Watson
Jones	Ransdell	Smoot	Works

NOT VOTING—35.

Beckham	Fall	Johnson, Me.	Saulsbury
Chilton	Fernald	Kern	Smith, Ariz.
Clapp	Gallinger	Lee, Md.	Smith, Ga.
Clark	Goff	Lippitt	Smith, S. C.
Colt	Gore	Martine, N. J.	Sterling
Culberson	Gronna	O'Gorman	Warren
Curtis	Harding	Oliver	Weeks
Dillingham	Hardwick	Owen	Williams
du Pont	Hitchcock	Pomerene	

So Mr. NEWLANDS's amendment was rejected.

Mr. NORRIS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The amendment will be stated.

The SECRETARY. On page 4, after line 9, it is proposed to insert the following:

(e) Out of the money appropriated under authority of this section there shall be paid to the Reclamation Service a sum of money equal to one-half of the cost of the construction of all dams heretofore constructed or hereafter to be constructed by said Reclamation Service for the impounding of flood waters which in their natural course, without such impounding, would reach the Mississippi River. Any money so paid to the Reclamation Service as part payment for the construction of any dam shall be used exclusively for the particular reclamation project or projects for the benefit of which such dam is constructed, and the same shall not be included in the amounts to be repaid to the reclamation fund by the settlers under the various reclamation projects benefited thereby: *Provided*, That there shall not be paid in any one year an amount in excess of $200,000 toward the construction of any single dam.

Mr. NORRIS. Mr. President, I can not myself see how anyone favoring this bill can consistently oppose this amendment. To me it looks as though anyone who favored the proposition contained in the original bill, if he is logical, must necessarily favor this amendment. It seeks to carry out to its logical sequence, I think, the purposes of the bill.

There is flowing down the Mississippi River every year a large amount of surplus water that at certain stages at certain periods and at certain places does a great deal of damage. It is the object of this bill, as I understand it, to correct that evil. We may disagree as to how it is to be done, what proportions should be paid by private owners for the benefits they may receive, and other details of the bill, but I think everybody will concede that that is a good purpose.

This water that does the damage in Louisiana, if it were retained at its source in South Dakota, in Montana, in Wyoming, in Nebraska, and in other States, would not do any damage. Now, we have a law on the statute books known as the reclamation act. The object of that act is just the reverse of the object of this one. This act seeks to keep water from getting on land and doing damage. The reclamation act seeks to retain water and put it on land and make it beneficial. The water that gets away in Wyoming and Nebraska does damage in Mississippi and Louisiana. Under the reclamation act various dams have been constructed, and a few more are to be constructed. Every gallon of flood water that is retained behind those dams and put upon the lands that would otherwise be arid and useless saves the Mississippi and the Louisiana farmers from damage by overflow.

If you want to protect the farmer on the lower part of the river by saying that the Government shall construct a levee to keep the water off his lands, are you not going to give credit to the farmer in Minnesota, Montana, South Dakota, and Wyoming who keeps back the flood waters that would otherwise raise the level of the Mississippi River lower down and do damage that you are trying to protect the people from in this very bill?

Mr. President, this amendment in effect provides that out of the fund created by this bill there shall be paid, for every dam constructed by the Reclamation Service for the withholding of flood waters, one-half of its cost. It applies to no dam unless that dam holds back the flood waters that otherwise would get into the Mississippi River.

It provides for no payment for anything connected with any reclamation project except for the construction of the dam itself, and only one-half of that.

Mr. BORAH. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. BORAH. Do I understand that the Senator's amendment provides for the payment of a certain portion of this fund to the Reclamation Service?

Mr. NORRIS. Yes.

Mr. BORAH. To enter into the general reclamation fund?

Mr. NORRIS. No; the provision is that one-half of the cost of the dams that I have mentioned shall be paid out of the fund created by this bill into the Reclamation Service, to be applied exclusively to the particular dams that hold back the flood waters, and that that amount shall not be returned by the settlers under that particular reclamation project.

Mr. BORAH. In other words, the effect of it would be to relieve the settlers of one-half the charge.

Mr. NORRIS. Of one-half the charge for the construction of the dam that holds back the flood waters that otherwise would get into the Mississippi River.

Mr. BORAH. How would you apportion it among the different dams?

Mr. NORRIS. You would pay one-half for construction. I have a list here of the dams that I am going to give in a few minutes.

Mr. BORAH. Each dam, then, is to be credited with one-half the amount it cost to construct it?

Mr. NORRIS. Exactly. A certain quantity of water does a certain amount of damage on the lower Mississippi. If that same water were held back and did not get into the lower Mississippi, it would not do any damage, and the expenditure of this money would be unnecessary; nobody would be injured. It is just as fair, it strikes me, to take the farmer in the arid region and let him get the benefit of the Government appropriation that holds back flood waters as it is to give all the benefit to the man in the lower Mississippi Valley.

I have provided in the amendment that one-half the value of these particular dams shall be paid out of this fund. When you get lower down you have a more liberal provision in the bill for the farmers down there. The bill provides:

That no money appropriated under authority of this section shall be expended in the construction or repair of any levee unless and until assurances have been given satisfactory to the commission that local interests protected thereby will contribute for such construction and repair a sum which the commission shall determine to be just and equitable but which shall be not less than one-half of such sum as may have been allotted by the commission for such work.

In other words, under the bill, if we appropriate out of the fund provided by the bill for a section in the South a million dollars, the local interests must put up $500,000. In other words, the Government puts up $2 to their $1. I have not been as strict as that in the amendment with the farmer on the plains. He puts up dollar for dollar with the Government for the construction of the dam that holds back the flood waters. I have a provision in it, so that it would not interfere seriously with the use of this fund, that not more than $200,000 shall be appropriated for any particular dam during any one fiscal year.

Mr. President, it would not be such a large amount of money, and let me say that it is all going for a good purpose. The people down below who are going to have their lands made valuable have to contribute one-fourth, and they get some benefit out of it. They ought to contribute something to it. The people at the other end of the same stream who hold back the water that would do damage below ought to be treated, to be fair, in exactly the same way.

That is not all, Mr. President. These flood waters do damage on their way down. They interfere even with navigation. In the regulation of the stream by holding back the flood waters at the source of the stream you regulate that and incidental benefits will go to everybody. Here is one farmer whom you are protecting by this bill by keeping the water off his land. I ask

that you apply the same principle and protect the fellow who saves the water from going down there and doing damage by putting it on his own land and applying it to a useful purpose.

Then bear in mind it is not a donation to irrigation, as at first blush might be imagined. It applies only to the dam, and that is a very small portion of the expense connected with any irrigation project. It has nothing to do with the laterals or the ditches and with all the other necessary expenses that go with every reclamation project. More than that, it does not apply to any dam, either, unless that dam holds back flood waters from the Mississippi River.

I will take a particular dam with which I am somewhat familiar, the Pathfinder Dam in Wyoming. I do not care to take up the time of the Senate unless it is necessary to go into the full details as to the exact amount of water that it holds back. It is a dam in the canyon of the mountains 250 feet high—I am speaking from memory—and holds back an enormous quantity of water. Under the law of the State through which the river flows it is necessary that the Reclamation Service should permit at all seasons of the year the ordinary volume of the stream to continue to flow. So they hold nothing but flood water. In other words, there are other rights involved lower down on the stream. So it is not a proposition of going out and damming up a stream and stopping all the water. They must let the ordinary flow of the river continue every day in the year. They only hold by that great dam the flood water that if turned loose and flowing down the Mississippi would destroy millions of dollars worth of property every year. Ought the Government pay for that dam? Ought it to pay for half of it if by this bill you are going to pay to build a levee on the Mississippi, which is just the same as the dam, except made of different material, to keep the water off from the other fellow's land?

Let us see what it would cost. That is one of the largest dams that the Reclamation Service has ever constructed. It cost $1,824,000. It is the largest of any. So we would have about $900,000 to pay in five years if this amendment should be adopted for that one dam. I have a letter here from the Chief of the Reclamation Service, in which he gives me a list of the dams. There is the Blackfeet Dam in Montana, that cost $138,000. In Montana there is the Four Horns Dam, which cost only $13,000; the Little Porcupine, in the same State, which cost $29,000; the Milk River Dam, in the same State, which cost $46,000; the Sun River Dam, in the same State, which cost $270,000. Then come the Wyoming dam, the Pathfinder, which cost $1,824,000, and in Nebraska the dam making Lake Alice, $210,000; the dam near Minatare, Nebr., $552,000; in South Dakota the Belle Fourche Dam, cost $1,235,000; and in Wyoming the Shoshone Dam, cost $1,357,000. There have been only three dams constructed by the Reclamation Service that cost more than $1,000,000.

It is fair to say that there are some other dams that will be constructed. I know of another dam that was to be constructed in Wyoming, and in this same letter I asked for an estimate on that—the Guernsey Dam. That is a part of the great North Platte project. I knew they had been making surveys and estimates for the construction of that dam. It will take only flood waters. It may be that some of the dams I have mentioned would not be entitled to anything under this amendment, because they, perhaps, get waters that are not flood waters. So he gave me, at my request, an estimate of the Guernsey Dam in addition to those that I have already read. He says:

> Surveys and preliminary estimates of cost of the Guernsey Dam were made some years ago, and the probable cost, including the development of some 3,000 horsepower, is from $400,000 to $500,000.

Mr. President, I might go on and give you the details of every one of these dams, but it seems to me that the amendment which I have offered comes so logically within the line of the bill that if those who are behind the bill are fair, and I know they intend to be fair, and from their standpoint are fair—it does look to me that if they are fair and want to be logical they will certainly make no objection to this particular amendment, and I most sincerely trust that the Senator from Louisiana will not oppose it.

Mr. RANSDELL. Mr. President, I wish I could accept this amendment. I want to say to the Senator from Nebraska that I have always favored as strenuously as I could the irrigation of the arid lands of the West. I made a speech for that measure when it first came up in 1903, and I have been a devoted friend of improving those arid lands by irrigation ever since. We spent $111,000,000 and it is going to take a great deal more, and I am going to vote for every legitimate irrigation project that comes up.

But, Mr. President and Senators, we do not know how much money would be extracted from the pending bill if this amendment should go through. I am not going to enter into a discussion of it, but the amendment proposes to take out of the appropriation provided for in the bill $200,000 for every dam heretofore constructed or hereafter to be constructed in that portion of the arid West which sends its waters down into the drainage basin of the Mississippi. We have no estimate as to how many dams hereafter are to be constructed. Of course we might know, although we have not that information, how many have been constructed. We can not tell.

Mr. NORRIS. Will the Senator allow me?

Mr. RANSDELL. Pardon me just a minute and then I will yield. We know what it is going to cost to improve the Sacramento River. The estimates have been made. Five million six hundred thousand dollars is the proportion which the Government ought to pay. We know what it is going to cost the Government to improve the lower Mississippi. If we diminish those sums by so much, $1,000,000, $10,000,000, or $20,000,000, for these dams—I do not know what the amount may be—it will completely break up our estimates and our projects. I hope Senators will not support the amendment.

Mr. NORRIS. I wish to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Louisiana yield?

Mr. RANSDELL. I will be delighted to yield.

Mr. NORRIS. The Senator knows, of course, that these reclamation projects are limited and that we have very nearly exhausted, if not entirely exhausted, the possibilities of holding that land for the benefit of irrigation. The Reclamation Service will construct no dams, of course, except for purposes of irrigation. Practically all of them have been completed now. I read to the Senator the list. He can tell within a cent what it will cost. I do not have any idea that there will be more than three or four additional dams constructed on the watershed of the Mississippi River, because it is necessarily confined to arid lands that would be reclaimed by irrigation. So we need have no fear in that respect that we are going into an uncertainty or that it is going to mount up to a large sum.

Mr. RANSDELL. I know the Senator is absolutely honest; he does not think there will be more than three or four more, but we might extend a good deal the irrigation service by twenty or thirty million dollars as we did a few years ago. It is so uncertain and so indefinite as to amount that I hope Senators will not support the amendment.

Mr. WALSH. Mr. President, I am very heartily in favor of the pending amendment, and I trust we shall be able to get a vote on it. I want to support it. But I think the distinguished Senator from Louisiana is altogether too fearful about it. I appreciate very well his desire to have the bill go through without any amendment of any character whatever, but at the same time it might be well to have a little regard for the desires and interests of other sections of the country that are as well interested in the problem that the bill deals with.

It was the opinion of many of us that the general principle at least of the amendment tendered by the Senator from Nevada [Mr. NEWLANDS] ought to find a place in the bill. I am satisfied that the idea advanced by the Senator from Nevada will take hold eventually upon the people of the country, and he is entitled to very great credit for his persistency in keeping it before the Senate.

Now, here is another idea that addresses itself with particular force to the people of the country about the upper stretches of the Mississippi River and the remote portions of that great valley. Our people tax themselves very heavily, indeed, for the purpose of holding back the waters, which if allowed to run their free course would go to swell the great volume that creates the disasters in the lower valley which we are endeavoring by this appropriation to avert. Every acre-foot of water that is held back lessens by just so much the risk by which the lands adjacent to the lower Mississippi are subject. Then by holding back the water by the dams undoubtedly adds to the value of their own property, but they at the same time make a most substantial contribution to the result which the bill is intended to effect. It is a very reasonable request upon their part that one-half of the amount which they are called upon to expend in the construction of dams for the purpose of holding back this water and storing it, that it may be spread out upon the land and not allowed to go to swell the great volume that flows into the lower Mississippi. It is a very reasonable request, it seems to me, and I am surprised if it is not very readily acceded to by the gentlemen who are advocating the bill, particularly in view of the fact that the people from that remote region are extremely desirous of aiding in securing the passage of this act.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Mississippi?

Mr. WALSH. I yield.

Mr. VARDAMAN. I wish to say to the Senator that I am very much in disfavor of any measure which will not bring under the plow the arid lands in the West. I want to see homes builded out there.

I should not be opposed to this amendment at all if the matter had been investigated. We are leaping in the dark as to the amount of the cost. While I personally might not be opposed to it, I sincerely doubt, if this amendment be adopted, whether the bill stands the Chinaman's show to pass. If I thought the rejection of this proposition closed the door of hope in the face of the people of the arid West, I should be willing to take the chance; but when I realize that the adoption of an amendment of this kind is not going to get anywhere for anybody, is not going to accomplish any good for anybody, it seems to me that we are throwing away an opportunity to do a great governmental service, not exclusively to the people of the lower Mississippi—because the Government is going to continue to spend money on the Mississippi River—but the measure which we propose, if adopted, will save an enormous amount of money, something like $8,000,000, in the completion of the work. If the Senator's measure could pass, if we knew what it was going to cost, or anything about it, I should not oppose it at all.

Mr. WALSH. Mr. President, I am sure neither the Senator from Mississippi [Mr. VARDAMAN] nor the Senator from Louisiana [Mr. RANSDELL] will entertain the idea that I would even suggest this amendment to the pending bill if, in my judgment, it would in any wise imperil its passage. I am not at all impressed with the fear expressed by the distinguished Senator from Mississippi that an amendment of this character or the amendment proposed by the Senator from Nevada [Mr. NEWLANDS] will in any wise imperil the bill. Why should it? It is said, Mr. President, that the bill can not pass if this amendment is put upon it. Why? Can not pass where? Will an amendment of this kind cause to arise any opposition to the flood-control bill? Who is it that is particularly desirous of having this bill passed? It is the Senators representing the States that are to be relieved by reason of the Government work, the construction of which it contemplates. Certainly, they have the control in their own hands, so far as an amendment of this character is concerned, because it is scarcely to be anticipated that opposition will arise from any other section of the country to a measure of this character.

Mr. VARDAMAN. If the Senator from Montana will pardon me just there, I do not feel at liberty to give his name, but a Senator upon the floor—a Senator from the West—stated to me before the vote was taken on the amendment offered by the Senator from Nevada that if the amendment should be adopted he would be opposed to the bill and that it would not pass.

Mr. NORRIS. Will the Senator from Montana permit an interruption there?

Mr. WALSH. I shall be glad to do so.

Mr. NORRIS. I should like to suggest to the Senator from Mississippi—and I think I heard perhaps the same remark—that that reference was not to this amendment, as I understood——

Mr. VARDAMAN. I stated the reference was to the amendment of the Senator from Nevada [Mr. NEWLANDS].

Mr. NORRIS. The reference was to the amendment offered by the Senator from Nevada.

Mr. VARDAMAN. Yes. That, of course, in substance, has been tested out in the other House, and whatever the House may have done, of course, it is not in order to refer to here.

Mr. WALSH. Mr. President, I have no information that would lead me to form any judgment about how the bill would be regarded in this body. I was considering the effect of the amendment in another branch of Congress, but that is neither here nor there. I apprehend that we should not find that the popularity of the bill in this branch was to any degree or in any measure lessened by the adoption of the amendment suggested by the Senator from Nebraska.

Mr. RANSDELL. Will the Senator from Montana yield to me?

Mr. WALSH. Yes.

Mr. RANSDELL. I should like to suggest to the Senator that it might be all right to adopt this amendment if we knew what we were doing, but I served a long time in the House of Representatives—for 14 years—and I know they are very particular over there about leaping in the dark, as suggested by the Senator from Mississippi [Mr. VARDAMAN]. There has been no estimate made; there has been no report of any department of which I have ever heard, and nothing in the world of which I know whether this amendment, if adopted, is going to require the deduction from the items for the Mississippi and the Sacramento Rivers of $200,000 or $1,000,000 or $5,000,000. None of us knows that.

We are not in the habit, I will say to the Senator, as he knows as well as I do, of voting on something about which we are not informed, and we are not informed on this proposition.

Mr. WALSH. The difficulty suggested by the Senator from Louisiana is not a serious one, and it is easily obviated. In the first place, the amount which these various dams have cost is a matter of official record. I have the record before me.

Mr. RANSDELL. But that record applies to those dams which have been heretofore constructed.

Mr. WALSH. Exactly.

Mr. RANSDELL. It does not apply to those to be hereafter constructed.

Mr. WALSH. But the Senator from Louisiana will remember that those hereafter constructed can only be constructed out of the reclamation fund; that the reclamation fund is a revolving fund, and that the amount of the reclamation fund is limited. So the Senator need have no apprehension at all on that score. The amount that will be constructed in the future, in all reasonable probability, will bear no relation whatever to the amount that has been constructed in the past.

Mr. RANSDELL. I will ask the Senator if we did not add to the reclamation fund several years ago by a loan of some twenty or thirty million dollars?

Mr. WALSH. We did.

Mr. RANSDELL. And if it is not very likely that in the next three or four years we shall give them an additional loan? They can get my vote, I will say to the Senator, for an additional loan, for I think the businesslike thing to do is to finish these great reclamation projects and not have them hanging on forever. If we give them an additional loan, we shall have a number of those projects coming on very shortly.

Mr. WORKS. Mr. President, I am opposed to the amendment——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from California?

Mr. WALSH. I yield.

Mr. WORKS. I understood the Senator from Montana to yield to me by nodding his head in the affirmative.

I am not opposed to this amendment on the ground that it will defeat the bill—I do not know whether it will or not—but upon the ground that, applied to the Sacramento appropriation, it would be entirely unfair and unjust. In that case the Board of Engineers has figured very closely upon the expense, and it is provided in this bill that the State of California shall put up one half of that amount and that the Government shall put up the other half—that portion which will apply to the improvement of the navigation of the stream. If you take it out of the funds that are to be supplied by the Government, you simply reduce it to that extent, and therefore you dislocate the whole thing, so to speak.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WALSH. If the Senator from California will permit me, I will permit the Senator from Nebraska to reply to the suggestion; but the answer readily occurs to me.

Mr. NORRIS. I supposed the Senator from Montana had taken his seat. I did not intend to interrupt the Senator with a view of answering the question. I am perfectly satisfied that the Senator from Montana can answer it; but I might say, briefly, that this does not apply to the Sacramento project, and has nothing whatever to do with it.

Mr. WORKS. I did not understand that. I understood it went to the whole fund. It certainly applies——

Mr. NORRIS. It does not lessen the fund, as I understand, that would go to the Sacramento project, either directly or indirectly.

Mr. WORKS. I think the Senator would see that it would be entirely unjust if it did.

Mr. NORRIS. I can see that it has nothing to do with that project at all. It applies only to the other fund.

Mr. WALSH. Mr. President, for the purpose of showing the importance of these reservoirs in holding back waters which would otherwise swell the enormous volume that passes out the mouth of the Mississippi River, I call attention to the fact that the great Pathfinder Dam, referred to by the Senator from Nebraska [Mr. NORRIS], has a storage capacity of 1,070,000 acre-feet; that is to say, it holds water enough to cover 1,070,000 acres to a depth of 1 foot.

The various dams constituting the principal features of the Sun River project, in the State of Montana, have a storage capacity of 577,700 acre-feet; that is to say, those dams will

hold back another half million acre-feet of water. All this, Mr. President, is so much taken out of the aggregate that would be found in the lower valley; and when the Government of the United States makes this appropriation out of the Treasury without any reimbursable feature to it at all, and then, Mr. President, enacts a law under which the whole expense of the construction of the reservoirs at the sources of these streams is made a burden upon those who own the lands upon which the water is placed a difference in treatment is at once obvious that does not commend itself to any fair-minded legislator. When this provision is being thus made it seems to me that we are asking only a very reasonable provision when we insist that one-half of the cost of the storage dams ought to be reimbursed to the people upon whom the burden is now cast to the full extent of the cost of these dams that thus contribute to the general result which this legislation seeks to bring about.

Mr. NEWLANDS. Mr. President, I wish to say a few words in behalf of the amendment offered by the Senator from Nebraska. I have believed for a long time that equity demanded that the settlers should be relieved of some part of the cost of these great structures in the shape of dams that serve a double purpose. They serve the purpose of storing the water for the reclamation of the arid lands, and then the water originally stored behind these dams is a second time stored in the land itself, and thus gradually seeps back to the river and reinforces it, not during a period of flood but during a period of drought. These structures, therefore, serve a great purpose, not simply the purpose of the man whose land is reclaimed and who has to pay in 20 installments his proportionate share of the cost of the work, but a national purpose in regulating the stream itself so that the river has a more equal flow. We all know that standardizing the flow is the thing that is very desirable to attain, for if that is accomplished destructive floods will be lacking; and if that is accomplished, there will always be a sufficient depth for river carriage.

Now, we are considering the problem relating to the Mississippi River, and what I complain of in this bill is that it is treated as if the Mississippi River were entirely below Cairo. That river really consists not only of the main stream but all its tributaries. The watersheds of over 30 States are tributary to it, and there is no problem that relates to any one of those watersheds that is not, in a measure, the common problem of all.

The Senator from Nebraska seeks to recognize this in the amendment which he has offered, which recognizes the obvious equity of the men who have been struggling to pay the Government for the reclamation of their lands and which offers no material obstacle to the completion of the purpose of this bill, because it takes only a very small part of the fund created by it; and if it is necessary at any time, that part can be easily restored. The Senator from Nebraska is left, under these conditions, to what recourse? To presenting a special bill for the relief of the settlers behind three or four dams, with all the long waiting involved, when justice in this matter is so obvious as to demand immediate attention, and the relief can be given without any substantial loss to the very generous fund that is created by this bill. It seems to me, Mr. President, that this is a very appropriate time to consider this subject.

Mr. STERLING. Mr. President, I merely wish to say a word to express my hope that the amendment of the Senator from Nebraska will prevail. I think it is a most just and meritorious amendment. I have made a little calculation here, showing what will be required to be paid from this fund of $45,000,000, which we propose to appropriate for the lower Mississippi River to the Reclamation Service.

The whole amount for reclamation projects already completed is, as I have figured it, $5,674,000. One-half of that would be $2,882,000. Then, in addition to the projects already completed, comes the Guernsey Dam, for which surveys and preliminary estimates have been made, and the cost is estimated to be from $400,000 to $500,000. Adding one-half of the larger amount, $500,000, to the projects already completed, we have an aggregate of $3,132,000. Then, I take all the projects that have been contemplated, or that are under contemplation now. They aggregate the sum of $4,400,000, one-half of which would be $2,200,000.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Nebraska?

Mr. STERLING. I yield to the Senator.

Mr. NORRIS. The Senator, of course, understands as to those projects that have been investigated, and I think he will agree with me when I state that that is the very furthest possible limit.

Mr. STERLING. Yes.

Mr. NORRIS. Perhaps not one-half of those will ever be undertaken, and perhaps not nearly one-half. So that the Senator has given figures that go to the last possible cent that could ever be required under this amendment.

Mr. STERLING. I so understand, Mr. President; and I understand that it is altogether probable that within the five years within which the $45,000,000 are to be expended along the Mississippi River the most of these contemplated projects will never be entered upon at all. They will not have been commenced within five years, so that I think it is fair to assume that not over about $3,500,000 will be drawn from this total of $45,000,000 to pay the Reclamation Service.

Mr. President, the justice of this proposition appeals to me very strongly. We have in the State of South Dakota one reclamation project—the Bellefourche—which is one of the costly projects, the cost being $1,235,000. I know something about the burdens that have been borne by the settlers upon the Bellefourche irrigation project, how the cost of that project and the cost to them every year since its construction has been more than they ever anticipated and more than they thought they were contracting for with the Government when they took their lands under that project.

Mr. President, the contributions they have made and the burdens they have borne are contributions in a very large sense, I think, to the betterment of conditions along the lower Mississippi River. By the conservation and control of the waters that are tributary to the Missouri and the Mississippi Rivers they have done a great deal toward preventing overflows on the lower Mississippi, and it seems to me that it is no more than just that one-half of the cost of the construction of the dams for these projects should be turned back and paid to the Reclamation Service in order that these settlers may be to some extent compensated for the burdens that they have borne.

There is one other feature, Mr. President, that I have not heard mentioned in this discussion. It has been estimated by the Board of Army Engineers, or by some member of that board, that over 400,000,000 tons of silt or sediment are annually carried by the Missouri River alone down into the Mississippi River. It occurs to me that this condition must have quite an intimate connection with impeding navigation on the Mississippi River and also a close connection with the overflows of that river. The building of these dams, the control and regulation of the flow of waters by means of the dams, will hold back the sediment and the silt that is carried into the Mississippi by its tributaries, and on this account the construction of these dams is of great benefit to the lower Mississippi.

Hence, Mr. President, I feel that all the considerations which have been urged in favor of this amendment are weighty ones and I hope the amendment will prevail.

Mr. RANSDELL. Mr. President, just a word or two in regard to this matter. I again wish to reiterate that I am a friend of irrigation in the West, and I wish to give just a few figures in regard to what we have already done out there.

Mr. KENYON. Mr. President, may I make an inquiry of the Senator from Louisiana?

Mr. RANSDELL. Certainly.

Mr. KENYON. I want to say to the Senator from Louisiana that I have an amendment that will not take long; but I wanted to tell the Senator now, so that if the discussion goes on to the limit of this time I do not want to be foreclosed from offering my amendment, and I do not want to stop the progress of the bill. I am just suggesting that to the Senator in case he is going to continue.

Mr. RANSDELL. I am very much obliged to the Senator. I was not going to speak more than five minutes, and then I am ready to vote on this matter. I hope we can vote on it.

I simply wish to say to the Senate that we have not been at all illiberal in spending money on the irrigated lands of the West. We have already spent about $111,000,000. We have irrigated, or, at least, arranged for putting the water on, 1,690,000 acres. It has cost us to date an average of $65.20 per acre to irrigate those lands, and I have not a bit of doubt that it is a wise expenditure. The total cost of all projects is estimated at $174,000,000. Deducting the $111,000,000 already spent, something like $63,000,000 must be spent to complete these projects, and when completed they will have cost an average of $56 per acre.

Mr. WALSH. Mr. President, I do not want to take the time of the Senator, but he will recognize that you use our money that you get from the sale of our lands in the first place, and then it is reimbursable, and we must pay it back.

Mr. RANSDELL. I will not discuss that, but, I think, those lands belong to the whole Nation. The money is derived from the proceeds of sale of the public lands in the arid-land States,

and it is paid back. I understand that. There is an average of $56 per acre cost, and it is to be paid back in 20 years without any interest. You pay 5 per cent the first year, then five years without paying anything, then 5 per cent for five years, then 7 or 8 per cent per annum, and there is no interest charge. Money is worth, even to the Government, about 3 per cent; so there is an average time of 10 years that the people out there have the use of that money without any interest on land that has cost to irrigate $56 per acre. That is an average interest charge of $1.68 per annum, or a total of $16.80 per acre, that is given to those people absolutely as a donation.

I am entirely willing to do that; I think it is all right; but I wish to compare with that free contribution by the Government of $16.80 per acre the small donation, if you can call it that, which this bill carries. It will be a donation of not exceeding $3.75 per acre on the 16,000,000 acres that will be protected from floods by this bill, namely, appropriations by the Government for levees have been about $30,000,000 to date and $30,000,000 in this bill, a total of $60,000,000 in all, making an average of $3.75 per acre.

Senators, if there were anything logical about this proposition, I would not oppose it at all; but just glance on that map over there and see where the first flood of 1916 came from. Those colored areas show it. That map was prepared by the Weather Bureau. Glance on the one over this way and see where the second flood of 1916 came from. That map also was prepared by the Weather Bureau. It does not reach out to the arid West and does not go within hundreds of miles of it. Glance on this one in the center and see where the awful floods of 1912 came from. None of those waters fell within a long distance of the arid region of the West. We would not get any benefit, so far as our floods are concerned, from any of these appropriations; but that is neither here nor there. You have a great scheme and a good one, and I hope you will get all the money that you need for it, and I will assure you that you will get my vote for it; but I beg of you not to insist on tying this provision up with it and thereby jeopardize the measure.

Mr. NORRIS. Mr. President, the Senator from Louisiana [Mr. RANSDELL] tells how much per acre it costs to irrigate the land in the Reclamation Service and then how much per acre it costs under this bill to save the land in Louisiana from overflow; but the figures he gives in regard to the Reclamation Service include the entire sum. There is not any intention in this amendment to use any money for any purpose except for the payment of one-half of the cost of construction of dams that hold back flood waters. It is not fair to take the entire reclamation cost and say that it costs that much an acre and that the Government is doing that, or that you are liable under this amendment to pay half of it. That has not anything to do with it. The comparison that the Senator makes of $3.50 an acre to save the overflow and the $60 an acre that he charges up against the land in the arid region have no relation whatever to each other. I say to the Senator that I should be glad if he would agree to an amendment to pay to this irrigated country, out of that fund, $3.50 an acre. The amount you will pay under this amendment, if it is adopted, will be less than $2 an acre. I have not had time to make the computation, but it will not be anywhere near as expensive as will be the payment of the money to save the overflowed lands of Louisiana.

We are not coming in here as beggars to get this money, Mr. President, as might be gleaned from some remarks that have been made. There has not been anything donated to those people who are reclaiming this arid country. They are earning everything that they get. Many of them fail. If crops happen to be poor or the prices are not high, they can not make enough off of it to pay for this land. That is neither here nor there, Mr. President. It is a matter of common, ordinary justice. You are going to appropriate money out of the Treasury of the United States to help the man in the South to reclaim land that is flooded from the Mississippi River. We ask you to pay some money to the man in the arid country who keeps back the water and saves the southern farmer from being flooded. It is all the same proposition, just alike, except that we are not asking as large an amount for the arid-land farmer as you are for the man who is going to have his land reclaimed in Mississippi and Louisiana. That is the only difference.

Now, I want to say another word, Mr. President. The Senator refers to these maps and says, "Why, here is a flood where the waters fell in a certain locality, and the damage came from the waters that fell in that locality." Why, Mr. President, he could draw another map and he could show the mountains of snow that have fallen in the Rocky Mountains, every particle of which, in the shape of water, came down and went into the Mississippi River; and when that rain took place there, if there had been no water anywhere in the Mississippi River or in that valley that had come from these melted snows of the mountains, you would have had an entirely different result. Sometimes you would have been damaged, it is true; but you can not get away from the fact that every gallon of water that is held back to irrigate land does not do any damage in the Mississippi Valley that it would do if it were not held back. So it is just as fair to pay one-half of the expense to the man who holds it back as it is to the man who builds the dam down along the Mississippi River instead of building it in Wyoming or in South Dakota or in Nebraska. The dam that is constructed in Mississippi—and a levee is nothing but a dam—we are going to pay for out of Government funds; but if we construct the dam somewhere else to hold back the same water you say it is not fair to pay for it.

Now, I submit it as a matter of common justice and common logic, Mr. President. If you are going to contribute public funds for the payment in one case, you must do it in the other if you are fair.

Mr. JONES. Mr. President, I had not intended to take any time in the discussion of this measure, and I do not want to delay it at all; but when an amendment comes up in which it seems to me my people are interested, either directly or indirectly, I feel that I ought to look after their rights just a little bit.

I offer the amendment which I send to the desk to the amendment of the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Washington offers an amendment to the amendment, which will be stated.

The SECRETARY. It is proposed to add, at the end of the proposed amendment, the following proviso:

Provided further, That wherever dams have been or hereafter may be constructed in connection with reclamation projects which impound waters which would otherwise flow into navigable streams, one-half of the cost thereof shall be credited to the project in connection with which such dam is or may be constructed.

Mr. JONES. Mr. President, I am in sympathy with the proposition of the Senator from Nebraska, although I can not see myself that these reservoirs would to any appreciable extent affect the flood waters down on the lower Mississippi River. I have noticed that these floods on the Mississippi River come at a time of the year when the reservoirs constructed away at the headwaters are very likely to be full, and also that they come from a rainfall far below where the reservoirs may be constructed. But the impounding of these waters ought to be made a means by which the floods on the lower Mississippi may be diminished to some extent; I grant that; and hence there is a benefit accruing in that respect.

As the Senator from Nebraska has said, these reservoirs are constructed with the money of the individuals. That is, the Government advances the money; but it must be repaid to the Government, and it will be repaid, and it is being repaid.

I am getting just a little bit tired, myself, of statements and suggestions made on this floor that the Government is putting in these reclamation works, and that the Government is reclaiming these arid lands of the West and then stopping there.

A great many seem to have that impression. That is not the case, however. These lands are going to be reclaimed by the money of the people that settle upon or already have settled upon these lands. The money is being advanced by the Government, but the people and the lands are held for its repayment. We appropriate money for river and harbor improvement; we are going to appropriate over $50,000,000 by this bill, and not a dollar is to be paid back by those benefited. With reclamation appropriations it is different. Every dollar of it must be repaid. The Government is not reclaiming these lands; the settlers are paying for this reclamation, and I want the people to understand that.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. I yield to the Senator.

Mr. BORAH. My attention was directed to another matter when the amendment of the Senator from Washington was being read. What is the purport and effect of the amendment of the Senator from Washington?

Mr. JONES. My amendment provides that wherever reservoirs have been constructed in connection with an irrigation project to hold back water that otherwise would go into a navigable stream, one-half the cost of that reservoir shall be credited to the project in connection with which it is constructed.

I have in mind my State, just as the other Senators on this floor are looking after the interests of their States. I note that the Senators who are supporting the amendment of the Senator from Nebraska come from States that will be benefited by the adoption of that amendment. They come from States where there are irrigation projects in connection with which great

dams and reservoirs have been constructed. Now, I come from a State where reservoirs have been constructed for impounding water for irrigation purposes. Every one of those reservoirs has been constructed at the headwaters of streams that flow into the Columbia River, which almost every year floods lands along its banks and very frequently floods the city of Portland to a very great extent, and other cities and towns along that stream, doing thousands and hundreds of thousands of dollars' worth of damage.

Now, then, if by the construction of these reservoirs on the headwaters of the Mississippi floods are diminished on the lower Mississippi, so will the construction of the dams upon the headwaters of the streams running into the Columbia River diminish the floods and the damage by floods along the Columbia River; and if the settlers on irrigation projects connected with the Mississippi River are entitled to relief on a part of the money that they have paid for these reservoirs because of their holding back waters of the Mississippi, so are settlers on projects in the State of Washington at the headwaters of streams on the Columbia River entitled to relief because of holding back the waters of that stream and diminishing the damage done by the Columbia River lower down.

I really think that they ought to have some relief. I do not believe that the settlers in Nebraska or in Montana or in South Dakota ought to have to pay every dollar of the cost of the reservoirs that have been constructed—of course, they were originally constructed for the purpose of getting water for irrigation purposes, but they will result in great benefit to the people below—and neither should settlers in the State of Washington be compelled to pay every dollar of the cost of impounding waters that otherwise would flood the territory down below.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. JONES. I yield to the Senator.

Mr. NORRIS. I want to ask the Senator if he will not offer his amendment to the bill as a separate proposition? It is based upon an entirely different principle from my amendment, and, as a matter of fact, if it were not for the liberality of the rules, it would be subject to a point of order, because it is not material to my amendment, but takes up an entirely different phase of the subject and introduces into the subject an entirely new and different principle from that upon which my amendment is based.

Mr. JONES. I can not agree with the Senator. I think the principle of his amendment is the same. The only thing is he is attaching his amendment to an appropriation that is being made by the bill, and if it is adopted, of course, they get the money out of the money appropriated by the bill for flood purposes; but the principle is the same. The principle of his amendment is that the settlers ought not to be compelled to pay money for some improvement that is of benefit to some other people in other sections without being reimbursed.

Mr. NORRIS. Yes.

Mr. JONES. That is the principle of mine.

Mr. NORRIS. No.

Mr. JONES. Oh, yes. The mere fact that there is no appropriation in this bill for impounding water or for preventing floods on the Columbia River does not take my amendment out of the principle of the amendment of the Senator from Nebraska.

Mr. NORRIS. I admit that, but there is nothing in the bill about the Columbia River. There is not anything in the bill about the flood waters of any streams except the Mississippi and the Sacramento. The amendment I have introduced is confined entirely to that.

Mr. JONES. That is what I am objecting to. I know that.

Mr. NORRIS. If the Senator is objecting to the bill on that ground I can see how he would be logical to object to the amendment.

Mr. JONES. I should not say that I am objecting to the bill; I should not say that I am objecting to the amendment. I am not, but I am seeking to take care of settlers in my part of the country, people who spent their money for the reclamation not only of arid lands, but who have spent their money for the construction of reservoirs and dams that will have the same result as the reservoirs and dams on the headwaters of the Mississippi River.

The plea of the Senator from Nebraska would require us to wait until Congress sees fit to take up the matter of controlling the flood waters of the Columbia River before we would have any opportunity to get any benefit. I do not think that that should be required of us.

Mr. President, it is not fair to the settlers under one irrigation project that they should be treated differently from settlers upon another irrigation project, just because Congress sees fit to take up some independent work in connection with one section of the country while it does not take up the work in connection with another section of the country.

Mr. NORRIS. The Senator, it seems to me, will have to modify that statement, because of the peculiar condition under which the water is held back in one case, it is acknowledged, and for the purposes of this bill it must be conclusively assumed that the Government is going to pay a part of the expense of reclaiming a certain piece of land. If you happen to be so located that you hold back water that would otherwise be paid for by the Government at the other end of the stream, that would be entirely different from an irrigation project where it is not even claimed that anything of that kind exists.

Mr. JONES. It is not claimed that there are no conditions of that sort on the Columbia River.

Mr. NORRIS. The Columbia River is something that is not in the bill.

Mr. JONES. I know the Columbia River is not provided for in the bill, but the principle is.

Mr. NORRIS. It may be that if the Columbia River overflowed, the same conditions would apply as to the Mississippi; but that is not the case.

Mr. JONES. Do we have to wait until Congress takes up that question?

Mr. NORRIS. The Senator should offer his amendment, then, to put the Columbia River in the bill and let us take up that question and see whether it is entitled to go in.

Mr. JONES. If my amendment to the amendment of the Senator from Nebraska is voted down and his amendment is adopted, I am going to offer this amendment as a separate section of the bill. My amendment is a proper amendment to the amendment of the Senator from Nebraska. If we are going in this bill to relieve settlers on irrigation projects of the payment of one-half of the cost of the dams and reservoirs that they have constructed under a law passed by Congress, which required them to do it and required them to pay the full cost of reclamation, then we ought to relieve the settlers under other projects who have constructed dams and reservoirs under the same law and with the same understanding.

That is all I am going to say just now with reference to this matter.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Washington [Mr. JONES] to the amendment of the Senator from Nebraska [Mr. NORRIS].

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska. [Putting the question.] The noes seem to have it.

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. RANSDELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Louisiana suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones	Overman	Smith, Md.
Bankhead	Kenyon	Owen	Smith, Mich.
Borah	Kirby	Page	Sterling
Broussard	La Follette	Phelan	Stone
Chamberlain	Lea, Tenn.	Pittman	Swanson
Cummins	Lewis	Ransdell	Thomas
Fall	Lodge	Reed	Underwood
Fletcher	McCumber	Robinson	Vardaman
Hollis	Martin, Va.	Shafroth	Walsh
Hughes	Martine, N. J.	Sheppard	Works
Husting	Myers	Sherman	
James	Newlands	Shields	
Johnson, S. Dak.	Norris	Simmons	

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is unavoidably absent.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present. The Secretary will call the roll on agreeing to the amendment of the Senator from Nebraska [Mr. NORRIS].

The Secretary proceeded to call the roll.

Mr. FALL (when his name was called). I have a general pair with the Senator from West Virginia [Mr. CHILTON] and withhold my vote.

Mr. JAMES (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. In his absence I withhold my vote.

Mr. HOLLIS (when Mr. SAULBURY's name was called). I desire to announce that the Senator from Delaware [Mr. SAULSBURY] is necessarily absent and is paired with the Senator from Rhode Island [Mr. COLT].

Mr. SMITH of Maryland (when his name was called). I transfer my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Utah [Mr. SUTHERLAND] and vote "yea."

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Kansas [Mr. THOMPSON] and vote "nay."

Mr. SMITH of Michigan (when Mr. TOWNSEND's name was called). I desire the RECORD to show that my colleague [Mr. TOWNSEND] is absent unavoidably, and that he is paired with the junior Senator from Florida [Mr. BRYAN]. I will let this announcement stand for the evening.

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the junior Senator from Ohio [Mr. HARDING] to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT], which I transfer to the Senator from Indiana [Mr. KERN], and vote "yea."

The roll call was concluded.

Mr. OVERMAN. I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. Not knowing how he would vote, I withhold my vote.

Mr. JAMES. I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Maryland [Mr. LEE] and vote "nay."

Mr. LODGE (after having voted in the affirmative). I have a general pair with the Senator from Georgia [Mr. SMITH]. In the absence of that Senator I transfer my pair to the Senator from Maine [Mr. FERNALD] and allow my vote to stand.

I also wish to announce, while I am on my feet, that the Senator from Kansas [Mr. CURTIS] is paired with the Senator from Georgia [Mr. HARDWICK]; that the Senator from Pennsylvania [Mr. PENROSE] is paired with the Senator from Mississippi [Mr. WILLIAMS]; and that the Senator from New Hampshire [Mr. GALLINGER] is paired with the Senator from New York [Mr. O'GORMAN].

Mr. HOLLIS. I have a general pair with the Senator from New York [Mr. WADSWORTH]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer my pair to the Senator from Oklahoma [Mr. GORE] and vote "nay."

The result was announced—yeas 21, nays 30, as follows:

YEAS—21.

Ashurst	Johnson, S. Dak.	McCumber	Shafroth
Borah	Jones	McLean	Sterling
Catron	Kenyon	Myers	Walsh
Cummins	La Follette	Newlands	
Hughes	Lewis	Norris	
Husting	Lodge	Pittman	

NAYS—30.

Bankhead	Martin, Va.	Reed	Stone
Broussard	Martine, N. J.	Robinson	Swanson
Chamberlain	Nelson	Sheppard	Thomas
Fletcher	Owen	Sherman	Underwood
Hollis	Page	Shields	Vardaman
James	Phelan	Simmons	Works
Kirby	Pomerene	Smith, Md.	
Lea, Tenn.	Ransdell	Smith, Mich.	

NOT VOTING—45.

Beckham	Fall	Lee, Md.	Sutherland
Brady	Fernald	Lippitt	Thompson
Brandegee	Gallinger	O'Gorman	Tillman
Bryan	Goff	Oliver	Townsend
Chilton	Gore	Overman	Wadsworth
Clapp	Gronna	Penrose	Warren
Clark	Harding	Poindexter	Watson
Colt	Hardwick	Saulsbury	Weeks
Culberson	Hitchcock	Smith, Ariz.	Williams
Curtis	Johnson, Me.	Smith, Ga.	
Dillingham	Kern	Smith, S. C.	
du Pont	Lane	Smoot	

So Mr. NORRIS's amendment was rejected.

Mr. KENYON. Mr. President, I offer the amendment which I send to the desk, and I desire to have it read. Then I will take a moment in explaining it.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Iowa.

The SECRETARY. On page 2, strike out lines 15 to 25, inclusive, and on page 3, strike out lines 1 to 3 and insert in lieu thereof the following:

(b) No money appropriated under authority of this section shall be expended in the construction or repair of any levee unless and until assurances have been given satisfactory to the commission that the State or States, counties, municipalities, or local interests protected thereby will contribute annually for such work a sum equal to such sum as may be expended annually therefor by the United States under authority of this section, and that such equal contribution by the State or States, counties, municipalities, or local interests will continue annually until the full, equal share of the cost of such work shall have been contributed by said State or States, counties, municipalities, or local interests: *Provided*, That such contributions shall be expended under the direction of the commission, or in such manner as it may require or approve.

Mr. KENYON. I do not want to take much time or to be guilty of rolling any stones in front of the merry process of getting $53,000,000 out of the Federal Treasury; but it does seem to me that the local interests, the lands to be redeemed, the States to be benefited, ought to bear a heavier part of the burden than it is proposed they shall do under this bill. I do not mean to commit myself at all to the bill if the amendment which I propose is adopted, for I shall vote against the bill.

The California project has the same kind of provision that I have asked to have substituted for subdivision (b) in the Mississippi River project. Just why the Mississippi River project should be so arranged that the landowners in that great body of land to be redeemed shall pay one-third of the expense, while in California they shall pay one-half, is something that I have not been able to comprehend, the two principles being in the same bill.

As the bill now stands, if the Government allots to the commission, we will say, $500,000 for work on the lower Mississippi, under the terms of the bill and under appropriations to be hereafter made the local interests will contribute and expend $250,000. Under my proposition the local interests will contribute dollar for dollar with the Government; and that is exactly what is done in the California project. That is all there is to the amendment.

I wish to say just a word further as to the bill. I had intended to speak somewhat at length upon the bill, but shall not do so. I do say, however, that there are two ways of looking at this project along the Mississippi River. Everybody's sympathy is aroused by the suffering that has been caused down there, and a great deal of it has arisen from the breaking of levees; but, in any event, there has been great suffering. That is the part of it that appeals to humanity; and every part of this country would contribute without stint, unlimitedly, to the work of protecting the people along the Mississippi River in the South. There would be no sectional question raised about it at all. That is one side of this matter that appeals to me very strongly.

The other side is this: This project is going to reclaim 18,000,000 acres of land. That was the testimony, as I remember it, of ex-Senator Percy before the committee in the other House. That land will be increased in value enormously, and a great deal of that land, I have understood, is owned by syndicates that will reap enormous profits by the passage of this bill. Congress is put in the unfortunate situation of being asked to legislate to help these drowning people down there and at the same time to vote millions of dollars into the pockets of syndicates owning a great deal of this land.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. KENYON. Yes.

Mr. VARDAMAN. I merely want to correct one statement which the Senator has made with reference to the holdings of corporations. The president of the Mississippi Levee Board has telegraphed me as follows:

CLARKSDALE, MISS., *January 5, 1917.*

Hon. J. K. VARDAMAN,
Washington, D. C.:

To meet objection urge that corporations own large holdings of cultivated and uncultivated lands in the Yazoo (Miss.) Delta levee district. Corporations own 50,000 acres in Tallahassee, 10,000 in Quitman, 7,000 in Leflore, 6,000 in Sunflower, 3 in Holmes, 14,000 in Coahoma, 10,000 in Tunlea—2,370,023 acres in district. These figures obtained from tax collectors of these counties.

ED FRANKLIN, *President.*
F. R. BIRDSALLE, *Secretary.*

That is a very great difference. I want to say to the Senator from Iowa that in Mississippi corporations can not own agricultural land.

Now, from the lower district—and I will put this in the RECORD——

Mr. KENYON. I suggest to the Senator whether or not he can not put that in the RECORD without reading it.

Mr. VARDAMAN. I desire to say that the amount of land which is owned by corporations is negligible. There are no corporations owning land in Mississippi for agricultural purposes. That was stopped some time ago, when we discovered that an effort was being made to monopolize by European and eastern capitalists the cotton land of the Deltas of Mississippi.

The PRESIDING OFFICER. Without objection, the Senator from Mississippi may insert the matter in the RECORD. The Chair hears no objection.

The matter referred to is as follows:

GREENVILLE, MISS., *January 5, 1917.*

JAMES K. VARDAMAN,
United States Senate, Washington, D. C.:

Total acres of cleared land in this district is 626,627; total acres of uncleared woodland in the levee district, 1,018,908. Of cleared lands, total corporate holdings, 22,000 acres, 3.05 per cent—a little over 3 per cent corporate holdings. Of uncleared woodland, about 30,000 acres, 2.95 per cent—a little less than 6 per cent, including both cleared and uncleared land. Under the present Mississippi law corporations can not acquire for agricultural purposes any land so necessary. With the exception of land now in cultivation and owned by corporations, every acre cleared land in the Delta now and hereafter will belong to individuals as fast as it becomes cleared. The woodland owned by corporations (sawmill operators) is being rapidly cleared of timber, and as fast as cleared is being sold to individuals for agricultural purposes. These are called "cut-over lands." The corporate holdings of both cleared and woodland is exceptionally small in this district, as small or smaller than in any other section of the country.

BOARD OF MISSISSIPPI LEVEE COMMISSIONERS,
J. D. SMITH, *President.*
C. S. GLASSCO, *Secretary and Treasurer.*

Mr. KENYON. What the Senator from Mississippi has said may be so. I have been trying for two months to find out the ownership of some of these lands. I have had letters from that section of the country, which I do not feel free to use, stating that some of the very wealthy men of the Nation—and giving their names—were heavy owners of these lands. I do not know as to that, and we never have been able to find out. There was no hearing in the committee about this matter, and no chance to ascertain anything about it. I have asked the Senator from Louisiana and the Senator from Mississippi, and they have kindly volunteered this same kind of information as to-day; but I do believe that we are going to wake up and find that while we are helping these suffering people—and perhaps that will be sufficient compensation—we have voted millions of dollars into the pockets of a number of rich landowners.

The people in that part of the country are not united on this levee proposition. I have a number of editorials here from the Memphis News Scimitar.

Mr. JAMES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Kentucky?

Mr. KENYON. I yield.

Mr. JAMES. The Senator from Iowa, as I understood him, stated that corporations owned vast numbers of acres of this land.

Mr. KENYON. I will say syndicates.

Mr. JAMES. Well, syndicates.

Mr. KENYON. In Mississippi corporations can not own land.

Mr. JAMES. I understood the Senator from Mississippi to state that a corporation can not own agricultural land. Does the Senator from Iowa mean to say that a syndicate has gone in to purchase land in order to circumvent the law of the State?

Mr. KENYON. No; I do not mean to say that, because I do not know. I do not think the provision that corporations can not own land amounts to very much, for two or three men can go in who can own the land on behalf of others, or one man can do that. That provision of the statute is easily evaded.

Mr. JAMES. Of course, the purpose of this bill, as I understand it—I know that is its direct purpose so far as it affects Kentucky—is to give homes to people who are really Kentuckians, real citizens and not corporations. I do not think, so far as the bill affects Kentucky, that any corporation or any syndicate owns any appreciable number of acres of this land. Of course, I know nothing about Mississippi.

Mr. KENYON. I think that may be so as to Kentucky. As I was saying, the people of that part of the country themselves are not certain that this levee system is to be the protection to them which is claimed by its sponsors.

The levees will certainly have to be followed by revetment. Mr. West, of the Mississippi River Commission, in giving his testimony some years ago, figured that the revetment work which would be necessary would cost something in the neighborhood of $200,000,000, as I remember. So Congress may as well recognize that they are committing themselves to a proposition running over $200,000,000.

The best report on this subject that, in my judgment, ever has been made and submitted to Congress was the report of the distinguished Senator from Minnesota [Mr. NELSON], made some years ago. That report covers the matter in a most comprehensive way. But I am not going to take up the time to discuss it, Mr. President. I ask to have placed in the RECORD some editorials from the News Scimitar, of Memphis.

The PRESIDING OFFICER. Without objection, leave is granted. The Chair hears no objection.

The editorials referred to are as follows:

[From the Memphis News Scimitar, Jan. 12, 1914.]

FLOOD CONTROL.

* * * * * * *

The consensus of opinion among experts is that the fundamental defect of the Ransdell-Humphreys bill is that, although it professes to be in aid of navigation, it provides for large expenditures for levees, which increase the rapidity and total volume of the caving of the banks into the river. The Chief of Engineers reported to the Secretary of War that until the caving of banks into the Mississippi below St. Louis can be stopped it is practically hopeless to expect any improvement of low-water conditions in the river. In other words, the stream can not be continued navigable.

It is estimated that there are 749 miles of caving banks on the lower Mississippi, from which 9 acres in area by 66 feet deep for each mile is thrown in the stream, which in 50 years would mean half a million acres of land to a depth of 66 feet tumbled in to obstruct navigation.

* * * * * * * *

It is claimed by those high in authority that the Ransdell-Humphreys bill should be entitled "A bill to destroy the navigability of the Mississippi River, and to eventually make it impossible to protect the valley from devastation by floods."

This is just what the railroads want, and have been working for so successfully, and this is why they are behind the levees-only people, who are making so much noise, but which is "all cry and little wool." The more that people investigate the matter the more they see the futility of patchwork and mud pies. Those who have been forced to study the question because it has been brought home to them, like Mayor Reubenstein, of Stockton, Cal., who has had experience in the San Joaquin Valley, know something about flood control. In replying to a communication from Secretary Fox, of the local association, Mayor Reubenstein exposes the fallacies contained in the Ransdell-Humphreys bill, and states: "Fortunately for our country a plan has been submitted that is sufficiently comprehensive to insure an orderly start on this great work, and with ample means for its successful completion."

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THE LEVEE SYSTEM.

The NEWS SCIMITAR:

It seems to be the opinion of a great many, who ought to know as much about it as anybody, that the levee system will ultimately ruin a large proportion of the Delta lands and destroy the navigation of the Mississippi River. Higher levees mean higher waters; and the inevitable break spreads the pent-up flood over a greater area, destroying more lives and property.

The owners of the Delta lands, even those who favor levees, have discovered that, with all the help they are receiving from the Government, the cost of protecting their lands is greater than they can bear. If the planters alone had to pay for the levees, it would bankrupt them. If so, then the game is not worth the candle.

Of course, if Uncle Sam should dump sixty, eighty, or a hundred millions on the levees, it might afford temporary (and only temporary) relief; but wherein is the Government benefited or the "general welfare" promoted by protecting the private property of a few individuals?

I happen to know that many of these Delta planters are sometimes very loud in their denunciation of "paternalism." But their opposition seems to banish entirely when they are the sole beneficiaries.

The only public benefit to be derived from the levees ever urged by anybody is the improvement in navigation and increased taxable value of the protected lands, and it has been some time since a man with any brain has seriously asserted that the navigation has been, or ever will be, improved by the levees.

As to taxable values, the General Government does not levy a tax on lands. The only chance for us "hill billies" to get our money back is through taxation by the State. Again, I happen to know that, as a rule, these Delta planters dodge a just proportion of State tax by assessing thier lands at one-fourth to one-seventh of what they are willing to sell them for.

Now, if Uncle Sam is in the farming business at all, he owns a mighty big farm, of which the Mississippi Delta is only a small patch. And he is a very poor farmer when he undertakes to improve a patch when it is already a demonstrated fact that it won't pay expenses. If the protection of the Delta can be made a profitable investment, why should not those who are to get all of the benefits pay the expense bill?

Then, if Uncle Sam would protect his smaller valleys from overflow and his hill lands from erosion, would not that add greatly to their taxable value?

Ridiculous. Well, yes, my friend; I regard the whole proposition as ridiculous in the extreme; too much paternalism for me. But if we undertake Government protection of farm lands, why not go at it on the principle of "equal rights to all, special privileges to none"?

J. H. SIMPSON,
Member Mississippi Legislature.

BYHALIA, MISS., *R. 2, May 10, 1913.*

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[From the News Scimitar, Dec. 2, 1914.]

CAUTION IS URGED IN HANDLING BIG WATERWAYS ISSUE—MEMBERS OF RIPARIAN LANDOWNERS' ASSOCIATION IN WIRES TO WILSON, LANE, AND GARRISON RECOMMEND DELIBERATION—ASK NEW INVESTIGATION AND A BROADER PLAN.

Protesting that advocates of the "levees-only" system of protection against overflows in the Mississippi Valley, as contemplated by the Ransdell-Humphreys levee bill, are seeking to overwhelm Congress by mere numbers rather than by relevant facts, officers and members of the Riparian Landowners' Protective Association Monday sent a mes-

sage to President Woodrow Wilson; Franklin K. Lane, Secretary of the Interior; and Lindley M. Garrison, Secretary of War.

L. S. Lake, of Memphis, a former Princeton undergraduate and local supporter of a broader defense than levees only, is a signer of the message, as is J. W. Bennett, president of the riparian landowners' organization.

The message to Wilson is as follows:

MEMPHIS, TENN., *December 1, 1913.*

Hon. WOODROW WILSON,
President of the United States, Washington, D. C.

HONORED SIR: A large number of delegates are now arriving in Washington to try to influence Congress and the Government in favor of the Ransdell-Humphreys bill, which means "levees only" for the lower Mississippi River. They seem to wish to overwhelm Congress by spectacular methods and carry their point by a whoop, whoop, hurrah!

We earnestly entreat you, Mr. President, not to surrender entirely to their views and not to pledge yourself irrevocably now to their methods or plans. We rely upon your courage and independence of thought to withhold a snap judgment on this great and important question.

The dreadful overflows and failures of the levees of the past two spring seasons should teach caution, as should also the tremendous demands on the purse of the Government. The Nation should unquestionably aid us in this lower valley to fight against the floods now precipitated upon us annually from numerous States above us, but in this progressive age its moneys should no longer be invested on a discredited "levees only" system, which now, in the face of repeated experience and palpable facts, is shown to be nothing but a superannuated superstition and a defiance of common sense.

The political levee boards have long dominated this Mississippi Valley, to its dreadful hurt. Thousands of the plain people—the actual working farmers of the alluvial lands of this valley—know that the levees, on their present unscientific, narrow, sinuous lines, following closely along the immediate banks of the ordinary river channel, can not restrain and hold the waters of unusual floods encurbed between their embankments.

When the flood waters began to dive under or break, by filtrating sand boils beneath the natural ground surface, the huge levees above, then the death knell of the present system was sounded. For how restrain the myriads of underground weaknesses along the thousand and more miles of levee fronts? Call a halt, then, and have a new examination of this whole subject by fresh and different independent and impartial eminent engineers. * * *

Very respectfully,

L. S. LAKE.

I hereby join in and approve the foregoing telegram.

J. W. BENNETT,
President Riparian Landowners' Protective Association.

RANSDELL-HUMPHREYS BOOSTERS AT CAPITAL.

WASHINGTON, *December 2.*

The white ribbons of the Mississippi River Levee Association are more frequent than Stars and Stripes here to-day. Three special trains from Memphis and neighboring cities arrived this morning, and the remainder of the representation will arrive on another special to-morrow. Chief interest now centers in the hearing before the Rivers and Harbors Committee of the House to-morrow. Former Senator Leroy Percy, of Mississippi, has been placed in charge of the hearing, and has called brief conferences of the speakers and other leaders for to-night, when final arguments in favor of the Ransdell-Humphreys bill will be made. Each of the States most interested furnishes one speaker.

The Missouri delegates have not arrived. The Memphis delegates are boosting the Ransdell-Humphreys bill providing for $12,000,000 a year for five years for Mississippi's levees, as against the Newlands bill, which appropriates a much larger sum and covers a greater scope of work. The Newlands bill is strongly urged by the New Orleans delegates.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. KENYON. I yield to the Senator.

Mr. THOMAS. I desire to inquire whether this entire amount of land is in the State of Mississippi or whether it is spread over a number of States?

Mr. KENYON. It is spread over a number of States. This plan originally embraced the stretch from Cape Girardeau to the Head of the Passes, and has now been extended to Rock Island.

Mr. THOMAS. Eighteen million acres is more than three times the size of the State of Massachusetts.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. The question is——

Mr. KENYON. I will ask the Chair to wait a moment.

The PRESIDING OFFICER. The Chair understood the Senator had concluded.

Mr. KENYON. The Senator has not concluded, but was asked a question by the Senator from Colorado.

The PRESIDING OFFICER. The Chair misunderstood the Senator. He thought the Senator had concluded.

Mr. KENYON. I am going to get through, but I do not propose to be hurried.

The PRESIDING OFFICER. The Chair is not attempting to hurry the Senator.

Mr. KENYON. I recognize that. I ask to have read a letter addressed to the News Scimitar, of Memphis, by a lady dwelling along the river, who seems to have suffered from the levee system, and another letter from her I ask to have inserted in the RECORD. I ask to have the one designated read at the desk, as it will take but a moment.

The PRESIDING OFFICER. Without objection, the letter indicated will be read at the Secretary's desk and the other letter indicated by the Senator will be inserted in the RECORD without reading. The Chair hears no objection.

The Secretary read as follows:

FROM A LADY OF OUR BEST "OLD FAMILIES"—AGAINST "LEVEES ONLY."

CORONA POST OFFICE,
Centennial Island, Tenn., February 23, 1913.

EDITOR THE NEWS SCIMITAR:

Have we people who live on the islands in the Mississippi River and on farms outside the levees become stupefied by our losses and the hardships we have suffered because of these levees that we sit idle and silent while these millionaire planters, with the help of Congress, build their mud banks and pile water over us that brings ruin to our lands and cattle and homes? If Mr. Fox, who is only a salaried man, and has nothing at stake save the money he gets for his talk, for a moneyed consideration can use his eloquence to influence governors to send memorials to Congress to aid in finishing this devilish work of utter desolation they have already wrought, surely the men who see their children and wives reduced to beggars because of these levees should be aroused by their pitiable condition and urge our Senators and Congressmen of west Tennessee, who have given a sacred oath to care for the interests of their people, to bring this outrage before Congress and use their influence in securing a recompense from the Federal Government for this murderous crime it helped to put upon a helpless people. And the women who, with breaking hearts, look upon their desolated homes and ragged children know that in the highest heavens there sits a Judge whom neither greed nor graft can corrupt, and whose spirit rides upon the face of the waters as when by the word of His power He called order out of chaos, and who in His omnipotence can break these mud banks and roll these waters out of our homes and off of our lands, and we shall sing as the children of Israel, "Thou didst blow with Thy wind; the sea covered them; they sank as lead in the mighty waters."

MRS. O. K. JOPLIN.

The letter ordered printed in the RECORD is as follows:

[From the News Scimitar, Apr. 23, 1913.]

A LADY'S VIEW.

EDITOR THE NEWS SCIMITAR:

The supreme thing confronting the people living along the Mississippi River from Cairo to the Gulf is how to overcome the injury and hardships the St. Francis levee board and Mississippi River Commission have put upon them. Before these autocratic bodies were formed the farmers living upon the banks of the Mississippi River and upon the islands in the river were a happy and contented people, cultivating and marketing their crops, with no dread of overflows. Since the manipulation of the river by this levee board they have raised the bed of the river till we are threatened with an overflow with every general rain in the Mississippi Valley. The overflow of 1913 was far greater than 1912, though there was a much smaller rainfall than 1912. Islands which were never overflowed before these levees were built have had the water gradually encroach on them till this last overflow flooded them to the depth of 10 feet on the highest ridges, and would have gone much higher had not the break at Wilson given them relief.

A few years ago the Government took the sounding in an eddy 25 miles above Memphis to the depth of 80 feet and found no bottom; to-day that eddy is a mud bar, covered with willows, only 10 feet lower than the original bank. In a few years, if these levees are persisted in, the Mississippi River will be a desolation of sand and mud bars, as it is a proven fact that the beds of all large leveed streams are raised in proportion to the height of the levees. And if they did succeed in holding this vast amount of water, which they will never do, what is to become of the hundreds of people whose farms are on the islands in the Mississippi River and those outside of the levees? Is it just that they should be ruined and their property desolated to satisfy the greed and graft of this levee board and support royally and sumptuously these sinecures who compose the Mississippi River Commission? Are we free-born Americans to suffer such injustice from these politicians? Capt. Cowden years ago advocated a policy which, had the Government adopted it, would have met these requirements and saved immense waste of the people's money. The Government should take hold of this matter, build reservoirs, open up drainage to the Gulf and Great Lakes, and deepen the channel of the Mississippi River, and give this long-suffering people a rest from the levee boards and these engineers which they graduate from West Point and who know no more about the requirements of this river than the old negro preacher knew about his text.

Gen. McDowell Townsend is right, "The situation is reduced to a mathematical problem, which is, how long before this people shall be pauperized to protect these great syndicates that were formed to buy up the sunk lands of Arkansas and Missouri at 25 cents per acre and drain them at the public expense and to sell them at an enormous profit?" It is for the chief benefit of these syndicates that these levees were built and are being maintained, and for which the people are taxed beyond endurance.

MRS. O. K. JOPLIN,
1500 Court Avenue, Memphis, Tenn.

Mr. SHIELDS. Mr. President, I wish to ask the Senator from Iowa whether he takes this letter, which is evidently from a hysterical woman, as evidence to overturn the opinions of the learned and able engineers who have surveyed the Mississippi River and made reports thereon, that it can be controlled and can be improved for navigation by a levee system, and against the word and arguments of the Senators who represent the four States bordering on the Mississippi from Cairo to the Passes?

Mr. KENYON. Is the Senator asking me that as a question, or is he merely making an argument of his own?

Mr. SHIELDS. I ask the question.

Mr. KENYON. The poor lady who has suffered from the levee system is not the only one. There are plenty of experts, as the Senator knows, who have written on this subject, claiming that the levee sysem is injurious in the end, and that it

can not possibly operate as some of the other engineers have stated it can. I grant that the Army Engineers for a decade have agreed that the levee is the only system; but I am not going to prolong the discussion. Army Engineers have made many mistakes in the past.

Mr. RANSDELL. Mr. President, I desire to say just a word in reply to the argument that the local communities ought to put up one-half of the cost. I will say, Mr. President, that the situation along the lower Mississippi is very different from that in California. There the people have not been paying out enormous sums, while we have been building levees on the Mississippi River since 1718, and have paid enormous sums, which, since 1882 alone, according to the official report which I hold here in my hand, amount to $91,000,000 for levees by the local communities, against $30,000,000 expended by the National Government, or in the proportion of three to one. They are required under this bill to put up $15,000,000 more. That will make $111,000,000. The Government has paid $30,000,000, and it is asked to put up $30,000,000 more. That will make $60,000,000 for the Government against $111,000,000 by the people of the States affected, and the people themselves, under the very terms of this bill, will have to pay all damages, rights of way, and everything of that kind. So more than $2 will be paid by the local people for every dollar the National Government puts up if the terms of the bill as now written are complied with, while under the terms of the amendment proposed by the Senator from Iowa the local people will be putting up a great deal more than one-half. I hope the amendment will not be agreed to.

Mr. NELSON. Mr. President, I will occupy but a few moments. I rise simply for the purpose of correcting a misapprehension which I fear may exist. In 1898 I was chairman of a subcommittee that investigated the floods in the Mississippi River. We went from the headwaters of the Mississippi, where the reservoirs are built, clear down to the ocean at the Southwest Pass. We took a large amount of testimony, examined all the documents bearing on the question, and came to the unanimous conclusion that the only way of protecting the lower Mississippi Valley against floods was by a levee system.

There is no opportunity for an outlet; there can not be any outlets above the Atchafalaya River, and there are no places where reservoirs can be built for impounding the water to restrain the floods unless far more land was overflowed than would be overflowed by letting the floods run untrammeled. In other words, from the time the great investigation of Humphrey and Abbott of the hydraulics of the Mississippi River in 1875 to this day there has been no difference of opinion among men conversant with the hydraulics of that river that the only way of protecting the people of those lands from floods is by a system of levees. I am also inclined to agree with the Senator from Louisiana [Mr. RANSDELL] that in view of the fact that the people of those States—and it affects States all the way from Louisiana up to the State of Missouri on both sides of the river—have contributed so largely in the past, it would be hardly fair to make them pay half-and-half now.

The case of California is entirely different. In California it is a new proposition, and the evils there existing they have brought upon themselves by hydraulic mining. The people of the lower Mississippi can not be accused of having brought the floods upon themselves by any negligence on their part, for those floods, of course, are utterly beyond their control.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. KENYON].

Mr. KENYON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I am paired with the Senator from North Carolina [Mr. SIMMONS]. In his absence I withhold my vote.

Mr. OVERMAN (when his name was called). I announce my pair with the junior Senator from Wyoming [Mr. WARREN] and withhold my vote.

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT]. Not being able now to obtain a transfer, I withhold my vote.

Mr. SMITH of Maryland (when his name was called). Making the same transfer as upon the last roll call, I vote "nay."

Mr. STERLING (when his name was called). I transfer my pair with the junior Senator from South Carolina [Mr. SMITH] to the junior Senator from Utah [Mr. SUTHERLAND] and vote "yea."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the junior Senator from Ohio [Mr. HARDING] to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. WALSH (when his name was called). Making the same transfer of my pair as announced on the preceding votes, I vote "nay."

The roll call was concluded.

Mr. JAMES (after having voted in the negative). I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Maryland [Mr. LEE] and will allow my vote to stand.

Mr. SAULSBURY. I transfer my pair previously announced to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. FALL. I wish to inquire if the senior Senator from West Virginia [Mr. CHILTON] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. FALL. I withhold my vote, having a general pair with that Senator.

Mr. CURTIS. I transfer my pair with the junior Senator from Georgia [Mr. HARDWICK] to the junior Senator from Maine [Mr. FERNALD], and vote "yea."

Mr. HOLLIS. I have a pair with the junior Senator from New York [Mr. WADSWORTH]. I transfer that pair to the senior Senator from Kansas [Mr. THOMPSON] and vote "nay."

Mr. CHAMBERLAIN (after having voted in the negative). I see that my pair has not voted. I transfer that pair to the senior Senator from Oklahoma [Mr. GORE], and will let my vote stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Hampshire [Mr. GALLINGER] with the Senator from New York [Mr. O'GORMAN];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN];

The Senator from Massachusetts [Mr. LODGE] with the Senator from Georgia [Mr. SMITH];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON]; and

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM].

The result was announced—yeas 20, nays 32, as follows:

YEAS—20.

Brady	Husting	McCumber	Pomerene
Clark	Johnson, S. Dak.	McLean	Smoot
Cummins	Jones	Martine, N. J.	Sterling
Curtis	Kenyon	Norris	Thomas
Hughes	Lane	Page	Works

NAYS—32.

Ashurst	Kirby	Pittman	Shields
Bankhead	La Follette	Ransdell	Simmons
Broussard	Lea, Tenn.	Reed	Smith, Md.
Catron	Martin, Va.	Robinson	Stone
Chamberlain	Myers	Saulsbury	Swanson
Fletcher	Nelson	Shafroth	Underwood
Hollis	Owen	Sheppard	Vardaman
James	Phelan	Sherman	Walsh

NOT VOTING—44.

Beckham	Fernald	Lewis	Smith, Mich.
Borah	Gallinger	Lippitt	Smith, S. C.
Brandegee	Goff	Lodge	Sutherland
Bryan	Gore	Newlands	Thompson
Chilton	Gronna	O'Gorman	Tillman
Clapp	Harding	Oliver	Townsend
Colt	Hardwick	Overman	Wadsworth
Culberson	Hitchcock	Penrose	Warren
Dillingham	Johnson, Me.	Poindexter	Watson
du Pont	Kern	Smith, Ariz.	Weeks
Fall	Lee, Md.	Smith, Ga.	Williams

So Mr. KENYON's amendment was rejected.

The PRESIDING OFFICER. The question is, Shall the amendments be engrossed and the bill be read a third time?

Mr. NORRIS. Mr. President, after all, I think there is something in the claim that it is more a matter of geography than anything else. If you build a dam to hold back the flood water in Louisiana or Mississippi and reclaim some land by building a dam along the river, the Government will pay $2 for every one that you put into it. If you go into California, a beautiful State but less favored by the powers that be—if you build a dam along the Sacramento River and hold back the flood waters from destroying things, the Government will divide up evenly with you. You have to pay half and half. But if you go out on the Plains, in the arid country, where man is striving to reclaim the desert, the Government will not pay anything. So, after all, it is a matter of geography. You have it your way. It depends on where you live and what you want to improve as to how much the Government will pay.

The PRESIDING OFFICER. The question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read three times, the question is, Shall the bill pass?

Mr. KENYON, Mr. McCUMBER, and other Senators called for the yeas and nays, and they were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the senior Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. CURTIS (when his name was called). I have a general pair with the junior Senator from Georgia [Mr. HARDWICK] and withhold my vote.

Mr. FALL (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. CHILTON]. I am informed, however, that that Senator, if present, would vote as I will, and I therefore vote "yea."

Mr. JAMES (when his name was called). Making the same transfer of my pair as before, I vote "yea."

Mr. OVERMAN (when his name was called). I again announce my pair with the junior Senator from Wyoming [Mr. WARREN] and withhold my vote.

Mr. SAULSBURY (when his name was called). Making the same announcement and transfer as before, I vote "yea."

Mr. SIMMONS (when his name was called). On this question I have a pair with the junior Senator from Indiana [Mr. WATSON] and therefore withhold my vote.

Mr. SMITH of Maryland (when his name was called). Making the same transfer as on the last roll call, I vote "yea."

Mr. STERLING (when his name was called). Again transferring my pair to the junior Senator from Utah [Mr. SUTHERLAND] I vote "nay."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the junior Senator from Ohio [Mr. HARDING] to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. WALSH (when his name was called). Making the same transfer of my pair as announced on the preceding roll call, I vote "yea."

The roll call was concluded.

Mr. HOLLIS. Making the same transfer as before, I vote "yea."

The result was announced—yeas 39, nays 16, as follows:

YEAS—39.

Ashurst	Jones	Phelan	Shields
Bankhead	Kirby	Pittman	Smith, Md.
Broussard	La Follette	Pomerene	Smith, Mich.
Chamberlain	Lea, Tenn.	Ransdell	Stone
Clapp	Martin, Va.	Reed	Swanson
Clark	Martine, N. J.	Robinson	Underwood
Fall	Myers	Saulsbury	Vardaman
Fletcher	Nelson	Shafroth	Walsh
Hollis	Newlands	Sheppard	Works
James	Owen	Sherman	

NAYS—16.

Brady	Husting	Lewis	Page
Catron	Johnson, S. Dak.	McCumber	Smoot
Cummins	Kenyon	McLean	Sterling
Hughes	Lane	Norris	Thomas

NOT VOTING—41.

Beckham	Gallinger	Lodge	Thompson
Borah	Goff	O'Gorman	Tillman
Brandegee	Gore	Oliver	Townsend
Bryan	Gronna	Overman	Wadsworth
Chilton	Harding	Penrose	Warren
Colt	Hardwick	Poindexter	Watson
Culberson	Hitchcock	Simmons	Weeks
Curtis	Johnson, Me.	Smith, Ariz.	Williams
Dillingham	Kern	Smith, Ga.	
du Pont	Lee, Md.	Smith, S. C.	
Fernald	Lippitt	Sutherland	

So the bill was passed.

INDIAN APPROPRIATIONS—CONFERENCE REPORT.

The PRESIDING OFFICER. Under the unanimous-consent agreement heretofore entered into, the Senate will now proceed to the consideration of the conference report on the Indian appropriation bill.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. ASHURST. I do not want to be heard. I just ask for a vote.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. THOMAS. Before a vote is taken upon agreeing to the conference report, I should like to hear from the chairman of the committee as to the action of the conference committee in regard to what is known as the salary amendment.

Mr. ASHURST. In response to the question propounded by the Senator from Colorado, I will say that in the Senate, while the bill was under consideration, the Senate attached to the bill what I am going to call the Smoot amendment. When the bill went back to the House an amendment was proposed under the parliamentary status and the Smoot amendment was rejected by a majority of 222 on a roll-call vote, and the so-called House amendment was adopted. Under the House amendment the number of employees in the Indian Bureau affected will be 5,517.

Mr. SMOOT. Before the Senator leaves the last subject matter I wish to have an understanding as to how it came about. I understand the Indian appropriation bill came to the Senate with no provision for an increase of salaries.

Mr. ASHURST. None whatever.

Mr. SMOOT. Then the Senate put upon it what is known as the Smoot amendment. It then went to the House.

Mr. ASHURST. No.

Mr. SMOOT. It went back to the House.

Mr. ASHURST. The conferees agreed on the Smoot amendment. The House rejected the conference report because we had placed the Smoot amendment thereon, and by a roll call they put upon the bill the House amendment by a majority of 222.

Mr. SMOOT. There was nothing in conference on the appropriation bill but the Smoot amendment and the House voted to increase that amendment.

Mr. ASHURST. I will let the Senator settle that with the House.

Mr. SMOOT. I wanted to know as a matter of fact if that was not the case. As far as I am personally concerned I have never yet made the statement, although there appeared in the newspapers a statement that I positively refused to make any compromise on the salary question. I wanted to have the facts placed before the Senate so that when we vote on the subject matter we may know just what they are.

Mr. ASHURST. I thank the Senator for interrupting me. Proceeding further, I will state that the House refused to accept and approve the conference report with the Smoot amendment in it. I have the CONGRESSIONAL RECORD here. I do not want to read all the debate, but a roll-call vote was had on the direct question. I will read from page 3792 of the CONGRESSIONAL RECORD of February 15:

> Mr. GOOD. Mr. Speaker, I desire to offer a preferential amendment. I move to recede from the disagreement to Senate amendment 111—

That is the Smoot amendment—

> and concur in the same with an amendment striking out all of the language of the Senate amendment and inserting in lieu thereof the following.

Which is now the provision in the conference report. That was carried by 222 majority. The House conferees came to the Senate conferees saying that they felt bound in conscience and in honor to obey the House since the House by 222 majority had instructed them to recede from the Senate amendment and adopt the House amendment.

Now, then, as to the figures. Under the House amendment the number of employees affected in the Indian Bureau and in the Indian Service would be 5,517. Under the Smoot amendment the number affected would be 4,614. The total salaries affected are $3,913,749 by the House amendment. The total salaries affected by the Smoot amendment are $2,708,804.

Mr. THOMAS. Mr. President——

Mr. ASHURST. Mr. President, just a moment; let me read the entire figures. The total increase of House amendment over the Smoot amendment is $45,973.30. In other words, when the Senate conferees receded from the Smoot amendment and concurred in the action of the House we thereby added to the salaries of the various persons named in the amendment in the Indian Bureau $45,973.30. I say now that it is a very unpleasant commentary to have it whispered about this Chamber that we have increased the salaries $1,000,000. It is a sad commentary upon the American Senate.

Mr. OVERMAN. Mr. President——

Mr. ASHURST. Just let me finish my statement and then I will be glad to yield. I say it is an unpleasant commentary

to have it whispered about that we have increased the salaries $1,000,000 when the total increase is $45,973.30, and these figures are furnished from the Indian Bureau.

Now, just a word further before I yield the floor. It has been said that I have acted in this matter under the agreement I made. Mr. President, I was invited into the conference. I admit that I never thought they ought to have an increase. I did not vote for the Smoot amendment, which I thought was unfair. Just as I walked into that meeting the House conferees said to me: "Remember, sir, the House has refused to agree to the Smoot amendment and has adopted the House amendment by a large majority."

Mr. OVERMAN. Will the Senator allow me?

Mr. ASHURST. I yield cheerfully.

Mr. OVERMAN. While the figures given by the Senator may be only a total of $45,000, if this amendment is adopted on all the appropriation bills, as it should be if it is adopted here, it will amount to about $28,000,000.

Mr. ASHURST. Of course I do not know. I yield to the superior judgment of the Senator from North Carolina. All I can vouch for is the accuracy of the statement I made.

Mr. OVERMAN. The Senator did not go into the other figures?

Mr. ASHURST. Confessedly not.

Mr. OVERMAN. If the amendment is adopted on this bill, ought it not to be adopted on the others?

Mr. ASHURST. Not at all.

Mr. OVERMAN. Then we would have one scale of wages for the Indian Bureau employees, one for the employees under the Agricultural appropriation bill, and another for the employees provided for in the legislative, executive, and judicial bill.

Mr. ASHURST. We would then be only doing that which Congress is noted for being—inconsistent in everything. We would preserve our record. We would be consistent by continuing to be inconsistent.

Mr. THOMAS. Except in the matter of appropriations.

Mr. ASHURST. We are consistent with the appropriation bills where there is any vote, but when we reach the poor Indian appropriation bill there are 300,000 dependents who can not vote. The Indian can not make his resentment felt. Rob the Indian, take his lands, and all he can do is to appeal to Congress. The Indian appropriation bill is always made the buffer, it is always the subject of graft, simply because the Indian can not vote. If he could vote Senators would all be urging increased appropriations and urging that the salaries of those in the Indian Bureau should be increased instead of decreased.

Mr. OVERMAN. The increase does not affect the poor Indian.

Mr. ASHURST. No; except in so far as by the increase we can get a few more efficient men in that bureau. The civil-service rules have imposed upon that bureau a large number of inefficient men who are not fit to handle themselves, much less dependent Indians.

Mr. OVERMAN. How through the civil service would you get efficient men, if you gave them three times as much?

Mr. ASHURST. If I had the opportunity under the civil service I would put out the incompetent.

Mr. OVERMAN. I would, too; but I do not see how we can do it, no matter what the salaries are.

Mr. ASHURST. I have stated the figures, Mr. President. That is all I care to say.

Mr. JOHNSON of South Dakota. Mr. President, I wish I had the power to-night to express fully and completely my objections to the adoption of this conference report and my objections to the bill upon which this conference report is made. I desire that it be fully understood at the outset that my criticism, if it may be called criticism, does not apply to the private individual but does apply to the official. My purpose to-night is to discuss this report and bill in connection with general Indian appropriation bills heretofore passed by Congress, all emanating largely from the Indian Bureau.

My observation has been that for the past 20 years the Indian appropriation bills have been measures of the worst kind. They have been about 40 per cent robbery of the Federal Government and about 40 per cent robbery of the Indians, so far as relates to real benefits to the Indians themselves.

Mr. MYERS. I should like to ask the Senator a question. Can the Senator point out anything that is robbery either of the Indians or of the Government? If he can, I would like to have him specifically name the robbery and put his finger on it.

Mr. JOHNSON of South Dakota. Mr. President, my time is short to-night and I want to deal more in a general way as regards the real benefits to the Indian of Indian appropriation bills. If I went into specific details on this bill, that alone would take ten times more time than is allotted to me. I hope the Senator will realize my purpose.

Mr. MYERS. I just wish to call the Senator's attention to this bill, because it is now the one under discussion and it has to be passed upon.

Mr. JOHNSON of South Dakota. Yes; very well, I shall cast my vote against this bill, as I do not think it any better than the average Indian appropriation bills that have become laws for many years. May I now call the Senator's attention to one specific appropriation which, I believe, was cited by the Senator from Oregon [Mr. LANE] a few weeks ago, concerning which a statement appears on page 218 of the House hearing? This related to appropriations for the Kiowa and Comanche Indians.

Allow me to insert in the RECORD some items concerning the Kiowa and Comanche Indians which appear on page 218 of the hearings held before the House Committee on Indian Affairs the other day. These people have about $3,000,000 to their credit in the Treasury, if I remember correctly. We have appropriated out of their fund for 1917 $25,000, and an analysis of the expenditures shows the following:

Salaries and wages	$19,314.10
Traveling expenses	368.20
Transportation of supplies	56.34
Heat, light, and power service	545.80
Telegraph and telephone service	340.08
Subsistence supplies	8.36

In brief, the appropriation was $25,000, which was asked for by the Indian Office——

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Colorado?

Mr. JOHNSON of South Dakota. I yield to the Senator.

Mr. THOMAS. Let me understand the Senator. Does he mean by that statement that out of an appropriation of $25,000 for these Indians only $8.36 was expended for subsistence?

Mr. JOHNSON of South Dakota. That is according to this report.

Mr. THOMAS. Then the Indians did get something out of the $25,000; they got $8.36?

Mr. HUGHES. How did that happen. [Laughter.]

Mr. JOHNSON of South Dakota. I do not know. It must have been a mistake. The Indian appropriation bills have always been bad. They are made for politicians and for the convenience and upbuilding of the whites; ostensibly for the benefit of the Indians, but in reality for no such purpose.

Mr. President, now allow me to point out specifically a few of the matters in my own State, and I hope that will answer, at least in a way, the question asked by the Senator from Montana [Mr. MYERS], whom I am very glad to answer as best I can.

As an instance, I cite first the case of two hospitals completed in my State in 1915 the building of which shows an utterly reckless expenditure of money, a fair example of the unbusinesslike methods of our Indian system, for which I do not believe a sensible excuse can be offered. These two hospitals cost about $70,000, or $35,000 each.

One of them is built within the Rosebud Reservation in Todd County and the other within the Cheyenne Reservation in Dewey County. Keep in mind that these two hospitals were erected out of the Indians' funds without their permission or consent.

The one in Dewey County is built 35 to 40 miles off from a railroad. To reach it one must pass through a rough, broken country. Yet running through this particular reservation is a line of railroad entering the county on the north, toward the east side, and extending southwesterly to the west line thereof. Another railroad enters the county at about the same place, running in a southeasterly direction for 40 or 50 miles, thence in a southwesterly direction and on through said county to the west line, a distance of from 50 to 60 miles. Along both lines of railroad there are a number of splendid growing towns of easy access from the heart of this reservation, any one of which would have been a good and sensible location for the establishment of an Indian hospital, if necessary that one be built, as you will readily see by looking at the map of the country.

Now, what was done as regards the other hospital on the Rosebud Reservation in Todd County? It was also built 35 to 40 miles from the nearest railroad when it might have been built, if necessary, at any one of a number of convenient places upon a railroad easy of access and businesslike, at least, as to its location. It cost about the same amount as the one on the Cheyenne Reservation. They both stand to-day as a monument to mismanagement, extreme extravagance, and as examples of the unbusinesslike methods of handling the Indians' money by the Indian Office.

Now, let us see how the Government builds hospitals out of Federal appropriations. The maximum amount that can be used is $15,000 for each one. Thus you will observe that the Indian Office, in the erection of these two hospitals alone, built with the Indians' money, has wasted about $20,000 on each, or a total of $40,000.

I understand from good authority that the nearest laundry to the hospital in Todd County, when it was completed in 1915, was 12 miles away.

A friend of mine last summer went out to see this hospital in company with the agent at that place. Upon arriving at the institution he did not observe any Indians about. In fact, there was no one in sight with the exception of a few persons drawing salaries, whose business it was to look after the buildings, and so forth. He asked the superintendent how many patients were in this hospital then. The agent looked off across the prairie and advised my friend that the patients were off on their summer vacation.

Mr. MYERS. I ask the Senator if he does not think that a summer vacation is very good medicine to take—if the doctors do not recommend it—and if he does not think a summer vaca- is beneficial to him?

Mr. JOHNSON of South Dakota. I will answer the Senator by saying that there were not any patients there.

Mr. MARTINE of New Jersey. I wish to suggest that the parties building these hospitals wanted to get the patients away from the noise of locomotives and the rattle of trains.

Mr. JOHNSON of South Dakota. I will answer the Senator from New Jersey that I inquired of the Indian Office who located these hospitals. When I was advised that the superintendent and the doctors are the persons who locate hospitals at the various agencies, then I was not surprised as to these particular locations.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from South Dakota yield to the Senator from Colorado?

Mr. JOHNSON of South Dakota. I do.

Mr. THOMAS. I should like to inquire, if, when an Indian gets sick and the authorities move him to one of these hospitals, do they charge him mileage?

Mr. JOHNSON of South Dakota. They charge him everything they can.

Mr. President, while I am on the subject I desire to say, further, that the superintendent held at the Rosebud Reservation for two years was paid an excess salary of some $650 a year more than the position paid heretofore or that his successor, recently appointed, will receive. You can not find an Indian on that reservation, not a beneficiary, who has not complained bitterly all the time as to the treatment received at his hands. Can you figure this out?

Only last week the Commissioner of Indian Affairs told me that he had appointed another man to that place. I said to him: "I hope that he will be a good superintendent for those Indians, because they are worthy people."

I also complained and filed affidavits at the Indian Office with regard to a boss farmer at that agency who deliberately shot an Indian off his horse a year and a half ago. As reported to me, the Indian lay on the ground for a long time before he was picked up. The offense of which the Indian was accused was that of forging a $5 check. I do not know whether or not he forged the check; but if he did, the poor fellow was probably hungry and needed the money.

I want to speak of this instance, Mr. President, because I have been asked to be specific. I filed many affidavits with the Commissioner of Indian Affairs relating to this matter months ago; an immediate investigation was promised. Doubtless this is such a small matter that it must have been forgotten, because I have never heard further from it. This boss farmer is still on the job drawing his salary from the Government.

Mr. MYERS. I asked the Senator to be specific as to some appropriation in this bill, but the Senator does not get to the bill.

Mr. JOHNSON of South Dakota. I have answered the Senator before. I do not wish to have my time taken up so that I may not have an opportunity to touch upon questions of greater importance to the Indians.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator from South Dakota a question.

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Colorado?

Mr. JOHNSON of South Dakota. Certainly.

Mr. SHAFROTH. I ask whether it was an officer who killed the Indian?

Mr. JOHNSON of South Dakota. He did not kill him, but shot him off his horse.

Mr. SHAFROTH. But he shot him?

Mr. JOHNSON of South Dakota. Yes. The man who fired the shot is the boss farmer, and he is still in the service; he is still employed there, as I am advised.

Mr. SHAFROTH. Was he trying to arrest the Indian?

Mr. JOHNSON of South Dakota. As I understand, he told the Indian to halt, but the Indian did not do so. Then he shot the Indian off his horse, as is reported to me.

Mr. President, at the Pine Ridge Agency, in my State, during the months of June, July, and August, 1915, there was no issue of flour to the 7,000 Indians there, so I have been reliably informed. At that same reservation during the months of February and March, 1915—the coldest months of the year in that locality—the supply of coal for the agency school gave out, because the coal contract for that season had not been properly let. Maj. Brennan, the local superintendent, in order to keep this school going, was compelled to take the Indian children out of school, so that they could go out and cut green wood for fuel. This is the system, and this is the practice in the Indian Office here—neglect, procrastination, delay, and inactivity in all the things that should help to make for the welfare and success of the Indian.

Mr. ASHURST. Mr. President, will the Senator from South Dakota yield to me at that point?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Arizona?

Mr. JOHNSON of South Dakota. I yield to the Senator.

Mr. ASHURST. I am interested in the Senator's remarks. The Senator is a valued member of the Committee on Indian Affairs. I have no doubt, Mr. President, that petty tyrannies on the part of Indian agents here and there do occur; I have not the slightest reason to doubt what the Senator says; but I have no doubt in the world, if the Senator had laid these matters before the Committee on Indian Affairs when it was considering the bill—possibly he did so some morning when I was absent from the committee—or if he had laid them before the Commissioner of Indian Affairs, steps might have been taken to remedy the situation. It is a gratification, however, to know that the agent to whom the Senator refers has, as he states, been removed or transferred.

Mr. JOHNSON of South Dakota. It must be a gratification to those Indians.

Mr. ASHURST. And to all persons who want justice done to the Indians.

Mr. JOHNSON of South Dakota. Mr. President——

Mr. ASHURST. If the Senator will pardon me, as I stated a moment ago, a great many of these petty tyrannies and abuses which are practiced just as the Senator has described, have been brought about by the workings of what is called the civil service. It promotes and brings into the service incompetents, men who could not administer the affairs of the smallest institution, much less take care of these dependents.

Now, take my own State. I am conscious of a situation there where most gross injustice and tyranny are practiced not only upon the Indians, but upon the whites employed on the reservations. The Senator from South Dakota is doing a public service, I think, in calling attention to these things; and I wish to say here and now, that the Commissioner of Indian Affairs, in my judgment, has done, and is doing, all that he is able to do, surrounded, as he is, by rules which will not permit him even to hire a stenographer, except under the rules of the civil service. We ought not to hem an official in with such rules and thus cause to be forced upon him incompetents for his superintendents, agents, and farmers, and then blame him for the evil results that flow therefrom.

Mr. JOHNSON of South Dakota. The Bureau of Indian Affairs is run on rules and not by law. The Bureau of Indian Affairs is responsible for the orders given to these various superintendents, which they must carry out. I appreciate the remarks of the chairman of the Senate Committee on Indian Affairs, but there are so many worse things that were testified to in the committee that the evils which I have mentioned are only a small part.

I recall one instance which was stated in the testimony before the Senate committee by one Mr. Joe Cooper, of the Crow Reservation, in Montana. He testified that his little children were forcibly taken from their home, carried away, and placed in a school at the agency. He wanted them to go to school at home. The junior Senator from Wisconsin [Mr. HUSTING] asked the Commissioner of Indian Affairs if that was true. He said he supposed it was. The Senator then asked him if he would see that those children were taken back to their mother. The

commissioner said he desired to investigate all of the circumstances. The Senator from Wisconsin then said he wanted to know whether the commissioner would have those children returned to their parents. The commissioner finally said he would, and I hope he will.

Adverting further to this particular testimony, the fact was disclosed that the Government had also failed to pay last year's money to the Crow Indians, which they needed badly.

This testimony further disclosed that the superintendent of the Crows had at one time said he intended to make these Indians work if he had to starve them to do it. At these hearings numerous persons testified that the members of this tribe are, and have been, suffering through lack of food, and at times for many years past they had endured similar privations.

A bright, intelligent Indian by the name of Thomas Medicine Horse, from the Crow Reservation, testified that last spring these Indians, out of necessity, were eating the carcasses of dead cattle, which during the previous winter had wandered or drifted to some river and broken through the ice. During the spring freshets these carcasses floated downstream, where they were procured by the Indians and eaten, through the kind permission of the farmers, who directed that the Indians be careful to place the hides of these drowned animals back far enough from the river so they would not be washed away but could be sold.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Oregon?

Mr. JOHNSON of South Dakota. Yes.

Mr. LANE. I should like to suggest to the Senator that at that time it was urged in all sincerity that from choice the Indians ate cattle that had died; that they had acquired an appetite for that kind of food.

Mr. JOHNSON of South Dakota. I am not certain.

Mr. LANE. Yes.

Mr. MYERS. Mr. President, I think the Senator from Oregon is wrong about that. There was some explanation as to why Indians take garbage from swill barrels, but I do not remember anything in regard to the other matter.

Mr. LANE. I have an idea that the Senator was not there, but that was the testimony given.

Mr. MYERS. Perhaps I was not.

Mr. LANE. The Senator will find that in the testimony.

Mr. JOHNSON of South Dakota. Testimony concerning the Crow Reservation in Montana was also produced showing that one of the witnesses had many times seen Indian women with babies in their arms and children by their side hanging around slaughterhouses gathering up the offals from butchered animals and carrying them away for food.

Mr. President, it appears to me to be an awful condition of things that the wards of this Government should be forced to such degrading practices in order to keep life in their bodies, and I desire to say to you now that I believe this man told the truth, and to say to you further that I myself have seen this very thing occur many times on different reservations, and I defy any man in Congress or in the Indian Office itself to successfully contradict what I have said.

Yet these Crow Indians are possessed of valuable lands and have money on deposit in the United States Treasury which is held in trust for them. They would, in all probability, have more cash to their credit if their affairs were more carefully managed by the Indian Office. Evidence was given in committee, and not contradicted, to the effect that $180,000 was received last year as rental for leased Crow lands. The evidence also shows that the overhead cost of caring for and managing these leases amounted to $100,000, leaving only $80,000 to the credit of these Indians.

Mr. MYERS. What I should like to ask the Senator from South Dakota is this: If all these complaints against the Commissioner of Indian Affairs are true, if he is incompetent, if he mismanages affairs, if he has not done right, and if the Indians have not been properly treated, how is the Senator going to better matters by defeating this bill? That is what I should like to know.

Mr. JOHNSON of South Dakota. There need be no fear that this bill will not pass. Congress will pass any bill that carries a lot of appropriations and votes away a lot of the people's money wastefully.

Mr. MYERS. But still the Senator does not answer my question. I should like to have the Senator answer, if the Indian Commissioner has been guilty of all the charges brought against him, how is the Senator going to better matters by defeating this bill, which was not framed by the Indian Commissioner, but framed by the Senate committee? How will anybody be any better off by defeating this bill?

Mr. JOHNSON of South Dakota. I think the major part of the bill was recommended by the Indian Bureau.

Mr. MYERS. The bureau made estimates of money to be expended. Those estimates were for the Indians; but how is the Senator going to benefit the Indians by taking away from them this money, which has been estimated as necessary for their support?

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Colorado?

Mr. JOHNSON of South Dakota. Yes.

Mr. THOMAS. It would seem to me that the Indian, if he is no better off with this bill than without it, certainly the Treasury at least will be better off if the money otherwise appropriated and to be squandered should remain in the Treasury. In other words, if these large appropriations have not produced the desired effect, why make them? Probably the hiatus of one year, during which time these appropriations are withheld, might so concentrate public attention upon the condition which the Senator from South Dakota is so eloquently describing as to arouse an indifferent public opinion to the situation and bring about that relief which now seems impossible to be secured either by investigation or by legislation.

Mr. MYERS. If the Senator from South Dakota will permit me the courtesy of interrupting him further, let me say to the Senator from Colorado that the $180,000 which the Senator from Colorado evidently has in mind, to administer which required the expenditure of $100,000, was not the money of the United States Government, but was money that was paid by private individuals for leases on the Crow Reservation.

Mr. THOMAS. Mr. President, that does not seem to me to be the important factor in the proposition. Concede that the money does not belong to the Government of the United States; concede that it belongs to the Indians' funds; if, when appropriated, it is diverted from its real purpose, its ostensible purpose, and squandered by those who have the power of administration, then I should think it would be better not to make the appropriation.

Mr. MYERS. Just a moment. It was not appropriated at all. It was paid by Lee Simonsen and other lessees on the Crow Reservation.

Mr. THOMAS. If that is the case, I understand that it is a perpetual fund, and so long as the lease lasts it can be utilized in the way which the Senator from South Dakota is describing; and it seems to me that is worse yet.

Mr. MYERS. It has nothing whatever to do with any Government fund, but is totally separate.

Mr. THOMAS. If it is beyond the control of the Government, so that this legislation does not affect it, then certainly the Indian is in a very bad way if the money is so expended, and we are powerless to do anything to prevent it.

Mr. MYERS. Of course the Indian officials have the handling of it; there is no doubt about that.

Mr. JOHNSON of South Dakota. I hope I have made myself clear on this. The total receipts for leased lands on this reservation amounted to approximately $180,000, out of which the Indian Bureau expended as charges against the Indians for leasing the lands $100,000, leaving the Indians only $80,000 out of the $180,000 lease money.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Oklahoma?

Mr. JOHNSON of South Dakota. I do.

Mr. OWEN. I just want to ask the Senator what amount per capita would go to the Crow Creek Indians if they got the money now paid to the employees of the agency.

Mr. JOHNSON of South Dakota. I could not answer the Senator's question.

Mr. OWEN. Is it not $189,000 that is appropriated there?

Mr. JOHNSON of South Dakota. I am not informed on that question; I could not answer.

Mr. WALSH. I can give the information.

Mr. OWEN. I should like to have it.

Mr. JOHNSON of South Dakota. I yield with pleasure to the Senator from Montana.

Mr. WALSH. The revenues derived by the Crow Indians from the leases of land annually amount to $186,000. That would give to each Indian, man, woman, and child, $110.

Mr. OWEN. How much would that be to a family?

Mr. WALSH. Assuming that there are five members in a family, each Indian family would get $550—more than ample to maintain the family in comfort.

Mr. OWEN. What becomes of the money now?

Mr. WALSH. The facts are practically as stated by the Senator from South Dakota. There is an annual distribution

of from $25 to $50. The remainder is spent through the Indian Bureau. Much of it, in my humble opinion, is wasted. It would be quite erroneous, however, to assume that it all is. No little of it is expended in the maintenance of schools, in the maintenance of hospitals, for the payment of physicians, and the payment of farmers for the purpose of teaching the Indians. Much of it is spent for the benefit of the Indians, but there is no gainsaying the general line of argument made by the Senator from South Dakota that there is an enormous waste of the funds of the Indians.

Mr. JOHNSON of South Dakota. Mr. President, while I am touching upon conditions on this Crow Reservation, let me say that certain testimony was taken before the committee to the effect that at the little town of Lodgegrass on this reservation, away out in Montana, 2,500 miles away, the Indian Office has what is known as the "council of ten," composed of Indians who uphold it; that in the fall of 1914 the Commissioner of Indian Affairs was in that town during the night when this council met; that an affidavit of an Indian by the name of Curley was taken at the meeting of this council behind closed doors, the testimony showing that a guard was stationed at each door. A Mr. Linnen, chief inspector of the Indian Office, was also present at this meeting, before whom Curley subscribed and swore to this affidavit, which contained charges based entirely upon hearsay relating to the character of a woman, who, it seems, had been active in securing information detrimental to the Indian Office. The Commissioner of Indian Affairs testified that he did not remember whether he left the town of Lodgegrass the next morning thereafter or whether he stayed several days. However, this affidavit was brought or sent to the commissioner and filed in his office, according to the testimony, and was brought to the Senate committee by this chief inspector, Mr. Linnen, a week or so ago from the commissioner's office.

At the committee hearing, during a grilling examination in reference to the bringing of such testimony before it, the chief inspector testified that he had been called to the meeting of this "council of ten" at their request. Commissioner Sells testified that he had never seen the affidavit or heard anything about it until it was presented to the committee, although it had lain in his office for something over two years, and he was present in the little Indian town the night this affidavit was taken.

Now, a word about the character of the man who made this affidavit. Let me say first that he is the judge on the Crow Reservation, appointed, I assume, by the Indian Bureau. He is the man who decides the Indian's differences and settles his troubles. The testimony as to his character disclosed, without an exception, that his moral character was bad. There was much testified to regarding Curley's character unfit to give out to the public. This man Curley is the man who swore to this purported affidavit, based on hearsay; and, according to information secured from one of the greatest Indian writers and lecturers in America, it seems, was with Gen. Custer when he and his soldiers were killed. Curley, according to this writer, is the only Indian scout now living who ever betrayed this Government or went back on its flag. In the early seventies he was employed as a scout in the Army. He was in the service of Gen. Custer and deserted his post. It seems that he was sent ahead to reconnoiter. When he saw the critical condition of the white soldiers he sneaked around, went to the rear, and hid until after Gen. Custer and his brave soldiers were massacred, instead of reporting the true condition to him.

This is the kind of a man who made this affidavit, sworn to before the chief inspector of the Indian Service, against the character of a woman. It is such acts as these by Government officials which destroy the patriotism of these people. Can it be possible that such things as this can go on and no attention be paid to them by Congress? Is it possible that a department of our Government has gotten down so deep in the mire? Have we reached the time in our history when the head of one of the great branches of the Government will resort to such practices? Can it be true that in its endeavor to justify its acts on these reservations the Indian Office will permit such things, and then not have the courage to face the consequences of its own acts when made public? Do we use the power of government to destroy everything in its way, even in its suppression of those who are crying for bread? Can we realize that this is true?

Mr. President, there must come a time when such things as this will cease. There must come a time when Congress will see and realize the necessity of looking more carefully into legislation emanating from this Indian Bureau.

Mr. ASHURST. Mr. President, will the Senator yield to me for a moment?

Mr. JOHNSON of South Dakota. I will.

Mr. ASHURST. The Senator, during his remarks, spoke of Inspector Linnen. I was not present at the time this testimoney was taken, nor at the time the affidavit the Senator speaks of was offered, but I wish to say that I have known Mr. Linnen for some three or four years, and I never have heard a word to his discredit. On the contrary, the reputation he bears in the office of the Secretary of the Interior and among the public generally is a most excellent reputation as to his being a worthy and efficient official, and one of high character.

As to what the Senator says, of course, I have nothing to say.

Mr. JOHNSON of South Dakota. The chairman was not present when this testimony was offered. I stated at the beginning of my remarks that I wanted it specifically understood that I was not criticizing any man, but that I was criticizing the officials, if you call it criticism.

Mr. President, permit me now to relate a few matters as regards conditions of the Indian in South Dakota. In April, 1915, a Capt. Mossman, who handles cattle extensively in South Dakota, desired to rent a large tract of Indian land for grazing purposes. The Indians all desired and were willing to rent their lands to him, as they were not used for other purposes. They held a big council, and the matter was put up to the Indian Office here in Washington. They fooled around about it until the latter part of June, and Mr. Mossman was compelled to take his cattle out of the State, the Indians getting nothing out of their land and the State losing the taxes on 8,000 head of cattle. Would you like to have your business handled in this manner?

I could talk all night about complaints—matters of great importance to the Indian—which have been totally neglected by the Indian Office. However, time forbids, and I must hasten.

Mr. President, another general and extremely important matter is the complaint embodied in the statements of many of the old folks who can not talk English. Many times they drive long distances to the local agency and are then compelled to return home because no interpreter can be found who can make known their wants to the superintendent. The younger and more progressive Indians complain of the fact that they are not given employment on their reservations, but, on the contrary, work is given to outsiders—white people. This course causes much dissatisfaction. The refusal of the Indian Office to permit places, in many instances, to be filled by Indians on their own reservation in various lines of work, such as boss farmer, brand inspector, lease clerk, and various other minor positions, which to the Indians themselves are of great importance, but, on the other hand, sending in outsiders to fill these places, persons who in most instances are unfit because they are unacquainted with the climatic conditions of a particular reservation, and more particularly because they do not know the customs, traits, and so forth, of the Indian residents thereof and can not talk their language, only tends to stifle their every ambition. One must remember that the conditions under which a farmer works in one State are entirely different in another locality.

Mr. President, a white man coming into my State from Illinois, Ohio, Oklahoma, or any other State would make a failure in the western part of South Dakota, if he attempted to farm by the methods employed in his former locality. So you can readily see that local people are much better qualified for these positions, because they are fully posted and are more practical as regards methods of local farming. They possess a knowledge of conditions which it is impossible for a man to have coming from the outside. Then there is the further and more important reason, that these outsiders can not talk the Indian language and consequently can not instruct the Indians. These conditions discourage them now, as they have for years, yet they are forced upon them by the Indian Office, and have been for the past 20 years.

This matter was discussed last year in the Indian Committee, and I offered an amendment to the Indian bill, making it imperative for a boss farmer to be appointed from within the State where the reservation at which he is employed is located, but a compromise was made in order to get it through by the acceptance of an amendment which provided that the farmer might be appointed from such State or an adjoining State. This improved the situation somewhat, it is true, but did not go far enough.

Again, we should consider the education of Indian children as of the greatest importance. There should be an earnest and practical effort made to permit all Indian children of school age to attend public school. Has this been done? According to the best of information, there are in South Dakota 1,400 Indian children of school age, who have not been furnished with school

facilities. Yet the law and the treaties are specific on this point. I presume the same average obtains in other States where there is an Indian population.

However, in connection with this matter I want to be fair, and I will say that the conference report to the bill under consideration makes provision for the appropriation of $300,000 for building and equipping public schools on the various Sioux reservations. This legislation was brought about by the hardest kind of work in the committee last year, and this year it became a part of the bill by the adoption of the amendment offered by the junior Senator from North Dakota [Mr. GRONNA] and will be of great service.

Now, let us see how the individual money of the Indian is handled in my State, and I think in most of the other States, so that you may know with what he must contend. Suppose an Indian has, say, $500 of his own money. This is sent to the superintendent by the Indian Office with instructions to deposit it in some local bank for the benefit of the Indian. These banks are located in various parts of the country, many miles from where the Indian lives. The deposits made for the Indians are under the control of the various superintendents. Should an Indian need money with which to buy groceries, clothing, medicine, or anything for the support or comfort of his family, or any of the necessities of life, or for any farm tools, or anything else he may need, the first thing he has to do is to hitch up his team and drive from 5 to 75 miles to the agency in order to get an order for a little of his own money with which to buy the necessary articles. After he gets to the agency, it is entirely discretionary with the superintendent as to whether he accommodates the Indian or not. In fact, he is the sole judge of his needs. Thus it may be seen that every Indian is compelled to approach his superintendent with about the same misgiving and fear as would a hungry beggar who approaches your back door and asks for bread.

By this process their money does them very little good. It is dribbled out to them in such small amounts that in many cases it is actually earned by them on account of the time consumed and work done in procuring the necessary order. So you can readily see that the management of this branch of the financial affairs of the Indian might just as well send his money to Mexico for any real good it does him.

And again, while I am on this subject, Mr. President, permit me to say on investigation, I find that on June 30, 1916, the Indians of South Dakota had over $7,000,000 of tribal and individual funds held in trust for them by the Government. The Government on the same day had over $60,000,000 of tribal and individual Indian funds belonging to all the Indians within the United States on deposit in the Treasury and in banks throughout the country, $11,000,000 of which, I am most reliably informed, is not drawing interest.

In this connection we must not lose sight of the fact that many of these Indians are actually suffering on account of lack of the common necessaries of life, when all these millions belonging to them are piled up in the Treasury and held by the Government.

Mr. President, I must complain of another matter which I think is of great injustice to the Indians. It is in reference to the manner of investigating complaints made by individual Indians. Let me say first that the average Indian is afraid to make a complaint for fear of punishment in some way by those who arbitrarily control his life and all his lands. Now, let me tell you the process that is followed in these matters, in case an Indian is brave enough to make a complaint as to his treatment. After it reaches Washington it is usually referred to the Indian Office through a Senator or Representative, where it then usually lays for a long time. The Indian Office has two methods of investigation. One is to send the complaint and name of complainant to the superintendent of the agency where the Indian lives. This immediately puts the Indian in bad with his superintendent, who, in many cases, commences a systematic course of persecution. Another process of the bureau is to send out an inspector, who generally goes to the superintendent, and in many cases the superintendent's police are sent out to bring the Indian to his office. By the time the superintendent and the police get through with the poor helpless Indian there is generally not much left of his complaint.

Now, remember that these superintendents and these inspectors are appointed by the Washington office, and that these police are appointed by the superintendent at the agency. Therefore you can readily see that after the inspection of a complaint against one official in the Indian Service by brother officials of the same department the information received upon which final action is usually taken is not very extensive, and the complaint after such inspection is very mild as compared with the complaint when first brought to the attention of the officials in Washington. The point I desire to make is this: The Indian Office here really makes its own investigation and obtains its information from itself. It does seem to me that if Congress took any interest at all in these matters it would stop long enough to realize conditions as they are, and that everyone who is not a beneficiary in some way would help in bringing about a change in this much-abused system. I want to warn you now that the treatment of these Indians by this Government is degrading rather than upbuilding, and any sensible man who is posted knows it. The treatment they are receiving will never help to make good citizens of them. On the contrary, it will drive them further and further away from any inclination for good or respect for the Government of the United States.

Mr. President, when you come to analyze exactly what rights the Indian has, they are very few indeed. Congress does not give him the right to sue for personal or property rights in courts of justice, as I so understand it, unless he gets permission from Congress to sue in the Court of Claims by special legislation. He can not select and employ attorneys to conduct his own business affairs without the approval of the Indian Bureau. While I am on this subject, let me advise you to what length the bureau will go in this submission process, if given an opportunity. In 1916 they had the appropriation bill amended in committee, so that the Commissioner of Indian Affairs would be empowered to negotiate all agreements with any tribe of Indians for the final adjudication and settlement of all claims they might have against the Government arising under any law, treaty, or agreement not heretofore settled.

I succeeded in having this amendment stricken from the bill. This same provision appeared in this year's bill, and was again stricken out in committee.

Mr. President, to my mind, had this legislation been enacted, it would have been the most vicious law ever placed on a statute book. It would have given one man the absolute power and autocratic authority to finally adjudicate and pass upon all Indian claims. It would have meant that if the Indians refused to settle their claims in line with the commissioner's views, they would never again have an opportunity to get any settlement, because their right to sue in the Court of Claims would in all probability have been foreclosed. Before they could hope to get a single dollar in settlement, no matter how just their claim might be, they would first have been compelled to agree with the Commissioner of Indian Affairs as to its amount. All further opportunity to get a settlement of his claim would have been denied the Indian.

Let me tell you, fellow Senators, that the Indian Bureau to-day has its strangle hold upon the Indians. It has them in a position where they are almost unable to offer any further resistance. It is a disgrace that Congress has permitted this condition to come about.

Mr. President, the Indian people have been made the football of every administration for the past 25 years, and this Indian Bureau, which you have heard so much about, is the greatest burden they have to bear. It is the one thing above all others which is keeping the Indian down. To-day the American Indian has, and for the past 25 years has had, a collar of steel around his neck, locked with a padlock, with log chain attached. He has been gradually but surely dragged down to the lowest depths of degradation. Will we, as Members of Congress, sit still and see this continue? I implore you in the name of humanity, in the name of decency, in the name of the great debt which we as creatures owe to our Creator to investigate this Indian Bureau, to investigate the heart-rending conditions under which these poor Indian people continually live. Upon us rests an important duty, for I say to you that the Congress of the United States is just as responsible for these conditions as is the Indian Office. Too much legislation is passed by Congress for the departments. Congress leaves too much to this great institution, the Indian Bureau.

Mr. President, as I view it, the Indian Bureau is the only department connected with the Government which traffics in human souls and human happiness. Of all the governmental departments its recommendations and acts should be the most closely scrutinized. It does not require any great stretch of imagination to realize the source of the great cry in opposition to giving the Indians some rights in life, when you recall, according to the last annual report of the Commissioner of Indian Affairs, that there are 6,117 persons whose salaries depend upon the continuation of this system.

Now, let us go back to the year 1853, when, for the first time, we seem to have any actual record as to the number of Indians living in this country. At that time there were about 400,000, not including those in Alaska. The appropriations for Indians that year amounted to approximately $1,000,000. There are no actual figures as to the number of employees in the Indian Service at that time. It is safe to conclude, how-

ever, that there were not many. This was at a time, we must admit, when greater consideration should have been given the Indians than at any subsequent period. According to the records, in 1864, the first year for which we have the figures, there were 155 persons in the Indian Service. Now, let us see what has since happened. In 1893 the Indian population had decreased by about 150,000, but the number of employees in the service had increased to 3,135. In 1903 the Indian population showed a small increase over 1893, while the number of employees had increased to 4,500.

Coming down to 1916, we find that the Indian population, according to the report of the Indian Office, exclusive of the Five Civilized Tribes, is only 234,234. In the same report we find that the number of persons employed in the service had increased to the enormous total of 6,117.

These figures show a decrease of 16 per cent in our Indian population. On the other hand, the number of employees in the Indian Service has increased over 3,800 per cent from the time first authentic figures are available.

This is the situation that confronts us to-day. Do not these statements of the Indian Office itself indicate as clearly as can be shown that the whole Indian system needs overhauling?

Mr. President, if any other business in the world were managed as our Indian Bureau is, it would be in the hands of a receiver every 30 days in the year.

Look at a map of the United States. You will find most of the Indians located on reservations in the western part of the country, where they are permitted to spend their days on their fast diminishing holdings. It has been the practice of the Indian Office for many years, when more of the Indians' lands is wanted, to send agents out to visit them. In their conversation these agents dwell and enlarge upon the great advantages to the Indian to permit the Government to take over additional lands belonging to him. The Indian is approached by these agents, who make great promises to influence him. In a short time we have his land and the Indian has the experience, nothing more. The money paid him in consideration therefor is then deposited with tribal funds, and, in turn, is appropriated to pay for some irrigation scheme of doubtful results, or some other project, to aid which the Government must appropriate many additional millions to complete. Either this is done or the money received for the Indians' land is locked up in the Federal Treasury, as I have shown before, to be appropriated and spent in ways devised by the Indian Bureau, which, so far as I have observed, have been of very little real benefit to the Indians themselves.

Mr. President, we have all heard much talk during our lives about the great trusts; but I want to say to you now that I believe the Indian Bureau is the greatest trust in the world to-day.

I submit to you in all fairness this question: Is not the treatment the Indians receive now, and which they have received at the hands of the Government, through the Indian Bureau, in times past, the real cause which forces them to sell their lands, in order to secure a few dollars to keep themselves alive?

At this point, Mr. President, I ask permission to insert in the RECORD, without reading, statements made by Dr. Lyman Abbott, touching on our Indian reservation system; Gen. R. H. Pratt, the founder of the great Indian school at Carlisle, Pa.; Prof. C. C. Painter; and others.

The PRESIDING OFFICER. Without objection, the matter referred to will be printed in the RECORD. The Chair hears no objection.

The matter referred to is as follows:

Dr. Lyman Abbott, at the twelfth annual meeting of the Lake Mohonk Conference, said:

> The American Indian on American soil was so far accounted a foreigner that in the Congregational organization he came under the head of foreign missions, and the churches maintained in the midst of Indians were a part of our foreign missionary work. They were shut up in reservations. The reservation is a territory, larger or smaller, surrounded by an imaginary line, beyond which no civilizing elements are permitted to go without the consent of a despot, the agent. The common interchange and play of life are all shut out. * * *
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> Dr. Montezuma, a full-blood Apache Indian, now practicing medicine in Chicago, Ill., says in one of his addresses: "Better, far better, for the Indians had there never been a bureau. Then self-preservation would have led the individual Indian to find his true place, and his real emancipation would have been speedily consummated."
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> Gen. R. H. Pratt, the founder of the United States Indian school at Carlisle, Pa., says that the Indian is no problem. It is all in our mind. To free the Indian is to free the Indian. There is nothing complicated about that. It is so simple we can not believe it. Common sense teaches us that when you free the Indian in civilization the Indian will civilize himself. It is automatic and involuntary, and that to free the Indian from bureaucism is to free him from bureaucism.

Prof. C. C. Painter, at one of the sessions of the Lake Mohonk Conference several years ago, said, in part, as follows:

> As the direct result of our treaties for land we have the Indian reservation. * * * The reservation line is a wall which fences out law, civil institutions, and social order, and admits only despotism, greed, and lawlessness. It says to all the institutions, methods, and appliances of civilized life, "Thus far shalt thou come, and no further," and to patronized idleness, and to every vice which debauches the Indian, provided it does not endanger the safety of the white man. This is the condition of things which has been created and maintained by the reservation system as a policy. We wish these people to become industrious, self-reliant, self-supporting, and we forbid to them the conditions which make this possible. Seriously, let us ask in what way can the reservation be used by us as an instrumentality to the end we seek? Why should we for a day longer desire to perpetuate the system?
>
> As necessarily connected with, and part of the treaty and reservation systems, and as related at least to our own needs, we have also the agency system. * * * As we grow stronger and the Indian weaker, and as the business of the agent became more and more that of a large disburser of provisions, with which we have made them helpless and pauperized dependents, his power has grown to the overthrow of all self-government, and he is now an irresponsible despot who has no laws to execute as related to the growth and development of the Indians, nothing but rules and orders as related to the department at Washington, to which he must give explicit obedience * * * though every weighty matter of civilization should be neglected.

Mr. President, I use these quotations to show you that the reservation system is a relic of barbarism and should have been done away with many years ago. As long as the reservation is retained as an institution the Indian will be helpless.

Mr. President, the general subject of slavery is older than the Constitution of the United States. It concerns the right of a very few to govern a portion of our population for the benefit of such few. Since the dawn of civilization and up to the present, the world has been compelled to contend with slavery in some form. In this instance it is that of the American Indian.

For the past 25 years they have not advanced, largely, I believe, on account of the treatment they have received at the hands of the Government through the Indian Bureau, which lack of advancement is caused through the policy adopted in its maintaining this reservation system and managing it as has been done. This policy is directly contrary to what I believe it should be. It is a policy which can never accomplish for the Indians what they desire and need most.

Let me say right here, that these people have come much nearer to living up to the treaties made with the Government than the same number of American citizens would have done under like circumstances. Indeed, much nearer to living up to these treaties than has the Government in its dealings with them. There has never been any Indian trouble for the past 50 years which has not been primarily caused by the white people themselves in their treatment of the Indian.

Until late years the Indians have had great confidence in the Government to the extent that some day it would fulfill its promises and allow them to be a free people, as they have understood it; but the Government's action in continually putting them off and treating them of late years in the manner I have outlined has led them to believe that Congress has not at any time had such intentions and that we have not done our duty toward them in any sense of the word. For that reason the Indian reposes less confidence in the Government as each year passes than he otherwise would, had he been accorded rights commensurate with his views and actions since these treaties were made.

Mr. President, the Indian feels, and I believe justly so, that he has been intentionally put off and not taken into our confidence for selfish reasons, on account of a lack of common understanding of what he desires and mostly needs. Ostensibly we have legislated for the Indian's benefit, but in reality for no such purpose.

In order to make real men and women of any people we must encourage them along lines of self-support in a practical way. In order to do this, first of all, we should make it possible for them to take some personal interest in their own affairs. This can only be done by placing upon them some responsibility and then show them by our acts toward them and our treatment of them that we are really trying to render some assistance. No race has ever become self-supporting, moral, and upright by any other treatment, and no race ever will.

Now, Mr. President, what the Indian really needs is a little more consideration as to his welfare and happiness while here on this earth, and not so much solicitude on the part of the Commissioner of Indian Affairs as regards his welfare in the world to come. Remember, these people have no way to free themselves from this system. They are greater slaves than any class of people ever were in the United States; their freedom must come through Congress, so you can not fail to see the important position which we occupy in relation to them. We teach our children to be honorable; we teach them manhood and womanhood; we teach them character and all that makes the best in men and women; we teach them to be truthful. After all this, can it be possible that we will continue to act as we now do toward our dependent citizens and subjects who are of another race? Can we allow these people to continue in slavery

and ever expect them to become good citizens? No; it is impossible. You can not build up a race of people unless you place upon them some responsibilities. The excuse of the Indian Bureau and its 6,100 employees, living from the funds of the Indians, and the proceeds of Government appropriations made primarily for the Indians, is that they are ignorant and that they could never be trusted to take care of themselves; that the majority of them can not talk our language. This, then, mind you, is the cry of the Indian Bureau, for what particular reason you must judge for yourselves. We know it is not true, and so do they. I know thousands of old Indian people who can not speak a word of English, who, if they had the chance, would be just as intelligent as the whites. Each year for the past 25 years, thousands of foreigners have been admitted into our country, who, at the time, were ignorant. They could neither read, write, nor talk our language. Yet many of them to-day are classed among our best citizens.

The first question we should ask ourselves is, Do we really want to help the Indian; and if so, will we try to do so? My appeal to you, Senators, may be utterly useless, but I hope and trust that you will at least look into the situation and give it your serious thought and consideration. The American Indian does not deserve to be treated in the cruel way he has been; the old people, at the time treaties were made with them, are dead and gone; their bones have turned to ashes. The young people and children of that day are now the old people of the present time, and their cry for freedom is still unheard.

Mr. President, the original Indian has two characteristics that are not surpassed by any human being: First, obedience to God, and, second, loyalty to friends. These characteristics are of rare beauty. I am speaking for these people, because they can not speak for themselves.

The American Indian is to-day, and always has been, a quiet, reserved, but honest citizen, one upon whom you can always depend, if he gives you his word. I can say to you without fear of contradiction that the Indians of my State are as trustworthy as the average white people among them. They would be just as progressive and anxious to advance in all that tends to uplift their race if they had a chance; but that chance has been continually denied them by the Government.

To assist the Indians, Mr. President, nearly a year ago I introduced a bill in the Senate, in which I tried to incorporate provisions for the first step necessary toward giving our Indian population a chance to have, in a small way, the privileges to govern themselves; to have a voice in their own affairs, on their own land. Such a law would give them an opportunity which has been denied them these many years. No man should dispute that they are entitled to this. This bill has been reported out of committee and has been detained on the Senate calendar at the instigation of the Indian Office through the objection of some Senator on the other side of the Chamber. In substance, this bill provides that no person shall act in the capacity of an Indian superintendent who is not satisfactory to a majority of the Indians on the reservation administered by him. It further provides that if a majority of the male adults declare against the retention of any Indian superintendent, the Secretary of the Interior shall remove him and appoint as his successor some person whom he—the Secretary—may select. You will readily see that this bill is strongly and properly safeguarded in such a manner that it should satisfy the most skeptical, who might fear bad results from its operation, should it become law.

But, fellow Senators, it seems that when a bill is introduced in Congress, having for its object the real relief of the Indians, this Indian Bureau and its various beneficiaries immediately raise a great cry that the Indian can not take care of himself, but that some designing white man will rob him. Immediately word is sent out to all friendly newspapers and periodicals. Articles are scattered broadcast throughout the land condemning any measure which proposes in a small degree to free these downtrodden people and release them from a slavery which is the greatest and most cruel that has ever existed in the United States.

The objections to this bill come, in the main, from the Indian Bureau itself or from people who know nothing whatever in regard to Indians or conditions affecting them.

The first opposition to this proposed legislation to appear in the RECORD, I believe, came in the form of a letter from a gentleman by the name of Sherman Coolidge, of Faribault, Minn., who at the time was president of the Society of American Indians, which was under the control of the Indian Bureau. This man, I am glad to inform you, has since been succeeded by another, who, according to what I have seen of his writings, really has the welfare of the Indian more at heart.

Opposition was also encountered by way of a letter from Mr. Joseph H. Choate, of New York City, a very eminent attorney I understand, and a man of high character, but who knows as much about the Indians as the average man knows about the moon. He has spent his entire life in the East and in all probability was never on an Indian reservation in his life. I doubt if he would know an Indian if he met one in the road, unless some one posted him. Mr. Choate's letter was printed in the RECORD.

I believe, Mr. President, there was also some opposition from the secretary of some Indian association here in the East, who in all probability depends upon the Indian Bureau for his job. And I have been told that some millinery association in the city of Boston also made serious objection to this bill.

Senators, this bill has not been condemned by a single Indian in the United States, nor by a single man who is familiar with Indian matters, unless he is or has been a beneficiary in some way of the present system. I only cite these instances to show you the source of opposition to this measure.

I have tried to present to you many of the objections to the workings of the Indian Bureau as I see them. I have related the facts in reference to the increase in the number of employees in the Indian Service. I have tried to show you how the Indians and their property are being used at the present for the benefit of the personnel of the Indian Bureau. If it were within my humble power, I would abolish the Indian Bureau entirely and create a commission in each State where there is an Indian population to look after their interests, which, to my mind, could then be done in a businesslike manner under the jurisdiction of the Secretary of the Interior. This plan would save the Government hundreds of millions of dollars, and, far more important than this, it would bestow upon our Indians the rights to which they are entitled.

Mr. President, you ask me if the Indians can take care of themselves. I answer you that in the State of South Dakota they can do it much better themselves than the Government can do it for them. In various parts of the United States where I am not acquainted, I could not intelligently answer the question. But I do know that after 50 years of dishonor this Government has failed to take care of them.

They tell us the Indian will not work. I tell you they have never been given a chance. They tell us the Indians are lazy. I tell you that is not so. They tell us the Indians are helpless. I reply that if that be true, the Government has made them so.

Mr. President, the Indian as a race is facing the west. They are decreasing in number as we continue with increasing zeal to withhold the necessities of life from them. The life we are compelling them to live is one which breeds disease and crime. Congress is responsible for it.

I wish I had the power to-day to make you realize conditions. I wish I had the power of speech so that I might demonstrate conclusively the deplorable state of the Indian to you. If I had, I know you would be impelled to act promptly to help avert this great waste of life and money. This Congress is now trying to raise revenue in various ways to protect the country and enable our people to live happily. And yet we have allowed to be spent since 1891 from the Treasury of the United States and tribal funds on deposit there, approximately $230,000,000, as shown by the reports of record, which, to my mind, has been of little real benefit to the Indian.

Mr. President, my desire is to try and show that the entire structure of the Indian Bureau is wrong; that its very foundation is honeycombed with injustice, carelessness, mismanagement, selfishness, and ignorance of facts, perhaps. It has an entire misconception, at least, of what should be for the real welfare of the American Indian; and now, if my conclusions are correct, the first question that naturally arises is, What is the remedy? The answer is, Free the Indian. This is so simple that we can not realize it ourselves. It means simply to free the Indian; give him his individual land; let him make a home of it; build him a little house and barn; fence his land for him and dig him a well; break up what land he can profitably cultivate, leaving the remainder for grazing and hay land; give him a few milch cows, his own horses and sheep; and then extend him the privilege of handling his personal property himself under certain restrictions. Give him the privilege to go out and buy or sell a calf, cow, or horse, but do not allow him to sell his individual land, which will always provide a good home for him and his family. Let him understand that his home farm is to be inherited by his children upon his death, as is the case with the whites. Make it a felony for anyone to incumber his land in any manner by mortgage or otherwise for a certain number of years, and say to him, Now, my friend, you must manage your own affairs; your farm will always provide a good living for you and your family, if you will do your part. We do this to make you happy, for the members of your family are now working for

themselves; and, instead of erecting large schools at the agencies, build small schoolhouses for the Indians throughout the country, the same as is done in the white settlements, under the township plan, same to be maintained by each school district whose inhabitants may be either whites or Indians. If these conditions are brought about, their children will take a greater interest and pride in securing an education than they will by attending the large Government schools, where they become lonesome and unhappy because they can not be with their parents and families. Then all will have the same chance. This method will not take away from any of them the right to attend other schools or colleges, but will enable all to get an education at home. When this is done, in my judgment, you will have reached the true solution of the Indian problem, for the Indian and his family will then begin to take a real interest in life. Let them once, before they die, breathe the free air of God as men and women.

Mr. President, all this can be done for every Indian family in the United States at an expense of from $60,000,000 to $70,000,000, which is about one-third of what has been fooled away in the last few years in maintaining this great army of Federal employees under the bureau system, and it certainly would be a great blessing to the Indians themselves.

An excerpt from the Literary Digest of August 9, 1913, page 196, quotes Secretary Lane as saying:

> I am satisfied, from what examination I have made, that there are tens of thousands of so-called Indians whose property, to a greater or less degree, is under the control of this Indian Bureau who are as competent to attend to their affairs as any man or woman of the white race.

The same article attributes the following statement to Secretary Lane: "To set him free is the greatest service we can do the Indian," and adds that "The Indian Bureau would be a vanishing bureau."

I believe that if the Secretary of the Interior had the time to look into the conditions of these people fully, he would render all the assistance within his power to abolish the Indian Bureau because I am sure he would see that such action is for the Indians' best interests.

A bill will be introduced early in the next session of Congress having for its object the passing of the Indian Bureau as an institution and substituting therefor a commission, composed of members from each State having an Indian population, appointed by the President of the United States, said commission to act under the authority of the Secretary of the Interior.

This will save the Government hundreds of millions of dollars and will inaugurate a common-sense system of business principles. If the measure is enacted into law, the dawn of a new creation for the Indian people, which will be of untold value to them, will be witnessed.

Fellow Senators, upon us rests a duty, a solemn, binding duty. It is to help free these people, to remove the iron hand that is oppressing them and give them the relief for which they have been asking these many years.

Congress has neglected this question in the past and is neglecting it to-day. Let me warn you that this question of slavery among the Indians and this great waste of Indian and Government money are our sins as well as those of the Indian Office. They will continue as long as the management of the Indian's affairs is under the control of the Indian Bureau.

My friends, I do not know how you feel about it. I do not know why Congress should follow the desires of the Indian Bureau with conditions among the Indians as they are. So far as I am personally concerned, I shall express my views regardless of the wishes or rulings of any department, when I know I am right; and, in doing so, I shall feel that I am well within my rights in urging legislation for the interest of the Indian, and opposing that which is against his interest.

The Indian people of South Dakota are my friends and I am their friend. If you want to continue enacting Indian legislation of the character passed during the last 25 years, if you believe in destroying these people in this manner, if you favor the system of the Indian Bureau, then I say, go on and God be with you; but do not ask me to stultify myself or to cast my vote for measures which perpetuate a system that is not only degrading to morality and decency, but which is a standing barrier to health, happiness, and life, as well as a living testimonial which forever bars these poor, unfortunate people from any hope that some day the Government will redeem its pledges to them and give them what they have prayed for by day and dreamed of by night for the last 50 years—their liberty.

Mr. JONES. Mr. President, I wish to ask the Senator in charge of the bill, the chairman of the committee, with reference to the appropriation for the irrigation of the Yakima Indian Reservation. I called to the attention of the conferees a statement from the Indian Office showing the condition of the moneys heretofore appropriated for that purpose, and I have no doubt but that the conferees considered that information. I understand from the report, however, that the Senate conferees receded from the amendment increasing the amount to $300,000. Is that correct?

Mr. ASHURST. Yes, Mr. President; I wish to say, and I trust I am not violating the proprieties, if the Senate conferees could have had their way—which, unfortunately, in my opinion on this item they could not—the item would not have been $300,000, but even $400,000. It is feared that the reduction of the amount from $300,000 to $200,000 would disorganize the forces; it might unfortunately require for a short time the suspension of activities there, and I deplore the situation almost as much as the Senator from Washington. I sincerely and deeply regret that the Senate conferees were absolutely unable after 20 days to induce the House conferees to agree to an appropriation of $300,000.

I share the same opinion the Senator has expressed. I think it should have been $300,000, but we worked for many days and we thought we never would be able to compose the differences on some of the amendments. It was only after many, many weary hours of work that we were able to compose the disagreements on the 108 amendments. The differences were so radical and so far apart that it was very difficult to compose them.

Mr. JONES. I think I appreciate some of the difficulties of the conferees, and I am satisfied the Senate conferees did everything they possibly could to retain this item. The Senator shows by what he says that they know the situation there and appreciate it. I shall not oppose the adoption of the conference report because that item was not included in it, feeling that the conferees did everything to retain it that they possibly could. I regret that they could not hold it, because the Government is likely to lose a considerable sum of money by not making the appropriation now. The data submitted by the Indian Office shows that very likely before the 1st of July the money that has been heretofore appropriated for this work will be exhausted and that they will have to suspend work, the force will be disbanded, the machinery will be idle, and we will lose a considerable sum of money by not continuing the work.

The amount of money proposed to be appropriated in the bill by the Senate would very likely continue the work rapidly and economically during the next year. It simply illustrates how Congress carries on these great works in a sort of hit-or-miss way, in such a slipshod way as to make it very expensive and very wasteful and very costly to these Indians themselves and the owners of the land who want to reimburse the Government for the greater part of the money appropriated and expended.

I regret very much that the Senate conferees could not hold this amount, but I am satisfied they did everything they could to retain it.

Mr. ASHURST. I thank the Senator for his very generous references.

Mr. President, we have a slim attendance, and I believe I will suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Arizona suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Martine, N. J.	Sheppard
Brady	Hollis	Myers	Shields
Brandegee	Hughes	Norris	Simmons
Bryan	Husting	Overman	Smoot
Catron	James	Owen	Sterling
Chamberlain	Johnson, S. Dak.	Page	Stone
Clapp	Jones	Penrose	Swanson
Clark	La Follette	Phelan	Thomas
Cummins	Lane	Pittman	Underwood
Curtis	Lea, Tenn.	Pomerene	Vardaman
du Pont	Lee, Md.	Ransdell	Walsh
Fall	Lewis	Robinson	Warren
Fletcher	McLean	Saulsbury	Weeks
Gronna	Martin, Va.	Shafroth	

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. There is a quorum present.

Mr. LA FOLLETTE obtained the floor.

Mr. SIMMONS. Will the Senator, before he proceeds, permit me to make a motion relative to adjournment.

Mr. LA FOLLETTE. Certainly.

Mr. SIMMONS. I move that when the Senate adjourns to-night it adjourn until 12 o'clock to-morrow.

The motion was agreed to.

Mr. LA FOLLETTE. Mr. President, as I understand the issue involved in the conference report upon the Indian appropriation bill now before the Senate, it may be stated as follows: There is a difference between the House of Representatives and the Senate on the matter of increase in the salaries of clerks. The Senate has adopted a provision that salaries of $480 and

less shall be increased 15 per cent and that salaries above $480 and up to and including salaries of $1,000 shall be increased 10 per cent. The House has adopted and stood by a provision upon every appropriation bill which roughly may be stated as follows: That all salaries paid to Government clerks up to and including $1,200 shall be increased 10 per cent; that salaries above $1,200 and up to and including $1,800 shall be increased 5 per cent. That is the issue presented to the Senate upon this conference report, and that is all there is of it. Senators may make addresses to the Senate upon the conduct of the Indian Bureau or any other bureau in the Interior Department; they may criticize what has taken place upon this or that Indian reservation. I have no doubt that is some satisfaction to the Member of the Senate making the criticism; but the issue upon which we are required to pass on this conference report is whether we are willing to increase the salaries of clerks who get $1,200 a year and less 10 per cent and the salaries of clerks who get above $1,200 and up to and including $1,800, 5 per cent, or whether we desire to give an increase of 15 per cent to those receiving up to $480 and 10 per cent to those receiving more than $480 and up to $1,000. Now, that is the only difference upon this Indian appropriation bill that has to be settled by the Senate.

Let me say to you, Mr. President, that the conferees of the Senate, the three men chosen by the Senate to represent them in the deliberations of the conference on the disagreeing votes between the Senate and the House, acceded to the House proposition and came back here with a recommendation in this report that we adopt the House provision.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Washington?

Mr. LA FOLLETTE. I can hardly take the time, but I yield.

Mr. JONES. The Senator made a mistake. I thought it was 10 per cent up to $1,200 and 5 per cent above that.

Mr. LA FOLLETTE. It is exactly what I said. I have only a very limited time to cover the ground. I understand the chairman of the Committee on Indian Affairs stated the total amount of the appropriation that would be required if we accede to the House position upon the Indian bill as being in round numbers $45,000. If I am incorrect the Senator can correct me.

Mr. ASHURST. Let me put in the exact figures right here; $45,973.30.

Mr. LA FOLLETTE. But, Mr. President, he was interrupted by the Senator from North Carolina [Mr. OVERMAN], a member of the Committee on Appropriations, and was reminded that if we fix this increase in the Indian appropriation bill upon the grade agreed upon by the conferees, which would increase this appropriation only $45,000, and give the clerks up to $1,800 this increase, it would result, provided the House yielded on the differences on the legislative, the Agricultural, and all the other appropriation bills, in paying the employees in the Indian Office more than other employees in the other departments.

That is true, Mr. President, but we have to deal with each one of these bills by itself.

The sole question before the Senate now is this bill. It is proper to consider its effect upon the other bills, and the suggestion made by the Senator from North Carolina was pertinent, for we ought to know what we are doing, but the question before the Senate now is, Shall we agree to this conference report? I concede, if we do agree to it, that we ought to yield to the House of Representatives on the other appropriation bills. That will entail an expenditure to the Government because of these increases of $26,000,000. If we accept the House provision on all of these appropriation bills, we shall have thereby increased the expenditures something like $26,000,000. Am I right, I ask the Senator from North Carolina?

Mr. OVERMAN. The Senator is perfectly right.

Mr. LA FOLLETTE. Yes. Now, Mr. President, taken in its largest aspect, that is the question before the Senate. As to this bill, the increase is $45,000 and a little more; but, Mr. President and Senators, shall this Congress, making appropriations such as were never before made in the history of this Government for a multitude of purposes, hold back on this appropriation of $26,000,000 to take care of the homes and the families of those who are in the public service and are enjoying salaries of $1,800 and less?

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. LA FOLLETTE. I do.

Mr. STERLING. Let me ask the Senator from Wisconsin this question: Is it an increase of $26,000,000 over what we are now paying these various employees or is it an increase over the Smoot amendment of $26,000,000?

Mr. LA FOLLETTE. It is a total increase of $26,000,000. Under the Smoot amendment it would be something more than $13,000,000. It requires but $13,000,000 additional if we accept the House provision and make this addition to the salaries of clerks up to and including those receiving salaries of $1,800.

Mr. STERLING. I simply wanted that to appear.

Mr. LA FOLLETTE. I thank the Senator from South Dakota for that suggestion. It does not mean an increase of $26,000,000 over what would be accorded to these clerks under the Smoot amendment, but it just about doubles the amount of the appropriation that would be required to meet the advances provided for by that amendment.

Mr. President, the question is, Should we do this? Oh, sir, I can hardly comprehend the mental attitude of Senators who approach this question in a spirit of hostility. For 10 years the Senate of the United States, with the House of Representatives concurring, have been engaged in increasing the salaries of everybody excepting the poorly paid clerks in the departments of this Government. They have increased their own salaries; they have increased the salaries of judges; they have increased the salaries of Cabinet officers; they have increased all of the salaries in the foreign service. Mr. President, shame should overwhelm this body and the other branch of Congress if we hesitated now to make this pittance of an increase.

I voted for some of the increases of salaries which have been made in the last 10 years. We increased our own salaries 50 per cent. I refused to vote for that, unless it was so limited as to apply to the terms of Senators to begin at the expiration of the term for which they were elected. I believed the salaries should be increased. I believe the salary paid to a United States Senator to-day is less than it should be. I believed that it was appropriate that the salaries of the judiciary, that the salaries of Cabinet officers, that the salary of the Speaker of the other House, that the salary of the Vice President and the Secretary of the Senate should be increased.

Mr. President, 18 years ago we entered upon a new economic era in the United States, entirely reversing the economic principles that had controlled prices from the beginning of the foundation of civilization down to that time. Prices controlling absolutely the cost of living had been measured by three great economic laws down to 1898; down to that time they had been dominated by three natural laws of trade. Prior to that time prices were not fixed by combinations of men, but we then entered upon a radical change. I am not going into that; the time does not permit. Of that more at another time; but from 1898 the scale of the wholesale and retail prices of products showed a steady increase down to the last year, down to the time when the influence of the awful conflict upon the other side had begun to make itself felt.

Mr. President, this body, thinking of the salaries of its Members and of the shortage at the end of each month when they came to strike a balance, felt the pressure many years ago. I have before me here the roll call of this body upon the question of the increase of salaries. It was January 23, 1907, just exactly nine years after the cost of living, influenced by artificial conditions, had begun to climb, and at that time United States Senators felt the burdens imposed upon them so keenly that they wanted an increase in their salaries, and they got it by 50 per cent. Many of these Senators upon this floor are now opposing this increase of a pittance to poorly paid clerks, grappling, not with the conditions of 1907, but with the conditions of 1917, when there has been a 100 per cent increase in the cost of many of the necessaries of life in a single twelvemonth. Some of these Senators are now about this floor working upon other Senators to induce them to deny this increase to the families of employees in this city, who are walking the floor nights to figure out some way to meet the increasing household expenses. I shall put into the RECORD, without stopping to read them, the names of the Senators who voted for an increase in their own salaries at that time.

Mr. ASHURST. If the Senator will yield to me, of course we want to discover if these Senators who have been "lobbying" to defeat this increase of salary to poor men are the same men who voted to increase their own salaries.

Mr. LA FOLLETTE. I ask permission to print in the RECORD the names referred to.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

Yeas—53: Aldrich, Allee, Ankeny, Benson, Beveridge, Brandegee, Bulkeley, Burnham, Burrows, Carter, Clark (Mont.), Clark (Wyo.), Clarke (Ark.), Crane, Cullom, Daniel, Dick, Dillingham, Dubois, du Pont, Flint, Foraker, Foster, Frye, Fulton, Gallinger, Hale, Heyburn, Hopkins, Kittredge, Knox, Latimer, Lodge, Long, McCumber, McEnery,

Millard, Money, Newlands, Nixon, Overman, Penrose, Pettus, Piles, Scott, Simmons, Smoot, Spooner, Sutherland, Teller, Tillman, Warner, Warren.

Nays—21: Bacon, Berry, Blackburn, Burkett, Carmack, Clapp, Clay, Culberson, Frazier, Hansbrough, Hemenway, La Follette, McCreary, Mallory, Nelson, Patterson, Perkins, Rayner, Stone, Taliaferro, Whyte.

Not voting—16: Alger, Allison, Bailey, Depew, Dolliver, Dryden, Elkins, Gamble, Gearin, Kean, McLaurin, Martin, Morgan, Platt, Proctor, Wetmore.

Mr. LA FOLLETTE. Mr. President, I have more material here than I can use in two or three hours. I had intended when this question came before the Senate at different times to have taken part in the debate upon it, but circumstances intervened that led me to postpone my remarks to a more opportune time. This may not be the best time, but it is the time which under the circumstances I am constrained to take.

Listen just for a moment, Mr. President and Senators, to what we have done in 10 years, since the era of high prices came upon us. Lest I might arouse differences with my colleagues on this side and differences with my colleagues on the other side, let me not be diverted to discuss the reasons that lie back of the increase in cost of living. These increases have come; they began in the year 1898. A study of Bradstreet's and Dun's and of the books of any wholesale or retail grocer in any city of America will show the gradual rise in prices year by year from 1898 down to the time when the great war on the other side began to make itself felt, and then the cost of living began to advance still more rapidly than during the steady upward trend of the years that went before. But very soon after we entered upon the period of higher prices Congress began to increase the salaries of the highest and best-paid public officials. Mr. President, it is a record of which none of us can be proud.

Let us see what we have done for the executive departments of this Government since the high cost of maintaining life first began to be felt in this country. In 1905 the salary of the President of the United States was $50,000. It was increased by 1915 to $75,000, or 50 per cent. The salary of his private secretary was increased 50 per cent.

Mr. JAMES. Mr. President, the Senator is mistaken about the date of the increase. He stated it as 1915. That is not the date of the increase of the President's salary.

Mr. LA FOLLETTE. Well, Mr. President, it was increased within that 10-year period.

Mr. JAMES. It was increased during President Taft's administration.

Mr. LA FOLLETTE. That is true. If I have been understood as saying that the figures I have collected here indicate that the increases were made in the year 1915, then I have been misunderstood or I misstated myself. I have collected here the increases made in 10 years—from 1905 to 1915. The increase in the President's compensation was 50 per cent; for his private secretary it was 50 per cent; for the Vice President, 50 per cent; for the private secretary to the Vice President, 81 per cent; United States Senators increased their salaries 50 per cent; Members of the House of Representatives increased their salaries 50 per cent; the salary of the Secretary of the Senate was increased 30 per cent; that of the Sergeant at Arms was increased 44 per cent; the salary of the Speaker of the House was increased 50 per cent; the salary of the secretary to the Speaker, 33 per cent; the salary of the Clerk of the House, 30 per cent; the salary of the chief clerk of the House, 25 per cent; the salary of the Sergeant at Arms of the House, 44 per cent; and the salary of the Doorkeeper, 42 per cent.

The Secretary of State had an increase in his salary of 50 per cent; the Assistant Secretary of 11 per cent. We increased the salaries of our ministers and ambassadors and of the executive heads of all the departments. I have gathered the figures here; but I shall not conclude in the time allotted if I stop to read all, and so I ask, Mr. President, the privilege of printing these figures in the CONGRESSIONAL RECORD the same as though read upon the floor. They give the salaries in 1905, the salaries paid under the law in 1915, and the rate per cent of increase.

The PRESIDING OFFICER. Without objection, the matter will be incorporated in the RECORD. The Chair hears no objection.

The matter referred to is as follows:

Branches.	1905	1915	Per cent of increase.
EXECUTIVE.			
President	$50,000	$75,000	50
Private Secretary to President	5,000	7,500	50
Vice President	8,000	12,000	50
Private secretary to Vice President	2,200	4,000	81
LEGISLATIVE.			
United States Senators	5,000	7,500	50
Representatives	5,000	7,500	50
Secretary of Senate	5,000	6,500	30
Sergeant at Arms	4,500	6,500	44⅘
Speaker, House of Representatives	8,000	12,000	50
Secretary to Speaker	3,000	4,000	33⅓
Clerk of House	5,000	6,500	30
Chief Clerk	3,600	4,500	25
Sergeant at Arms	4,500	6,500	44⅘
Doorkeeper	3,500	5,000	42⅞
STATE DEPARTMENT.			
Secretary	8,000	12,000	50
Assistant Secretary	4,500	5,000	11⅑
EMBASSIES AND LEGATIONS OF THE UNITED STATES.			
Argentina (ambassador)	12,000	17,500	45⅘
Austria	12,000	17,500	45⅘
Belgium	10,000	12,000	20
Bolivia	10,000	17,500	75
Brazil	12,500	17,500	40
Chile	10,000	17,500	75
Denmark	7,500	10,000	33⅓
Dominican Republic	5,000	10,000	100
Ecuador	7,500	10,000	33⅓
Portugal	7,500	10,000	33⅓
Greece	7,500	10,000	33⅓
Haiti	7,500	10,000	33⅓
Italy	12,000	17,500	45⅘
Japan	12,000	17,500	45⅘
Luxemburg	10,000	12,000	20
Montenegro	7,500	10,000	33⅓
Morocco	7,500	10,000	33⅓
Netherlands	10,000	12,000	20
Paraguay	7,500	10,000	33⅓
Persia	7,500	10,000	33⅓
Roumania	7,500	10,000	33⅓
Servia	7,500	10,000	33⅓
Spain	12,000	17,500	45⅘
Switzerland	7,500	10,000	33⅓
Turkey	10,000	17,500	45⅘
Uruguay	7,500	10,000	33⅓
TREASURY DEPARTMENT.			
Secretary	8,000	12,000	50
Assistant Secretary	4,500	5,000	11⅑
Secretary to Secretary	2,500	3,000	20
Chief Bookkeeping and Warrants Division	3,500	4,000	14⅔
Assistant chief	2,700	3,000	11⅑
Chief clerk, Customs Division	2,700	4,000	44⅘
Assistant chief	2,000	3,000	50
Chief clerk, Public Moneys	2,500	3,000	20
Assistant chief	2,000	2,500	25
Chief, Loans and Currency Division	2,500	3,000	20
Assistant chief	2,100	2,700	28⅔
Chief, special agents	p.d. 10	4,500	23⅓
Comptroller Treasury	5,500	6,000	9⅑
Auditor Post Office Department	4,000	5,000	25
United States Treasurer	6,000	8,000	33⅓
Assistant Treasurer	3,000	3,600	20
Commissioner Internal Revenue	6,000	6,500	8⅓
Director of the Bureau of Engraving and Printing	5,500	6,000	33⅓
Assistant Director	3,000	3,500	16⅔
Director of the Mint	4,500	5,000	11⅑
WAR DEPARTMENT.			
Secretary	8,000	12,000	50
Assistant Secretary	4,500	5,000	11⅑
Chief clerk	3,000	4,000	33⅓
DEPARTMENT OF JUSTICE.			
Attorney General	8,000	12,000	50
Solicitor General	7,500	10,000	33⅓
Private secretary to Attorney General	2,750	3,000	9⅑
Assistant to Attorney General	7,000	9,000	28⅝
Assistant Attorney General	5,000	7,500	50
Chief clerk	2,750	3,500	27
POST OFFICE DEPARTMENT.			
Postmaster General	8,000	12,000	50
Chief clerk	3,000	4,000	33⅓
Chief inspector	3,000	4,000	33⅓
Solicitor	4,500	5,000	11⅑
Second Assistant Postmaster General	$4,500	$5,000	11⅑
Third Assistant Postmaster General	4,500	5,000	11⅑
Fourth Assistant Postmaster General	4,500	5,000	11⅑
NAVY DEPARTMENT.			
Secretary	8,000	12,000	50
Assistant Secretary	4,500	5,000	11⅑
INTERIOR DEPARTMENT.			
Secretary	8,000	12,000	50
Assistant Secretary	5,000	6,000	20
Chief clerk	3,000	4,000	33⅓
Superintendent of Capitol Grounds	4,500	6,000	33⅓
Superintendent insane Asylum	4,000	5,000	20
AGRICULTURE DEPARTMENT.			
Secretary	8,000	12,000	50
Assistant Secretary	4,500	5,000	11⅑
Solicitor	2,500	5,000	100
SUPREME COURT.			
Chief Justice	13,500	15,000	15⅑
Associate Justices	12,500	14,500	16

Mr. LA FOLLETTE. In the Treasury Department the salary of the Secretary was increased 50 per cent, that of the Assistant Secretary 11 per cent, that of the secretary to the Secretary 20 per cent, assistant chief 14 per cent. Of course, when we get down to the little fellows, who need it just as much as those with larger salaries, the percentage falls.

Oh, Mr. President, are we building up an official aristocracy in this country? What shall be said when these figures come to pass under the eye of the American people while we halt and listen to whispered arguments on this floor as to whether we will let some poor clerk, who is barely subsisting on a salary of $1,000 or $1,200 or $1,400 a year, have a meager increase of 10 per cent or 5 per cent, as he may fall into one or the other of these classes? Shame upon us! We ought to be hissed from our places. This is a democracy, sir, and the measure of equal justice to every man is the heart of our creed. Look into these figures and tell me if you can find any justification for the course of Congress and its Committees on Appropriations?

Riding home last night on a street car, I thought I would sound out the conductor, and so I inquired about his pay. I speak of this just by way of comparison. These men start in for the first year at 23 cents an hour, perhaps a fraction above that; I think they start at 23½ cents, but I am giving round numbers. They start with 23 cents an hour, and after five years of service they attain to 27 cents an hour. They make an average of 10 hours, or $2.70 a day for a man who has been in the service five years. That is between $900 and $1,000, figured by the month. They get one day off out of seven, but they lose their pay for the day they are off. However, Mr. President, they receive more than we are paying many of the Government clerks. I asked the man with whom I talked how they managed in these times to live upon such a wage. "Well," he said, "I am a single man, and I squeeze along." He was a man of more than average intelligence, and had been employed in some other line of business, but had met with disaster and had taken this position. He said to me, "You do not know how it weighs down upon the other fellows who have families"; and, mark you, the best paid of them are getting nearly a thousand dollars a year. He said, "by moving two or three families into one little house, dividing up the rooms, and cutting out everything except the bare, scant necessities of life, they squeeze along"—no flowers, no music, sir; nothing that ministers to the artistic side; only the scant necessities of life; no chance to own a home. The permanency of democracy, as I have always viewed it, rests upon the ownership of the homes by the people of this country. No homes for these men! They squeeze along; they barely subsist, sir. But if sickness comes to the family, he told me it was a common practice whenever any misfortune afflicts a family, the subscription list circulates, and the men set down what they can give out of their earnings to help the men of families out of their difficulties. I am informed that there are employed by this great Government that is building battleships, each to cost over $15,000,000, hundreds of employees who work during the day for their small Government salaries and then go out and find employment at night somewhere, absenting themselves from the home, working into the small hours of the night, in order that they may take care of their families!

Oh, Mr. President, I regret to have felt constrained to make this address to the Senate and put these facts into the RECORD. They are not to our credit.

Mr. OVERMAN. Mr. President, may I ask the Senator a question.

Mr. LA FOLLETTE. I yield.

Mr. OVERMAN. I want to know if the Senator has examined into the records of the last 15 years to see whether there have not been considerable increases of salaries of the other employees?

Mr. LA FOLLETTE. I thank the Senator. I might have overlooked that in the press of time.

Mr. President, on the point upon which I am talking, I wish to insert in the RECORD these further increases that we have made. The figures go all through the service. Listen! I will just read the heads. I have grouped all the increases of salary under each heading: The Executive Department, the Legislative Department, the State Department, the embassies and legations of the United States, the Treasury Department, the War Department, the Department of Justice, the Post Office Department, the Navy Department, the Interior Department, the Agricultural Department, the Supreme Court. And let me say, Mr. President, that this is by no means a complete list of the increases which we have made in 10 years. It just strikes the high points.

Mr. OVERMAN. Mr. President——

Mr. LA FOLLETTE. Now, let me come to the Senator's interrogatory.

Mr. OVERMAN. Before the Senator does that I want to call his attention to the fact that the increases in the departments are made by classes. There we have class 1, class 2, class 3, and class 4. If a man is getting a thousand dollars, and he is efficient, he is promoted to $1,200, from $1,200 to $1,400, from $1,400 to $1,600, and from $1,600 to $1,800. That is the way the promotions go in the departments.

Mr. LA FOLLETTE. Oh, I understand that, Mr. President. This matter is not to be confused in anybody's mind. We know how these increases have been made which I have presented here. They have been straight increases made by direct provisions of law. You will find the same thing in every appropriation bill that comes up at this session. Men are singled out here and there, and their salaries increased. But, Mr. President, to find out how the great body of clerks and employees of this Government have been treated take just one department that is typical of all.

The salaries of employees of the United States Treasury Department employed in Washington in 1855 have been compiled by the United States Bureau of Labor Statistics from the official register of that year, and a comparison has been made between the salaries in 1855 and the salaries in the same departments in 1916.

The following table gives the comparative figures for clerks, messengers, watchmen, and laborers employed in the Treasury Department in the District of Columbia in 1855 and 1916.

And what prevails in the Treasury Department will be found to prevail in the other departments of this Government. There has been no distinction made in the great departments.

Mr. BRYAN. Mr. President, will the Senator yield to me?

Mr. LA FOLLETTE. I can not begin to cover the ground that I wish to cover.

Mr. BRYAN. It is within 15 minutes of closing time.

Mr. LA FOLLETTE. Yes; I know; and we must vote upon this proposition within that time.

Mr. BRYAN. I want to suggest this to the Senator——

Mr. LA FOLLETTE. The Senator will suggest something that will require, perhaps, five minutes of explanation to dissipate.

Mr. BRYAN. Well, Mr. President, the Senator says this is typical of all the departments. I only want to call his attention to the fact—and it is something that surprised me very much—that under the House provision, half of this increase would go to the post-office employees.

Mr. LA FOLLETTE. Mr. President, I do not care where it goes. For God's sake, let it go somewhere! If we can not make the increase everywhere, let us make it where we can.

Mr. BRYAN. Now, Mr. President——

Mr. LA FOLLETTE. I decline to yield further, Mr. President. It is not fair——

Mr. BRYAN. Will the Senator——

Mr. LA FOLLETTE. I have quite considerable matter here of importance to put into the RECORD.

Mr. BRYAN. May I ask the Senator one question?

Mr. LA FOLLETTE. No; I can not yield any further.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. LA FOLLETTE. I will say to the Senator that I am limited in time.

Mr. BRYAN. The Senator is taking up all the time.

Mr. LA FOLLETTE. I have taken the time that no other Senator offered to take, and I have matter to put in here that has not been put before the Senate; and I am going to put it before the Senate if I can. [Manifestations of applause in the galleries.]

The PRESIDING OFFICER. The Chair again admonishes the occupants of the galleries that demonstrations are not permitted in the Senate.

Mr. ASHURST. Mr. President, will the Senator yield to me for a moment just at this point? I do not know, under the unanimous-consent agreement, whether we must——

Mr. LA FOLLETTE. We must dispose of this matter within the two-hours' period. I understand that perfectly.

Mr. ASHURST. If the Senator knows that, I do not want to interrupt him.

Mr. LA FOLLETTE. I understand that, Mr. President, and I decline to be interrupted again by anybody. I shall read from this illuminating analysis:

There have been some increases in salaries in the administrative force, but it will be noted that these are among the very high-salaried officials, and these are more than offset by the large number of clerical positions in the lower grades.

In 1855 the predominating salaries were $1,400 and $1,600, with less than 20 per cent of all positions paying $1,200 or less. The average salary in the Treasury Department in 1855, as the table shows, was $1,434.

Now, listen, Senators:

In 1916 the average salary in the clerical departments was $1,280, a reduction of $154 per year in the pay of clerks in 1916 as compared with 1855.

Now, that was in part due—and the fairness of the matter that I am presenting is shown by the statement of the fact—that was in part due to the employment of women at lower salaries than male employees had been employed at in 1855. But comparing the salaries of male clerks and taking the male clerks of 1855, now; get this into your minds, Senators—taking the male clerks of 1855, leaving out the female clerks and taking the male clerks of 1916, there is a munificent increase of $9 in their average salary, which was $1,434 in 1855 and $1,443 in 1916.

Oh, Mr. President, the predominating salary in 1855 was $840, while in 1916 the predominating wage group in this department was $720!

Mr. President, I can not lay before the Senate all the facts that have been compiled by the Statistical Bureau of the Department of Labor, as applied to one of the great departments of this Government; but the showing that is made is a showing that should bring to the face of every man who has been in a position to repair this wrong in all these years the blush of shame, sir.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Wisconsin to the fact that the hour of 10 o'clock is approaching, at which time the period allotted under the unanimous-consent agreement for the consideration and disposition of this conference report will expire.

Mr. LA FOLLETTE. Well, Mr. President, I ask leave to have printed in the RECORD this material compiled by the Statistical Bureau of the Department of Labor as a part of my remarks, together with the tables.

The PRESIDING OFFICER. Without objection, leave is granted.

The matter referred to is as follows:

The salaries of employees of the United States Treasury Department employed in Washington in 1855 have been compiled by the United States Bureau of Labor Statistics from the official register of that year, and a comparison has been made between the salaries in 1855 and the salaries in the same departments or groups in 1916.

The following table gives the comparative figures for clerks, messengers, watchmen, and laborers employed in the Treasury Department in the District of Columbia in 1855 and in 1916.

There have been some increases in salaries in the administrative force, but it will be noted that these are among the very high salaried officials, and these are more than offset by the large number of clerical positions in the lower grades.

In 1855 the predominating salaries were $1,400 and $1,600, with less than 20 per cent of all positions paying $1,200 or less. The average salary in the Treasury Department in 1855, as the table shows, was $1,434; in 1916 the average salary in the clerical departments was $1,280, a reduction of $154 per year in the pay of clerks in 1916 as compared with 1855. There were no women employed in 1855. Comparing the salaries of male clerks, it will be seen that the men alone have received the munificent increase of $9 per year in their average salary, which was $1,434 in 1855 and $1,443 in 1916. The figures of this table show very clearly that the Government employed women to depress wages and that the amount of depression acted as a total reduction of the average to the extent of $154. The average pay of female clerks in the Treasury Department in the District of Columbia in 1916 was $1,089, and 1,176 are so employed. The tendency of the Government to depress salaries is also seen in the next group—that of messengers. The predominating salary in 1855 was $840, while in 1916 the predominating wage group in this classification is $720. Considering only the male messengers, the table shows that the average salary of the messenger has been reduced from $723 in 1855 to $707 in 1916.

Watchmen have fared little better. All watchmen in the Treasury Department were paid $600 each in 1855, while in 1916 71 of the 73 employed are receiving the munificent sum of $60 per month. In 1855 but one man registered as a laborer. He was paid $576. The predominating wage in 1916 is $600, but as an offset to this munificence three lower grades have been established, the lowest one $480 a year.

Salaries of employees of the Treasury Department employed in Washington, D. C., in 1855 and in 1916.

Classification.	Salary grade.	1855	1916		
		Male.	Male.	Female.	Total.
Administrative force	$12,000		1		1
Do	10,000		4		4
Do	8,000	1	1		1
Do	6,500		1		1
Do	6,000		3		3
Do	5,000		8		8

Salaries of employees of the Treasury Department employed in Washington, D. C., in 1855 and in 1916—Continued.

Classification.	Salary grade.	1855	1916		
		Male.	Male.	Female.	Total.
Administrative force	$4,500	1	2		2
Do	4,300		1		1
Do	4,000		9		9
Do	3,600		2		2
Do	3,500	2	4		4
Do	3,250		1		1
Do	3,200		1		1
Do	3,000	13	13		13
Do	2,750		5		5
Do	2,700		1		1
Do	2,500	1	24		24
Do	2,400		3		3
Do	2,250		21		21
Do	2,200	2	4		4
Do	2,000	18	18		18
Do	1,900		2		2
Do	1,500	1			
Total		39	129		129
Average salary		$2,638	$3,255		$3,255
Clerical force	3,000		2		2
Do	2,500		12		12
Do	2,400		1		1
Do	2,250		3		3
Do	2,150		1		1
Do	2,100		5		5
Do	2,000		48	4	52
Do	1,800	14	269	25	294
Do	1,700	3	3	1	4
Do	1,600	105	262	77	339
Do	1,500	1	10	3	13
Do	1,400	178	273	126	399
Do	1,300	1	7	4	11
Do	1,260		1	15	16
Do	1,200	70	259	239	498
Do	1,140		3	8	11
Do	1,100	3	5	3	8
Do	1,080		8	14	22
Do	1,020		13	25	38
Do	1,000	1	93	184	277
Do	960		12	13	25
Do	900		86	237	323
Do	840		5	22	27
Do	800		4	56	60
Do	780			3	3
Do	720		4	94	98
Do	700			9	9
Do	600			14	14
Total		385	1,389	1,176	2,565
Average salary		$1,434	$1,443	$1,089	$1,280
Messengers, assistant messengers, and messenger boys	1,200		1		1
Do	1,100		1		1
Do	1,000		2		2
Do	900	1	3		3
Do	840	11	55	2	57
Do	780	1			
Do	720	2	74	3	77
Do	660	1			
Do	600	3	1		1
Do	540	1			
Do	500	1			
Do	480		8		8
Do	420	1	5		5
Do	360	1	20		20
Total		23	170	5	175
Average salary		$723	$707	$768	$709
Watchmen	$1,400		1		1
Do	900		2		2
Do	720		71		71
Do	600	16			
Total		16	74		74
Average salary		$600	$734		$734
Laborers	1,200		2		2
Do	1,000		5		5
Do	960		7		7
Do	900		7	1	8
Do	840		6	3	9
Do	720		5	9	14
Do	660		113	17	130
Do	600		1		1
Do	576	1			
Do	540		2		2
Do	500		15		15
Do	480			2	2
Total		1	163	32	195
Average salary		$576	$692	$690	$692
Charwomen	480			3	3
Do	240			143	143
Total				146	146
Average salary				$245	$245

Table No. 1 is a transcript of the salaries paid in the United States Treasury Department to employees in the District of

Columbia as of the date of September 30, 1855, as shown by the Official Register.

Table No. 2 is a classification of employees by grades in the Treasury Department as of April 1, 1908.

In both of these instances, the entire force, including the Cabinet officers, is included.

TABLE NO. 1.—*A transcript of the salaries paid in the United States Treasury Department to employees in the District of Columbia, as of the date of Sept. 30, 1855, as shown by the official register.*

Office.	Salary.	Persons.
Secretary of the Treasury	$8,000	1
Assistant Secretary of the Treasury	3,000	1
Chief clerk	2,200	1
Disbursing clerk	2,000	1
Clerks	1,800	4
Do	1,600	8
Do	1,400	10
Do	1,200	3
Messengers	840	1
Assistant messengers	780	1
Watchmen	600	16
Comptroller	3,500	1
Chief clerk	2,000	7
Clerks	1,600	6
Do	1,400	4
Do	1,200	1
Messengers	840	1
Second Comptroller	3,000	1
Chief clerk	2,000	7
Clerks	1,600	4
Do	1,400	5
Do	1,200	1
Messenger	840	1
First Auditor	3,000	1
Chief clerk	2,000	0
Clerks	1,600	10
Do	1,400	16
Do	1,200	1
Messengers	840	1
Do	720	1
Second Auditor	3,000	1
Chief clerk	2,000	1
Clerks	1,600	11
Clerks	1,400	6
Do	1,200	2
Messengers	840	1
Do	600	1
Third auditor	3,000	1
Chief clerk	2,000	1
Clerks	1,800	1
Do	1,600	9
Do	1,400	52
Do	1,200	9
Messengers	840	1
Assistant messengers	720	1
Do	420	1
Fourth auditor	3,000	1
Chief clerk	2,000	1
Clerks	1,600	9
Do	1,400	8
Do	1,200	2
Messenger	840	1
Assistant messenger	360	1
Fifth auditor	3,000	1
Chief clerk	2,000	1
Clerks	1,600	2
Do	1,400	3
Do	1,200	1
Messengers	840	1
Sixth auditor	3,000	1
Chief clerk	2,000	1
Clerks (as disbursing clerk)	2,000	1
Clerks	1,800	5
Do	1,600	23
Do	1,400	51
Do	1,200	27
Messenger	900	1
Assistant messengers	540	1
Treasurer	3,000	1
Chief clerk	2,000	1
Clerks	1,800	2
Do	1,600	3
Do	1,400	4
Do	1,200	1
Messenger	840	1
Assistant messenger	500	1
Register	3,000	1
Chief clerk	2,000	1
Clerks	1,600	6
Do	1,400	17
Do	1,200	5
Messenger	840	1
Assistant messenger	660	1
Solicitor	3,500	1
Chief clerk	2,000	1
Clerk (as disbursing clerk)	2,000	1
Clerks	1,600	3
Do	1,400	2
Messenger	600	1
Commissioner of customs	3,000	1
Chief clerk	2,000	1
Clerks	1,600	3
Do	1,400	4
Do	1,200	3
Messenger	840	1
Bureau of Construction:		
Engineer in charge	3,000	1
Supervising Architect	3,000	1
Draftsmen	(1)	6
Coast Survey:		
Superintendent	$4,500	1
Assistant superintendent	2,200	1
Do	1,600	1
Subassistants	1,000	1
Computers	1,500	1
Do	1,100	1
Draftsmen	1,800	1
Do	1,600	1
Do	(1)	1
Do	(2)	1
Do	(3)	1
Engravers	2,000	1
Do	1,700	3
Electrotypist	1,800	1
Disbursing agent	2,500	1
Clerks	1,300	1
Do	1,200	1
Do	1,100	2
Weights and measures:		
Superintendent	1,500	1
Assistant and foreman	2,000	1
Revenue-Cutter Service:		
First lieutenant	960	1
Second lieutenant	860	3
Third lieutenant	790	2
Lighthouse Board:		
Chief clerk	2,000	1
Clerks	1,600	2
Do	1,400	1
Do	1,200	1
Messenger	600	1
Laborer	576	1
Customs:		
Collector (Georgetown, D. C.)	1,241	1
Deputy	821	1
Do	800	1
Do	200	1
Clerk	500	1
Gauger and weigher	359	1

TABLE NO. 1.—*A transcript of the salaries paid in the United States Treasury Department to employees in District of Columbia, etc.*—Contd.

SUMMARY.

$1,800 clerks	$25,200	14
$1,600 clerks	161,600	101
$1,400 clerks	249,200	178
$1,300 clerks	1,300	1
$1,200 clerks	84,000	70
$1,000 clerks	2,200	2
$500 clerks	500	1
	524,000	367
Average	1,428	

[1] $5 per day. [2] $4.50 per day. [3] $3.70 per day

TABLE NO. 2.—*Number of employees, by grades, in the Treasury Department, Apr. 1, 1908.*

Salary.	Male.	Female.	Salary.	Male.	Female.
$12,000	1		$1,300		1
$6,000	2		$1,252	31	1
$5,500	1		$1,200	310	254
$5,000	2		$1,100	21	2
$4,500	9		$1,000	238	130
$4,000	10		$950	2	
$3,600	3		$939	17	
$3,500	3		$900	202	199
$3,400	1		$850	8	
$3,250	1		$840	103	25
$3,200	1		$800	22	33
$3,000	13		$780	29	33
$2,800	1		$720	351	169
$2,750	5		$700	3	380
$2,700	7		$660	329	148
$2,600	1		$620	7	34
$2,500	49		$600	6	400
$2,400	11		$550	1	
$2,300	2		$548	78	
$2,300	2		$540	72	2
$2,250	13		$500	12	175
$2,200	25		$480	3	2
$2,190	5		$470		14
$2,100	7		$400		19
$2,035	1		$390	1	
$2,000	109	4	$360	9	
$1,900	4		$300		52
$1,878	2		$240		121
$1,800	310	8	[1]	748	
$1,700	6		[3] $6	1	
$1,665	1		[2] $4	4	
$1,650	1		[2] $3	1	
$1,600	300	59	$2.50	1	1
$1,565	1		$1.50		764
$1,500	9	2	$1.25		121
$1,400	333	112			
$1,350	1		Total	2,610	3,089
	1,251	185		1,251	185
			Total	3,861	3,274
					3,861
			Grand total		7,135

[1] Pro rata. [2] Per day.

WHOLESALE AND RETAIL PRICES.

The other side of this picture is presented by a statement covering the increase in prices for a period of years. The following table gives by five groups the wholesale prices on certain commodities, which we will let stand for itself:

Wholesale prices of commodities.

Year.	Cotton—Middling (pound).	Wool—Fine fleece (pound).	Wheat—No. 1 northern (per bushel).	Cattle—Live weight, steers, good to choice (100 pounds).
1896	$0.079	$0.394	$0.641	$4.271
1901	.086	.545	.719	5.590
1906	.110	.718	.793	5.357
1911	.130	.647	.984	6.727
1916	.143	.736	[1] 1.358	[1] 9.491

Year.	Hogs—Live weight, heavy (100 pounds).	Beans (per bushel).	Butter—Creamery, Elgin (pound).	Cheese—Whole milk (pound).
1896	$3.358	$1.174	$0.179	$0.091
1901	5.958	2.193	.211	.101
1906	6.235	1.900	.246	.131
1911	6.747	2.289	.264	.140
1916	[1] 9.542	[1] 8.132	[1] .318	[1] .174

Year.	Eggs—New laid (dozen).	Flour—Spring patents (barrel).	Lard—Prime (pound).	Corn meal—white (100 pounds).
1896	$0.174	$3.796	$0.047	$0.813
1901	.210	3.810	.089	1.198
1906	.262	4.276	.089	1.267
1911	.298	5.078	.091	1.299
1916	.325	6.973	.118	2.021

[1] Eleven months.

Wholesale prices of commodities—Continued.

Year.	Bacon—Short clear sides (pound).	Hams—Smoked (pound).	Pork—Salt, mess (barrel).	Milk—Fresh (quart).
1896	$0.049	$0.094	$8.940	$0.023
1901	.089	.108	15.511	.026
1906	.094	.124	17.512	.030
1911	.095	.140	19.159	.084
1916	[1] .147	[1] .183	[2] 23.480	.039

Year.	Molasses—New Orleans, open kettle (gallon).	Sugar—Granulated (pound).	Potatoes—White (bushel).	Shoes—Men's, vici kid (pair).
1896	$0.325	$0.045	$0.197	$2.250
1901	.378	.051	.564	2.000
1906	.340	.045	.548	2.379
1911	.406	.053	.771	2.617
1916	[1] .450	[1] .069	[1] 1.058	[2] 3.350

Year.	Shirtings—4-4 (yard).	Coal—Anthracite stove (ton).	Coal—Bituminous, Pittsburgh (bushel).	Lumber—Yellow siding (thousand feet).
1896	$0.070	$3.794	$0.057	$16.417
1901	.075	4.322	.075	19.667
1906	.082	4.862	.079	29.333
1911	.087	[1] 4.806	[1] .083	[2] 30.591
1916	.091	5.288	.084	31.818

[1] January to June. [2] Eleven months.

RETAIL PRICES IN WASHINGTON.

The following table shows the highest and lowest average retail prices of certain specified articles of food in Washington, D. C., in five-year intervals from 1890 to 1915.

This is supplemented by a statement showing the prices in Washington on the same articles for October and November, 1916:

Highest and lowest average retail prices of specified articles of food in Washington, D. C., in five-year intervals from 1819 to 1915.

Year.	Round steak, per pound.	Pork-chops, per pound.	Ham, smoked, per pound.	Lard, pure, per pound.	Flour, wheat, for one-eighth barrel bag.	Potatoes, Irish, per peck.	Eggs, per dozen.	Butter, creamery, per pound.	Sugar, granulated, per pound.
1890	$0.124	$0.100	$0.134	$0.100	$0.843	$0.254	$0.220	$0.295	$0.055
	.133	.....	.138	.110	1.000	.296	.240	.338	.074
1895	.116	.125	.130	.100	.742	.235	.208	.313	.048
	.125	.....	.140	.120	.784	.283	.228	.317	.053
1900	.125	.125	.142	.099	.760	.258	.215	.288	.057
	.154	.....	.146	.105	.826	.279	.228	.321	.063
1905	.144	.141	.158	.120	.950	.250	.263	.323	.059
	.153	.146	.....	.126	.968	.281	.276	.333	.063
1910	.150	.182	.170	.150	.900	.217	.292	.313	.055
	.193	.228	.197	.187	1.000	.292	.328	.393	.059
1915	.223	.195	.183	.124	1.050	.189	.291	.374	.060
	.275	.221	.191	.138	1.144	.263	.364	.393	.063

Actual retail prices of certain specified articles of food in Washington, D. C., in October and November, 1916.

Year and month.	Round steak, per pound.	Pork chops, per pound.	Ham, smoked, per pound.	Lard, pure, per pound.	Flour, wheat, per one-eighth barrel bag.	Potatoes, Irish, per peck.	Eggs, per dozen.	Butter, creamery, pound.	Sugar, granulated, per pound.
October	$0.22	$0.25	[1] $0.22	$0.20	$1.40	$0.45	$0.45	$0.43	$0.080
Do	.26	.24	[1] .30	.20	1.30	.45	.42	.43	.075
Do	.30	.25	[1] .28	.18	1.35	.40	.42	.45	.075
Do	.23	.25	[1] .22	.20	1.40	.45	.50	.45	.080
Do	.....	.....	.....	.....	1.35	.40	.....	.39	.075
November	.22	.23	[1] .22	.20	1.50	.50	.50	.47	.086
Do	.25	.22	[2] .30	.20	1.30	.45	.48	.48	.080
Do	.25	.25	[1] .23	.20	1.40	.45	.50	.45	.080
Do	.20	.23	[1] .20	.20	1.40	.45	.50	.50	.080
Do	.....	.....	.....	.....	1.40	.....	.....	.42	.080

[1] Whole. [2] Sliced.

Mr. LA FOLLETTE. I say in conclusion, Mr. President, that the Senate of the United States should purge its record of this injustice by beginning now and voting to accept this report. All we need is a majority of the votes upon the next roll call, and we have settled the increase in this one department not at what it should be, but at least in a way to partially repair the

wrong. Such action will encourage the House of Representatives, and we will have a like increase in every one of these appropriation bills.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. BRYAN. Mr. President, I think the Chair will agree that if we begin voting at 10 o'clock we are complying with the unanimous-consent agreement.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Florida to the terms of the unanimous-consent agreement.

Mr. BRYAN. It is always construed that way.

Mr. LA FOLLETTE. Mr. President, if that be so, I still have the floor.

Mr. BRYAN. I understood the Senator from Wisconsin had yielded the floor.

Mr. LA FOLLETTE. I have other matter here. No; I yielded the floor only upon the statement of the Presiding Officer——

The PRESIDING OFFICER. The Chair holds that under the language of the unanimous-consent agreement the matter must be concluded within the two-hour period, because the plain language is that the Senate will proceed to consider and dispose of the conference report within the two-hour period.

Mr. BRYAN. Mr. President, suppose somebody should suggest the absence of a quorum, and only a minute or two should be left before 10 o'clock?

The PRESIDING OFFICER. The Chair would rule that that would comply with the agreement.

Mr. BRYAN. Then, Mr. President, I——

Mr. LA FOLLETTE. Mr. President, I ask leave to print some tables of the increase in food prices in connection with my remarks.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

[New York American, Feb. 23, 1917.]

FOOD-PRICE CHANGES IN EIGHT CITIES.

Food prices gathered in eight great cities by the New York American show a general advance over those prevailing last year. In two instances there was a fall in price. In case of some of the food products which formerly were most used by the poor the advance ranged from 100 per cent to more than 1,000 per cent. New York has suffered most heavily in the general rise in prices of food.

The table of prices follow:

Article.	New York.		Boston.		Chicago.		Philadelphia.	
	1916	1917	1916	1917	1916	1917	1916	1917
Sugar	4½–5 cents	8½–9 cents	5½–7 cents	8½–10 cents	7 cents	8 cents	7 cents	9 cents.
Eggs	35 cents	60 cents	38 cents	58 cents	40 cents	50 cents	50 cents	75 cents.
Butter	43 cents	53 cents	36 and 40 cents.	38 and 42 cents.	38 cents	48 cents	50 cents	60 cents.
Lard	18 cents	25 cents	15 and 17 cents	20 and 28 cents	18 cents	22 cents	20 cents	25 cents.
Flour	$1.05 sack	$1.35	$7.50 barrel	$10.50	$8.50	$10.50	$6.50	$12.50.
Potatoes	2–3 cents	8½ cents	40 cents peck	$1.15	40 cents peck	90 cents	$1.25 bushel	$3.50.
Onions	2 cents	12–15 cents	6 cents	20 cents	5 cents	15 cents	$4.90 bushel	$13.00.
Beets	2 cents	5 cents	5 cents	10 cents			6 cents	8 cents.
Cabbages	1–2 cents	12–15 cents	3 cents	10 cents	5 cents	12 cents	4 cents	18 cents.
Chicken	30 cents	32 cents	28 cents	30 cents	25 cents	39 cents		
Roast beef	26 cents	30 cents	28 cents	30 cents	25 cents	30 cents	20 cents	26 cents.
Sirloin steak	28 cents	32 cents			30 cents	35 cents	25 cents	35 cents.
Chuck steak	22 cents	26 cents			12½ cents	18 cents	18 cents	24 cents.
Leg of lamb	22 cents	28 cents	20 cents	28 cents	25 cents	30 cents	20 cents	30 cents.
Corned beef	22 cents	28 cents	18 cents	23 cents	16 cents	20 cents	18 cents	22 cents.

Articles.	Los Angeles.		New Orleans.		San Francisco.		St. Louis.	
	1916	1917	1916	1917	1916	1917	1916	1917
Sugar	$6.30	$7.35			6⅞ cents	7⅞ cents	$6.94	$7.69.
Eggs	26 cents	30 cents	6½ cents	7 cents	37½ cents	45 cents	30 cents	45 cents.
Butter	34 cents	42½ cents	38 cents	40 cents				
Lard	20 cents	19 cents	40 cents	47 cents	40 cents	45 cents	13½ cents	20 cents.
Flour	$2 sack	$2.70	15 cents	20 cents	15 cents	22½ cents	$3.30	$4.50.
Potatoes	$2, 100 pounds	$1.75	3½ cents	6 cents	$1.75	$2.50	33 cents peck	75 cents.
Onions	3½ cents	12 cents	4 cents	8 cents	2 cents	6½ cents	25 cents	$2.40.
Beets	3 cents	5 cents	5 cents	15 cents	4 cents	15 and 20 cents.	$2	$2.15.
Cabbage	2½ cents	7½ cents	25 cents dozen.	50 cents			1½ cents	12 cents.
Chicken	25 cents	30 cents	2 cents	10 cents	20 cents	30 cents	18 cents	22 cents.
Roast beef	25 cents	20 cents	25 cents	25 cents	25 cents	30 cents	20 cents	25 cents.
Sirloin steak	20 cents	25 cents	20 cents	22½ cents	25 cents	30 cents	20 cents	25 cents.
Chuch steak	12½ cents	15 cents	20 cents	20 cents			15 cents	18 cents.
Leg of lamb	28 cents	35 cents	25 cents	25 cents	25 cents	30 cents	17 cents	25 cents.
Corned beef			20 cents	20 cents			12½ cents	15 cents.

Mr. BRYAN. Mr. President, I only want to say this: The Senator from Wisconsin gets the floor, perfectly in accordance with the rules of the Senate, and then he puts the Senate in the attitude—and I am only going to take a minute—of not increasing salaries at all. I call the attention of the Senate to this fact——

Mr. LA FOLLETTE. Well, Mr. President, the chairman of each of these various appropriation committees has had the floor by the hour.

Mr. BRYAN. I decline to yield.

Mr. LA FOLLETTE. The Senator has not got the floor. I have not yielded it. If anybody is entitled to the floor, I am entitled to the floor, unless the order of the Senate takes me off the floor.

Mr. BRYAN. Mr. President, who has the floor?

Mr. LA FOLLETTE. I have, and I will maintain it.

The PRESIDING OFFICER. The Chair will state to the Senator from Florida that the Senator from Wisconsin had the floor when the Chair called his attention to the unanimous-consent order and to the construction that had been placed upon it, and he indicated his willingness to yield the floor in order to permit a vote.

Mr. BRYAN. Well, he yielded the floor, Mr. President.

The PRESIDING OFFICER. Yes; but the Chair thinks that in good faith he would have to adhere to the ruling that he indicated to the Senator from Wisconsin he would make, and that is that under the unanimous-consent order the Senate proceeds to vote upon the conference report.

The question is on agreeing to the conference report.

Mr. BRYAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Florida suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Martine, N. J.	Shafroth
Brady	Hollis	Myers	Sheppard
Brandegee	Hughes	Norris	Simmons
Bryan	Husting	Overman	Smith, Mich.
Catron	James	Owen	Smoot
Chamberlain	Johnson, S. Dak.	Page	Sterling
Clapp	Jones	Penrose	Swanson
Clark	La Follette	Phelan	Thomas
Cummins	Lane	Pittman	Thompson
Curtis	Lea, Tenn.	Pomerene	Underwood
du Pont	Lee, Md.	Ransdell	Vardaman
Fall	Lewis	Reed	Walsh
Fletcher	McLean	Robinson	Warren
Gronna	Martin, Va.	Saulsbury	Weeks

The PRESIDING OFFICER. Fifty-six Senators have answered to their names. A quorum is present. The question is on agreeing to the conference report.

Mr. OVERMAN. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a general pair with the junior Senator from Georgia [Mr. HARDWICK] and withhold my vote. If at liberty to vote, I should vote "yea."

Mr. DU PONT (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM]. As I do not see him in the Chamber, I withhold my vote.

Mr. FALL (when his name was called). I am authorized by my pair to vote upon this question. I vote "yea."

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON], which I transfer to the senior Senator from Minnesota [Mr. NELSON] and vote "yea."

Mr. LEE of Maryland (when his name was called). I am paired on this question with the Senator from Georgia [Mr. SMITH] and withhold my vote. If at liberty to vote, I would vote "yea."

Mr. PENROSE (when his name was called). I am paired with the senior Senator from Mississippi [Mr. WILLIAMS], he being absent as I am informed. I transfer my pair to the junior Senator from Indiana [Mr. WATSON], who, I am informed, is absent, and will vote. I vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my pair heretofore announced to the senior Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as to my pair and transfer as on the last vote, I vote "yea."

Mr. THOMAS (when his name was called). I transfer my pair to the senior Senator from Alabama [Mr. BANKHEAD] and vote "nay."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the junior Senator from Ohio [Mr. HARDING] to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. WALSH (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from Indiana [Mr. KERN] and vote "yea."

The roll call was concluded.

Mr. HOLLIS. I transfer my pair with the junior Senator from New York [Mr. WADSWORTH] to the senior Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from New Hampshire [Mr. GALLINGER] with the Senator from New York [Mr. O'GORMAN];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN].

I transfer my pair with the junior Senator from Georgia [Mr. HARDWICK] to the junior Senator from Maine [Mr. FERNALD] and vote "yea."

Mr. CHAMBERLAIN (after having voted in the affirmative). I transfer my general pair to the Senator from Oklahoma [Mr. GORE] and let my vote stand.

The result was announced—yeas 33, nays 22, as follows:

YEAS—33.

Ashurst	Fall	Myers	Sheppard
Brady	Gronna	Norris	Smith, Mich.
Brandegee	Hollis	Owen	Sterling
Catron	Husting	Page	Thompson
Chamberlain	Jones	Penrose	Walsh
Clapp	La Follette	Phelan	Warren
Clark	Lea, Tenn.	Pittman	
Cummins	McLean	Pomerene	
Curtis	Martine, N. J.	Ransdell	

NAYS—22.

Bryan	Kenyon	Saulsbury	Thomas
Fletcher	Lane	Shafroth	Underwood
Hitchcock	Martin, Va.	Shields	Vardaman
Hughes	Overman	Simmons	Weeks
James	Reed	Stone	
Johnson, S. Dak.	Robinson	Swanson	

NOT VOTING—41.

Bankhead	Culberson	Gore	Lee, Md.
Beckham	Dillingham	Harding	Lewis
Borah	du Pont	Hardwick	Lippitt
Broussard	Fernald	Johnson, Me.	Lodge
Chilton	Gallinger	Kern	McCumber
Colt	Goff	Kirby	Nelson
Newlands	Smith, Ariz.	Sutherland	Williams
O'Gorman	Smith, Ga.	Tillman	Works
Oliver	Smith, Md.	Townsend	
Poindexter	Smith, S. C.	Wadsworth	
Sherman	Smoot	Watson	

So the conference report was agreed to.

COST OF LIVING IN NORTH DAKOTA.

Mr. OWEN. I was precluded by the shortness of the time from presenting for the RECORD a statement by Ray McKaig relative to the methods the people have adopted in North Dakota to reduce the cost of living there. I ask permission to present it and to have it printed in the RECORD without reading.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

THE FARMERS' NONPARTISAN LEAGUE OF NORTH DAKOTA.

[Speech of Ray McKaig, of Mandan, N. Dak., State master of the Farmers' Grange of North Dakota, at convention of the National Popular Government League, Washington, D. C., Jan. 5–6, 1917.]

Mr. Chairman and ladies and gentlemen of the Popular Government Convention, I bring to you the story of one of the greatest political upheavals for popular government that this country has ever seen. The long-abused farmers of North Dakota finally turned and defeated the gang. The revolt is the story of the worm that turned. On November 7 we elected not only our governor, lieutenant governor, State legislators, and all the other members of the farmers' ticket, but also a majority of the supreme court. Like Abraham Lincoln, we wanted the Almighty on our side, but we felt that we must have the supreme court. The coroner was suggested to bury the old gang. On election day the farmers voted the farmers' ticket for the best men. They went solid and pushed ahead the cause of clean government a score of years.

ORIGIN OF MOVEMENT.

This movement grew out of the fact that better market distribution was needed. The private elevators of the State had for years systematically robbed the farmers in the grading of their wheat. We traced, for example, 6,000,000 bushels of poor-grade wheat sent to the terminal elevator at Duluth, Minn., where it came out as No. 1 wheat—a loss of $300,000. This is an instance of what has happened many times; the gamblers of the wheat pit not only set the price of wheat by betting on imaginary wheat, but also steal from the farmers by different grading. Our plan to remedy this is to have the State own and control the vast terminal elevators where mixing can be done. In connection with this we expect to establish State-owned flour mills. Why? one asks.

FARMERS LOSE $55,000,000 YEARLY.

Because our leading experts at the agricultural college have shown that the farmers of North Dakota lose over $55,000,000 every year because of the by-products of the grain going into other States and the unfair grading of the same.

Then, too, in that State the "Hog Trust" (you call it the "Beef Trust" here) has the cattle and hog business by the throat. We have no packing plant and are compelled to ship on an average of about 450 miles. Last year we got an average of 6 cents per pound for our steers, which, when made up into meat, cost you city people 25 cents a smell. The packer makes more off of the steer in three hours than the farmer does in three years of raising. We propose to establish a State-owned packing plant to fight with money and with brains the Hog Trust. We propose to lay down the gauge of battle with these combinations and to fight it out in our State.

AFTER THE LAND SPECULATORS.

Again, our program includes tax reform. We found that special increase of taxation in the past two years on the farmers meant no increase upon the corporations. The banking laws permit some bankers to evade much taxation. Insurance holdings are not taxed. Speculators' lands are a big menace to our prosperity, millions of acres being held by these speculators waiting for high prices. We propose to apply the British Columbia law of single tax on farm lands and to make the speculator pay as much taxes on unimproved land as the farmer does on improved. Along that line will go a State hail-insurance tax. It will be compulsory on all tillable land, and the beauty of it is that the speculator who refuses to till the soil and break his land will have to pay just as much taxes for hail protection as the farmer who plows and gambles with the storm.

A cold-storage plant to take care of the valuable potato crop of that State is a part of our program. At one time this year potatoes were selling at 60 cents per bushel. In New York to-day Idaho potatoes are selling in some of those big stores at 6 cents each. A great cold-storage plant where farmers can ship their potatoes in the fall, to be distributed over the Northwest at the mere cost of distribution, will not only bring up the price of potatoes for the farmer and down to the consumer, but will hit the potato gamblers a blow between the eyes that will be stunning. This is our platform. This is also the platform of the State Republican Party. This is what we expect to accomplish in our farmers' revolt. Seattle, New Orleans, and some of the Provinces of Canada and away-off New Zealand have proved that they can solve these problems. So can we.

POPULAR GOVERNMENT ALSO.

The reign of popular government has come to stay in North Dakota. The initiative and referendum and recall is a part of our program. And we intend to put over a new and up-to-date State constitution.

How did we succeed in this political upheaval? The old gang was well entrenched. They owned all the daily newspapers except one. Nine out of ten of the county weekly papers were against us. Some of the church leaders preached against us. The nationality of the voters was appealed to, but in vain. Farmers read the fiery articles against our movement, listened to the preelection church denunciation, shook hands with the polished politicians—and straightway forgot all about it. The other gang had been too strong for them. They wanted a change, and the State legislature was the secret of it all. I suppose that other legislatures had been about the same as the one of two years ago. We had good men whom we did not forget this year, who had fought our battles. But we also had bad men there. Insurance companies, the railroads, and the corporations went to that legislature and got what they wanted. We farmers went there and asked for simple

legislation—and we were refused. Much booze was spilled to defeat our bills.

"GO SLOP THE PIGS."

In the previous year 83 per cent of the voters had voted for a constitutional amendment authorizing a State terminal elevator. The farmers demanded that the legislature put it through, but the farmers were told to "go home and slop the pigs." We did so, and we came back this year and cleaned the legislative stables. That "slop the pigs" was a slogan that was like the firing on Fort Sumter—the disclosures fanned the flame of revolt. A few farmers banded together and organized the Farmers Nonpartisan League. They elected A. C. Townley, a former school teacher and farmer, as their president. His initials spelled the word "act." He is action personified—one of the shrewdest, brainiest leaders any crowd ever had. The revolt spread. Townley gathered about him some brainy leaders. Charles Edward Russell dug out the facts and furnished the ammunition to shoot against the old gang. He is the Henry Lloyd George of our farmers' movement. Now, how did we spread this gospel?

NINE DOLLARS FOR MEMBERSHIP.

One hundred Ford automobiles were bought, one for each organizer. Every township was convassed; farmers were asked to join the nonpartisan league. Nine dollars each was charged for membership. This $9 paid for a weekly newspaper, all expenses of campaign and candidates, and gave the farmer the privilege of participating in all conventions. Never did spellbinders have a more pleasant platform to talk from. The campaign of education was worth the price.

On the 22d day of February, 1916—Washington's birthday and the birthday of the farmers' political freedom—township caucuses were called in every precinct and delegates were elected to county conventions. Only genuine farmers were allowed. Delegates were elected to the State convention, which met the last day of March, and planned an April fool for the politicians. The State convention was like a crusade, only there was no office grabbing. A complete new farmers' ticket was nominated. It was decided to walk into the Republican Party at the open primary and appropriate the same to ourselves. I was a delegate at that convention, and will never forget how we grilled the men who were to be elected. We wanted to know if they had any political debts to pay. The offices sought the politician, and the politician did not seek the office.

THE NEW GOVERNOR.

Our new governor, Linn Frazier, is a genuine farmer with a college education and a liberal training, quiet in manner, and very determined. He made a whirlwind campaign through the State and won confidence everywhere. The next day after the convention a great mass meeting of 3,500 farmers assembled in Fargo and ratified the complete ticket. Billy Sunday enthusiasm is no match for our North Dakota spirit. Orators had full sway and our nominees went on record for this economic platform and for a clean government. Did these farmers stick? Stick those flicker-tail farmers did, and won out in the fall by a vote of over four to one.

HAD THEIR OWN NEWSPAPER.

The weekly newspaper was a feature of this campaign. It is called the Leader, and is edited by D. C. Coates, a former lieutenant governor of Colorado. It was soon sworn at and sworn by. Its amazing veracity and capacity to tell the truth soon upset all the bets of the politicians. The cartoons were very apt and picturesque. These cartoons spared no one. They seemed to catch the farmers' spirit. They should have, because the cartoonist, J. M. Baer, was once a farmer and knew what the farmers were up against. Scarcely had the farmer election bitterness worn off when, to the amazement of the old gang, the farmers walked in and captured also the Republican State machinery. William Lenks was elected chairman and I was elected secretary of the central committee. We turned around and began to nail government-ownership planks into the Republican platform. Shades of Matt Quay! What won't those Republican farmers do next? It was the entering wedge to destroy national politics in State issues.

FOR NONPARTISANSHIP.

Our ideal is to abolish partisan politics, and our speaker, our governor, and our legislature are with us. A better definition of the Farmers' Nonpartisan League is "A farmers' league to stand by friends of good government no matter what party they are in." A close analysis of the vote reveals a true desire to solve the economic problem of distribution. The high cost of living hits the producer and consumer alike. Food gamblers make more than the farmer. But the farmer is no hog—he realizes that the consumer must be treated white, and he agrees to work with the consumer. To bring the prices down by eliminating the middleman gambler will also bring the prices up for the farmer. That means a fifty-fifty break with the producer. We want to bring New Zealand into our Northwest States, where both consumer and producer are treated alike.

WORK WITH ORGANIZED LABOR.

We work with organized labor in the cities, and both of us make concessions. A still closer analysis of the vote reveals this also. The farmer has served notice on the corporations that they must keep out of politics and stop polluting the civic stream. One corporation in our State has played the political game so that it pays only $11,000 taxes where it ought to pay $100,000. The speculators and the insurance agents, with the railroads and the Hog Trust, have been guilty of many raw deals to save taxation. We serve notice on these gentlemen that if they want to play the game fair, we play it fair. If they want to put money and brains on the market, we can do the same, but this wholesale buying of legislators and franchises must stop. And stop it will, for we farmers mean business.

We do not expect to disintegrate, for we are organized from the ground up. Our farmers in North Dakota are now rapidly reorganizing. The farmers' league books are audited by outside auditors. Our officers receive good pay, but they are also under promise not to receive political appointment or seek office.

ON TO WASHINGTON!

On to Washington! is our battle cry. We are already organized in four States—North Dakota, South Dakota, Montana, and Minnesota. Our head office has been transferred to St. Paul. We realize that this interstate movement means the balance of power at Washington. Twenty-five legislators and half a dozen fighting Senators would certainly put a monkey wrench in the machinery of monopoly at Washington. We are now planning on going into Nebraska, Iowa, Wyoming, and Kansas. These Northwest farmer States are full of fighting men. An interstate convention will soon be called. Congressmen will be indorsed who have been fighting for good government. The traders and corporation lawyers will be asked to stay at home. This nonpartisan movement means nonpartisanship in Congress also when it comes to fighting for good men. What a tremendous factor our farmers' league will be at the next presidential election, when we serve notice on Wall Street men to keep hands off. Progressive legislation is coming as a matter of necessity. Progressive leaders shall be our leaders; and this Interstate Farmers' Nonpartisan League movement is one of the greatest means for the spreading of aggressive, progressive sentiment that this country has ever seen. We do not prophesy much, but we do say: "Watch us grow in numbers and in power."

THE REVENUE.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, the revenue bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

Mr. SAULSBURY. I ask unanimous consent to go into executive session for only a short time for the purpose of referring nominations. I hope I may have unanimous consent for this short session.

The PRESIDING OFFICER. The Senator from Delaware asks unanimous consent to temporarily lay aside the revenue bill and proceed to the consideration of executive business for the purpose indicated. Is there objection?

Mr. CUMMINS. I understand the request of the Senator from Delaware can not be granted unless the unfinished business is laid aside.

Mr. SIMMONS. Mr. President——

Mr. CUMMINS. I therefore raise that point of order.

The PRESIDING OFFICER. The Chair understood the Senator from Delaware to ask unanimous consent to temporarily lay aside the revenue bill and proceed to the consideration of executive business.

Mr. SIMMONS. I was about to make a request to that effect. I ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. LA FOLLETTE. Reserving the right to object, I will ask the Senator to incorporate in the suggestion for unanimous consent that we shall adjourn at the conclusion of the executive session.

Mr. SIMMONS. I have already made a motion relative to the hour of meeting to-morrow.

Mr. LA FOLLETTE. I did not know that.

Mr. SMOOT. Just a moment. May I ask that the unanimous-consent agreement be read? I do not desire to have the whole of it read, but the first part of it.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

It is agreed by unanimous consent that at 8 o'clock p. m., on Wednesday, February 28, 1917, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 20573, an act to provide increased revenue, etc., through the regular parliamentary stages to its final disposition; that the bill shall remain the unfinished business until finally disposed of, and no motion that would displace it shall be in order. If temporarily laid aside by unanimous consent, any Senator shall have the right to bring it immediately before the Senate, either to speak upon it or to propose an amendment to it. No motion to lay any amendment on the table shall be entertained by the Chair.

Mr. UNDERWOOD. Mr. President, I ask the Senator in charge of the bill to withhold his request for a moment. A number of Senators on both sides of the Chamber would like to have a fixed hour to vote on the oleomargarine amendment. I do not wish to make a request that does not meet the approval of the Senator in charge of the bill. Has the Senator any objection to fixing an hour to vote on that amendment?

Mr. SIMMONS. I have none if the Senator can get unanimous consent.

Mr. UNDERWOOD. A number of Senators have expressed a wish that a definite hour might be fixed, and I should like to ask unanimous consent that we may vote on that amendment at 3 o'clock to-morrow.

Mr. CUMMINS. I do not believe that under the unanimous-consent agreement such an agreement can be made.

The PRESIDING OFFICER. The Chair would call the attention of the Senator from Alabama to the fact that there is in existence an order of the Senate based upon a unanimous-consent agreement which fixes the procedure of the Senate.

Mr. UNDERWOOD. Does that provide that no amendment shall be voted on until 8 o'clock Wednesday?

Mr. PENROSE. No; at any time.

Mr. SIMMONS. If the Senator will pardon me, I am afraid that such unanimous-consent agreement would complicate the rule under which we are operating.

Mr. UNDERWOOD. I do not wish to do that.

Mr. SIMMONS. I hope the Senator will not press it.

Mr. UNDERWOOD. I withdraw the request.

Mr. SAULSBURY. May I renew my request?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Delaware?

Mr. JONES. Is it understood that nothing will be done in the executive session except merely to refer nominations?

Mr. SAULSBURY. That is my understanding.

Mr. JONES. The calendar will not be taken up?

Mr. SAULSBURY. The desire for an executive session was exactly as I stated.

Mr. JONES. I should like to have it made a part of the unanimous consent that the calendar will not be called up and that nothing will be done except to refer nominations. I want it to be a part of the unanimous-consent agreement that the calendar will not be taken up.

Mr. SAULSBURY. I do not think I can do that, Mr. President, but I will say to the Senator that immediately after the nominations are referred I shall move an adjournment until to-morrow.

Mr. JONES. I object to laying aside the unfinished business.

The PRESIDING OFFICER. Objection is made. The unfinished business is before the Senate.

Mr. SIMMONS. I move that the Senate adjourn until 12 o'clock to-morrow.

The motion was agreed to, and (at 10 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 27, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 26, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal and everlasting God, supreme in all Thine attributes, just and equitable in Thy commands, let Thy spirit be upon these Thy servants that they may be calm in their deliberations, clear in their judgments, wise in their conclusions, firm in their convictions; that their work may be to the good of the people and well pleasing in Thy sight; and we will praise Thy Holy Name through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, February 24, and Sunday, February 25, was read and approved.

JOINT SESSION OF SENATE AND HOUSE.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution (H. Con. Res. 79) which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, the 26th day of February, 1917, at 1 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The resolution was agreed to.

EXTENSION OF REMARKS.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the life and character of the late Representative FINLEY.

The SPEAKER. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Agricultural bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20967, the sundry civil appropriation bill.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20967, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARNER in the chair.

The Clerk read as follows:

Employees' compensation fund: For the payment of compensation provided by said act, including medical, surgical, and hospital services, and supplies provided by section 9, and the transportation and burial expenses provided by sections 9 and 11, the appropriation of $500,000 for the fiscal year 1917 is continued and made available until expended.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Will the gentleman from New York inform the House as to the present status of the Employees' Compensation Commission? My recollection is that the commissioners either have not been named by the President or have not been confirmed by the Senate.

Mr. FITZGERALD. I am not certain whether they have been named or not, but I intend to ask the committee to pass over this paragraph temporarily for these reasons: At my request an estimate was submitted asking for $500,000 for the next fiscal year. Under the impression that there would be no need to make that appropriation and that by continuing the present appropriation there would be ample funds until Congress reconvened, the committee merely extended the current appropriation. Yesterday the Secretary of Labor came before the committee and called attention to the fact that there are already accumulated $250,000 of claims, excluding claims of the Post Office Department, and he very much fears that the $500,000 will be insufficient to meet the obligations upon the fund prior to the convening of Congress. Some time during the day he is to send up a complete statement of the status of the fund. I assured him if he would send that information we would propose an amendment adding such additional moneys as would make it absolutely certain that there would be no failure to meet the demands upon the funds. The claims are accumulating, and the Secretary stated that the claims will aggregate in the neighborhood of $350,000, and for the balance of the time between now and the next regular session the aggregate of claims will be in excess of the total amount of the appropriation.

Mr. MANN. It seems odd to me that this law passed last summer providing for the appointment of a commission—that up to the present time, when a large number of claims have accumulated and the people need the money, the commission has not been organized. Has any reason been given for the failure to put the law into effect by the naming of the commission?

Mr. FITZGERALD. No; there has been no statement. Congress created several very important commissions, and I understand that the difficulties the President has had in conducting matters involving our relations with other nations has made it impossible for him to devote the time necessary for the selection of the class of men who should be on the various commissions.

Mr. MANN. I feel very confident that if the President would call the gentleman from New York into his councils it would not take very long to fill the commission.

Mr. FITZGERALD. I suggest that the gentleman from Illinois persuade the President of the feasibility of such a course, and if he succeeds I promise that there will be no ground for complaint in the future. Mr. Chairman, I ask that this paragraph be passed over temporarily.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read as follows:

ERICSSON MEMORIAL COMMISSION.

For the erection in the city of Washington, D. C., of a suitable memorial to John Ericsson, in accordance with the provisions of the act entitled "An act for erecting a suitable memorial to John Ericsson," approved August 31, 1916, $35,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I am glad this appropriation for a memorial to John Ericson is to be made. He was the inventor of the *Monitor*, which helped to turn the tide of the Civil War on the sea. The question of submarines as we now understand it had not arisen at the time of Ericson's achievement, but the subject of submarines and mines has been much discussed since that time.

I desire this morning in connection with this memorial to a great American naval inventor to read a statement from the London Times of July 16, 1914, by Sir Percy Scott, an Englishman of high grade in the naval world. Addressing the editor of the Times, Sir Percy Scott, in a controversy with Lord Sydenham, says:

To the Editor of the Times:

In a letter which you published from me of July 10, I replied to most of the criticisms of my views which had already appeared. Yesterday Lord Sydenham raised a further question in your columns which seems to call for an answer. With the greater part of this letter it is unnecessary for me to deal. Lord Sydenham is not a

seaman but a soldier, and he can not be expected to appreciate the technical points in my argument. With reference, however, to the question of an attack on our commerce by submarines, he says:

"The capture of vessels at sea is an old right of war. The right to kill unresisting noncombatants engaged in peaceful avocations has never been recognized. The submarine can not capture, but must destroy. I do not believe that the sentiment of the twentieth century would tolerate for a moment proceedings which have hitherto been associated only with piracy in its blackest form. Considerations of humanity apart, there are strong reasons for believing that this relapse into savagery would not serve the purpose of the navy which so far degraded itself, and I doubt whether Sir Percy Scott has thought out this part of his program."

This I consider a most dangerous and misleading doctrine, because it is calculated to make the British public believe that their food supply would be safe in time of war. In order to make this fallacy manifest, I would quote the following extract from a letter written by a foreign naval officer—

He does not say a German naval officer. He quotes that foreign naval officer as follows:

"If we went to war with an insular country dependent for its food supplies from overseas it would be our business to stop that supply. On the declaration of war we should notify the enemy that she should warn those of her merchant ships coming home not to approach the island, as we were establishing a blockade of mines and submarines. Similarly we should notify all neutrals that such a blockade had been established and that if any of their vessels approached the island they would be liable to destruction, either by mines or submarines, and therefore would do so at their own risk."

Such a proclamation would, in my opinion, be perfectly in order, and once it had been made, it any British or neutral ships disregarded it and attempted to run the blockade they could not be held to be engaged in the peaceful avocations referred to by Lord Sydenham. And if they were sunk in the attempt it could not be described as a relapse into savagery or piracy in its worst form. If Lord Sydenham will look up the accounts of what usually happened to the blockade runners into Charleston during the Civil War in America I think he will find that the blockading cruisers seldom had any scruples about firing into the vessels they were chasing or driving them ashore and even peppering them when stranded with grape and shell. The mine and the submarine's torpedo will be a surer deterrent. Trade is timid. It will not need more than one or two ships sent to the bottom to hold up the food supply of the country.

I am, sir, your obedient servant,

PERCY SCOTT.

52 SOUTH AUDLEY STREET, GROSVENOR SQUARE W.,
July 15, 1914.

Mr. Chairman, that remarkable bit of foresight and prophecy by Sir Percy Scott, whom the London Times esteemed so highly, was published in the Times full two weeks before the outbreak of the European war.

Mr. MANN. Mr. Chairman, will the gentleman give me a little information? The act in reference to the John Ericsson memorial authorized $35,000, which is carried in this bill. Some time ago my recollection is that some people interested in the memorial protested that this sum was not sufficient. Is there any expectation, so far as the gentleman from New York knows, of having any increase in the amount already provided, or is it the purpose to proceed with this appropriation?

Mr. FITZGERALD. Mr. Chairman, the purpose is to proceed with this amount. I introduced a bill appropriating $100,000 to erect a memorial to John Ericsson. The Committee on the Library, after a consultation with the Commission of Fine Arts, if I recollect, and some others, determined that a suitable memorial could be erected for $35,000. I have received a number of requests to have the amount increased. I conferred with the chairman of the Committee on the Library, and he informed me that the Committee on the Library would not recommend any further increase. I shall propose an amendment, however, to this paragraph, if it be passed over. I have been informed from various sources that some of the Swedish societies in the United States desire to supplement the appropriation by funds raised by subscription. There is no authority in the original act to accept or utilize moneys contributed in that way. If there be no objection, I shall propose an amendment authorizing the commission to accept donations of money to be utilized in connection with the appropriation for the memorial which will be proposed.

Mr. MANN. The gentleman wants to pass the paragraph over temporarily?

Mr. FITZGERALD. Yes. Mr. Chairman, I ask unanimous consent that the paragraph be passed over temporarily.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Any unexpended balance after completing the work prescribed by the following appropriation contained in the sundry civil appropriation act approved July 1, 1916, "For five magazine buildings, including necessary barriers and fences about the buildings, railroad connections, sewer lines, lighting mains, etc., $90,000," shall be available for the construction of two primer dry houses.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

On page 59, line 22, strike out "$90,000" and insert "$90,900."

Mr. FITZGERALD. Mr. Chairman, this is merely to correct a clerical error.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For construction and repair of roads, including railroad sidings, $10,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 60, after line 6, insert the following as a new paragraph:
"General storehouse, $135,000."

Mr. MOORE of Pennsylvania. Mr. Chairman, the reason for this amendment is set forth by Gen. Crozier in his testimony before the committee:

Gen. CROZIER. I think the primer shop and the planning room are the more pressing. I can say in further explanation of the use to which this building is to be put that it will be used principally as a storehouse for stock for use in manufacturing. There are hundreds and hundreds of items of stock which have to be carried at the Frankford Arsenal, and they are kept now in a building which is shown here [indicating on map]. There is a considerable need for that building for other purposes. It will be needed for the manufacture of tools, gauges, and templets which are needed for the large manufacturing operations of the arsenal, and for use in connection with the procurement of ammunition and instruments from private manufacturers, which all have to be carefully inspected by means of gauges.

These gauges, tools, etc., are now made in what is called the instrument department, because it is the department in which optical instruments are made, such as range finders, telescopes, sights for cannon, and certain plotting instruments for both field and siege artillery. That department has not the capacity for doing this gauge work, and it has not the capacity it ought to have for doing the instrument work. We are now having great difficulty in having telescopic sights made by private manufacturers; they will not take our orders, and we are really up against considerable difficulty in getting this kind of thing, getting them at all. Last year Congress made an appropriation for the enlargement of that factory by adding a little to the building, but it was not very extensive. It will be very useful as far as it goes, but it will not give us the capacity that the arsenal ought to have for the manufacture of instruments and for the manufacture of these gauges and tools.

The committee at the time the General appeared before it was not disposed to grant this appropriation. I do not understand from the testimony that the committee was hostile to the appropriation, but put up to the Chief of Ordnance the question whether one building was more important than another, with the suggestion he should take that which was the more pressing. Since that time, the committee not having incorporated the appropriation in the bill, marked evidence of the necessity of this new building has arisen. My colleague from Connecticut [Mr. TILSON], who is something of an expert on this question of gauges, has been spoken to by the department, and information has come from the arsenal itself that unless this storehouse is forthcoming now the work of preparation will be very much retarded because of the use of the present storage building for other purposes. I trust the committee, in consonance with the wishes of the bureau at this critical time, when we need this sort of preparedness so much, will yield and permit this amendment to pass. I can say to the chairman of the committee and to the members of the committee at large that there is urgent desire for this storehouse, and that unless this appropriation is made now there will be great delay and a considerable hindrance to the work of the Bureau of Ordnance.

Mr. FITZGERALD. Mr. Chairman, last session of Congress there were appropriated for improvements at Frankford Arsenal various sums aggregating $918,000. In the estimates of the current year a number of items were requested. The committee recommended the matters which the Chief of the Bureau of Ordnance stated were the more pressing, which will cost $208,000. Last year two storehouses were authorized for this arsenal, and this bill carries provision for a storehouse for small-arms ammunition at a cost of $72,000. This proposed storehouse is to cost $135,000 and to be three stories high. We have just purchased some additional land at the Frankford Arsenal of a very expensive character and the space in the arsenal is quite limited. The committee believes that instead of building three-story warehouses at such arsenals that the policy of the Government should be to adopt the modern method of building warehouses six, seven, or eight stories high. Our space is too limited at places like Frankford Arsenal to be erecting two and three story buildings. No commercial houses do it, no enterprising up-to-date business establishment would do it, and the committee desires——

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FITZGERALD (continuing). That when the necessities for storage facilities are so pressing that the time will be ripe to provide them, that provision shall be made for a storehouse that will be adequate for the future as well as for the present needs of the arsenal.

Mr. MOORE of Pennsylvania. Has the committee adopted the policy of erecting high buildings for the storage of high combustibles?

Mr. FITZGERALD. It is endeavoring to do so, and in some instances recommendations have been made for storehouses to be five stories in height. The committee did not believe it to be wise to spend $135,000 on a three-story warehouse when it is apparent thar in a few years additional storage facilities will be required.

Mr. MOORE of Pennsylvania. It is a question whether we should keep on packing combustibles higher and higher in one building.

Mr. FITZGERALD. This building is not for high combustibles.

Mr. MOORE of Pennsylvania. Some of these stores may be susceptible to explosion.

Mr. FITZGERALD. No; the character of materials to be carried in this storehouse are of a different character.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Independent storehouses are provided for the ingredients that may be dangerous to handle, and the Committee on Appropriations, let me say to the gentleman from Pennsylvania, is not discriminating in items for the Frankford Arsenal because of antagonism to that establishment. It believes it to be a very important establishment of the Government and it is endeavoring to provide facilities to enable the manufacturing capacity of the arsenal to be developed to its fullest and to have it utilized for the very best interests of the Government.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FITZGERALD. We believed this particular item was not of such a pressing character that it could not be deferred until arrangements can be made to have the type and character of the storehouse buildings established so that when we establish one we provide the same for other arsenals.

Mr. MOORE of Pennsylvania. I ask the gentleman and the Committee to consider this: Appropriations were made last year and the committee looked after the interests of the Government at this arsenal. Now, by reason of those appropriations and increased manufactures there is an increased necessity for an enlarged storage capacity, and I submit that this is an appropriate appropriation to make at this time. Otherwise there would be delay and hindrance to the work that is already provided for.

Mr. FITZGERALD. We gave last year and this year money not only to increase the manufacturing capacity but to increase very materially the storage capacity, and the committee was under the impression that the purposes for which it was desired to use this particular storehouse made it desirable to provide, when the time was propitious, such a storehouse as would be of very great value to the Frankford Arsenal. These arsenals are being developed into great manufacturing establishments. Instead of following further the policy which has been followed for years, of erecting buildings low in height, covering great areas of ground, we should adopt the modern method of erecting modern concrete high-storied buildings when they can be utilized for the purpose.

The CHAIRMAN. The gentleman's time has expired. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Proving-ground facilities: For increasing the facilities for the proof and test of field artillery and its ammunition, including the purchase of land, $1,000,000.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. FITZGERALD: Amend, on page 60, in line 19, after the word "including," insert "necessary buildings and."

Mr. FITZGERALD. Mr. Speaker, this is simply to make definite the purposes for which this provision is intended.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. Mr. Chairman, I shall not make a motion to strike out this paragraph, but I doubt the wisdom of making this appropriation at this time, and I desire to be on record as expressing my opinion as to the doubtful character of the proposed expenditure. Undoubtedly we shall need and should have, if possible, some day a proving ground of the character proposed, somewhere in the interior of the country, and possibly in the vicinity of the Rock Island Arsenal; but the conditions are such at this time that in my opinion it is doubtful whether we can secure the right kind of a proving ground at a reasonable price. The purpose is good. The committee in its judgment thought it ought to be done, but I am not as yet convinced of the wisdom of the appropriation.

Mr. FITZGERALD. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20967) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, and had come to no resolution thereon.

SEATS FOR INAUGURAL CEREMONIES.

Mr. RUCKER of Missouri. Mr. Speaker, I would like to have just a minute in which to make a statement of interest to the membership.

In response to inquiries which are coming to me every moment I desire to announce to the membership that tickets for seats on the inaugural platform, erected on the east side of the Capitol, will be ready for distribution to-morrow morning. The tickets will be distributed by the House Inaugural Committee from office room No. 127, my office, and will be in charge of Mr. GARRETT, Mr. MCKINLEY, and myself. Each Member will get 10 tickets. Nine of the tickets will admit to the platform only, and one ticket will admit the bearer to the Senate gallery. That ticket will also admit the bearer to a reserved space on the platform. Members elect who are not Members of this Congress will each receive three tickets to the platform, but none to the Senate gallery, for the reason that the Senate gallery is not large enough to accommodate all.

Let me suggest to the gentlemen of the House that as far as possible you call for your tickets in person. Four years ago some confusion arose as to whether an order for tickets presented by a Member's secretary was signed by the Member or not. We hope to avoid any confusion of that kind this year. If a Member's secretary comes to my office with an order bearing the Member's name, necessarily we will have to comply with that order and give the tickets to the secretary. If Members do not want that done, they must instruct their secretaries not to present orders with their names attached to them.

Mr. MILLER of Pennsylvania. Where are you going to distribute the tickets?

Mr. RUCKER of Missouri. I have stated that they are to be distributed from office room No. 127.

EXTENSION OF REMARKS.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by presenting a resolution adopted by the Chicago Federation of Labor in opposition to the war.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLER of Minnesota. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Minnesota makes the same request. Is there objection? [After a pause.] The Chair hears none.

JOINT MEETING OF THE SENATE AND HOUSE.

At 1 o'clock p. m. the Doorkeeper, J. J. Sinnott, announced the Vice President of the United States and the Members of the United States Senate.

The Members of the House rose.

The Senate, preceded by the Vice President and by their Secretary and Sergeant at Arms, entered the Chamber.

The Vice President took the chair at the right of the Speaker and the Members of the Senate took the seats reserved for them.

The SPEAKER. On behalf of the House the Chair appoints Messrs. KITCHIN, FITZGERALD, FLOOD, MANN, and COOPER of Wis-

consin as a committee to wait on the President and escort him into the House. The Vice President will make the announcement for the Senate.

The VICE PRESIDENT. In behalf of the Senate the Vice President announces the appointment of the following committee: Senators KERN, SIMMONS, CHILTON, BRANDEGEE, and SUTHERLAND.

At 1 o'clock and 1 minute p. m. the President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House and stood at the Clerk's desk amid prolonged applause.

The SPEAKER. Gentlemen of the Sixty-fourth Congress, I present the President of the United States. [Applause.]

ADDRESS BY THE PRESIDENT.

The PRESIDENT. Mr. Speaker, Mr. President, and gentlemen of the Congress, I have again asked the privilege of addressing you because we are moving through critical times during which it seems to me to be my duty to keep in close touch with the Houses of Congress, so that neither counsel nor action shall run at cross purposes between us.

On the third of February I officially informed you of the sudden and unexpected action of the Imperial German Government in declaring its intention to disregard the promises it had made to this Government in April last and undertake immediate submarine operations against all commerce, whether of belligerents or of neutrals, that should seek to approach Great Britain and Ireland, the Atlantic coasts of Europe, or the harbours of the eastern Mediterranean, and to conduct those operations without regard to the established restrictions of international practice, without regard to any considerations of humanity even which might interfere with their object. That policy was forthwith put into practice. It has now been in active execution for nearly four weeks.

Its practical results are not yet fully disclosed. The commerce of other neutral nations is suffering severely, but not, perhaps, very much more severely than it was already suffering before the first of February, when the new policy of the Imperial Government was put into operation. We have asked the cooperation of the other neutral governments to prevent these depredations, but so far none of them has thought it wise to join us in any common course of action. Our own commerce has suffered, is suffering, rather in apprehension than in fact, rather because so many of our ships are timidly keeping to their home ports than because American ships have been sunk.

Two American vessels have been sunk, the *Housatonic* and the *Lyman M. Law*. The case of the *Housatonic*, which was carrying foodstuffs consigned to a London firm, was essentially like the case of the *Fry*, in which, it will be recalled, the German Government admitted its liability for damages, and the lives of the crew, as in the case of the *Fry*, were safeguarded with reasonable care. The case of the *Law*, which was carrying lemon-box staves to Palermo, disclosed a ruthlessness of method which deserves grave condemnation, but was accompanied by no circumstances which might not have been expected at any time in connection with the use of the submarine against merchantmen as the German Government has used it.

In sum, therefore, the situation we find ourselves in with regard to the actual conduct of the German submarine warfare against commerce and its effects upon our own ships and people is substantially the same that it was when I addressed you on the third of February, except for the tying up of our shipping in our own ports because of the unwillingness of our shipowners to risk their vessels at sea without insurance or adequate protection, and the very serious congestion of our commerce which has resulted, a congestion which is growing rapidly more and more serious every day. This in itself might presently accomplish, in effect, what the new German submarine orders were meant to accomplish, so far as we are concerned. We can only say, therefore, that the overt act which I have ventured to hope the German commanders would in fact avoid has not occurred.

But, while this is happily true, it must be admitted that there have been certain additional indications and expressions of purpose on the part of th German press and the German authorities which have increased rather than lessened the impression that, if our ships and our people are spared, it will be because of fortunate circumstances or because the commanders of the German submarines which they may happen to encounter exercise an unexpected discretion and restraint rather than because of the instructions under which those commanders are acting. It would be foolish to deny that the situation is fraught with the gravest possibilities and dangers. No thoughtful man can fail to see that the necessity for definite action may come at any time, if we are in fact, and not in word merely, to defend our elementary rights as a neutral nation. It would be most imprudent to be unprepared.

I cannot in such circumstances be unmindful of the fact that the expiration of the term of the present Congress is immediately at hand, by constitutional limitation; and that it would in all likelihood require an usual length of time to assemble and organize the Congress which is to succeed it. I feel that I ought, in view of that fact, to obtain from you full and immediate assurance of the authority which I may need at any moment to exercise. No doubt I already possess that authority without special warrant of law, by the plain implication of my constitutional duties and powers; but I prefer, in the present circumstances, not to act upon general implication. I wish to feel that the authority and the power of the Congress are behind me in whatever it may become necessary for me to do. We are jointly the servants of the people and must act together and in their spirit, so far as we can divine and interpret it.

No one doubts what it is our duty to do. We must defend our commerce and the lives of our people in the midst of the present trying circumstances, with discretion but with clear and steadfast purpose. Only the method and the extent remain to be chosen, upon the occasion, if occasion should indeed arise. Since it has unhappily proved impossible to safeguard our neutral rights by diplomatic means against the unwarranted infringements they are suffering at the hands of Germany, there may be no recourse but to *armed* neutrality, which we shall know how to maintain and for which there is abundant American precedent.

It is devoutly to be hoped that it will not be necessary to put armed force anywhere into action. The American people do not desire it, and our desire is not different from theirs. I am sure that they will understand the spirit in which I am now acting, the purpose I hold nearest my heart and would wish to exhibit in everything I do. I am anxious that the people of the nations at war also should understand and not mistrust us. I hope that I need give no further proofs and assurances than I have already given throughout nearly three years of anxious patience that I am the friend of peace and mean to preserve it for America so long as I am able. I am not now proposing or contemplating war or any steps that need lead to it. I merely request that you will accord me by your own vote and definite bestowal the means and the authority to safeguard in practice the right of a great people who are at peace and who are desirous of exercising none but the rights of peace to follow the pursuits of peace in quietness and good will,—rights recognized time out of mind by all the civilized nations of the world. No course of my choosing or of theirs will lead to war. War can come only by the willful acts and aggressions of others.

You will understand why I can make no definite proposals or forecasts of action now and must ask for your supporting authority in the most general terms. The form in which action may become necessary cannot yet be foreseen. I believe that the people will be willing to trust me to act with restraint, with prudence, and in the true spirit of amity and good faith that they have themselves displayed throughout these trying months; and it is in that belief that I request that you will authorize me to supply our merchant ships with defensive arms, should that become necessary, and with the means of using them, and to employ any other instrumentalities or methods that may be necessary and adequate to protect our ships and our people in their legitimate and peaceful pursuits on the seas. I request also that you will grant me at the same time, along with the powers I ask, a sufficient credit to enable me to provide adequate means of protection where they are lacking, including adequate insurance against the present war risks.

I have spoken of our commerce and of the legitimate errands of our people on the seas, but you will not be misled as to my main thought, the thought that lies beneath these phrases and gives them dignity and weight. It is not of material interests merely that we are thinking. It is, rather, of fundamental human rights, chief of all the right of life itself. I am thinking, not only of the rights of Americans to go and come about their proper business by way of the sea, but also of something much deeper, much more fundamental than that. I am thinking of those rights of humanity without which there is no civilization. My theme is of those great principles of compassion and of protection which mankind has sought to throw about human lives, the lives of non-combatants, the lives of men who are peacefully at work keeping the industrial processes of the world quick and vital, the lives of women and children and of those who supply the labour which ministers to their sustenance. We are speaking of no selfish material rights but of rights which our hearts support and whose foundation is that righteous passion for justice upon which all law, all structures

alike of family, of state, and of mankind must rest, as upon the ultimate base of our existence and our liberty. I cannot imagine any man with American principles at his heart hesitating to defend these things. [Applause.]

At 1 o'clock and 19 minutes p. m. the President retired from the Hall of the House.

Thereupon the Vice President and Members of the Senate returned to their Chamber.

Mr. SHERLEY took the chair as Speaker pro tempore.

Mr. FITZGERALD. I ask unanimous consent that the House take a recess for five minutes.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the House take a recess for five minutes. Is there objection?

There was no objection; accordingly (at 1 o'clock and 20 minutes p. m.) the House took a recess until 1 o'clock and 25 minutes p. m.

The recess having expired, the House resumed its session.

The SPEAKER resumed the chair.

SUNDRY CIVIL APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20967) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, with Mr. GARNER in the chair.

The Clerk, resuming the reading of the bill, read as follows:

The Secretary of War is authorized and directed to report to Congress on or before January 1, 1918, as to the most desirable method for quartering officers and enlisted men of the Army, and to submit detailed plans and estimates of cost for the carrying out of any proposed scheme or schemes, together with locations desired and in particular what existing posts shall be retained, enlarged, or discontinued.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

Estimates amounting to $7,067,000 for the construction and enlargement of military posts were submitted to Congress. Of that sum $1,736,000 was proposed to be used for the construction at existing Army posts of barracks and quarters for the supply companies and Quarter master Corps headquarters companies, and the machine-gun companies provided for and added to our military organization by the national-defense act. Under the national-defense act our regiments are increased by these further organizations, and our military posts as constructed do not contain the buildings that are necessary for the housing of these companies.

In order that we may be able to house these companies as organized for the present enlisted strength of the Army it is necessary to construct, in connection with our present Army posts, buildings of an aggregate cost of $1,700,000. In addition to this is the estimate, totaling over $7,000,000, to which I have referred, which the Secretary of War, we were informed, proposed to use for the extension and enlargement of such military posts as, in his judgment, should be enlarged and extended, and he assured us that these enlargements and extensions were necessary in order to care for the first and second increments of increase of the Regular Establishment provided for in the national-defense act. As a matter of fact, if our troops were returned from the Mexican border at this time on the present enlisted strength we would lack permanent quarters for several thousand men; and if we are to carry out the provisions of the national-defense act and provide quarters for the men as rapidly as they are enlisted, it is necessary to make this expenditure in the coming fiscal year. It is particularly important that we should provide for the additional companies in the present Army posts, and those companies must be provided for the moment the troops return to their permanent quarters. If we were at this time to return to permanent quarters anywhere in the United States any of our military oganizations, we would be unable to care adequately for these additional companies provided for in the national-defense act.

The committee, in their wisdom, saw fit, not to entirely ignore this estimate of $7,000,000, but to provide for no part of it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that he may proceed for five minutes more. Is there objection?

There was no objection.

Mr. MONDELL. In lieu of the appropriation of $7,000,000 the committee saw fit to place in the bill the provision which has just been read, calling on the Secretary of War to report as to the most desirable method for quartering officers and enlisted men of the Army, and to submit detailed plans and estimates for the carrying out of any proposed scheme or schemes for the caring for these men. In my opinion that is somewhat superfluous. However, I have no objection to it. But whether we make that provision or not, it seems to me that it is absolutely essential that we at least provide for the additional organizations to which I have referred in the permanent Army posts in various parts of the country. And immediately after this paragraph I wish to offer an amendment for that purpose.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The gentleman from Wyoming offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MONDELL: Page 64, line 15, after the word "discontinued," insert a new paragraph, as follows:

"Military posts: For the erection at the following military posts of the additional barracks and quarters necessary for machine-gun companies, Quartermaster Corps, and supply companies, $1,736,000, as follows:

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that the Clerk do not read the list of posts where it is proposed to use this money, and I ask that the list may be printed in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to print it in the RECORD.

Mr. FITZGERALD. If the gentleman is going to insist on a vote on it, it ought to be read.

Mr. MONDELL. I thought I would save time.

Mr. FITZGERALD. We should not vote on things that are not read.

Mr. MONDELL. I was simply trying to expedite matters. The gentleman knows what these posts are. He has the list.

Mr. FITZGERALD. I know what they are, but other Members do not, and the list should be read.

Mr. MONDELL. I have no objection.

The CHAIRMAN. The Clerk will continue the reading of the amendment.

The Clerk read as follows:

INFANTRY.

Fort Benjamin Harrison, Ind.:	
Machine-gun company barrack	$21,000
Supply company and Quartermaster Corps barrack	28,000
Fort Brady, Mich.:	
Headquarters company barrack	21,000
Machine-gun company barrack	21,000
Supply company and Quartermaster Corps barrack	28,000
Fort Crook, Nebr.:	
Machine-gun company barrack	21,000
Supply company and Quartermaster Corps barrack	28,000
Fort D. A. Russell, Wyo.:	
Machine-gun company barrack	21,000
Supply company and Quartermaster Corps barrack	28,000
Fort Douglas, Utah:	
Machine-gun company barrack	21,000
Supply company and Quartermaster Corps barrack	28,000
Fort Jay, N. Y.:	
Machine-gun company barrack	21,000
Supply company and Quartermaster Corps barrack	28,000
Fort Lawton, Wash.:	
Machine-gun company barrack	21,000
Supply company and Quartermaster Corps barrack	28,000
Fort Leavenworth, Kans.:	
Machine-gun company barrack	21,000
Supply company and Quartermaster Corps barrack	28,000
Fort Mackenzie, Wyo.:	
Machine-gun company barrack	21,000
Supply company and Quartermaster Corps barrack	28,000
Fort McPherson, Ga.:	
Machine-gun company barrack	21,000
Supply company and Quartermaster Corps barrack	28,000
Madison Barracks, N. Y., supply company and Quartermaster Corps barrack	28,000
Plattsburg Barracks, N. Y., supply company and Quartermaster Corps barrack	28,000
Presidio of San Francisco, Cal.:	
3 machine-gun company barracks	63,000
3 supply company and Quartermaster Corps barracks	84,000
Fort Sheridan, Ill.:	
Headquarters company barrack	21,000
Machine-gun company barrack	21,000
Fort Snelling, Minn.:	
Machine-gun company barrack	21,000
Supply company and Quartermaster Corps barrack	28,000
Fort Thomas, Ky.:	
Machine-gun company barrack	21,000
Supply company and Quartermaster Corps barrack	28,000
Vancouver Barracks, Wash.:	
Machine-gun company barrack	21,000
Supply company and Quartermaster Corps barrack	28,000
Fort Wayne, Mich.:	
Headquarters company barrack	21,000
Machine-gun company barrack	21,000
Supply company and Quartermaster Corps barrack	28,000

CAVALRY.

Fort Bliss, Tex., headquarters company barrack	21,000
Fort D. A. Russell, Wyo.:	
Machine-gun company barrack	25,000
Supply company and Quartermaster Corps barrack	30,000
Fort Des Moines, Iowa:	
Machine-gun company barrack	25,000
Supply company and Quartermaster Corps barrack	30,000
Fort Ethan Allen, Vt.:	
Machine-gun company barrack	25,000
Supply company and Quartermaster Corps barrack	30,000
Fort Huachuca, Ariz., headquarters company barrack	21,000
Fort Leavenworth, Kans.:	
Headquarters company barrack	21,000
Machine-gun company barrack	25,000
Supply company and Quartermaster Corps barrack	30,000
Fort Meade, S. Dak.:	
Machine-gun company barrack	25,000
Supply company and Quartermaster Corps barrack	30,000
Fort Myer, Va., machine-gun company barrack	25,000
Fort Oglethorpe, Ga., supply company and Quartermaster Corps barrack	30,000
Presidio of Monterey, Cal., frame supply company and Quartermaster Corps barrack	22,000
Fort Riley, Kans.:	
Machine-gun company barrack	25,000
Supply company and Quartermaster Corps barrack	30,000
Fort Robinson, Nebr.:	
Headquarters company barrack	21,000
Machine-gun company barrack	25,000
Supply company and Quartermaster Corps barrack	30,000
Fort Sam Houston, Tex.:	
2 machine-gun company barracks	50,000
2 supply company and Quartermaster Corps barracks	60,000

FIELD ARTILLERY.

Fort D. A. Russell, Wyo., supply company and Quartermaster Corps barrack	29,000
Fort Riley, Kans., supply company and Quartermaster Corps barrack	29,000
Fort Sill, Okla., supply company and Quartermaster Corps barrack	29,000

Mr. FITZGERALD. Mr. Chairman, this amendment should not be adopted. The War Department submitted estimates to the extent of $7,000,000 for barracks and quarters, based upon the necessities arising under the national-defense act. The committee requested the War Department to prepare and to submit a statement showing the barracks and quarters that would be required to accommodate the five increments under the national-defense act.

The national-defense act provided for an increase of 168,000 men in the Regular Army, and a memorandum prepared by the War Department disclosed that it would require more than $95,000,000 in order to provide the accommodations deemed necessary. When the memorandum was submitted to the Secretary of War, he declined to approve it, and directed the Quartermaster General to prepare plans for a cheaper form of construction for the purpose of housing those additional troops. Another scheme was adopted and estimates prepared, indicating that $30,000,000 would be required in order to house the troops under the modified form of construction. That plan has not yet been approved by the War Department. It is under consideration. The $1,700,000 referred to by the gentleman from Wyoming is based upon the original method of housing those troops, which contemplated an expenditure in excess of $95,000,000. The committee, instead of appropriating money for the purpose, inserted a provision in the bill requiring the War Department to report to Congress on or before January 1, 1918, as to the most desirable method for quartering officers and enlisted men of the Army, and to submit detailed plans and estimates of cost for the carrying out of any proposed scheme or schemes, together with the locations desired, and in particular what existing posts shall be retained, enlarged, or discontinued. For a number of years the War Department has been responsible for severe criticisms of Congress. It has asserted from time to time that a number of useless Army posts have been maintained in the United States regardless of the military necessities of the Government, regardless of the desirability of those posts from a military standpoint, but purely on account of the political influences that were back of those posts.

Mr. KAHN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. KAHN. The department itself, without any action of Congress, can close any post that it desires. The department has absolute authority to do that.

Mr. FITZGERALD. But the department has been responsible for the charges that Congress itself has been maintaining at great expense useless Army posts regardless of their military desirability. The committee thought it was about time—to use the vernacular—to have a "show-down."

The War Department is now invited to point out to Congress what Army posts ought to be eliminated, what posts exist for which there is no military necessity, what posts exist that should be enlarged, and whether Congress should continue the present policy of providing quarters for officers and enlisted men in garrisons or whether it should adopt the plan intermittently urged by the department—that we should provide quarters for the men near large cities and house the officers in private quarters. The department should let the Congress now know what it believes should be done, and when it submits its plan, carefully worked out, with the reasons for the plan it proposes, then we can tell what we will do.

[The time of Mr. FITZGERALD having expired, he was given five minutes more.]

Mr. FITZGERALD. The gentleman from Wyoming, however, proposes that an appropriation shall be made now in excess of $1,700,000 to provide additional facilities at 30 existing Army posts. It may be that the War Department believes that some of these posts have no military necessity and are being maintained regardless of the military necessities of the Government. If we should now determine specifically to provide for expenditure at those posts, the department would be in the position to criticize us again for maintaining the posts.

Mr. MONDELL. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MONDELL. The gentleman knows that this list of posts and estimates are presented by the Quartermaster General of the Army and presumably from the War Department.

Mr. FITZGERALD. Exactly; and we have said to the department that we wish information as to whether some of those posts should be discontinued, and whether any of them should be retained.

It is apparent from the fact that the Army is on the border in temporary quarters that there is no military necessity now to increase the accommodations available. If the necessity of maintaining the Army on the border should pass away there is no special reason why the troops should be moved into permanent quarters and deprived of the valuable training they are now receiving.

Mr. KAHN. The Secretary of War or the Chief of Staff, I forget which, came before the Committee on Military Affairs and gave it as his opinion that in view of the increase of the Army he did not think it would be possible to abandon any one of the posts now utilized by the Military Establishment.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. MILLER of Minnesota. I did not catch the name of the gentleman who made that statement.

Mr. KAHN. It was either the Secretary of War or the Chief of Staff. While he was before the Committee on Military Affairs he was asked about the posts that might with advantage be abandoned, and as far as my memory goes, he said in view of the increase of the Army it would be necessary to maintain all the posts the Army now has.

Mr. FITZGERALD. If accommodations are to be provided at existing posts, and it might be, in the opinion of the War Department, much better from their standpoint to abandon some of those posts and to locate posts which from a military standpoint would be highly desirable.

Mr. MILLER of Minnesota. Mr. Chairman, I ask permission of the gentleman from New York to ask the gentleman from California a question.

Mr. FITZGERALD. I will yield to the gentleman.

Mr. MILLER of Minnesota. I have understood for several years that the authorities of the War Department have recommended the discontinuing of a great many of the present posts of the Army, not because there are not soldiers enough to fill them, but because the maintaining of a great many are very expensive, and they are not located where the military needs exist; that the policy of the department is to build large posts in the center of transportation where they might be needed, where there is a necessity for the troops, and where they could be mobilized readily, and where the expense of maintaining them would be greatly decreased. Has the War Department changed in all this?

Mr. FITZGERALD. The gentleman does not require an answer to that question. He has stated so clearly and concisely what the question is that there is no need of an answer. Our proposition is to let the War Department indicate now where the quarters should be located, and to do that before we commence to expend any large sums upon any of the existing posts. Then we will have settled for the future whether Congress or some one else is responsible.

There is no pressing necessity for these quarters. The Army is in the field, on the border, in temporary quarters. If the military necessity for their presence there ends, it is still desirable from the standpoint of Army discipline and training to keep our troops there in large force. They will have to be maintained, at any rate, until accommodations are provided.

It will take some time to provide them; but to take 30 posts and spend $1,340,000 upon them would be indefensible.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for 15 minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for 15 minutes. Is there objection?

Mr. FITZGERALD. Oh, I hope the gentleman will not take up so much time as that.

Mr. MONDELL. This is an important matter, and I have not taken up much time of the committee.

Mr. FITZGERALD. Make it 10 minutes. I shall have to object to 15 minutes.

Mr. MONDELL. Then, I shall take 10 minutes now and 5 minutes later.

Mr. FITZGERALD. I hope not. I ask unanimous consent that debate on the pending amendment and all amendments thereto——

Mr. MONDELL. Mr. Chairman, I feel that I must insist upon enough time to discuss the matter. There have been great misstatements made.

Mr. FITZGERALD. I am going to try to fix time to end debate. I ask unanimous consent that the pending amendment and all amendments thereto close in 25 minutes.

Mr. MONDELL. Does that give me 15 minutes?

Mr. FITZGERALD. No; 10.

Mr. MONDELL. I shall insist upon 15 minutes.

Mr. FITZGERALD. We ought not to take more than 25 minutes upon this item.

Mr. MONDELL. I think the gentleman will get along just as fast if he spends less time discussing the question of how much time we shall have. There have been a lot of misstatements made about this matter, and some one ought to clear them up.

Mr. FITZGERALD. I have not made any misstatements, but I have cleared the matter up. I ask unanimous consent that debate close in 25 minutes.

Mr. MONDELL. I shall object unless 15 minutes goes to me.

Mr. FITZGERALD. At 25 minutes past 2 o'clock I shall move to close debate.

The CHAIRMAN. The gentleman from Wyoming objects.

Mr. FITZGERALD. Anyone who wants time must regulate his course accordingly.

Mr. MONDELL. I want to state to the gentleman that if he does that he will have to have a quorum here to go on with this bill.

Mr. FITZGERALD. I hope we shall have a quorum here, because I want to expedite the passage of the bill.

Mr. MONDELL. I think the gentleman will expedite the bill just as fast if he is a little more reasonable.

I move to strike out the last two words. Mr. Chairman, I did not vote to make the Army nearly 200,000 strong. I did not think we needed that many men in the Regular Establishment, but now we find that the gentlemen who did, and who voted for all of the increases, who wanted to whoop it up to the highest point fixed by anyone for the Army, object to taking care of the Army that they provided for, and do not want to make the appropriations for housing it. Congress having decided that we are to have a Regular Establishment of approximately 190,000 men, I am for it, and I also am for the appropriations necessary to house the Army. I knew, and everyone else knew, who knew anything about these matters at all, that it would cost about $1,000 a man to house an army in this country, in the manner in which we have been housing our men, and if we are to have big armies we must have extensive barracks, and extensive barracks cost money. Gentlemen are brave as lions in the presence of a temporary furore for enormous establishments, and vote them, and then they proceed to withhold the money necessary to house and care for them. The department asks for $7,000,000 to provide shelter for the men who are now in the Regular Establishment, or will be within the next six months. The gentlemen voted for it and provided for it, but now do not have the courage of their convictions and are not willing to take care of the men they voted for. This is the beginning of the efforts that I expect to have something to do with, to provide for the great establishment that I have not altogether been in favor of, but which, by the eternal, having been provided for, I propose to help see through the House and vote and care for. [Applause.]

When we start in on these great establishments we ought to start in with the understanding that they are going to cost money. They are expensive luxuries. If they are necessary, by all means let us have them and, having them, let us provide for them. The department says it needs $7,000,000. The committee has not granted one penny.

I have offered an exceedingly modest amendment of one million seven hundred thousand and odd dollars, and I have offered it only to provide for the headquarters companies, the machine-gun companies, and the supply companies that are provided for by the bill. Under the national-defense act we added machine-gun companies, supply companies, and headquarters companies, and having provided for them, they are being organized, and being organized when they return to their permanent quarters they must be housed. When they return they will find no accommodations for these new organizations whatever. It will be necessary to disarrange regiments and separate them and to place them, so far as their barracks and quarters are concerned, in such a fashion that it will not be economical or advantageous. Surely, whether or not we are going further than this, this far we must go.

As to the matter of dispensing with the present army posts, I know of no question that has been discussed in this country in the last few years with regard to which there have been more misstatements, with regard to which there is more downright ignorance, with regard to which there is more misunderstanding as to what certain men really propose, than in this matter of Army posts.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. It is not true that we have an excessive number of Army posts in this country. It is not true that the maintenance of these Army posts is expensive, compared with what the maintenance of these men elsewhere would be. It is not true that it would be advantageous to house and quarter all of our men in a few great cities. It is true that a few years ago certain officers of this Government, high Army officers, spent some time in Europe hobnobbing with the men who are now drenching the world in blood, attended their great maneuvers, saw the enormous forces massed and paraded to swell with pride the hearts of great military chieftains who since then have hurled those armed forces against the peaceful nations surrounding them and brought all the world to a condition more fearful and deplorable than this old earth has known since the beginning of time.

These high officers coming back from these maneuvers of royalty and militarism conceived the notion that we ought to have the same sort of thing here, and that instead of having our troops here and there out among the people where they will serve as a nucleus of organizations that are to be built up out of our citizenry, they conceived the idea of gathering all these men in a few great cities, where the officers should be quartered, as they are in Europe, not in Government buildings, but in private houses, where in the midst of all of the joys and allurements and pleasures of great cities our Army officers should while away their time, as do the army officers in Europe in times of peace, attending the opera and parading as the pets of society. That is what is at the bottom of this proposition of gathering our troops in a few Army posts in and near large cities. That is what led to the misstatements that by doing away with our present Army posts we would work economy. That is largely what has led to the sending broadcast over the country of these misstatements and this misinformation, both as to the cost of maintaining soldiers in separate posts or in great cantonments and as to the propriety and advisability of it. It matters little what our military program or policy in the future shall be, whether we shall continue the militia organization or whether we shall go to general military training and service. In either case we shall not only have to maintain the Army posts we now have, but it will be absolutely necessary to add to those Army posts, not in the great cities but in the States, where those posts can serve as the center around which we shall bring these organizations of local troops and upon the reservations surrounding which we shall have our maneuvers. Our wars in the future may be in the East, they may be in the West, they may be in the North, or they may be in the South; and troops at an Army post on a trunk line of railway anywhere in the country is as likely to be near or accessible to the point where needed as troops at great posts near great coast cities, from which men might have to be transported clear across the United States in order to reach the point when needed.

I have only asked for the sum necessary to erect the barracks and quarters the War Department has specifically asked for and at the posts they have named. I shall not offer an amendment to cover the remainder of more than five million of their estimate.

I am of the opinion that we should also provide at least a portion of the sums asked for in addition to the sums needed

for these specific buildings; but I shall not offer an amendment to do that. These items my provision is designed to care for are of immediate importance. None of these posts are, in the main, new and up-to-date posts. They will not be abandoned, and should be enlarged.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last three words. Mr. Chairman, of course the membership of the House has long known that the gentleman from Wyoming [Mr. MONDELL] is a high expert on all things military. I do not set myself up as any such expert, and, as a consequence, I shall have to ask you to take my words for what they are worth, not backed up by any great reputation as a military crank.

Mr. HAMILTON of Michigan. Did the gentleman say "crank"?

Mr. MILLER of Minnesota. Yes, crank. We all know the gentleman from Wyoming, ever since he has been here, has been—perhaps laudably—opposed to a large or an increased Military Establishment. I was born in the West; I have lived all my life there and I expect to live the rest of my life in the West—at least, I hope so. I have traveled over the West pretty generally, and I think I know the West. Anybody who knows the West at all, or knows the history of this country, knows that many of the military establishments in the West were located by reason of conditions then existing that have since passed away. We were engaged in reclaiming the wilderness from the savage, and a great many of the military posts were needed at the various places where it was necessary to overcome a savage foe. The Indian has ceased to be an enemy to the Government of the United States or to the white man. It is half a century since Little Crow was buried; Sitting Bull has been gathered to his fathers now for a good long time, and even Geronimo has been Christianized and civilized and is now in the Southwest, far from being an outlaw or a savage. The Indian menace has passed away. With its passing there seems to be little need for a great many of these military posts that are now in the West. The gentleman from Wyoming grew very eloquent in drawing a picture of the horrors of those men who lived in military establishments in the European cities and who are now engaged in war. I suppose the logical deduction he expects us to draw is that the military soldier or officer who chances to live near a large city in a military post is pretty sure to get into a war. Of course, no such consequent as that can be drawn. I have know, as every other Member of the House has known for several years, that the Navy has been trying to get rid of useless naval stations. The Army has been trying to get rid of useless Army stations.

Mr. KELLEY. Will the gentleman yield?

Mr. MILLER of Minnesota. Certainly.

Mr. KELLEY. In regard to naval stations, at the last session of Congress we appointed a new commission to investigate that subject, and they recommended that we retain all and build some more.

Mr. MILLER of Minnesota. I was just coming to that. I remember that during the first session I served in this House the Secretary of the Navy came before a committee of which I happened to be then a member strongly urging the discontinuance of all naval stations on the Atlantic coast except three. We now find that policy of the Navy Department has been changed, and now the board wants even more naval stations than we then had. I do not know which is right, but I believe I have some first-hand knowledge as to many of the Army posts in the West. I know some of them are no longer needed. Though they may happen to be located in the State of Wyoming or in the State of Montana or in the State of Utah is no reason why they should be retained when they are no longer needed.

Mr. MONDELL. Does the gentleman believe that the celebrated and historic post in Minnesota should be abandoned?

Mr. MILLER of Minnesota. No; I do not.

Mr. MONDELL. Of course not. That is in Minnesota.

Mr. MILLER of Minnesota. The celebrated and historic post of Fort Snelling complies with all the requirements that the Army has laid down as to an Army post.

Mr. MONDELL. So do all the others.

Mr. MILLER of Minnesota. So they do not, or anything of the kind. I can cite the gentleman to many an Army post that is not on a main traveled highway or on a great trunk-line railway. The gentleman said we might be attacked from the north, south, east, or west, and the army that was strategically located on a railway that can get it quickest to the point of attack is the one that will be first there to meet the enemy. Of course; and that means a small group of men isolated on a branch line are of practically no value at all in case of an emergency. These Army units when broken up into small detachments and isolated one from another are unable to secure proper military training. This applies to both officers and men.

Small isolated posts are much more expensive to keep up, relatively. The need for Army posts is greater near population centers, especially where railway terminal facilities are good. The large Army post works for better training of the men, more rapid mobilization, and economy. Some posts in the West on large reservations are needed to permit Cavalry, Artillery, and large Infantry training. Allowing for these, there remain several more posts out there that can be discontinued with advantage to the Army. Already in recent years several have been abolished out there, and more ought to be. I believe in having an investigation of this subject made and a report thereon, as provided in the bill.

Mr. KAHN. Mr. Chairman, the Army posts throughout the country can be abandoned by the War Department without any action on the part of Congress. The War Department has absolute authority to withdraw the troops and close any posts that it desires to close. They have closed a number of posts in recent years. Fort Walla Walla, in the State of Oregon, has been abandoned and closed. Boise Barracks and Fort Assinniboine have been closed. It requires no action whatever on the part of Congress. Some years ago there was a movement in the War Department to close quite a large number of posts, and the Committee on Military Affairs at that time put a provision into the Army appropriation bill forbidding the expenditure of any part of the appropriation at any one of the posts that it was proposed to abandon. The department itself asked, as I now recall, that the provisions of the bill be changed. When it came right down to the scratch they were not ready to have the posts abandoned by congressional enactment.

Now, in regard to the amendment of the gentleman from Wyoming, it seems to me that barracks and quarters ought to be supplied at the present time, because the troops are away from their posts. They are on the border. As soon as the necessity for the troops on the border ceases they will be ordered to their respective stations. Unless proper accommodations be provided, the troops will not be properly housed when they come back to their stations from the border. I think that the present is a good time to begin the construction of the new barracks and quarters that will provide for the new units that are created under the national-defense act. The headquarters troops, the supply troops, and the machine-gun troops will have to be housed. They are new organizations. No provision whatever for housing them exists in the various posts throughout the country. I believe that a beginning should be made now, and I hope the amendment of the gentleman from Wyoming [Mr. MONDELL] will prevail.

Mr. SHERLEY and Mr. LA FOLLETTE rose.

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] is recognized.

Mr. SHERLEY. Mr. Chairman, there has never been a proposition made to Congress with less information to justify it than this one. The data on which the total was figured was to consider the number of officers and men that would be in the Army if there should be a full increase up to what is authorized by law, the per capita estimates of what it would cost to house those men, and then an arbitrary distribution of that money at various posts now in existence.

Mr. MONDELL. Will the gentleman yield? The gentleman made a rather sweeping statement that no estimate had ever been made with less information, and so forth, and if the gentleman had reference to the proposition of $7,000,000, he did not refer to the item for specific posts.

Mr. SHERLEY. The item for specific posts has very little to justify it. It happened to be near to the hearts of various and sundry men. Now, I do not know whether it be true or not that our system is the most extravagant one in the world for quartering troops, though everything would indicate it. I do not know whether Gen. Wood, who was the leader of this movement, is deserving of all the strictures passed upon him by the gentleman from Wyoming or not. I do not know whether his recommendation was out of a desire that he and other officers might parade themselves in the streets in large cities and attend operas, but I do know that this Congress would not be justified in appropriating $7,000,000 or $1,700,000 for further extension of existing posts in view of what has been said touching the location of those posts and the undesirability of maintaining them.

Now, the gentleman, who has suddenly become a convert to preparedness, says that men are willing to vote to increase the Army, but they are not willing to vote to house the Army. The people of America would be infinitely more willing to vote for an Army and for the men to make a real Army if they did not believe there was unjustifiable extravagance in connection with

the maintenance of an Army. And nothing has been the subject of more criticism than the way we have maintained these posts. They create new municipalities, desirable perhaps to the real estate interests where they are created, desirable on account of local interests, but not justifiable by any other reason in the world. And here we are asked to appropriate these large sums, and the record will show it, without any real examination as to the scheme, whether these posts should be retained or even whether there is room at them for the additional buildings—in fact, whether there are any of the essentials that should determine our so doing. We can afford to wait six months. We can better afford to wait six months and have the Army present to the Congress a real program, if they are capable of presenting one. I am tired of Congress being abused as it has been abused for years past, for the maintenance of posts, on the ground of local sentiment, as has been claimed, and then finding the War Department coming in and asking an expenditure of this large amount of money without any investigation worthy of the name. Before our committee Gen. Sharpe confessed that all he knew was the result of the mathematical calculation based upon unit cost and upon data as to the amount of available space at different forts.

Mr. ANTHONY. Did not the War Department ask the gentleman's committee for $7,000,000?

Mr. SHERLEY. They did; but they did not get it.

Mr. ANTHONY. Did they not show the committee the reasons why they should have it?

Mr. SHERLEY. They did not. They showed nothing that could be defined by the greatest stretch of imagination as a reason. They showed that under the new Army law certain additional men were provided for; they didn't even show whether they would be obtained; and then they showed that, assuming that number of men, there would have to be, on the present system of quartering them, certain additional buildings for quartering officers and men. They then stated it would cost so much per unit, and therefore they figured that at these various places buildings should be erected costing so much.

If the gentleman thinks that that is the kind of information that warrants the expenditure of this great sum he is welcome to his view. I do not share it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I move that debate on the pending amendment and all amendments thereto be closed.

Mr. MONDELL. I would like to have 10 minutes.

Mr. LA FOLLETTE. Mr. Chairman, I would like to have a little time. I will make the point of order that there is no quorum if I can not get some time. I have not taken up any time hitherto on this bill.

Mr. SHERLEY. Very well; make it.

Mr. LA FOLLETTE. I make the point of no quorum, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from New York [Mr. FITZGERALD] that debate on the pending amendment and all amendments thereto be closed.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. MONDELL. A division, Mr. Chairman.

The committee divided; and there were—ayes 36, noes 18.

Mr. LA FOLLETTE. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. Does the gentleman insist on the point of no quorum?

Mr. LA FOLLETTE. I do.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and five gentlemen are present, a quorum. The Clerk will read.

Mr. FITZGERALD. The question is on the amendment, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MONDELL. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 16, noes 33.

So the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I make the point of no quorum.

Mr. HOWARD. Mr. Chairman, I make the point of order that that is dilatory.

The CHAIRMAN. The Chairman has just counted, and 105 gentlemen are present.

Mr. MONDELL. But the vote has disclosed that there is no quorum present.

The CHAIRMAN. The Chair will rule that the point is dilatory.

Mr. MONDELL. I make the point that there is no quorum present.

The CHAIRMAN. The Chair rules that the point is dilatory.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HOUSTON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 20451. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 9533. An act to provide a civil government for Porto Rico, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 8295) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to bills of the following titles, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT as the conferees on the part of the Senate:

S. 8296. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. 8120. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed without amendment the following resolutions:

House concurrent resolution 79.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, the 26th day of February, 1917, at 1 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make them.

House concurrent resolution 73.

Resolved by the House of Representatives (the Senate concurring), That 10,000 copies of the immigration law (Public, No. 301, 64th Cong.—H. R. 10384) be printed for the use of the Senate and House of Representatives, to be distributed as follows: 1,500 copies for the use of the House Committee on Immigration and Naturalization; 1,000 copies for the use of the Senate Committee on Immigration; 4,500 copies to be distributed through the folding room of the House; and 3,000 copies through the folding room of the Senate.

House concurrent resolution 78.

Resolved by the House of Representatives (the Senate concurring), That in the reenrollment of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, the Clerk of the House of Representatives be, and he is hereby, authorized and directed to strike out the words "and who does not own in his individual right taxable property in Porto Rico to the value of not less than $1,000," as the same appears on page 21, lines 22 and 24, in the engrossed bill of the House of Representatives.

House concurrent resolution 59.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed and bound in the form of eulogies, with accompanying illustrations, 17,100 copies of the proceedings upon the unveiling of the statue of Count Casimer Pulaski in Washington, May 11, 1910, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, 2,000 to be delivered to the National Polish-American Alliance for such distribution as said alliance may desire to make, and the remaining 100 copies shall be bound in full morocco and distributed through the Department of State to the descendants of Count Casimer Pulaski and the speakers who took part in said celebration.

The message also announced that the President had, on February 23, 1917, approved and signed bills of the following titles:

S. 703. An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure;

S. 2222. An act for the relief of the heirs of Antoine Bayard;

S. 5899. An act to punish persons who make false representations to settlers and others pertaining to the public lands of the United States;

S. 6850. An act authorizing transfer of certain retired Army officers to the active list; and

S. 7757. An act authorizing a further extension of time to purchasers of land in the former Cheyenne and Arapahoe Indian Reservation, Okla., within which to make payment.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate express its profound sorrow on account of the death of the Hon. DAVID E. FINLEY, late a Member of the House of Representatives from the State of South Carolina.

Resolved, That the business of the Senate be now suspended in order that fitting tributes may be paid to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Also:

Resolved, That the Senate express its profound sorrow on account of the death of the Hon. SAMUEL J. TRIBBLE, late a Member of the House of Representatives from the State of Georgia.

Resolved, That the business of the Senate be now suspended in order that fitting tributes may be paid to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Also:

Resolved, That the Senate express its profound sorrow on account of the death of the Hon. HUNTER H. MOSS, Jr., late a Member of the House of Representatives from the State of West Virginia.

Resolved, That the business of the Senate be now suspended in order that fitting tributes may be paid to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Also:

Resolved, That the Senate express its profound sorrow on account of the death of the Hon. WILLIAM G. BROWN, Jr., late a Member of the House of Representatives from the State of West Virginia.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Also:

Resolved, That as a further mark of respect to the memory of Mr. FINLEY, Mr. TRIBBLE, Mr. BROWN, and Mr. Moss the Senate do now adjourn.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Military post, Schofield Barracks, Hawaii: For completion of the construction, at a total cost not exceeding $2,077,000, of the necessary buildings, water and sewer systems, roads, walks, etc., required to complete permanent accommodations not already provided for two regiments of Infantry, one regiment of Cavalry, and one regiment of Field Artillery, $1,077,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. Mr. Chairman, the Army of the United States is supposed to be organized and maintained for the protection of the United States. In order that the increase of the Army provided for by the Congress last year might be partially housed and partially cared for, the Secretary of War asked of the Congress this year the sum of $7,000,000 for barracks and quarters. The committee in its wisdom saw fit to deny that request in toto, and in place of it interrogated the Secretary of War as to whether he really wanted the money he said he wanted, and if so, why. I offered a very modest amendment for the expenditure of only $1,700,000 for the erection at our present posts of the barracks necessary to take care of the machine-gun companies, the supply companies, and the headquarters companies provided for by the new national-defense law. That amendment the committee has just voted down in the absence, in my opinion, of a quorum.

We now come to an item for the housing of troops in Hawaii. The gentleman from Kentucky [Mr. SHERLEY] just said we did not have any information in regard to Fort Sheridan, Fort D. A. Russell, Fort Riley, the Presidio, the fort at Des Moines, Fort Ethan Allen, and other posts in our country; we had no information in regard to them; therefore we were not justified in appropriating for them, although the Secretary of War desired that we should.

Mr. HELVERING. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. In a moment. In regard to Schofield Barracks, in Hawaii, we are informed, I presume; in the philosophy of the gentleman from Kentucky, fully informed.

Mr. HELVERING. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. HELVERING. That is, in forts in the United States, where millions and millions of dollars have been expended in structures needed, they are now going into absolute decay on account of lack of appropriations to keep them up?

Mr. MONDELL. I do not think we are keeping up even our best and most centrally located and most urgently needed posts at home as we should, but we are going to be liberal with Hawaii, far and fair Hawaii. We are providing for an expenditure there of $2,077,000. We are providing for an expenditure in Hawaii of upward of $300,000 more than I asked for the entire continent of the United States; and that, I suppose, is on the theory that we know so much more about what is needed in Hawaii than we know about what is needed for the Army posts at home.

I am in favor of this Hawaiian item. I think it is a proper item. But it serves to emphasize the mistake that the committee made in failing to make any appropriations whatever for the posts at home. Millions for the defense of distant isles, but not a cent for the defense of continental America. [Applause.]

Mr. SHERLEY. Mr. Chairman, I just want to say a word. The provision in regard to Hawaii is carrying out a detail of the scheme, the limit of cost of which is already fixed. There are none of the problems of location in an island of that size such as are presented in continental United States.

The CHAIRMAN. The pro forma amendment of the gentleman from Wyoming is withdrawn. The Clerk will read.

The Clerk read as follows:

For pay of 76 superintendents of national cemeteries, $63,120.

Mr. GALLIVAN. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. ANTHONY. Why this liberality?

Mr. GALLIVAN. I am a member of the committee. I have not talked on this bill as yet.

Mr. Chairman, because there seems to be some doubt as to the power of superintendents of national cemeteries, the Senate has passed a resolution, joint resolution 143, granting permission for the erection of a monument in the Arlington National Cemetery to the memory and in honor of the members of the various orders of sisters who gave their services as nurses on battlefields, in hospitals, and on floating hospitals during the Civil War.

The exact language of the resolution is as follows:

Resolved, etc., That permission be, and is hereby, granted the Ladies' Auxiliary, Ancient Order of Hibernians in America, to erect a monument in the Arlington National Cemetery, Va., to the memory and in honor of the members of the various orders of sisters who gave their services as nurses on battle fields, in hospitals, and on floating hospitals during the Civil War, records of whose services are authenticated and in possession of said ladies' auxiliary; and that the Secretary of War be, and he is hereby, authorized and directed to select a suitable site or location upon which to erect said monument: *Provided*, That said monument shall be erected at no expense to the Government and shall be presented to the people of the United States by the said Ladies' Auxiliary, Ancient Order of Hibernians in America.

That resolution passed the Senate unanimously, and I regret exceedingly to say to the House that it lies buried in the Committee on the Library of this House.

Because we are in the closing hours of the session, and it does not appear that this bill will be brought out, I think this is an opportune time so call to the attention of the country the fact that in all national crises—and we are on the verge of one—in days of war—and we may be on the verge of war—in days of foreign aggression or domestic strife, the pain and anguish incidental to the upheaval of the life of a nation fall heaviest on woman. To her must come the agony of seeing her husband and sons march away to the dangers of the conflict, the dirt and disease of the camp, the peril and pestilence that follow the march of armies and the disasters of battle.

To her must come the duty of maintaining the home, of battling for the little ones dependent on her love and energy, and the long days of waiting for that sad hour when her maimed and wounded dear ones will be brought back to her.

To the man in days of war come action and the excitement of the conflict; to the woman the waiting hours, the anguish of uncertainty, the agony of doubt, of love struggling with the pains of separation, and the pangs of silence and its unknown possibilities.

It needs no great courage and patriotism in the days of public excitement, when the Nation is seething with emotion, when the call and clamor of war is all around us, when bands are playing and soldiers are tramping in the streets—it needs, I say, no unusual stimulus for the man to answer the call to arms. To him come the smile of fair women and the applause of fellow men; and the waving banners, the stirring music, the cheering crowds, and the strange psychology of a nation in arms all unite to send the man into the marching ranks, into the scenes where glory awaits the patriot and hero.

But who in these burning days remember the mother and the wife, surrounded by the frightened little ones, weeping in the deserted homes?

That is the tragic side of war; and in that deserted home rather than on the bloody field is to be found the highest type of heroism and self-sacrifice.

You of the South, as well as we of the North, have heard the story from mouths of mothers who in days of war labored and suffered in silence and sacrifice to preserve the homes depleted by death and to conserve and continue the civilization shattered in the shock of battle.

And these heroic women who abandoned home and all the things dear to their sex, who went out on the trail of the armies to garner the harvest of disease and suffering planted by war and glory, the ministering angels who gave the best they had to soothe the agonies and bind up the wounds of the victims of battle—what of them?

Far from the clamor and glory of battle they worked in the shuddering shambles of the conflict's aftermath, living amid the foulness and pestilence, working with a courage and calm worthy of the most heroic, they faced sights calculated to chill the hearts of the bravest. No patriotic service rendered by the best and the bravest counts higher in the estimate of Heaven than the ungrudging and unlovely toil the nurses of the Civil War were subjected to.

Those splendid and heroic women knew no North nor South in their ministrations; they only knew the wrecks of battle were men and brothers, calling for their tenderest care and noblest efforts, and who, remembering the dreadful days and awful nights of the military hospitals established in the wake of battle, will deny these women the highest recognition a grateful country can give?

Many of the patriotic dead, who felt their gentle touch and found their hours of pain and suffering made tolerable by the skill and the patience of these heroic women, sleep their last sleep under the green slopes of Arlington in sight of this Capitol. It is not a great boon these splendid women ask, merely the privilege of a memorial out there among the heroic dead whose pains they lessened and whose wounds they bound up, out there with those whose fevered brows they soothed in life and whose thirsting lips they moistened as they passed out to "fame's eternal camping ground."

"The nuns of the battle field!" Where else should these ministering angels have a monument if not out there in the cool ranks of the patriotic dead, out there rising from the grassy sod of our national pantheon? Who among us can estimate the value to our national peace, the reestablishment of our national structure, and that final realization of our national brotherhood, and our common national necessity, of the work of these and other gentlewomen? The maimed and broken soldier of the lost cause, as he marched back to his desolate home and desolated fields, must have carried in his breast the seed of kindness and reconciliation planted there by the women of mercy working in the camps and hospitals of those days; and I for one am ready to believe that that seed, in the providence of God, has blossomed and fructified into one of the instrumentalities that have made this once more a united Nation, an American people. [Applause.]

The nuns of the battle field were neither of the North or the South in their ministrations; they served humanity; and their love and labor were lavished as freely and generously upon the wounded soldier in gray as upon him who wore the blue. They recognized and served all without distinction.

Arlington, in the shadow of the home of the first and greatest of Americans, is the last, the final camping ground of those who fought and died for the American idea; their brothers in arms sleep in a hundred valleys and hilltops from the Lakes to the Gulf, and thousands sleep in nameless graves forgotten of man, yet here of all places should rise a memorial to those noble women, whose hands and hearts, devoted only to mercy, helped to heal the wounds of war and close the rift that separated brother from brother.

They have earned the title to this little bit of space out there among those whose hours of pain they lightened, whose dying hours they made happier and sweeter; and if there be gratitude among men and honor among soldiers, the boon they ask will be theirs. [Loud applause.]

During the delivery of the foregoing remarks, the time of Mr. GALLIVAN having expired,

The CHAIRMAN. The time of the gentleman has expired.

Mr. GALLIVAN. I ask unanimous consent that I may proceed for three minutes.

Mr. BORLAND. Does the gentleman think he will need all of the three minutes to conclude?

Mr. GALLIVAN. About two minutes.

Mr. BORLAND. I ask unanimous consent that the gentleman have two minutes.

Mr. MONDELL. Reserving the right to object, I ask unanimous consent to interrupt the gentleman's very beautiful remarks long enough to make this statement: I want to call attention to the fact that a few moments ago the chairman of the committee objected to any extension of the discussion of the items of the bill.

The CHAIRMAN. Without objection, the gentleman will proceed for three minutes.

Mr. GALLIVAN resumed and concluded his remarks as above.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. WEBB having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. Sharkey, announced that the President had approved and signed bills and joint resolutions of the following titles:

On February 21, 1917:

H. R. 11474. An act authorizing the Secretary of Commerce to permit the construction of a public highway through the fish-cultural station in Unicoi County, Tenn.;

H. R. 17710. An act authorizing the construction of a bridge across the Tallapoosa River, separating the counties of Montgomery and Elmore, in the State of Alabama, at a point somewhere between Judkin Ferry and Hughes Ferry; and

H. R. 18529. An act granting the consent of Congress to the police jury of Rapides Parish, La., to construct a bridge across Red River at or near Boyce, La.

On February 22, 1917:

H. R. 12541. An act authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader.

On February 26, 1917:

H. R. 9288. An act providing for the refund of certain duties illegally levied and collected on acetate of lime;

H. R. 12463. An act for the relief of Meredith G. Corlett, a citizen and resident of Williamson County, Tenn.;

S. J. Res. 157. Joint resolution giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the reunion of the Confederate Veterans' Association, to be held in the District of Columbia in the year 1917, and for other purposes incident to said encampment;

S. J. Res. 205. Joint resolution authorizing the removal of the statue of Admiral Dupont in Dupont Circle in the city of Washington, D. C., and the erection of a memorial to Admiral Dupont in place thereof;

S. J. Res. 208. Joint resolution to grant citizenship to Joseph Beech;

S. 1697. An act to declare Ollala Slough in Lincoln County, Oreg., nonnavigable;

S. 2543. An act for the relief of the State of Kentucky;

S. 5450. An act to provide for an additional judge in the State of Texas;

S. 5672. An act for the relief of sundry building and loan associations;

S. 5716. An act to establish the Mount McKinley National Park in the Territory of Alaska;

S. 7644. An act to create a new division of the northern district of Texas, and to provide for terms of court at Wichita Falls, Tex., and for a clerk for said court, and for other purposes;

S. 7796. An act authorizing the Secretary of the Interior to sell and convey to the Great Northern Railway Co. certain lands in the State of Montana for divisional terminal yards and other railway purposes, and for other purposes;

S. 8044. An act providing for the extension of time for the reclamation of certain lands in the State of Oregon under the Carey Act; and

S. 8079. An act to amend the first and seventh paragraphs of section 4414 of the Revised Statutes of the United States, as amended by the act of April 9, 1906.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For pay of 76 superintendents of national cemeteries, $63,120.

Mr. ANTHONY. Mr. Chairman, I wish to call attention to the fact that the committee have failed to make any provision for increasing the salaries now paid to the superintendents of national cemeteries. It is notorious that the salaries paid to these men are exceedingly low. For instance, at the 31 first-class national cemeteries in the country the superintendents are getting $75 a month. This is the rate of pay that has been in vogue for a great many years.

There are 83 national cemeteries, classified as follows:

	Per month.
31 first class, pay of superintendents	$75
18 second class, pay of superintendents	70
6 third class, pay of superintendents	65
28 fourth class, pay of superintendents	60

Of the fourth-class cemeteries, 7 are under the charge of the Depot Quartermaster, leaving 21 in charge of superintendents. One of the first-class cemeteries is located in Mexico City, Mexico.

The superintendent of the Arlington National Cemetery receives $100 per month, being the only superintendent of a first-class cemetery who receives more than $75 per month. This superintendent is provided with an office clerk, and the landscape gardener is there and looks after flowers, trees, and so forth, leaving little for the superintendent to look after, whereas the superintendents of all other cemeteries must look after all of that work besides all other work connected with the cemetery. With the exception of Arlington, the salaries of the superintendents have not been adjusted for many years, notwithstanding the continual advance in living cost, and I do not believe there is a superintendent in the service who would not gladly exchange place with the one at Arlington because of above-mentioned assistance given that cemetery.

Now, taking the pay of the superintendent of the Arlington Cemetery as a standard or base, it would seem only a fair deal to make the requested readjustment of salaries as follows:

	Per month.
Superintendents of first class	$100
Superintendents of second class	95
Superintendents of third class	85
Superintendents of fourth class	75

A superintendent who is a success usually goes to at least a second-class cemetery in a comparatively short time.

I have had my attention called for several years to the necessity for raising the pay of these men, and I had hoped that the committee would take some action which would relieve the necessities of the men holding these responsible positions.

The Clerk read as follows:

Burial of deceased indigent patients: For burying in the Little Rock (Ark.) National Cemetery, including transportation thereto, indigent ex-soldiers, ex-sailors, or ex-marines of the United States service, either Regular or Volunteer, who have been honorably discharged or retired and who die while patients at the Army and Navy General Hospital, Hot Springs, Ark., to be disbursed at a cost not exceeding $35 for such burial expenses in each case, exclusive of cost of grave, $200.

Mr. BENNET. Mr. Chairman, I move to strike out the last word. I ask unanimous consent that the Clerk may read in my time a very short article from the New York World.

The Clerk read as follows:

SATURDAY'S FOOD DEMONSTRATION.

From the appearance of the men and women who took advantage of a half holiday Saturday to hold a food parade and engage in some disorder on Fifth Avenue, they were in no great danger of perishing from hunger. Whoever organized the demonstration showed little judgment in the class of persons offered for exhibition as victims of starvation. They had the lung power for first-class agitators, not the poverty-stricken look and pinched faces that are the outward badges of extreme privation.

It is reasonable, therefore, to ask how far by this demonstration was a single needy family anywhere helped to secure more food. There is always distress on the east side and elsewhere and it is always deserving of sympathy and help. But it is not by the maneuvers of professional mischief-makers who incite crowds to raise disturbances in the streets that more food will be produced or placed within reach of those most in need of it. Nothing occurred Saturday to indicate that the leaders who staged the spectacle had any practical plan to suggest or were interested in putting into operation a system of distributing relief among the destitute.

The managers of this outpouring of the well fed, well clothed, well shod, and well gloved were Socialist politicians, most of whom, figuring as orators, spoke to an inattentive, smiling, jostling crowd out for a lark, with no regard for the pitiable misery which they pretended to represent.

There is suffering in New York; there are many needless deaths in New York; there is hunger in New York. These are terrible truths, but they will not be met by the frivolous captains of Socialism on parade.

Mr. BENNET. Mr. Chairman, for once in my life I agree with the New York World. I withdraw my pro forma amendment.

The Clerk read as follows:

Gettysburg National Park: For continuing the establishment of the park; acquisition of lands, surveys, and maps; constructing, improving, and maintaining avenues, roads, and bridges thereon; fences and gates; marking the lines of battle with tablets and guns, each tablet bearing a brief legend giving historic facts and compiled without censure and without praise; preserving the features of the battle field and the monuments thereon; compensation of civilian commissioners, clerical and other services, expenses, and labor; purchase and preparation of tablets and gun carriages and placing them in position; and all other expenses incidental to the foregoing, $42,500.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 71, line 12, after the figures "$42,500," insert a new paragraph, as follows:

"The Secretary of War be, and he is hereby, authorized and directed to acquire, by purchase, for the Gettysburg National Military Park the land composing the right of way of the Gettysburg Railway Co. (the rails, ties, and superstructure of same to remain the property of the Gettysburg Railway Co. and to be removed by the said company as required by the Secretary of War), said right of way embracing the tracts known as the Amos Leister tracts, the F. G. Pfeffer tracts, the Jacob Benner estate tract, the Simon J. Godori tract, the Jacob Masonheimer tract, the Annie E. Beecher tract, the Rosanna E. Wible tract, the James W. Timbers tract, the S. W. Crawford tracts, the William H. Tipton tract, the Calvin P. Krise tract, the George Bushman tract, and the Peter D. Swisher tract within the limits of the battle field of Gettysburg and within the limits of the Gettysburg National Military Park for the sum of $30,000, that being the amount awarded in condemnation proceedings in the eastern district of Pennsylvania, which sum is hereby appropriated and made immediately available for such purchase.

Mr. FITZGERALD. Mr. Chairman, I make a point of order against the amendment.

Mr. MOORE of Pennsylvania. Will the gentleman reserve it for a minute?

Mr. FITZGERALD. I will reserve it for five minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, this amendment relates to a proposal to take over the property and rights of way of the Gettysburg Railway Co., which operates a line through the Gettysburg battle field. The Government instituted proceedings some years ago for acquiring this property. These proceedings were concluded by a verdict and an award of $30,000 as the price of the property to be taken.

This amendment proposes to make an appropriation for the amount in accordance with the award. It was stated in the proceedings that it desired this property because it feared that the use of these trolley roads would ultimately become objectionable, and there is now the thought that unless the Government does take the property over in accordance with its own proceedings and award that has been made that additions may be made to the trolley railroad that will be still more objectionable and still more an eyesore on this wonderful property of the Government.

I know the amendment is subject to a point of order, but I offer it in the hope that the gentleman from New York will withdraw his point of order, because sooner or later the property will be taken over. It ought to be taken over by the Government, and the longer we delay it the more expensive it will be to the Government.

The CHAIRMAN (Mr. WEBB). Does the gentleman from New York insist on his point of order?

Mr. FITZGERALD. I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order on the ground that it is new legislation.

The Clerk read as follows:

Tidal Basin bathing beach: The Chief of Engineers of the United States Army is authorized and directed to establish and maintain at a suitable place upon the shore of the Tidal Basin, in Potomac Park, a public bathhouse, with the necessary equipment, with a sloping sandy beach in the Tidal Basin, and to install a proper equipment to purify the water entering the basin so that it will not endanger the health of those bathing in it. The direction and control of said public bathing facilities shall be vested in the Chief of Engineers of the United States Army, who shall prescribe such regulations for their use as may be necessary to insure the greatest benefit to the public: *Provided*, That no charge shall be made for the use of the bathhouse or beach, except that uniform fees may be collected for the hire of bathing suits, soap, towels, and such other conveniences as may be provided upon the request of persons desiring to use them. To enable the Chief of Engineers to begin construction of the bathhouse, beach, and purification plant herein provided for, $35,000, to be immediately available; and the limit of cost of such construction shall not exceed that amount.

Mr. MONDELL. Mr. Chairman, I want to congratulate the people of the District of Columbia on the item that has just been read. A number of years ago an estimate was made for beginning the construction of a bathing beach at the tidal basin. At that time certain gentlemen were desirous of having bathing facilities provided in connection with the playgrounds in various parts of the city, and, unfortunately both for their project and this project, they set about building up opposition against the tidal-basin project. Personally I am very much in favor of the plan of providing public-bathing facilties in connection with the playgrounds, but the carrying out of that plan should not have at any time interfered with the plan we are now proposing of a bathing beach at the tidal basin. For a number of years private parties have conducted bathing facilities at the tidal basin, and when we attempted to construct a public-bathing beach there physicians were found who claimed that the water at the tidal basin was not entirely satisfactory for bathing purposes. My understanding is that after further consideration they have concluded that that is not true, or if it is true the water as it flows in may be readily purified. Under this appropriation of $35,000—which I wish was $50,000—we will have a well-built,

well-conducted bathing beach down on the tidal basin; and every boy and a large number of girls and young women in this city, as well as some who are no longer young except in heart and their desire for an opportunity to take a swim, can be congratulated that we are now providing for this long-deferred and much-needed improvement in the city of Washington. [Applause.]

The Clerk read as follows:

For extraordinary repairs and refurnishing of Executive Mansion, $60,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. It is very proper that we should appropriate liberally for the home of the Chief Executive and that we should keep the beautiful and historic mansion in which he lives in a first-class state of repair. It is true that it is costing more and more every year to do that, but so far as these repairs are necessary and the money economically expended we are all in favor of it. For the ordinary care and refurnishing of the Executive Mansion we are appropriating $35,000. We appropriate $6,000 for fuel, $9,000 for the greenhouses, and $3,000 for the repair of the greenhouses. This year we are appropriating $60,000 for extraordinary repairs and refurnishing of the Executive Mansion. This item is carried in the appropriation bill every few years. Ordinarily we carry an item similar to this at the beginning of an administration in order to make provision for the necessary restoration and repairs after four years of use. The item this year is, I think, larger than it has ever been in the past, but quite likely it is none too large. The items as given to us in committee indicated that the sum would all be needed. It costs a good deal of money to provide for so large a building as the White House and to provide for it adequately. I think one item was $8,000 for china and crockery for the White House. I think the item is proper and no doubt necessary. In connection with it I want to make this observation. The White House is the home of the President. It is also in a peculiar way the house of all the people. They take great pride in this beautiful mansion, the home of their Executive—their house.

Our constituents coming here, particularly the ladies, are more interested in seeing the interior of the White House than they are in seeing almost anything else in Washington; and while very properly the portions of the White House that are occupied by the President's family daily are not shown to visitors, yet visitors are allowed a great deal of freedom in going through a large portion of the building, particularly the public rooms. A great many people enjoy this view of the home of the Presidents, and I can not refrain from expressing a regret that in providing as we are proposing to do for restoring the crockery and the curtains and the hangings and the furnishings of the White House that Congress, which provides for the White House and provides for the President and for all of the departments of the Government, including in the term "Congress" every Member of Congress, can not all say of their own knowledge whether or no these repairs are needed. The Representatives of the people of the country are supposed occasionally at least to receive an invitation to the house of the President. There is a special reception for the Congress, and it would seem proper that on this occasion at least a Member's credentials as a Member should bring him an invitation to the headquarters of the Nation. So far as I am speaking from actual experience, it does; but I understand that is not always the case, and that there have been Members of Congress and that there are now Members of Congress who could not tell you from their actual knowledge, gained through the invitation to the White House, whether or no even the public rooms of the Mansion need repairs and restoration. At one time and another we all of us, most of us, differ from the honored gentlemen who are at the time at the head of the Nation. Sooner or later most of us who try to do our duty find ourselves somewhat in disagreement with these distinguished gentlemen, but it occurs to me that that fact should not in any wise affect the status of a Member of Congress when it comes to the matter of the ordinary official invitation to the home of the President, the house of all the people, the Executive Mansion in Washington. At least on those occasions when the Congress is officially invited I do not think the Members suffer by such treatment. I do think whoever is responsible for it has an exceedingly peculiar notion of what is due to a Representative of an American constituency.

Mr. MANN. Mr. Chairman, I was out of the Chamber for a moment and I do not know what statement was made in reference to this item for the extraordinary repairs and furnishing of the Executive Mansion, amounting to $60,000. It strikes me as a rather liberal allowance. Of course it has always been the custom whenever there is a change in the President to make some appropriation for repairs and refurnishing at the beginning of an administration, and I have no objection to making any appropriation that is necessary. Sixty thousand dollars is quite a bunch of money for the size of the White House. We appropriate $5,000 for the care of the grounds of the White House; we appropriate for the White House itself; we appropriate for the care of the White House $35,000; we appropriate for the fuel which is burned at the White House $6,000; we appropriate $9,000 for the care and maintenance of greenhouses, solely for the benefit of the White House; and, in fact, we appropriate a good deal more than that for that purpose under the Office of the Superintendent of Public Buildings and Grounds which is not charged to the White House but which is maintained for the benefit of the White House. We appropriate $3,000 for repairs to the White House. We appropriate for the lighting of the White House. The gentleman from Wyoming [Mr. MONDELL] has made comment that I think was not quite explicit enough. I have never supposed that when a Member of Congress was invited to a reception at the White House it was a personal compliment or a personal invitation. It is true the President has the right to decline to invite anyone. It is his home. He pays some of the expenses in connection with it; but Congress pays most of the expenses. An invitation to a Member of Congress is an official invitation. When any President draws the line and refuses to invite a Member of Congress because he does not like what the Member of Congress has done, he has descended away below the dignity of a President or anyone else. I think it is a disgraceful thing to have go uncontradicted in the newspapers statements that a certain Member of the House and a certain Member of the Senate were not invited to a congressional reception at the White House, a reception given in honor of Congress, because the President or some of his underlings did not like the color of the hair of the Member or because the President did not like what he had said, particularly when we maintain the White House at public expense. I think it is the most disgraceful episode as far as little things go that has occurred in the country for a long time; and I suppose that will bar me from an invitation in the future, but if it is a personal invitation I am quite content. [Applause.]

Mr. FITZGERALD. Mr. Chairman, it has been the policy of Congress to maintain the White House in that condition that is befitting the dignity of the American people. The last general overhauling of the White House was in 1902, when almost half a million dollars was expended upon it. In 1913, $15,000 was expended for special repairs, and in 1909, $15,000. This item of $60,000 is almost entirely to refurnish those parts of the White House to which the public has general access. Between 1,500 and 2,000 people visit the White House daily. A constant stream of people walking over and sitting on and touching the various furnishings in the White House results in very heavy wear of the furnishings. Everyone believes that they should be replaced and put in proper repair. It is true that the Congress maintains the White House as the home of the President. That is in accordance with the established policy of the country, but even though the Congress does maintain a home for the President of the United States it does not and it should not and it can not insist that the President extend social invitations or maintain social relations with people with whom for any reason he is disinclined to do so. We have no right to compel the President to invite any man to his home, even though he happens to be an official of the Government, or to some official function in his home, official home though it be.

Mr. MONDELL. Will the gentleman yield?

Mr. FITZGERALD. In just a minute. I have no knowledge that any official has been excluded from the White House. I know that gentlemen on that side of the House are intimating that some such practice as that has been indulged in. I do not know——

Mr. MONDELL. The gentleman has seen the newspapers suggesting that.

Mr. FITZGERALD. If it is, it may be that the President has justifiable grounds for declining to associate with some officials. Occupying a much humbler position than the President, I would not permit Congress or anyone else to insist that I maintain social relation with everyone who happened to occupy an official position in the Government. I reserve that right to myself, and I should do so even if the Government supplied me with an official home.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. If the President should refuse to give an invitation to one of the diplomatic representatives here, and all the other diplomatic representatives were invited, does the gentleman think nothing would be done or said about it?

Mr. FITZGERALD. Well, our relations with other Governments are different.

Mr. MANN. No different——

Mr. FITZGERALD (continuing). They are not officials of the United States Government.

Mr. MANN. Are these invitations a personal matter?

Mr. FITZGERALD. I believe the President has the right to determine whom he wants——

Mr. MANN. Would he invite the minister from Haiti as a personal favor because everyone who was invited to his dinner——

Mr. FITZGERALD. I prefer to make these remarks myself——

Mr. MANN. I do not wonder.

Mr. FITZGERALD. I believe the President has a perfect right to determine whether he desires the society of the gentleman from Illinois or myself, and if he does not it is very bad taste for us to criticize him on account of it. I did not hear any criticism a few years ago when the President of the United States did the most remarkable thing of which I have knowledge. A Member of this House, in the proper discharge of his duties as a Member of this House, indulged in a criticism of the President. It offended the President and he resented it. Shortly thereafter that Member, in company with some of his constituents, called at the White House to consult with the President on a matter that was strictly within his official duties. It was a matter of some importance, and he was entitled as a Representative to present it to the President, but the President declined to meet this delegation unless the Member of Congress withdrew from it.

Mr. MANN. Does the gentleman justify it?

Mr. FITZGERALD. No; it was——

Mr. MANN. I should severely condemn the action.

Mr. FITZGERALD. But it was an official act and this is a social function.

Mr. MANN. Of course they are official.

Mr. FITZGERALD. They are not.

Mr. MANN. Why do we pay for it?

Mr. FITZGERALD. We pay for it because the policy of the Government has been to maintain a home for the President and to supply him with certain facilities in connection with it, but if the President of the United States can not occupy a home and enjoy the things that accompany it without the restriction that he invite into social relations everyone that everybody in Congress may deem desirable or important, I think the President would very quickly decline to accept any courtesy at the hands of Congress. No one who had any self-respect would do so. There have been times in the past when Presidents have refused to meet socially officials of the Government. I shall not criticize them. Perhaps if I were President I would have a longer blacklist than anybody ever had in the history of the Government. Perhaps I would let my prejudices sway me to some extent; it comes with very poor taste, from Members of Congress, however, to be carping at the President because he for any reason declines to maintain social relations with officials of the Government. It is a matter purely within his own control and men ought not to cavil at it. I know if any President for any special reason declines to maintain social relations with me I should not bother about it, and I should not be offended at it. I should not desire to have anyone else attempt to magnify it into an affront to me, because it would not be one. It is easy for us to criticize some one else. My experience has been that most of the Presidents have been much more generous, much more lenient in sending invitations to officials for social functions than those who are not in that position would have been under the same circumstances. With these few philosophic observations I hope we will proceed with the public business.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

There was no objection.

The Clerk read as follows:

For traveling expenses of the President of the United States, to be expended in his discretion and accounted for on his certificate solely, $25,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking my colleague, the chairman of the committee, what has been the recent practice with reference to the expending of the whole of this sum?

Mr. FITZGERALD. Since Congress has provided for the traveling expenses of the President to be expended upon his certificate solely, which means to be expended without audit, the policy has been to make no inquiry whatever. Congress places this money at the disposal of the President, and he uses it or not, as he pleases.

Mr. BENNET. Well, I do not think that I understand my colleague correctly. Suppose the President only uses, we will say, $8,000. The fact that $17,000 was not used would show on some report, would it not?

Mr. FITZGERALD. I think not. It may show in the general statement of receipts and expenses of the Treasury Department, but I am not certain it would.

Mr. BENNET. I am sure my colleague is mistaken, because I remember one year there was a report made that was made public in Congress that the then President of the United States in that particular year had used about $8,000 of this fund.

Mr. FITZGERALD. The only time anything ever was disclosed was one year when one of the Presidents wanted to spend in excess of the amount fixed by the statute. Congress gave him the additional money, and in the inquiry that was instituted and the result of it, my recollection is, it was disclosed that in the previous year the entire $25,000 had been expended, and that was given as the reason why the appropriation for the then current year should be increased.

Mr. BENNET. Then my colleague ought to modify his statement to this extent, that anyone who makes inquiry in the proper bureau of the Treasury can find at the conclusion of a fiscal year, or within a reasonable time thereafter, just how much of this money has been spent?

Mr. FITZGERALD. I think that is true; but the policy of Congress was to put $25,000 at the disposal of the President for his traveling expenses and permit him to expend it on his certificate without the embarrassment of questions arising from auditors as to whether a particular item of expenditure was within the authority. And having that broad authority, and knowing that the travel demanded of the President will pretty nearly require the expenditure of the entire sum, the policy has been to make the appropriation.

Mr. BENNET. To state it more correctly, is not the situation this, that the Appropriations Committee assumes that this appropriation will be made each year, and as the expenditure is made on the certificate of the President solely, it does not think it worth while to make inquiry of the Treasury as to how much was used the preceding year, and therefore my colleague is not in a position to inform the House at the moment whether the amount appropriated for the last fiscal year was not used?

Mr. FITZGERALD. I do not know.

Mr. BENNET. And for the reason given.

Mr. FITZGERALD. The reason is that the policy of Congress, that the President should have at his disposal $25,000 whether he expended it or did not expend it, would not affect our action toward the appropriation the next year. We make those inquiries about current appropriations to determine whether we have appropriated more than a given service requires; but whether the President spends $5,000 or $10,000 one year was not intended by Congress to control the amount that should be available during any other year. So we pay no attention to what he expended.

Mr. BENNET. That is satisfactory. But I did not want to leave the impression on the House or the country that whether the President used this money or not it was drawn.

Mr. FITZGERALD. No. We could obtain this information without any question if we notified the officials at the White House, and that information would be furnished, but it has not been a matter that has been considered of that importance.

Mr. BENNET. I understand the situation thoroughly, and I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Lighting the public grounds: For lighting the public grounds, watchmen's lodges, offices, and greenhouses at the propagating gardens, including all necessary expenses of installation, maintenance, and repair, $22,300.

Mr. HAWLEY. Mr. Chairman, I would like to ask the chairman a question. Between the Capitol Grounds and the Senate Building and the Union Station there was many years ago a Capitol Park provided for. A part of the buildings have been removed from two of the blocks. Does the gentleman know when it is intended to order the other buildings removed and why they have not been removed hitherto?

Mr. FITZGERALD. All of those buildings have not yet been acquired and some of the land has not been acquired. The gentleman will recall that after the condemnation proceeding was completed the law required the awards to be approved by the President before payment could be made. The President declined to approve the awards and Congress subsequently enacted legislation providing for the acquisition of the property under certain limitations. It has been impossible for the commission appointed under that legislation to acquire some of the property.

Mr. HAWLEY. What is the difficulty in the way? They have the power of condemnation.

Mr. FITZGERALD. The owners of the property are insisting upon being paid the amount awarded in the condemnation proceedings, and as they can not get that money they will not part with their property for any less; and they can not be compelled to do so. We will have to pay them eventually. But some people believe that we can take the property and pay them some other sum.

Mr. HAWLEY. Do the buildings which are standing belong to any particular corporation, or a number of them?

Mr. FITZGERALD. I do not know. We have been removing gradually and as rapidly as possible all of the buildings upon the property.

Mr. HAWLEY. Do the buildings still standing belong to a particular corporation?

Mr. FITZGERALD. Some of them belong to the United States—for instance, the Maltby Building. The Maltby Building belongs to the United States. We have been trying to have it removed for some time, and every once in a while Congress interferes with the removal of it. The Committee on Agriculture, for instance, about two years ago inserted a provision in the Agricultural bill prohibiting the removal of the Maltby Building. We got that repealed last year. But buildings have been removed as rapidly as we could remove them under existing conditions.

Mr. HAWLEY. It has been stated that the buildings now standing on either side of the street from the Capitol to the station belong to a certain railroad corporation. Is that a correct statement?

Mr. FITZGERALD. The Baltimore & Ohio Railroad Co. owns all of this stock in a real estate corporation which has the title to certain parcels in the tract. The objection was made to the payment of the amount awarded in condemnation for these particular tracts. The railroad company, or its holding company, will not surrender the land unless they are paid the full amount awarded in the condemnation proceedings. The commission, as I recall, is either unable under the law or is unwilling, because of what happened in Congress, to pay that price; and that situation will continue until some one finally decides to carry out the judicial determination and pay for that property what it has been determined in a judicial process shall be paid for it. There is no way we can escape it.

Mr. HAWLEY. Does not the gentleman think it would be advisable to have proper legislation instituted to clear that land of all these buildings so that the plans for the park might be carried out? At present it presents a very unsightly appearance.

Mr. FITZGERALD. Yes; it would be very desirable; but, with my knowledge of the history of the matter, I do not care to take hold of the tail of that bear. Let me suggest that the gentleman from Oregon take that question up. If he does, he will find that he is a very busy gentleman.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Building where Abraham Lincoln died: For painting and miscellaneous repairs, $200.

Mr. SLOAN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN (Mr. BARNHART). The gentleman from Nebraska moves to strike out the last word.

Mr. SLOAN. On line 21 I move to strike out the last word for the purpose of submitting an inquiry to the chairman of the committee as to that item. Does the Government own the building described, in which Lincoln died?

Mr. FITZGERALD. My impression is that we own it.

Mr. SLOAN. When was it purchased?

Mr. FITZGERALD. I am not certain about it.

Mr. MONDELL. My impression is we do not.

Mr. FITZGERALD. If we do not own it we pay the owner this money as compensation for keeping up the exhibit.

Mr. SLOAN. Then we have not title to the property, or anything of that kind?

Mr. FITZGERALD. That is my recollection; I think not.

Mr. SLOAN. We have no control over it?

Mr. FITZGERALD. We pay $200 to the owner of the building who has this Lincoln collection in it.

Mr. SLOAN. How long has that item been carried in the bill? Is it a recent item?

Mr. FITZGERALD. It has been in as long as I have been in the House.

Mr. LA FOLLETTE. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Washington moves to strike out the last two words.

Mr. LA FOLLETTE. It is my understanding that the Government does own the house where Lincoln died and that we allow the man who has the exhibit there the use of the building for housing the exhibit, the Government being to no expense for a caretaker. He desires before he dies to sell that exhibit to the Government, to remain permanently in the building, which the Government now owns.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. LA FOLLETTE. Yes.

Mr. DYER. Is it a fact that the gentleman who has this building charges admission to those who are admitted there?

Mr. LA FOLLETTE. It is my impression that he does, under permission predicated by act of Congress. I may be mistaken.

The CHAIRMAN. The pro forma amendments will be withdrawn. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ADAMSON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 20082) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, in which the concurrence of the House of Representatives was requested.

The message also announced that the Vice President had appointed Mr. MARTINE of New Jersey and Mr. JONES members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Federal Trade Commission.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Commission of Fine Arts: For expenses made necessary by the act approved May 17, 1910, entitled "An act establishing a Commission of Fine Arts," including the purchase of periodicals, maps, and books of reference, to be disbursed, on vouchers approved by the commission, by the officer in charge of public buildings and grounds, who shall be the secretary and shall act as the executive officer of said commission, $8,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking my colleague [Mr. FITZGERALD], the chairman of the committee, a question, if I can have his attention.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. BENNET. I do so in order to ask what the Commission of Fine Arts does; not what it is authorized to do, but what it actually does do for this $8,000 a year?

Mr. FITZGERALD. Col. Harts, who is the executive member, or secretary, of the commission, stated to the committee that the commission has acted upon nearly 500 various subjects since it was created six years ago. To be exact, 496 subjects have been referred to it. One hundred and seventeen were sent to it by committees of Congress, 5 by direction of the President, and every department of the Government, with the exception of the Department of Labor and the Department of Justice, have had some subjects before the commission. During the first year the submissions were 41 in number. In the following year they were 37. In the third year there was an increase of 35 per cent; in the fourth year there was an increase of 59 per cent; and in the fifth year an increase of 200 per cent. During the fiscal year just closed there were 180 submissions, an increase of 200 per cent. The members of the commission receive no compensation. They are paid their traveling expenses in coming to the meetings of the commission in Washington. The appropriation enables them to have five meetings a year. The committee was asked to increase the appropriation somewhat. Under the law they are limited to $5 a day for their expenses, exclusive of their traveling expenses. I have no doubt that the commission has rendered very valuable services in connection with many matters submitted to them. Its value is well recognized.

Mr. BENNET. My impression was—and if I am wrong I know my colleague will correct me—that about anything the commission recommended to this House we disapproved. As a matter of fact, I was divided in my opinion as between the judg-

ment that we used the commission badly or that it was a useless body.

Mr. FITZGERALD. Plans for public buildings and public improvements of all kinds are submitted to them, and they have made innumerable suggestions either as to the modification of designs or at times as to the proposed location of monuments. The rule now is, I believe, that no memorial is located in Washington without the approval of the Commission of Fine Arts. It consists of Charles Moore, as chairman; Architects Charles A. Platt, Thomas Hastings, and William M. Kendall, of New York; the painter member, J. Alden Weir; the sculptor member, Herbert Adams; and the landscape architect, Frederick Law Olmsted. The former president of the commission was a very distinguished Chicago artist and architect, who designed the Union Station in Washington and other buildings.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. The only thing that Congress did not acquiesce in, in connection with the commission, I think, was when some misguided persons got them worked up over the central heating and power plant and objected to having smokestacks on it. That is about the only notable case in which they interfered unsuccessfully.

Mr. BENNET. I do not want to take up the time of the House, but it seems to me their judgment was questioned in relation to the location of the Grant Memorial.

Mr. FITZGERALD. That was located long before the Fine Arts Commission was created. Congress actually determined it, because after the commission selected the present location an attempt was made to have it changed by action of Congress, and Congress definitely fixed the present location.

Mr. BENNET. How about the Lincoln Memorial?

Mr. FITZGERALD. They selected the Lincoln Memorial and passed upon the design. The architect of the Lincoln Memorial is now a member of the commission.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. HOWARD. Mr. Chairman, I desire to offer an amendment. I move to strike out all from line 25, on page 79, to and including line 6, on page 80.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HOWARD: On page 79, strike out lines 25 and 26, and on page 80, beginning with line 1, down to and including line 6.

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, I have no doubt in my mind that this crowd of well-meaning, misguided, and highfaluting folks have cost this Government hundreds of thousands of dollars; and, if they keep on as they have been going, I am afraid they are going to cost us millions of dollars.

In the first place, I do not believe they confine their operations to the subjects they were intended to fool with. They come down here and they dabble in all sort of contracts for this Government. I know of one case where the Fine Arts Commission cost the Government of the United States $56,000. It was on the question of material to be used over here in the new post-office building. They selected the marble and granite by the use of flyspecking technicalities rather than by their value of building materials. They go around here and pick out all sorts of sites. Just to give you an illustration of the magnificent judgment that this Fine Arts Commission have exercised, take the new National Museum down here. It takes almost a force of Pinkerton detectives and a search warrant to find the place. When you get there, it is one of the most magnificent buildings that has ever been constructed in this city. They stuck that building down there behind a lot of old commission stores, and you have to drive over cabbage and crates of rotting fruit and stuff of that sort to get there, over an old, worn-out cobblestone pavement as an approach to the building.

Mr. MANN. Does the gentleman think the Fine Arts Commission had anything to do with locating that building?

Mr. HOWARD. That is my understanding. If I am wrong I am prepared to be corrected.

Mr. MANN. The gentleman is entirely wrong in his understanding. That building was located before the Fine Arts Commission was created.

Mr. HOWARD. Let us take the Lincoln Memorial, one of the most magnificent memorials ever constructed in the history of the world to the memory of any man. If there is a worse location, I do not know where it is. It is away down here on the bank of the Potomac River, and when thousands of admirers of the martyred President come here and go down to look at that memorial, they are held up for a dollar or a dollar and a half taxicab fare, or they have got to walk a mile and a half from the center of town down there to look at it. The Fine Arts Commission is an extravagant, technical, impracticable body of folks who are governing the expenditures of this Congress, and every time they have any dealings with anything that Congress wants to appropriate money for they come back here for a deficiency appropriation. I have never seen it fail during my six years' service in this House. I have offered a bill to abolish them, and I hope and pray you gentlemen will not appropriate another cent for them. If you refuse to appropriate for them, you will do one of the best services you ever did for the prosperity and progress of the city of Washington. This commission is all the time dabbling in these things here, and there are too many of them. They are scattered too far, and they seem to impede the progress of this city rather than to help it.

Mr. BENNET. Will the gentleman yield?

Mr. HOWARD. Yes; I yield to the gentleman.

Mr. BENNET. Does not the gentleman think that possibly all the trouble is caused by the man from Boston who is on the commission? The New York men are all right, are they not?

Mr. HOWARD. I presume the New York men are all right. They mean well, just like all the other gentlemen from New York whom I have ever seen. They are all well meaning, but sometimes they arrive at wrong conclusions. But we are charitable, and have to forgive them. I do at least. But there is something wrong with this Fine Arts Commission, and I do not think they have exercised any judgment which justifies us in perpetuating them. I do not see any service that they are rendering to the Government of the United States. If so, I can not see any practical use for them or anything they do, except to meddle in the business of the Government here in the District of Columbia. As has been stated here by the gentleman from New York [Mr. FITZGERALD], they circularized the whole United States, and had women and fanatics down in my district writing me about this power plant that it was said was going to ruin the whole appearance of one of our parks.

Mr. FITZGERALD. I did not say they stirred up all the fanatics in the gentleman's district.

Mr. HOWARD. They stirred up more in the gentleman's district than they did in mine, because I have received letters from them.

Mr. FITZGERALD. I think we have more people of esthetic tastes in my district.

Mr. HOWARD. I am willing to admit that the gentleman has more fine-art fanatics in his district than I have; but as I started to say, they stirred up all that trouble all over the country, and had people writing here about something they did not know anything about. I am in favor of abolishing them, and I will not vote to appropriate a cent to perpetuate them in office.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not prevail. Gen. SHERWOOD at one time made a very memorable speech in this House upon the alleged works of art in the Capitol. We have right at hand a hall of horrors that indicates what happens as the result of a lack of proper esthetic and artistic supervision. This commission, for the very limited appropriation given to it, does very valuable work. We are under some obligations to do our part toward the cultivation of a proper public taste in works of art. That is our duty. We should not permit the United States Capital to be covered with all sorts of architectural monstrosities, and the only way to obtain buildings and memorials that conform to proper ideals is to have men who are trained and cultured to pass on the questions involved. The gentleman from Georgia [Mr. HOWARD] is a very valuable Member of Congress. He is a very industrious and valuable member of the Committee on Appropriations; but neither he nor I is nearly as competent to judge of questions requiring artistic taste as are the members of this commission, whose chairman is Mr. Charles Moore, and whose architect members are Charles Platt, Thomas Hastings, and Mr. Kendall, together with J. Alden Weir, the painter; Herbert Adams, the sculptor; and Frederick Law Olmsted, the landscape architect, who is known all over the world. Compared with those men we are not at all competent to determine the questions submitted to them. I know it is somewhat unfortunate that they have from time to time disclosed a predilection for Colorado yule marble rather than Georgia marble. I do not always approve of that myself, but really that ought not to be sufficient to justify us in turning loose all the fanatics in architecture and sculpture and art to prey upon the American people. We ought to protect the

public from those wild, uncontrollable geniuses who are trying to inflict their productions upon us, and the gentleman and myself can not do it without help. We have to have the help of men specially trained for that purpose.

Mr. HOWARD. So far as the marble proposition is concerned, I will say to the gentleman that I have no interest in marble. I have not got a piece of it the size of my fist in my whole district. The matter I was speaking about was a mere waste of money, where, by the selection of a light-colored marble and granite, they increased the price $56,000. That is all a matter of taste. They did not take into consideration the cost at all. That is what I am complaining about.

Mr. FITZGERALD. They have expensive tastes.

Mr. HOWARD. That is what I say—too expensive for the taxpayers of this country——

Mr. FITZGERALD. We must all be educated.

Mr. HOWARD. That is the reason we ought to abolish this Fine Arts Commission.

One more question I want to ask the gentleman. I thought we had an architect in the Treasury Building that was drawing a pretty good salary and a splendid force of architects under him to do this work?

Mr. FITZGERALD. No; he has nothing to do with this. Congress authorizes a memorial or monument to somebody. Competition is invited and a number of sculptors submit bids——

Mr. HOWARD. And the best friend of the commission gets the contract each time.

Mr. FITZGERALD. I hardly think that is true. Congress, at the request of the family of Admiral Dupont, has arranged to have a monument to his memory removed from the place it occupies so that one that will appeal to the esthetic taste of a cultured public may be put in its place.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. Mr. Chairman, I ask that the gentleman's time be extended two minutes. I want to ask him a question.

The CHAIRMAN. The gentleman from New York asks that his colleague's time be extended two minutes. Is there objection?

There was no objection.

Mr. BENNET. I would like to ask if the Fine Arts Commission is the body that took the half-naked body of George Washington off of the Plaza at the east of the Capitol?

Mr. FITZGERALD. No; I think we took George Washington in out of the wet because it was found that the effects of the atmospheric conditions on the statue were such that it was likely to deteriorate completely. We took it from the Plaza and put it under cover. Everybody who had any respect for American ideals and taste was glad to have that pseudo Roman warrior who had been placed out there in a half-naked condition so many years as a representation of what George Washington was supposed to be put under cover and taken away from observation.

Mr. MANN. That was due to my activity; the Fine Arts Commission had nothing to do with it.

Mr. HAMILTON of Michigan. A fine instance of the efficiency of the gentleman from Illinois!

Mr. FITZGERALD. Yes; the Fine Arts Commission organized by the gentleman from Illinois; but George Washington was represented as a half-naked Roman gladiator or warrior, and put out here for the delectation of the people, and even my plebeian taste rebelled at that awful sight, and I was glad to have it put under cover, where it would not continually be obtruding on the public.

Mr. BENNET. I agree with my colleague.

Mr. MANN. Mr. Chairman, one would not expect that a gentleman of the handsome appearance and noble mien and the fine stature of my friend from Georgia would be opposed to the fine arts. He himself is a specimen of fine art, and I regret that his old feeling, because of the kind of marble selected for the Lincoln Memorial, perhaps unconsciously, still lingers in his mind and gives him a bitterness toward the Fine Arts Commission. I am sure if the gentleman from Georgia will walk a few steps to the north of this Chamber and gaze upon the beautiful statuary presented to the United States by the great States of this Union he will then be certain that any art commission is unnecessary, certainly unnecessary for that Chamber, because no one would recognize any art there if he was on a fine-arts commission.

The gentleman further referred to the location of the Lincoln Memorial, and that is the only reason I took the floor. Mr. Chairman, here is the Capitol of the United States, the greatest Capitol building in the world. Right west of it, in a direct line, stands that lofty monument to the Father of his Country, which everyone who ever reaches Washington looks at with a feeling of love and affection for George Washington. Just beyond that to the west, in a line, stands the Lincoln Memorial; and a little beyond, across the river on a direct line with these three things, stands the resting place of America's heroic dead. Where else could better be located a place for the Lincoln Memorial than in the great park of Washington, in line with the Capitol, with the cemetery at Arlington and with the Washington Monument? I am sure that the gentleman from Georgia, when he reflects, will think, if it is due to the Fine Arts Commission that the Lincoln Memorial is over there, that we owe a debt to the Fine Arts Commission that it will take a good many mistakes of theirs to offset. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

The appropriation of $5,000 made in the sundry civil act approved August 1, 1914, for unveiling and dedicating the memorial to Gen. Ulysses S. Grant, and for each and every purpose connected therewith, including erecting and taking down viewing stands and putting the grounds in sightly condition, is made available for said purposes during the fiscal year 1918.

Mr. MANN. Mr. Chairman, I move to strike out the last word, just to ask the gentleman from Kentucky or the chairman of the commitee if there is any recent information as to when the Grant Memorial is likely to be completed?

Mr. FITZGERALD. Mr. Chairman, the sculptor who has this work has been suffering from illness and has found that the task he has undertaken was much greater than he anticipated. Col. Harts stated that he had been informed by competent persons that the model of a single horse in some of those groups required a year to complete. The information he has is that the representation of Gen. Grant will be even finer than the groups and that it will be at least an additional year before he completes it.

Mr. AUSTIN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. AUSTIN. When did we begin the construction and erection of this monument?

Mr. FITZGERALD. It has been about 12 years.

Mr. AUSTIN. Has the committee any definite information as to whether the work is progressing, and whether any definite time can be named for its completion?

Mr. FITZGERALD. Col. Harts said that the information he had from competent people was that the modeling of one of the horses in those groups might easily take a year, and there are 14 horses in those groups.

Mr. AUSTIN. Can they not model or make more than one horse in 12 months, and does it take 10 years to make a group of horses for a monument?

Mr. FITZGERALD. Yes. A group of horses such as is to be found in those two groups can not be found elsewhere in the United States. Those are two of the finest groups that have been produced. Of course we can get a group of horses produced by sculptors in six months, but they would not remain up long after they were placed there.

Mr. AUSTIN. Was not the same statement made in reference to this matter some six months ago when this bill was before the House, or last year, namely, that the sculptor was sick and unable to prosecute the work?

Mr. FITZGERALD. That is true. He has been sick. The Committee on Appropriations could not help that, and the man himself could not help it.

Mr. AUSTIN. He was sick last year.

Mr. FITZGERALD. He has been sick for a number of years. He has been in ill health, so much that it makes it impossible for him to concentrate all of his energies upon the work.

Mr. AUSTIN. Then this whole proposition depends upon his recovery as to whether it will be successfully prosecuted?

Mr. FITZGERALD. No; a full-sized model of the equestrian statue of Gen. Grant has been completed. There is some little work yet to be done, and then the casting will take place. We might better wait a few years to complete it and then have something that will excite the admiration of mankind and be a credit to the American people than to have something that 50 years from now the people will rise up in indignation against and insist that it be taken away.

Mr. AUSTIN. Does the gentleman from New York expect to live to see this monument completed?

Mr. FITZGERALD. Oh, yes; oh, yes.

Mr. AUSTIN. Then the gentleman is more hopeful and expects to live longer than I thought he would.

Mr. FITZGERALD. I am pretty optimistic, and there is another reason why I expect to do so. I have the utmost confidence in the sculptor's getting well. He happens to live in the garden spot of the universe, Brooklyn, N. Y.

Mr. AUSTIN. Would it help this matter along if the committee were to send the sculptor to a sanitarium and get him well, in order that he may complete the monument within the living generation?

Mr. FITZGERALD. Oh, I do not think the gentleman desires to indulge in remarks of that character. This man is a very eminent sculptor. It is true that for a number of years he has been so unfortunate as to be in ill health. In spite of his condition, however, he has worked laboriously upon this monument. When he started it neither he nor anyone connected with it appreciated what a tremendous task it would be. This is not a case where a man can go out and hire half a dozen mechanics to chop these horses out of a block of stone. He has to work up every little line, every little curve, every little detail with the utmost care. If some one else had taken that care out in this Rotunda, we would not have there paintings of people with six toes and three hands for the admiration and delight of the American public. These horses will have only four legs apiece.

Mr. AUSTIN. That is some comfort.

Mr. CARTER of Oklahoma. Does not the gentleman know that the six-toed fellow that he speaks of was actually a six-toed man?

Mr. FITZGERALD. No; I do not.

Mr. CARTER of Oklahoma. And that his portrait is true to life?

Mr. FITZGERALD. No; I was not acquainted with him. I never counted his toes; but if he was actually a six-toed Indian, there should have been some note upon the picture so that people would know that it was done by design.

Mr. AUSTIN. Mr. Chairman, we have completed monuments or statues, two or three in Lafayette Square, one in Franklin Square, and we will complete and have the Lincoln Monument, commenced a year or two ago, before this Grant Monument is completed, and I venture the assertion that we will be passing on this same item 12 months from now and get a third sick report with reference to this sculptor.

Mr. FITZGERALD. Let me suggest to the gentleman that he offer an amendment making it unlawful for the sculptor to be sick during the next six months.

Mr. AUSTIN. That it absolutely depends upon the recovery of the present contractor? We will all pray for him.

Mr. MONDELL. Mr. Chairman, a great poet has said that art is long and time is fleeting. I think the gentleman from Tennessee [Mr. AUSTIN] imagines that statement to be well illustrated by the progress we have not made in connection with the Grant Memorial. Let me say this to the gentleman: It is infinitely more important to all of us, and to the country, now and in the future, that the monument to be erected here at the foot of the Capitol to the great captain of the Civil War shall, when completed, be one we can all take a pride in than that it shall be completed within this year or next year. He and I would like to live and be in Congress when this monument to Grant shall be completed; but it is infinitely more important that we shall have a splendid memorial to Grant when completed than that he or I shall be here when the final dedication takes place.

Mr. AUSTIN. Let me ask this question—if this design was not adopted 10 years ago?

Mr. MONDELL. Yes.

Mr. AUSTIN. What does time have to do with improving it?

Mr. MONDELL. Twelve years ago; but neither the gentleman from Tennessee nor I are sculptors. He is an artist along certain lines, as fine as lives, but he is not a sculptor; and splendid as are his abilities, he would be the last man that I should want to employ to erect an equestrian statue even to a man he admires so much as he does Gen. Grant.

Now, this is the fact. We have all regretted the delay in the completion of this monument. I certainly do. I hope to live to see the day—and I hope I am in Congress—when it is completed.

Mr. AUSTIN. The gentleman will be a very, very old man.

Mr. MONDELL. But it is true that so far as it has gone it is one of the finest things of the kind that was ever executed. Has the gentleman from Tennessee given himself the pleasure of viewing those two groups now standing as the completed portions of this monument? Has he noted that artillery group? Has he noted the cavalry group?

Mr. AUSTIN. I think that all will be rusted and gone before Grant's figure is put up.

Mr. MONDELL. Oh, no, no. They will stand as among the finest things of their sort many, many years after the gentleman from Tennessee and myself are forgotten.

Mr. SEARS. Will the gentleman yield?

Mr. MONDELL. It is regrettable that the artist, the man who has proved himself so splended an artist in designing this work, in carrying it on so far has been ill and has been unable to carry it on as rapidly as he should, but the work, so far as it has progressed, is, in my opinion, very fine.

The Clerk read as follows:

Survey of northern and northwestern lakes: For survey of northern and northwestern lakes, Lake of the Woods, and other boundary and connecting waters between said lake and Lake Superior, Lake Champlain, and the natural navigable waters embraced in the navigation system of the New York canals, including all necessary expenses for preparing, correcting, extending, printing, binding, and issuing charts and bulletins, and of investigating lake levels with a view to their regulation, $125,000.

Mr. HAWLEY. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill a question. The last clause of the paragraph says:

And of investigating lake levels with a view to their regulation.

I suppose that means "for investigating" the lake levels, etc., which declares a purpose; but in the first part of the paragraph no purpose is declared. What is the purpose of that work which is described in the first part of the paragraph?

Mr. FITZGERALD. The purpose is to chart the lakes in the interest of navigation, and the surveys are also made to study the fall of the lake levels so that the information is available in connection with any recommendation that may be made toward improvements or for permitting the withdrawal of waters. We have a twofold purpose. One is the acquisition of information as to the depth and the charting of lakes for the purpose of navigation, and the other is to make and continue the study of lake levels so as to ascertain whether the lake level is being diminished, is lowering, or remaining stationary.

Mr. HAWLEY. No part of the work is for the determination of boundary lines between the United States and Canada?

Mr. FITZGERALD. Oh, no; this has nothing to do with that question.

Mr. HAWLEY. While we have this matter up I would like to ask a question about another matter connected with this. We have for many years appropriated money for determining the boundary between the United States and Canada. What proportion of this boundary has been determined and marked by permanent monuments?

Mr. FITZGERALD. That commission is provided in the diplomatic bill, and I am not familiar with what the commission has done.

The Clerk read as follows:

California Débris Commission: For defraying the expenses of the commission in carrying on the work authorized by the act of Congress approved March 1, 1893, $15,000.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. I would like to call the attention of the chairman to this item. Why is the additional amount of $3,000 recommended not allowed in reference to the California Débris Commission, page 437 of the hearings?

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Was a point of order made against this item?

Mr. FITZGERALD. No; does the gentleman want to make it?

The CHAIRMAN. A point of order was not made against the item.

Mr. FITZGERALD. It is not subject to the point of order, and it is just as well it was not. Mr. Chairman, answering the gentleman from California, the committee believed the amount of money that they had was sufficient for the work they would be called upon to do.

Mr. RAKER. Might I suggest to the gentleman the department desired $3,000 more——

Mr. FITZGERALD. Yes.

Mr. RAKER. And may I call his attention to the fact that under section 5 of the act there has been practically no work done up to the present time?

Mr. FITZGERALD. Section 5 of what act?

Mr. RAKER. Of the act referred to in the bill, public act 101, approved March 1, 1893. There are two provisions, section 4 and section 5. The principal part has been done under section 4. Now, under section 5—the commission has not had the money to really carry out the provisions of section 5 of that act, and there is much need——

Mr. FITZGERALD. They did not say that, though.

Mr. RAKER. They asked for $3,000 more.

Mr. FITZGERALD. I know they asked for $3,000, but they did not give sufficient reason for it.

Mr. RAKER. They ought to have about $200,000.

Mr. FITZGERALD. I know; if the gentleman had his way they would get $200,000,000, but we can not travel that rapidly.

Mr. RAKER. Further, I want to call attention to this fact: Does this simply provide for the expenses of the commissioners? Can they use any of that money in doing the work?

Mr. FITZGERALD. They do not do the work; it is merely a consulting and inspection office. This commission under the law passes upon all plans for the improvement in a river or for hydraulic mining up the river, and when anyone proposes to build any works the plans are prepared and sent to this commission, where they are examined and approved or disapproved.

Mr. RAKER. I would like to read to the gentleman from the fifth section of this act:

That it shall further examine, survey, and determine the utility and practicability, for the purposes hereinafter indicated, of storage sites in the tributaries of said rivers and in the respective branches of said tributaries, or in the plains, basins, sloughs, and tule and swamp lands adjacent to or along the course of said rivers, for the storage of débris or water or as settling reservoirs, with the object of using the same by either or all of these methods to aid in the improvement and protection of said navigable rivers by preventing deposits therein of débris resulting from mining operations, natural erosion, or other causes or for affording relief thereto in flood time and providing sufficient water to maintain scouring force therein in the summer season, and in connection therewith to investigate such hydraulic and other mines as are now or may have been worked by methods intended to restrain the débris and material moved in operating such mines by impounding dams——

Mr. FITZGERALD. That is the work they were doing all the time.

Mr. RAKER. And it says—

settling reservoirs, or otherwise, and in general to make such study of and researches in the hydraulic mining industry as science, experience, and engineering skill may suggest as practicable and useful——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. It says, further:

And useful in devising a method or methods whereby such mining may be carried on as aforesaid.

Now, the work has been most exclusively under section 4, and the efficiency of the commission for the purposes of these acts would be materially enhanced in the general development, both in the valleys and the streams and in the mountains, if this $3,000 could be added to extend the work during the coming year.

Mr. FITZGERALD. It is not needed, and the commission has not only made most of the investigations to which the gentleman refers, but it has made a report, and upon that report, if I recall correctly, the gentleman succeeded in having an appropriation of $5,000,000 included in the flood-control bill.

Mr. RAKER. That is the first appropriation.

Mr. FITZGERALD. That is the first one, and that was based upon the completed report of this débris commission.

Mr. RAKER. Surely.

Mr. FITZGERALD. And instead of not having done anything called for in section 5 of the act, they have done practically everything called for in the way of independent investigations, and they simply said after that if they had $3,000 more they could do their work a little more efficiently. But the committee does not desire such indefinite information.

Mr. RAKER. The gentleman's statement applies particularly to section 4.

Mr. FITZGERALD. It applies to section 5.

Mr. RAKER. It relates to the navigability of the streams, and they have done wonderful work.

Mr. FITZGERALD. Let me call the gentleman's attention to the fact that I know what I am talking about. He only imagines he knows what I am talking about.

Mr. RAKER. You are looking at one end and I am looking at another.

Mr. FITZGERALD. I am not. The commission has been working in connection with the construction and inspection of work pertaining to mining industries, and operations in connection with flood-control projects in the Sacramento River, and they have submitted a report on that.

Mr. RAKER. Surely.

Mr. FITZGERALD. And that is finished and they do not need the money. That is why they did not get it.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Harbor of New York: For prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City:
For pay of inspectors, deputy inspectors, and office force, and expenses of office, $10,260;
For pay of crews and maintenance of patrol fleet, six steam tugs and one launch, $75,000;
For purchase and installation of a new dynamo, electrical fittings, new deck, and new boiler on patrol vessel *Lamont*, $11,500;
In all, $96,760.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. At this point of the bill last year there was an item for topographic maps for the use of the War Department. I find that there is no such item in the bill this year. In the Army bill the other day the committee attempted to carry an item for $200,000 for the purpose of assisting in the preparation of war maps, using the Geological Survey maps, Coast and Geodetic Survey maps, and so forth, as a basis for the war maps. What, may I ask, is the reason that there is nothing of that kind carried in the present bill?

Mr. FITZGERALD. Last year it appeared that the War Department had requested that certain maps be made and that it would require a certain sum of money to make those special maps. That item was carried in the bill. The committee last year and this year incorporated in the bill in connection with the appropriation of $350,000 for the Geological Survey for topographic maps a provision to the effect that in expending this sum preference should be given special topographic surveys for areas selected by the War Department and in securing such extra topographic data as requested by the War Department of these or other areas. I think the Committee on Military Affairs was extra generous in their recommendation. The War Department asked for $200,000 to be used, not by the War Department, but by the Geological Survey and the Coast and Geodetic Survey. It was said it was to be in cooperation with them, but the work would have been done by the Coast and Geodetic Survey and the Geological Survey.

Mr. TILSON. Undoubtedly the basic work.

Mr. FITZGERALD. We have provided $350,000 for topographic maps, and we require that the work of the War Department be given preference in the expenditure of that money.

Mr. TILSON. The $200,000 asked for by the Army Engineer Office was not alone for the kind of work that the Geological Survey could do, but to place upon these maps additional information—military information.

Mr. FITZGERALD. But they wanted a lot of money to put that information on the maps. Two hundred thousand dollars for putting on their data is very large.

Mr. TILSON. There was no intention to take away any part of the jurisdiction of this committee. We shall be very glad to have this committee make as large an appropriation as possible for the Geological Survey, especially when it is required that they shall give preference to areas selected by the War Department for their work. In addition to that, however, it is necessary for military purposes to place upon these maps certain military information, and that was the desire of the Committee on Military Affairs.

Mr. FITZGERALD. This provision requires that data to be placed on them.

Mr. TILSON. That is only the topographic data; but there is other data not topographic at all and not found on the Geological Survey maps.

Mr. FITZGERALD. It is the same data. They show tall buildings and towers and chimneys and bridges, and other prominent landmarks, to be placed on those maps, and it is done by the topographic survey in making the maps. The military authorities have just mystified the gentleman in this matter.

Mr. TILSON. The gentleman is not mystified. The gentleman has found occasion for the use of these maps.

Mr. FITZGERALD. If the gentleman thought the War Department wanted to put something on the maps that the Geological Survey did not put on——

Mr. TILSON. The gentleman is not mystified in any sense of the word. It has been the gentleman's duty to use these maps containing the additional information added by the Engineers of the Army. When this information is placed on the maps that were originally made by the Geological Survey they are marked "Confidential" and treated as confidential.

Mr. BORLAND. What they want placed on these maps is what they call "cultures"—houses, buildings, railroad crossings, embankments, and so on. Now, the Government is engaged in training student officers, and as part of this training they send them out to make a survey of a topographical section. They have done that in the neighborhood of Leavenworth a number of times, until some of them have gotten into the habit of copying from the others. Why can not the Government make these "cultures" from the surveys they already have?

Mr. TILSON. They are doing it in a small way, but they need more of it to be done, and with this purpose in view they

asked for an appropriation on the Army bill. The gentleman has hit the bull's-eye with his suggestion.

Mr. BORLAND. The gentleman provided for it in his bill.

Mr. TILSON. No; we tried to carry an item in the Army bill, but a member of the Committee on Appropriations objected to it.

The CHAIRMAN. The gentleman's time has expired. The Clerk will read.

The Clerk read as follows:

Artificial limbs: For furnishing artificial limbs and apparatus, or commutation therefor, and necessary transportation, $210,000.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last word.

Mr. SMITH of Michigan. Mr. Chairman, I would like to inquire how frequently are these artificial limbs furnished?

Mr. FITZGERALD. Every three years the applicant gets either a limb or the money.

Mr. SMITH of Michigan. How extensive is that? Is it given to every soldier who loses an arm or a limb in the service?

Mr. FITZGERALD. Yes. The law fixes the rate which he receives; so much for an arm, so much for an eye, so much for a leg, so much for two arms or two legs, and the soldier either draws the money or the appliance. As a rule the appliance lasts longer than the statutory period, and most of them draw the money.

Mr. SMITH of Michigan. And that is done every three years?

Mr. FITZGERALD. Yes; $75 is given for a leg, and $50 for an arm.

Mr. HAMILL. He would have to have an honorable discharge in order to get that?

Mr. FITZGERALD. Yes; he must have an honorable discharge.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read. The Clerk read as follows:

Garfield Memorial Hospital: For maintenance, to enable it to provide medical and surgical treatment to persons unable to pay therefor, under a contract to be made with the Board of Charities of the District of Columbia, $19,000, one half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Mr. SEARS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Florida moves to strike out the last word.

Mr. SEARS. Mr. Chairman, before the passage of the rivers and harbors bill and before the passage of the public buildings bill it was generally stated that these bills would not become laws and that Congress was wasting its time in considering said bills. I rather should have said the House was wasting its time. I desire simply to call the attention of the Members to the fact, which they know, recently a bill was passed appropriating approximately $350,000,000, which said amount was raised by the Senate over $100,000,000 for a naval propaganda. In that bill there was no time limit for the completion of vessels; in other words, a vessel could be completed in 5 years or 10 years. Recently, I saw a statement showing that in the case of a coast submarine—not a superdreadnaught, but one of the smaller vessels—the contractor had been working on said vessel for about 4 years and still only 88 and some tenths per cent of the vessel had been completed.

I want to say, Mr. Chairman, that out of the entire amount appropriated for public buildings only about $6,000,000 goes to the rural districts of this country. It has been stated that this amount was largely "graft" and "pork," but those who tried to affix "pork barrel" and "graft" to these measures failed miserably to prove their case.

I also want to say to the Members of this House now that I am being flooded with telegrams urging me to assist in the passage of these bills. As the Members know, it is impossible for me to do anything, these bills now being in the Senate; but I desire to state, to my mind, it is a fearful indictment of Congress when all internal improvements must stop, with the United States at peace with the world, simply in order that we may contract or agree to contract for vessels to be built—just when, we do not know. I do know, however, they can not be completed in the next 6, 8, or 10 years.

Last night I read in one of the Washington papers that perhaps a proposition would be made to Congress providing for five vessels costing $50,000,000 each.

In the Washington papers, Mr. Chairman, I have read several articles condemning "pork-barrel statesmen." I am glad I do not qualify under that classification, as my items are meritorious. I do not object to newspaper criticism, but I think it is unfair to criticise Congress and in the same issue, or the next issue, ask Congress to do for their own locality what they so strongly condemned for other localities. I have voted for practically every appropriation for the District of Columbia, because I realize that this, the Capital of the country, should be the beauty spot of the United States. I do not believe the people object to reasonable and necessary appropriations for the Capital. In order that we may not forget, I desire to call your attention to a few of the appropriations for the purpose of improving the Capital which have been passed since I have been in Congress. Last year the House made an appropriation of $2,000,000 to build a bridge over the Potomac River, and now they are asking for $1,000,000 to build another bridge at or near Georgetown. We also made an additional appropriation for the purpose of completing the Lincoln Memorial. We have now paid for the "Capitol Park," I understand, about $6,000,000, and we are being urged to provide for other parks. It is remarkably strange to my mind that nothing is said about "pork" when these millions are spent in the city of Washington.

I desire now to again state I shall support all meritorious appropriations for public buildings and rivers and harbors throughout the country, and in so doing I shall feel I am not a "pork-barrel statesman," but rather that I am giving to the people who pay the taxes not only something they are entitled to but something they really need.

I sincerely trust both of the bills which I have referred to, and which passed the House by so large a majority, will become laws.

There are only three things, Mr. Chairman, that are certain—one is death; another is taxation; and the other, I regret to say, is the retirement from time to time of Members of Congress. I trust none of us will be in the latter class, but I fear unless we lose sight of the war scare that is being forced upon us and stop appropriating millions of dollars for fighting vessels, without putting a limit upon the time for the completion of same, and unless we keep up necessary internal improvements, there will be more retirements in the future than there have been in the past.

The CHAIRMAN. The time of the gentleman from Florida has expired. The Clerk will read.

The Clerk read as follows:

Northwestern Branch, Milwaukee, Wis.: For current expenses, including the same objects specified under this head for the Central Branch, $45,000;

For subsistence, including the same objects specified under this head for the Central Branch, $140,000;

For household, including the same objects specified under this head for the Central Branch, $58,000;

For hospital, including the same objects specified under this head for the Central Branch, $44,000;

Mr. SEARS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SEARS. I also ask unanimous consent that the article which I send to the desk be printed in the RECORD.

The CHAIRMAN. The gentleman asks to extend his remarks as indicated. Is there objection?

There was no objection.

The Clerk read as follows:

For transportation of members of the home, $600;

For repairs, including the same objects specified under this head for the Central Branch, $30,000;

For farm, including the same objects specified under this head for the Central Branch, $8,000;

In all, $325,600.

Mr. ANTHONY. Mr. Chairman, from the hearings covering the appropriations for this Northwestern Branch of the Soldiers' Home it is evident that the board of managers think that the Northwestern Branch is no longer necessary to be utilized. They say that the buildings are old and dilapidated; that there is no real need for the further maintenance of the institution; and it occurs to me that it would be well if the Committee on Appropriations had exercised a little economy and followed the recommendations of the board, and cut out what appears to be a useless public institution. The figures given by the board of managers show that away back in 1895, when there were 7 homes, they were taking care of 16,000 men in 7 homes. Now, with 10 homes, they have only 16,000 men, and I was hoping that the committee would follow out the policy of economy recommended by the board and abandon that apparently decayed and useless branch of the soldiers' home. Therefore I offer this amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ANTHONY: Page 86, line 10, strike out lines 10 to 24, inclusive.

Mr. STAFFORD. I make the point of order on the amendment that it is not in order. In the first place, we are considering this bill by paragraphs. The gentleman's amendment is to strike out paragraphs that have been read and passed by the Clerk, paragraphs to which no objection whatever was made. The Chair knows that the gentleman can not offer an amendment to strike out paragraphs that have been read and passed and to which no objection was made at the time they were read.

Mr. ANTHONY. The Chair will note that the lines from 10 to 24 should and do constitute one paragraph. They all relate to the one home. The different items are separated by semicolons. If I remember correctly, the gentleman from Wisconsin [Mr. STAFFORD] argued the other day exactly the converse of his present point of order.

Mr. STAFFORD. The gentleman's memory is in error not only on the point he makes, but on the merits of the proposition.

Mr. ANTHONY. It shows how dexterous the gentleman is in taking both sides of the same question.

Mr. STAFFORD. The gentleman is entirely mistaken in his recollection. The other day, when the military appropriation bill was under consideration, I called the attention of the Chair to the fact that it should be considered by paragraphs as it was printed. The gentleman from Kansas, of course, is here on occasions. If he were here all the time he would be better acquainted with the rules of the House. If he has given the slightest consideration to the rule, he knows that he has waived his rights, whether purposely or not, by allowing these paragraphs to be read and passed. If he did it purposely, I am thankful to him, but in any event he has waived his rights by failing to offer a motion to strike out each paragraph as it was read, and he is now moving to strike out paragraphs which have been passed.

Mr. ANTHONY. I would rather leave the point of order to the judgment of the Chair than to the judgment of the gentleman from Wisconsin.

Mr. STAFFORD. The last line read was line 24. Under the rules of the House this bill is considered by paragraphs, and a paragraph is a well-known arrangement and division of words. Merely because all these paragraphs refer to the Northwestern Branch, the gentleman can not move to strike them out. He might just as well insist that because they all refer to national homes he could move to strike out all the items relating to national homes.

The CHAIRMAN. Without looking up the precedents the Chair is under the impression that the point of order is well taken. Each of these subdivisions is a paragraph. The Chair sustains the point of order.

Mr. ANTHONY. I offer another amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Kansas offers an amendment which the Clerk will report.

Mr. ANTHONY. On page 86, I move to strike out the paragraph contained in line 24.

Mr. FITZGERALD. Mr. Chairman, it is entirely immaterial whether the paragraph is stricken out or not. It merely states the total of the items for the home. The gentleman from Kansas [Mr. ANTHONY], however, has referred to a recommendation which was made by the Board of Managers of the National Home for Disabled Volunteer Soldiers. They have recommended that the Northwestern Branch be abolished. The reason assigned was that the buildings of that home were in such a dilapidated condition that the cost of maintaining them in proper repair would be excessive, and that as there probably would be sufficient accommodations in the other homes it was advisable to abolish this home. They also proposed that Congress, in its generosity, in order to appease public sentiment in the city of Milwaukee, should donate to the city of Milwaukee the property of this home, which is valued at about $1,000,000. The board thought that if Congress gave to the city of Milwaukee this property, which is admirably suited for park purposes, the people might acquiesce with more or less grace in the abolition of the home. Some years ago the board informally very strongly recommended the abolition of the Eastern Branch, located at Togus, Me. It is pretty difficult to understand why anyone who was sympathetic with the old soldiers should ever have located a branch at the particular place where the Eastern Branch is located. But opposition developed to the attempt to abolish that home. So that Congress might be informed and act in a manner that would secure the very best possible results, the committee have included in the bill, on page 92, this provision:

The Secretary of War is authorized and directed to report to Congress, not later than January 1, 1918, what branch or branches of the National Home for Disabled Volunteer Soldiers, if any, can be discontinued without prejudice to the care of the persons entitled to admission to the home.

Under the law the Inspector General of the Army is required to inspect all the homes. The War Department has considerable information about them, and in the course of making inspections required by law the committee believed that information could be obtained by a report from the War Department, presumably disinterested and not biased in favor of any branch, and that Congress at the next session would be able to take up the question.

Mr. ANTHONY. And the next sundry civil bill will contain the result of the board's report?

Mr. FITZGERALD. The committee expects that if the War Department should recommend in the interest of economy that a certain home or homes be abolished, then it will be prepared to make the recommendation. It was believed that it was fair to adopt this policy because of the peculiar local interests involved in maintaining the homes—that it was fair to have an investigation by and report from some other body than the board of managers. Until recent years Wisconsin always had a member on the board of managers. For the last few years it has not had one, and the fact that the State was not represented, it is claimed, made it easy for the board to recommend the abolishment of that particular branch. The committee, not desiring to do an injustice or to make an error, decided that it would direct the War Department, in the belief that it was impartial, to make a complete investigation and submit its report to Congress.

Mr. ANTHONY. And so the committee had good reason for continuing the home for another year?

Mr. FITZGERALD. Yes; and even if it were determined to abolish the home, it would take six or eight months to enable the transfer and readjustment to be made.

Mr. ANTHONY. In addition to those reasons, the gentleman to my right advances another one why the home at Milwaukee should be maintained, and that is it is the only home left at which a veteran can get a drink of beer. [Laughter.] There is no question but that this is the most popular home.

Mr. FITZGERALD. If the statement of the gentleman from Kansas is correct, I am surprised that there is ever any room in it at all. [Laughter.]

Mr. MONDELL. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Kansas. The board of managers after very careful consideration told us that we could save $200,000 annually by dispensing with one of the soldiers' homes, and they suggested that the home that could be best dispensed with, owing to the state of nonrepair, was the home at Milwaukee. The committee, after considering the matter carefully, concluded that we ought to have other officials besides the board of managers pass on this matter. So by a provision in another paragraph in the bill the matter was put up to the War Department for a report.

Now, we can not say what the report of the War Department may be. They may report in favor of the discontinuance of the Maine home. They may report in favor of the discontinuance of the Leavenworth home; they might even report in favor of abandoning the Danville home. Whatever home they advise us to abandon should, I presume gentlemen believe, be abandoned without any further ado about it. I take it for granted that every Member of the House will favor the recommendation made in the report we now call for. I feel confident that if for the second time the soldiers' home at Milwaukee should be recommended for abandonment the gentleman representing that immediate vicinity, and a member of the Committee on Appropriations, will, with Spartan fortitude, stand for the carrying out of the recommendations of the War Department. I feel confident that he will, for he has been a very Spartan in his advocacy of economies in connection with other Government expenditures.

We have had a proposition before the country for some time for the abolition of certain mints and assay offices in the far West in connection with which it was claimed by certain officials that we could save not $200,000 but a paltry insignificant sum of $5,000 or $6,000 or $7,000. Of course, it was not plain, as in the case of this item it is plain, that you can take just as good care of every veteran and still save $200,000, but it was claimed that while there would be some loss to the public service, some people would be seriously inconvenienced, still we would save a little money.

The gentleman from Milwaukee, the true economist that he is, voted valiantly and firmly and persistently for economy in the abandonment of the assay offices and mints in the Western States in order that we might save a few dollars to the Public Treasury. Of course, the House did not agree with him. The House did at one time, in a moment of aberration, but later the matter was reconsidered and the mint and assay offices still continue to do helpful and useful work.

When I think of the gentleman's attitude of disinterestedness in insisting upon strict economy in the abolition of the western mints and assay offices, I feel confident that if this matter of saving comes a little nearer home for the second time he will acquiesce and join cheerfully in the abolition of the home at Milwaukee, although it is very dear to his heart and very near to his district. [Laughter.]

Mr. SLOAN. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. SLOAN. The gentleman from New York said that the local interests were consulted about having made the determination which the gentleman has recited.

Permit me to ask, if this Northwestern Soldiers' Home should be discontinued and removed from Milwaukee, would there be any other interest left in that village?

Mr. MONDELL. Oh, I think there would be much left in Milwaukee after the soldiers' home was taken away. Personally, I do not believe in the abolition or abandonment of any of these soldiers' homes, but if for the second time Milwaukee shall be chosen as the home to be abandoned, I shall reluctantly join with my friend from Wisconsin to have this done in the interest of economy.

Mr. SMITH of Michigan. Is the soldiers' home what made Milwaukee famous?

Mr. MONDELL. I have not so heard.

Mr. STAFFORD. Mr. Chairman, I rise in opposition to all these three gentlemen——

The CHAIRMAN. The Chair will state to the gentleman that all debate has been exhausted upon this amendment.

Mr. STAFFORD. Who seek to destroy the good name of Milwaukee and the Northwestern Branch Home.

The CHAIRMAN. The Chair will call the gentleman's attention to the fact that 15 minutes have already been consumed on this.

Mr. STAFFORD. That is nothing in the consideration of this bill, Mr. Chairman. We have consumed three and four hours heretofore on single amendments in this bill.

The CHAIRMAN. In the absence of any point of order the Chair will recognize the gentleman.

Mr. STAFFORD. Mr. Chairman, I can understand the motive that is back of the gentleman from Kansas [Mr. ANTHONY]. The very distinguished gentleman wishes the Milwaukee home abolished because he wishes by the abolishment of the Northwestern Branch to gain some of the old soldiers for the home in his State, which is the least popular of any of the homes in that western territory.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. ANTHONY. I hope the gentleman does not want to ascribe any ulterior motives to the motion that I made. The gentleman is a good parliamentarian, and he surely does not consider that parliamentary language.

Mr. STAFFORD. When the gentleman uses such wild language, even when applied by the very distinguished gentleman from Kansas, that the home at Milwaukee is decayed and dilapidated, he must be suffering some sort of aberration of mind that is unusual even to him. I do not want to indulge in any psychological study as to the reason why the gentleman from Kansas——

Mr. ANTHONY. Will the gentleman yield once more?

Mr. STAFFORD. Why he should go to the extent of characterizing that home with such language as that, without any foundation, demands explanation. I yield to the gentleman.

Mr. ANTHONY. I want to call the gentleman's attention to the hearings in which the statement was made by the president of the board of managers that the buildings at Milwaukee are so decayed and rotten and dilapidated——

Mr. STAFFORD. Oh, I challenge that statement of the gentleman. The fact is that the gentleman never saw these hearings until about five minutes before he spoke, and I challenge the gentleman to show where such language occurs in the hearings. I yield for that purpose.

Mr. ANTHONY. The president stated that he had a sample of the wood from the building——

Mr. STAFFORD. Oh, the gentleman is evading the question.

Mr. ANTHONY. Was the gentleman not there the other day?

Mr. STAFFORD. I was at the hearing and I heard all of the testimony.

Mr. ANTHONY. The gentleman shows astounding ignorance, then, if he does not know what is in the hearings.

Mr. STAFFORD. I challenge the gentleman that he can not find any such language. What are the facts? I yielded to the gentleman from Kansas and the gentleman failed to bring in the testimony.

Mr. ANTHONY. If the gentleman will give me a few minutes, I will give it to him.

Mr. STAFFORD. I yield to the gentleman.

Mr. ANTHONY. I will give it to the gentleman.

Mr. STAFFORD. The gentleman has not so far. The gentleman has indulged only in persiflage of a very poor order. What are the facts? It is true that there is a Northwestern Branch located at Milwaukee. The testimony shows that the power plant, together with the steam pipes connecting that power plant, are in need of repair. It is also true that it is an old home, the oldest home of these branch homes for the care of disabled volunteer soldiers. The women of Milwaukee away back in 1868 organized for the purpose of obtaining funds wherewith to present to the Government more than 300 acres of land as the site to be used as a Home for the old veterans who would have occasion as the years would come to find a proper abiding place in the latter days of their lives. It is the parent home of all these branch homes. Naturally the people of Milwaukee are interested from a loyal sentiment begotten of all these years to have the home retained. No industry of Milwaukee nor is the welfare of Milwaukee dependent upon the retention of that home. As the hearings show, the board of managers were so biased in their recommendation that they admitted that there were other branch homes more worthy of discontinuance than even the Milwaukee home, if it can be said that it is in such a condition as to warrant discontinuance.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, it was called to the attention of the committee that the home located at Togus, Me., was as old, that the buildings were as much in need of repair as those at Milwaukee, and that the cost per capita for maintenance was greater at Togus, Me., than at Milwaukee. There is no disguising the fact that the number of inmates of these soldiers' homes is becoming less and less, and the board of managers realized that sooner or later some of these homes must be discontinued. But, Mr. Chairman, they singled out, perhaps by inadvertence, perhaps by accident, that home that did not contain any representative on the board of managers. As stated by the chairman of the committee, Wisconsin did have until a few years ago a representative on the board, and the hearings show further that in the recommended expenditure of money of the Government for the care of homes at the home located in Tennessee two barracks have been constructed that have never been open because there were not enough inmates ever to fill them. It just shows the way a particular home may be established through political influence, or the like, when there is no necessity whatever for them. The Appropriations Committee thought it was wise and proper to have an impartial investigation of these various branches of the home by the War Department. I shall not stop at this time to answer the gentleman from Wyoming as to what action will be taken upon the report of the War Department.

If the report of the War Department is as biased as the report of the board of managers is upon their own admission, naturally I will oppose it, but everyone knows who knows anything about the location of these homes that the Milwaukee home is located in a district by itself. Yet there is the home at Danville, comparatively recently located on the prairies around Danville, the home city represented by the distinguished former Speaker of this House. There is the Marion home in Indiana, only 100 miles away from the Dayton home. There is the Dayton home in Ohio, only 100 miles from the Marion home, and yet the Milwaukee home is furnishing accommodations to the old soldiers of Wisconsin, Minnesota, Iowa, and northern Illinois, more than 200 miles removed from any other home, and where the cost per capita is less to maintain than in some of these homes that have a larger number of inmates. Well might the committee have taken exception to the recommendations of the board of managers when they singled out the Milwaukee

home when the president of the board admitted in the testimony that the Togus, Me., home was more worthy of discontinuance than any other home, and yet he said it was not recommended for discontinuance for political reasons. What were those political reasons? Just because the board of managers happened to have a representative on the board of managers, and they feared the opposition of certain Members in another legislative body. But the gentleman from Kansas [Mr. ANTHONY] is very well entrenched. We stayed here one night fighting for the Representative from Kansas until midnight, and I stood loyally by him, and now he tries, for some covert purpose, without any warrant whatever to support him, to discontinue the Milwaukee home so he can gain some little advantage by having a few more old soldiers go out in the wilds of Kansas and the arid districts of Kansas [applause] and remove, against their wills, the old soldiers at Milwaukee. [Applause.]

Mr. ANTHONY. Mr. Chairman, I simply wanted to be recognized to comply with the request made by the gentleman from Wisconsin that I quote from the hearings the ground for my assertion as to the condition of the buildings at the Northwestern Branch. I had no desire to misrepresent conditions there, and I refer him to page 517 of the hearings of his own committee in which Gen. Wood said:

> Our power plant at Milwaukee is old and really almost obsolete, and the underground system is in very poor condition. Last year the chief engineer talked of taking the entire underground system up and replacing it, which would be a very serious expense.

On page 516 Gen. Wood said, in reply to a question by Mr. FITZGERALD, in regard to the Northwestern Branch:

> Yes, sir; it is in the poorest physical condition. The buildings there are about the oldest buildings of any of our homes.

Also, on page 515 of the hearings, before the committee Gen. Wood further said:

> The Northwestern Branch at Milwaukee, Wis., where the buildings are all so old and where we have a power plant which is in very bad condition, etc.

These are extracts as to the condition of the buildings, and my advocacy of the abandonment of that home is simply due to the reason that the Government stands to save about $300,000 a year by so doing. The board of managers state they can maintain every one of the soldiers there at other homes. It is simply a question whether the Government wants to effect a saving of a third of a million dollars each year. That is the only question which is up to the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

Mr. VARE. Mr. Chairman, let us have the amendment again reported.

The amendment was again reported.

The question was taken, and the Chairman announced the ayes appeared to have it.

On a division (demanded by Mr. FITZGERALD) there were—ayes 3, noes 26.

So the amendment was rejected.

The Clerk read as follows:

> In all, National Home for Disabled Volunteer Soldiers, $3,894,900.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I wish to inquire of the chairman of the committee whether the committee granted all the estimates of the board of managers for these various branches of the home, as requested in the Book of Estimates?

Mr. FITZGERALD. We gave the amounts they requested.

Mr STAFFORD. Mr. Chairman, I withdraw the pro forma amendment.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. True the chairman of the committee just said, in answer to an inquiry of the gentleman from Wisconsin, that in the main we allowed the estimates in connection with the branches of the soldiers' home, but it is also true that we did that with the understanding that there would be deficiencies in practically all of these items. In other words——

Mr. CANNON. That is owing to the increased cost.

Mr. MONDELL. We were informed that the increased cost of coal, clothing, food, and supplies of one sort and another was such that the estimates made last October would not, if present prices continue, carry the homes through the entire fiscal year.

Mr. STAFFORD. I believe the board of managers have presented efficiency estimates to carry on their respective activities during the remainder of the present fiscal year by reason of the same condition.

Mr. MONDELL. Deficiency estimates on a considerable number of these items, and still a greater number of deficiency items, will be presented in the next Congress in connection with these items, but the committee believed it was better to give the estimates as presented, with the expectation that there would be deficiencies, than to attempt to estimate now what the total cost might be.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> For reconstruction of the walls, sidewalks, tunnel, and portions of the roadways on the east side of the Capitol Grounds, including each and every item connected therewith, $30,287.50, to be available immediately.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

I rise for information. Is this item of $30,000 providing for the reconstruction of the walls, sidewalks, and tunnel in connection with putting in repair the street in front of the Library of Congress and over the tunnel of the Washington Terminal Co.?

Mr. FITZGERALD. Sections of the roadway in the Capitol Grounds between the Capitol Building and the Library have settled. The District of Columbia is doing some work, and it is necessary because the settling has taken place to do some work in the tunnel connecting the two office buildings and do some work on the surface in the Capitol Grounds. There is some question as to whether the railroad is not liable for this sum, and the committee instructed the Superintendent of the Capitol to transmit all the facts to the Attorney General, so that if legal proceedings should be taken the Attorney General would be apprised of the fact and in a position to proceed.

Mr. STAFFORD. Of course all of us are acquainted with the very bad condition of the street which faces the Library of Congress for these several years past.

Mr. FITZGERALD. That is due to a very peculiar condition. The excavation of the tunnel through there was by tunneling rather than by the open cut. After the tunnel was completed in restoring the material it was not tamped in tight, and lumber was left in, and by degrees the filling material settled and the surface settled. The railroad company was required by law to restore the street to its original condition. That was done. Now this further settling has taken place.

The District officials are preparing to institute proceedings to compel the railroad to pay the additional cost required to put the street in condition again. Over that portion that has settled on the Capitol Grounds the District Commissioners have no control. And in addition, our tunnel has settled considerably and is out of alignment and needs certain repairs. So that our rights, or the rights of the Government, may be protected, in so far as the work is done, as I have already stated, the committee directed the Superintendent of the Capitol to transmit a communication to the House commission, I believe——

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent that it may be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. For the purpose of arranging to have the Attorney General fully apprised of the situation, and to take whatever steps were necessary to protect the United States.

Mr. STAFFORD. Would this appropriation cover not only the expense of putting the Capitol Grounds in repair, but also the damage that has been done by the decay of these timbers that the terminal company allowed to remain above the tunnel works in front of the House Office Building?

Mr. FITZGERALD. Not in front of the House Office Building. It is the portion of the Capitol Grounds facing the Library Building.

Mr. STAFFORD. There is also some damage, by reason of the same causes, just to the northeast of the House Office Building.

Mr. TILSON. It is all the way down First Street, between B Street and C Street SE.

Mr. STAFFORD. This matter has been up in the House before, and on one occasion I tried to obtain information as to whether anything was being done by the Commissioners of the District of Columbia toward compelling the terminal company to place that street in repair.

Mr. FITZGERALD. The Superintendent of the Capitol stated that the District Commissioners were preparing to initiate proceedings to compel the company to make good the expense which would be incurred, and the District is preparing to do the portion of the work which comes under the District Commissioners. It is desired at the same time to carry on the work within the Capitol Grounds that is not under their jurisdiction, but under the control of the Superintendent of the Capitol Building and Grounds.

Mr. STAFFORD. This appropriation will not prevail for putting in condition the grounds immediately tributary to the House Office Building?

Mr. FITZGERALD. It is not intended for that purpose.

Mr. STAFFORD. The gentleman recognizes that there is as much need for putting the sidewalk and street in condition there as in that portion referred to in this paragraph?

Mr. FITZGERALD. My recollection is that it is not included in this particular item.

Mr. TILSON. Will the gentleman yield? Has the gentleman been at the corner of B and First Streets SE., and observed the great caving-in there? The sidewalk must be depressed a foot or more.

Mr. FITZGERALD. I have not observed it.

Mr. TILSON. And half the way down to C Street.

Mr. FITZGERALD. That would be under the control of the District Commissioners. That is a public highway.

Mr. STAFFORD. That immediately connects with the House Office Building. Some of the abutments have fallen down. There has been damage to the property of the United States.

Mr. FITZGERALD. I am not familiar with that situation.

Mr. TILSON. It is the northeast entrance there.

Mr. STAFFORD. As I understand the gentleman, the District Commissioners are instituting proceedings against the Washington Terminal Co. in order to secure restitution for the expense occasioned by that state of affairs?

Mr. FITZGERALD. The committee directed the superintendent to put the facts before the House Office Commission, so that they could transmit them to the Attorney General.

Mr. STAFFORD. Certain work is being done on the thoroughfare at the present time. I think by the street railroad company.

Mr. FITZGERALD. By the District Commissioners.

Mr. STAFFORD. They are going ahead now and putting everything in first-class condition, so that it will be in the condition it was in before the terminal was built?

Mr. FITZGERALD. We hope all the settling has taken place. No one can tell unless they open the street down to the top of the tunnel and fill and tamp it.

Mr. STAFFORD. It seems rather strange that that condition should exist when as to the portion of the Plaza which was built in properly there was no settling whatever. That was under the control of the Engineer Commissioner, and we gave them a reasonable time to have that settled, and all the improvements and sidewalks that were built upon the portion filled in have not settled at all. I have no question but that there was actual negligence on the part of the Washington Terminal Co. and that they will be liable for the expense incident to restoring the surface to its original condition.

Mr. MONDELL. Mr. Chairman, I do not think there is any doubt about the responsibility of the railway company for the subsidence of the sidewalk along the line of their tunnel. I think that is one of the most extraordinary pieces of bad construction that I have ever known of. Either the railroad company made a very bad selection of an engineer or the railroad company felt that as they were injuring nothing more than one of the main streets of the city of Washington between two of its noblest buildings it did not matter much what happened.

There is no difficulty in putting through a work of that kind without subsidence of the surface if the work is carefully and thoroughly done. All that it is necessary to do is to be careful not to drive the headings too fast and back-fill thoroughly and completely and compactly. The work can be carried on anywhere without disturbing the surface if done carefully. In this case the railroad company, for some reason or other, allowed their contractor, if he was a contractor, or their employees, if they were employees, to put that work through evidently without proper back-filling. Probably they must have left cavities down there on top of their work. It was an extraordinary thing to be done even from the standpoint of a railroad company, because the subsidence of surface on top of their arch was calculated to damage the tunnel.

For a number of years the people of this city have been compelled to use a street railroad track over two blocks that has been dangerous at all times. They have been compelled to hobble along over those broken sidewalks and put up with all kinds of inconvenience, and at the end of that time we are proposing that public money should be appropriated to pay to remedy the situation. I hope the District officials are proceeding against this railroad company. They ought to be proceeded against and ought to be compelled to pay not only the cost of restoring that situation over there, but ought to be compelled to pay a heavy fine for having created and maintained right here in front of the Capitol for years the worst and most dangerous sort of a public nuisance.

Mr. HAWLEY. Mr. Chairman, I would like to ask the gentleman in charge of the bill a question. The gentleman, I think, is a member of the commission having charge of the House Office Building. If I am correctly informed, the tunnel turns to the west as it goes down First Street and approaches more nearly to the House Office Building?

Mr. FITZGERALD. It goes under one corner of it.

Mr. HAWLEY. There has been, as has been stated, a subsidence of the land there. Between the Capitol and the Public Library the land has also subsided back a distance of 30 feet. Has any investigation been made to ascertain if the House Office Building is endangered in any way?

Mr. FITZGERALD. I was not a member of the House Office Building Commission when the building was constructed, but I understand that on account of the construction of that tunnel plans were adopted to strengthen very materially the foundations to care for the situation produced.

Mr. HAWLEY. Has the engineer in charge of that plant been consulted to see if it is sound?

Mr. FITZGERALD. I think a year ago we inquired of those particularly familiar with it, and inquired if there were danger to the building, and we were told that the settlement that had taken place was the result of the manner in which the work was done. The work was done by tunneling. After it was finished there was a space between the top of the tunnel and the surface, which had been supported by beams. Some of them were removed and some permitted to remain, and the material to fill was pushed in. If all the timbers had been removed and the material tamped in thoroughly there would have been no settlement. Evidently the work was done in a careless manner. Some of the timbers were left in, and the earth was not properly tamped down. The settlement ensued in consequence of that fact. In other places where the tunnel was made by open cut the Superintendent of the Capitol Building and Grounds stated that there was no evidence of settlement.

Mr. HAWLEY. Does the chairman of the committee say that the bottom of the foundation of the House Office Building goes down below the level of the tunnel?

Mr. FITZGERALD. No.

Mr. TILSON. It happens that some of us have our offices on the east side of the House Office Building. At the northeast entrance we see that the marble is cracking by reason of the subsidence, and naturally we feel apprehensive as to whether that same condition continues all the way down from B Street to C Street SE., especially where the tunnel turns west under the building itself, as it does at the southeast corner of the building.

Mr. ALLEN. I will say to the gentleman that I read a description in a book relative to the construction of the House Office Building, stating that there was special work done from a point about 50 feet outside of the House Office Building until it was carried to a point below the House Office Building in the construction of the tunnel, and the only settling that has taken place has been up B Street, which is entirely outside of the House Office Building proper, but does include the railing to the entrance of the House Office Building.

Mr. HAWLEY. Does the tunnel go through any part of the House foundation?

Mr. FITZGERALD. I do not know that it goes under the foundation, but it goes under one corner of the building.

Mr. HAWLEY. Under part of the foundation?

Mr. ALLEN. Yes. The construction is heavy steelwork or railroad iron.

Mr. STAFFORD. If the gentleman will yield, the right of way, as the gentleman will recall, for the tunnel was authorized after the plans and even after the foundation was made for the House Office Building.

Mr. FITZGERALD. The plans were modified and special precautions were taken for the safety of the building.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

Depredations on public timber, protecting public lands and settlement of claims for swamp land and swamp-land indemnity: For protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, including not exceeding $15,000 for clerical services in bringing up and making current the work of the General Land Office, $475,000, including not exceeding $5,000 for the purchase of motorcycles and a motor boat for the use of agents and others employed in the field service and for operation, maintenance, and exchange of same: *Provided*, That the compensation of the chief of field service employed hereunder shall not exceed $3,500 per annum and the compensation of all others employed hereunder shall not exceed $2,700 per annum each, except in Alaska, where a compensation not to exceed $3,000 per annum may be allowed: *Provided further*, That agents and others employed under this appropriation may be allowed per diem in lieu of subsistence, pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914,

at a rate not exceeding $3 each and actual necessary expenses for transportation, including necessary sleeping-car fares, except when agents are employed in Alaska they may be allowed not exceeding $5 per day each in lieu of subsistence.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word, for the purpose of getting a brief statement into the RECORD. I think this is the paragraph in this appropriation bill under which all sorts of investigators of the Land Office visit the Pacific Northwest in the summer time. Last summer there came into the Olympic Forest Reserve three investigators. They proceeded to the Quinault Valley in that reserve to learn why a settler in there had permitted a cow to cross an imaginary line and eat a little Government grass. The three investigators navigated the Quinault River; they loitered near the beautiful and balmy Pacific Ocean beach; they pursued that cow through the Quinault Valley; up and down they went; and finally their investigation led them to conclude that the homesteader's cow, which had gone over this imaginary line, in this little valley, had eaten 45 cents' worth of grass. Thereupon they rendered a bill for 45 cents for the destruction of grass on the forest reserve. They went back and forth on the railroads at this $3 a day rate, or whatever it is for subsistence, in addition to railroad and Pullman fare, and one of them made another trip in there to collect 45 cents, which the homesteader declared he would not pay. The matter has not yet been settled. The homesteader will not pay—says he will never pay. So I expect that under this appropriation this summer, when it is nice and balmy in the Olympic Mountains, there will be four or five more special protectors of the public domain who will come out there in the effort to collect this 45 cents.

Mr. FITZGERALD. It has been demonstrated that a man can live on 25 cents a day. Do you want your cow to get steady rations out there for nothing? It probably took 45 cents' worth of hay to keep that cow alive. [Laughter.]

Mr. JOHNSON of Washington. I am quite serious about this. It is a matter of some expense to the Government to keep these investigators going back and forth, and I am sure a number of them will be out there again this summer in the effort to collect this 45 cents. It is a sample of the petty harassing of settlers.

Mr. FITZGERALD. Does not the gentleman know that unless the Government kept a very rigid hand upon these trespassers upon the forest reserves large numbers of his constituents would have large herds of cattle in there?

Mr. JOHNSON of Washington. Oh, yes; but in this case they could not put a large herd of cattle into this valley, which is only 6 miles wide and 20 miles long. It is not a grazing section at all. Why any chief of a bureau should think it was necessary to send three men after one cow I can not find out.

Mr. FITZGERALD. It is a western cow. [Laughter.]

Mr. JOHNSON of Washington. Of course we are glad to have these gentlemen come there. They spend the Government's money, and might as well spend it out there as anywhere; but, Mr. Chairman, while this Government is getting almighty big at one end, it is getting mighty small at the other. As centralized power is increased these petty abuses are magnified.

Mr. WALSH. The gentleman will recall that we sent nearly 100,000 men to catch one bandit chief.

Mr. JOHNSON of Washington. This was not a bandit cow. It was a peaceful cow. [Laughter.]

Mr. MONDELL. Mr. Chairman, the illustration the gentleman has just given is a little remarkable, and yet it is not more extraordinary than some of the things that come to the notice and attention of western Members.

Mr. TILSON. Perhaps the gentleman thinks it is typical.

Mr. MONDELL. The gentleman from Connecticut says perhaps I recognize it as being typical. To a certain extent that is true. I recollect a case in my State years ago. It did not happen under a Democratic administration, but under a good Republican administration, where one timber cutting was examined six different times in one summer. Being somewhat interested to know why this timber cutting needed so many examinations, I found that the cutting was on the road to the Yellowstone National Park, and after each inspector had examined this timber cutting he went on his way rejoicing through the park, in a leisurely manner, and undoubtedly had a very pleasant time. [Laughter.] Now, I do not think the Land Office is subject to any more criticism at the present time than it has been in the past. As a matter of fact, I am rather inclined to think that in the last two or three years we have had fairly satisfactory service in the main. Yet there are certain practices that ought to be remedied, and to which I have frequently called attention. There are certain of these practices that arise under this very appropriation. Under the law a settler on the public domain is authorized to secure timber from the public lands for the improvement of his farm, his homestead. He may get posts and poles and firewood, but he must secure them under rules and regulations established by the Secretary of the Interior. The Secretary's rules require the homesteader to notify the Secretary in writing what timber he wants, the kind and character, and where and when he proposes to get it. It is a little difficult for a settler to do that at times. He does not know just how many house logs or poles he may need, or just how much firewood he may want, and he does not know in just what gulch or on what hillside he may find it convenient to go and get the timber. But in the main the settlers endeavor to comply with that regulation. Sometimes they do not; and while it has not been the practice in the past, it has come to be the practice under this administration, in such a case as that, when they find a settler has secured wood without complying with all the technical rules, to compel him to pay for it, not at the ordinary stumpage value on the land, but at the estimated value of the material after he has hauled it home.

So they not only charge him for what he took from Uncle Sam, but they make him pay for the effort he expended in cutting it and taking it home. Now, it is said that that procedure is under a certain decision of the Supreme Court of the United States known as the Woodenware case, a celebrated decision governing in many matters relating to trespassing on the public domain. That decision was rendered a long time ago. Formerly the department did not hold that that decision applied to what they were pleased to call innocent trespasses, but of late they say that the Woodenware decision does apply, and that they have no option. They say that when a settler cuts timber they must charge him not only a dollar or a dollar and a half or two dollars a thousand stumpage, but also the value that he adds to it in cutting it down and in reducing it into form for his own use. These fines assessed against settlers do not ordinarily amount to large sums. They may run all the way from $20, $30, or $40 to $50 or $60; but those are large sums to men who are struggling and trying to make homes on the public domain, many of them finding it very difficult to grow enough food to keep soul and body together.

The Land Office has been unduly harsh in its treatment of settlers who get timber from the public lands and has pestered them unduly and treated them unfairly, in my opinion. I hope they will do better in the future.

The Clerk read as follows:

Opening Indian reservations (reimbursable): For expenses pertaining to the opening to entry and settlement of such Indian reservation lands as may be opened during the fiscal year 1918: *Provided*, That the expenses pertaining to the opening of each of said reservations and paid for out of this appropriation shall be reimbursed to the United States from the money received from the sale of the lands embraced in said reservations, respectively, $15,000.

Mr. HAWLEY. Mr. Chairman, I move to strike out the last word. Will the gentleman inform me what Indian reservations it is intended shall be opened under this provision?

Mr. FITZGERALD. The Blackfeet Indian Reservation in Montana, 175,000 acres; the Cheyenne River and Standing Rock Indian Reservations, with about 850,000 undisposed-of acres; the Coeur d'Alene Reservation, 16,000 acres; the Crow Reservation, of about 70,000 acres and coal lands, 30,000 acres noncoal lands; the Flathead Reservation in Montana, about 40,000 acres; the Fort Berthold Reservation, N. Dak., authorizing the appraisement of sections 16 and 13; Fort Peck Indian Reservation, Mont., 100,000 acres classified as coal lands; Omaha Indian Reservation, Nebr.; Siletz Indian Reservation, Oreg.; Shoshone or Wind River Reservation, Wyo.; Uintah Indian Reservation, Utah; and the Yakima Indian Reservation, Wash..

The Clerk read as follows:

SURVEYING THE PUBLIC LANDS.

For surveys and resurveys of public lands, under the supervision of the Commissioner of the General Land Office and direction of the Secretary of the Interior, $700,000: *Provided*, That in expending this appropriation preference shall be given, first, in favor of surveying townships occupied in whole or in part by actual settlers and of lands granted to the States by the act approved February 22, 1889, and the acts approved July 3 and July 10, 1890, and to survey under such other acts as provide for land grants to the several States and Territories, and such indemnity lands as the several States and Territories may be entitled to in lieu of lands granted them for educational and other purposes which may have been sold or included in some reservation or otherwise disposed of, except railroad land grants, and other surveys shall include lands adapted to agriculture and lands deemed advisable to survey on account of availability for irrigation or dry farming, lines of reservations, and lands within boundaries of forest reservations. The surveys and resurveys provided for in this appropriation to be made by such competent surveyors as the Secretary of the Interior may select, at such compensation, not exceeding $200 per month each, as he may prescribe, except that the Secretary of the Interior may appoint not to exceed one supervisor of surveys, whose compensation shall not exceed $300 per month, and not to exceed 10 surveyors who may be employed in a supervisory capacity, whose compensation shall not exceed $250 per month each, except in the District of Alaska, where a compensation not exceeding $10 per day may be allowed such surveyors and such per diem in lieu of subsistence, not exceeding $3, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1,

1914, and actual necessary expenses for transportation, including necessary sleeping-car fares, said per diem and traveling expenses to be allowed to all surveyors employed hereunder and to such clerks who are competent surveyors who may be detailed to make surveys, resurveys, or examinations of surveys heretofore made and reported to be defective or fraudulent, and inspecting mineral deposits, coal fields, and timber districts, and for making, by such competent surveyors, fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States: *Provided further*, That the sum of not exceeding 10 per cent of the amount hereby appropriated may be expended by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, for the purchase of metal or other equally durable monuments to be used for public-land survey corners wherever practicable: *Provided further*, That not to exceed $25,000 of the above amount may be used to bring up the arrears of office work in surveyors general's offices upon returns of surveys filed therein prior to the passage of this act.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I direct the attention of the Chairman to the last proviso, providing for $25,000 to bring up the arrears of office work in the surveyor general's offices throughout the country. This question, I may say to the chairman of the committee, was given some consideration by the legislative subcommittee when the Commissioner of the General Land Office was before our subcommittee. He called our attention to the need of making the work current, and we provided some additional appropriations for that purpose. I wish to inquire specifically of the chairman what is the purpose of this provision of $25,000, and whether the amount will make the work current?

Mr. FITZGERALD. With the present force the surveyors general's offices are behind, and this is to enable them to make their work current. Then the force of the surveyors general's office is a fixed force for each office, and so not flexible. The result is that conditions can not be anticipated in advance, and frequently there arises a great increase in volume of work in some particular office. Under the law, clerks can not be transferred from one office to another, and to prevent a very serious congestion it is essential that some provision be made to enable the assistance to be given in those cases where this unusual situation may arise.

Mr. STAFFORD. The gentleman is assured that the Commissioner of the General Land Office with $25,000 will make the work current in all the offices throughout the country?

Mr. FITZGERALD. I am not certain. I am inclined to think that next year we should very seriously consider the advisability of consolidating all the forces of those offices and leave it within the discretion of the Commissioner General of the Land Office where the clerks shall be employed. We now provide, and have been for years providing, a fixed force in each office. There are times when the work in one office falls off very considerably, and there is not sufficient work to keep those clerks fully occupied, while in another office there may be a great increase in work.

If the Commissioner of the General Land Office had some discretion to shift the clerks from one office to another as he deemed necessary, I am inclined to believe that it would probably result in better administration and more economy. While the work may fall off temporarily in an office, if the force in the office is an experienced force there is great reluctance to permit any employees to go out of the service for fear when there is an increase of work in the office it will not be possible to get trained men.

Mr. STAFFORD. Mr. Chairman, when the Commissioner of the General Land Office was before the subcommittee on the legislative, executive, and judicial appropriation bill, he recommended, as I recall, the transfer of all this work to the department here in Washington. He said that it would not only be more economically performed, but they could utilize the services of these men more efficiently than to have the work performed in the offices throughout the country.

Mr. FITZGERALD. No; they did not wish to transfer the work to Washington. This is field work, but he wished the forces of the various offices to be so adjusted that he could shift them from one office to another.

Mr. STAFFORD. I understood that he recommended that some of the work performed in the branch offices of the surveyors general throughout the country be transferred to Washington. Whether it is this identical work covered by this proviso I am unable to say, but I have an impression that it is of the same general nature. But I rose to get the information so that the subcommittee might have it next year and to determine what the $25,000 is for.

Mr. FITZGERALD. There are times in the year when the men in the field can not be utilized, and the department has requested for some time that it be permitted to bring men from the field into the department when they could not be utilized in the field. I am inclined to believe that at the next session we should go very exhaustively into this matter, with a view to rearranging the methods by which we make provision for those offices. Much consideration and examination of the matter inclines me to believe that perhaps we can devise a method that will be of advantage to adopt over the present system, and I believe the gentleman from Wyoming [Mr. MONDELL], who is familiar with the Land Office, having been connected with it, after much consideration has reached somewhat the same conclusion. I am not certain that he did not originate the suggestion. In the next session, when we have a little more time, we can well afford to take it up in connection with the two bills and see if we can not devise a system that will result in considerable benefit to the administration of the service.

Mr. MONDELL. Mr. Chairman, a number of years ago I suggested and endeavored to get the House to agree to a consolidation of appropriations for clerks in the offices of the surveyors general. In other words, I suggested that the appropriations for the surveyors general's offices should be put in a lump sum as the appropriations for the local land offices are. I expressed the opinion that by making such a lump-sum appropriation we could bring about economies in the service. The Commissioner of the Land Office believes that that would be a wise thing to do, and I hope the gentlemen who are upon the subcommittee which has to do with those appropriations next year, instead of appropriating for clerks and contingent expenses of each surveyors general's office, will appropriate a lump sum for clerk hire and for contingent expenses of the surveyors general's offices all over the country. It is barely possible that if we had a provision of that kind right now so that the Commissioner of the General Land Office could transfer clerks from one office to the other, we might be able to carry on the work of the surveyors general's offices without this additional sum. This additional sum in my opinion will not bring the work of the surveyors general's offices up so as to make it current. The work of some of the offices of the surveyors general is far behind. There has been a great deal of work done in some of the districts, and it has been but slowly prepared for the Land Office. The gentleman from Wisconsin [Mr. STAFFORD] referred to the fact that the Commissioner of the General Land Office, when he was before their subcommittee, suggested that they had in mind a new policy, and I would like to have the gentleman's attention in regard to that if he will give it to me.

Mr. STAFFORD. The gentleman has my attention, but I was at the moment looking for that section of the hearings.

Mr. MONDELL. I have discussed it with the commissioner, I think, since he gave you that opinion, and I have his present opinion in regard to it. As a matter of fact, you can not dispense with the offices of the surveyors general. There are many reasons why that can not be done until the land business and the surveying business of the country, mineral and otherwise, is practically disposed of. The commissioner was, however, under the impression that a good deal of the work which is now done in the offices of the surveyors general might be facilitated by being done here in Washington. The gentleman understands the modus operandi. The surveyor and his force go into the field. They make their surveys and take some notes as they go along, and those notes are then written up by the man who makes the survey, generally, immediately after the close of the surveying season. Those notebooks then go to the clerks in the office of the surveyor general, and they make the maps and plats. After that work is done it is sent on here, and the clerks in the office here go over all of that work and check it up and point out errors and send them back for correction, and when corrected satisfactorily the survey is approved, the plat issued, and the land is open to entry.

Mr. STAFFORD. When these notes are written up is the original surveyor present, or has he amplified the notes so that his presence is not necessary?

Mr. MONDELL. The field surveyor writes up his own notes.

Mr. STAFFORD. And then they are transferred to the clerk?

Mr. MONDELL. They are transferred to the clerk then, who takes them and from the notes makes an official plat.

Mr. STAFFORD. Without the aid of the original surveyor?

Mr. MONDELL. Without the aid of the original surveyor.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. The Commissioner of the General Land Office was under the impression that it would expedite matters by having these notes sent in or, at the end of the field season, brought in by the field surveyors and having the plats made here. He told me a few days ago that, after having tried that

out somewhat, he had come to the conclusion that as a general practice it is not entirely satisfactory, and his present idea, as I gathered it, was that in the main they would continue along the lines of past practice in that respect for various reasons which he gave and which I have not the time now to detail. This sum is to help the forces of the surveyors general by giving them new clerks—additional clerks—to help the force bring the work up. The new plan of survey has expedited the surveys. But if the offices of the surveyors general do not promptly make the plats from the notes and if the Land Office here does not promptly review the work and approve it, we may reach a condition under which, under the new system of survey by Government surveyors, we do not get lands surveyed and the surveys approved any more promptly than we did under the old contract system. We have been approaching that condition of affairs in some districts, doing the best they could under the appropriations. This will help some, though it is not enough. Perhaps it is enough for this year.

In addition to that, there is another difficulty, and it is a very serious one at this time, and there was a provision upon the legislative bill carrying an appropriation of $6,500, I think, intended to in a way help that situation. The survey division of the Land Office here had gotten behind with its work so that in many cases it required six months and even longer from the time the plat of survey is received at the Land Office before the survey is examined and approved, even where there were no considerable difficulties, even where it is not necessary to send the plats back for correction. Now, that condition of affairs is trying and almost intolerable, particularly with resurveys.

Mr. STAFFORD. I would like the gentleman to inform the committee what policy is pursued by the Interior Department as to what lands they are willing to resurvey. I know I have had difficulty in obtaining a resurvey on some Government lands.

Mr. MONDELL. If I could get a little more time I would be glad to discuss that with the gentleman, because I have had the same trouble. There is a general provision of law, I will say to the gentleman, which gives the Secretary almost unlimited authority.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MONDELL. Just a minute more, if I may.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

Mr. MONDELL. Several years ago, after Congress had given the Secretary of the Interior wider discretion in the matter of resurveys than he had ever had before, the Secretary issued an order limiting his own discretion to such an extent that it was very difficult, indeed, to get a resurvey.

Mr. HAWLEY. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. HAWLEY. Does not the gentleman think the General Land Office gives preference in resurveys to those areas where the former surveys gave more land to the section than ought to have been given?

Mr. MONDELL. Not necessarily. It gives preference to the cases where the resurveys seemed to be the most necessary, everything considered.

Mr. TIMBERLAKE. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. TIMBERLAKE. I want to ask the gentleman if this is a provision in the law or a rule of the department? They now hold that land is entitled to a resurvey where more than 50 per cent of it has passed to title.

Mr. MONDELL. That is entirely a rule of the department. As a matter of fact Congress several years ago gave the Secretary of the Interior almost unlimited authority in the matter, but he has restricted his own authority by the rule to which the gentleman has just referred. However, I think that rule is waived in a good case earnestly pressed.

Mr. TIMBERLAKE. Well, I would like to present several——

The CHAIRMAN. The time of the gentleman has again expired.

The Clerk read as follows:

General expenses: For every expenditure requisite for and incident to the authorized work of the Geological Survey, including personal services in the District of Columbia and in the field, including the purchase, hire, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for field use only by geologists, topographers, and engineers, to be expended under the regulations from time to time prescribed by the Secretary of the Interior, and under the following heads: *Provided*, That hereafter the purchase of supplies or the procurement of services outside the District of Columbia may be made in open market in the manner common among business men when the aggregate amount of the purchase does not exceed $50.

Mr. MANN. Mr. Chairman, I reserve a point of order. May I ask the gentleman from New York in reference to the item authorizing the hire of automobiles.

Mr. FITZGERALD. It is for the hire of automobiles in the geological field service. It was ascertained that by hiring automobiles they can go so much greater distance that it is cheaper than hiring teams in many instances.

Mr. MANN. This also applies to teams? What have they done in the past?

Mr. FITZGERALD. They have been hiring teams.

Mr. MONDELL. What are they doing now?

Mr. FITZGERALD. They have been hiring teams.

Mr. MANN. I see the same item applies to automobiles as teams. In the current law there is no provision authorizing the hire of either one.

Mr. FITZGERALD. I think this is the first time we carry it in reference to automobiles.

Mr. MANN. Oh, it is the first time it is carried in reference to either teams or automobiles.

Mr. FITZGERALD. No; they have had the authority for the teams.

Mr. MANN. Not by this act they have not.

Mr. FITZGERALD. I think the gentleman is under a misapprehension. They had authority to hire horse-drawn vehicles.

Mr. MANN. Not in this bill they have not. I do not know what authority they have. This is new language in the bill.

Mr. FOSTER. They have been hiring them.

Mr. FITZGERALD. There is specific provision for it.

Mr. MANN. If they can hire teams they can hire automobiles.

Mr. FITZGERALD. They could not, because of the statute which prohibits the expenditure of any money for motor-propelled vehicles.

Mr. MANN. That is right; yes.

Mr. FITZGERALD. It was pointed out that in some places they had quite a distance to go from headquarters and by hiring automobiles they could save so much time it was economy to get the party out in the field in that way.

Mr. MANN. Do they say anything about what it will cost by hour or day to hire an automobile?

Mr. FITZGERALD. They spoke of hiring a car in which they could put two or three persons and their implements.

Mr. MANN. Does the gentleman happen to know how many automobiles they have?

Mr. FITZGERALD. They expected to expend $8,500 for the motor-propelled vehicles and about $1,500 for horse-drawn vehicles. And they are buying some cars. They buy a Ford car with a special body on it, in which they can put their implements.

Mr. MANN. In the current law they are authorized to use $5,300 for maintenance, repair, and operation for motor-propelled and horse-drawn passenger-carrying vehicles.

Mr. FITZGERALD. In the current law they had $7,000 for 10 motor-propelled passenger-carrying vehicles.

Mr. MANN. Not in this item. They had $5,300. This is on page 102, under general expenses.

Mr. FITZGERALD. Yes; in the item this year—in the current law.

Mr. MANN. Yes; I see it. I have it here.

Mr. FITZGERALD. In the current law they have authority to purchase certain machines.

Mr. MANN. They had authority to purchase——

Mr. FITZGERALD. To purchase not exceeding 10 motor-propelled passenger-carrying vehicles at a total cost not exceeding $7,000, and not exceeding 20 horse-drawn passenger-carrying vehicles at a total cost not exceeding $3,000.

Mr. MANN. And then for maintenance, $5,300.

Mr. FITZGERALD. Maintenance, $5,300.

Mr. MANN. There is no limitation at all now?

Mr. FITZGERALD. No. But they stated how much they expected to spend. That was $8,500 for the automobiles and $1,500 for horse-drawn vehicles. They found out it is much more economical to purchase the small or cheaper motor cars and to utilize them in the place of the horse-drawn vehicles, and I think the results show that is so.

Mr. MANN. That is very likely. I am not posing as a special friend of horse-drawn vehicles, but there is no limitation now at all on the amount that they can expend, either for purchase or hire or maintenance.

Mr. FITZGERALD. We took the limitation off because it seemed it was pretty difficult to determine just how many parties there would be and where they would be operating. If the limitation is carried, it might so affect the work of some party that was to do important work; we thought we would trust the

director and see what would happen for one year. I know it is taking——

Mr. MANN. I have a great deal of confidence in the director, although it has not been customary to take off the limit entirely on the amount that can be expended for automobiles, either the purchase or hire of them.

Mr. FITZGERALD. For field service of this character we thought perhaps we were safe in this respect, as the parties are not permanently fixed in one place, but have to shift from place to place.

Mr. MANN. May I ask about the proviso authorizing the purchase of supplies to the extent of $50? I have no objection whatever to the provision, though it would seem to me that the limit ought to be a little higher than $50.

Mr. FITZGERALD. The request is on this account, namely, the field parties frequently find themselves without something they have to have——

Mr. MANN. That is all right.

Mr. FITZGERALD. And the director said that $50 would cover their necessities.

Mr. MANN. Very well. I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

For topographic surveys in various portions of the United States, $350,000: *Provided*, That in expending this sum preference shall be given special topographic surveys of areas selected by the War Department and in securing such extra topographic data as are requested by the War Department in these or other areas.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

When the Army bill was before the House the other day there was an item of $200,000 for topographic surveys under the War Department with authority to call on the Geological Survey. I reserved a point of order upon it, which I afterwards withdrew, but the point of order was made by another gentleman in the committee. I see the proviso in here, which is carried in the current law, says that special preference shall be given to areas selected by the War Department in topographic surveys. Does this take into full consideration the needs of the War Department? The Army bill carried $200,000 the other day as reported, the authority being given to have the Geological Survey extended.

Mr. FITZGERALD. It was ascertained last year that a number of surveys were desired by the War Department which the Geological Survey would not make because it was making surveys that were thought more valuable to the country. The War Department had requested certain surveys that would cost a definite sum of money—I do not just recall the amount—and that appropriation was carried in the bill last year, and with this provision compelling the Geological Survey to give preference to requests from the War Department.

Mr. MANN. I understand.

Mr. FITZGERALD. The appropriation that was in the Army bill was for a somewhat different purpose. They have a school of engineers where they are training the engineers to make these surveys, and they wish to take the surveys made by the Geological Survey and send out parties to put upon the topographical maps certain information that is not usually upon them, such as railroad cuts, crossings, bridges, distinctive marks in the nature of buildings or towers. I thought myself the amount recommended in the Army bill was somewhat large.

Mr. MANN. They authorized the War Department to call upon the Geological Survey. I was informed by people who were having it done that it was, in the main, just the method of increasing the amount which should be appropriated for topographic surveys. It may be perfectly proper. I can very readily understand the Army may want to put some things on the map that the Geological Survey does not put on.

I wondered whether there was any information before the committee as to how much of that $200,000 carried in the Army bill was expected to be expended by the Geological Survey.

Mr. FITZGERALD. No; the War Department last year submitted to the Committee on Appropriations information respecting the situation, and we took care of it. This year they went to the Committee on Military Affairs. I notice that these departments prefer to go to other places than the Committee on Appropriations.

Mr. MANN. I noticed that, too. That is the reason I make the inquiry.

Mr. FITZGERALD. For that reason, having got what they wanted in the Army bill, they gave no information to the Committee on Appropriations. So what the committee did was to carry the same provision, requiring that preference be given in the survey to the War Department, upon the theory that when we were maintaining a service to make topographic surveys for the country there was nothing more vital, if they really were needed, than the maps that the War Department actually required, and it ought to have the preference.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For continuation of the investigation of the mineral resources of Alaska, $100,000, to be immediately available.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. Can the gentleman give us any information about this appropriation for the further investigation of the mineral resources of Alaska? Where is it designed to make the investigation? Is it a further investigation of the coal resources or the precious metals?

Mr. FITZGERALD. No particular area is indicated.

Mr. MANN. What are they doing now?

Mr. FITZGERALD. I do not know what they are doing, except making investigations covering the Territory and attempting to locate mineral deposits.

Mr. MANN. They do not have any special appropriation for that in the current law, do they?

Mr. FITZGERALD. They are attempting to survey those areas that will be considered tributary to the railroad so as to make available any minerals that may be within easy reach of the railroad, so that it can be utilized to the fullest capacity when completed. There is a very considerable portion of Alaska that has not been surveyed by the Geological Survey for the purpose of ascertaining what minerals are found in different locations. A year or two ago the matter was gone into very exhaustively, and at this rate it will take many, many years to complete the work in that Territory.

Mr. SMITH of Idaho. Mr. Chairman, this is the amount that has been appropriated each year for the last five or six years for this work.

Mr. FITZGERALD. Oh, yes; and it is a good deal longer than five or six years.

Mr. MANN. Is it in the current law?

Mr. FITZGERALD. Yes.

Mr. MANN. Where will the gentleman find it?

Mr. FITZGERALD. In the long sessions of Congress it is carried in a deficiency bill, because of the necessity of arranging to get parties started early in the season. Unless they start up there before the 1st of July, a good portion of the season is lost.

Mr. MANN. I suppose the gentleman means it is carried in the urgent-deficiency bill?

Mr. FITZGERALD. Yes. It is carried in some deficiency bill that is passed by the House about this time of the year.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For chemical and physical researches relating to the geology of the United States, including researches with a view of determining geological conditions favorable to the presence of deposits of potash salts, $40,000.

Mr. HAWLEY. Mr. Chairman, I would like to ask the gentleman where these explorations are being made under the paragraph just read?

Mr. FITZGERALD. They investigated the Nebraska lakes when they first began their work, and Searles Lake, in California. They have conducted some investigations in Utah and some in Nevada, where they put down five wells, and they are now working in New Mexico and Texas.

Mr. HAWLEY. Did they find any valuable deposits in those lakes in Nebraska?

Mr. FITZGERALD. Yes. They have found in those various places deposits that yield about 8,000 tons a year, I understand.

Mr. HAWLEY. That is, more or less native deposits held in solution, if I am not in error?

Mr. FITZGERALD. Yes.

Mr. HAWLEY. And they get it by evaporation from water?

Mr. FITZGERALD. Yes. Some of it is a sulphate and some of it is a chloride.

Mr. HAWLEY. Do they find it in sufficient quantities to make it commercially profitable?

Mr. MONDELL. There are several plants now operating, I will say to the gentleman.

Mr. FITZGERALD. The high price in recent years has made it profitable to extract it from the brines, but the quantity found has not been very great. They are hoping that the investigations may result in the discovery of some sort of a supply.

Mr. HAWLEY. The prices now are more than a thousand per cent greater than they were three years ago, and of course the beds that were valueless then may be valuable now. The country is interested in finding a potash bed that will be valuable for commercial purposes under normal conditions. Would these be valuable under normal conditions?

Mr. FITZGERALD. I doubt whether under normal conditions it would be profitable under the present processes to extract it from the brine.

Mr. HAWLEY. In Utah and other sections they are making investigations as to extracting potash from a certain kind of rock. What success have they had in that? Does the gentleman know? Have they found a deposit that has sufficient potash in it to make it commercially profitable to work it, and have they found a method by which it can be extracted at a price that will make it profitable?

Mr. FITZGERALD. They found that alunite was a potash material that was very valuable. It has been found in Utah, and it has been largely utilized since its discovery.

Mr. HAWLEY. Can they use it commercially under a normal condition of prices?

Mr. FITZGERALD. I think the potash could be extracted from this material under normal conditions. My recollection is that it was the process of extracting from the brines that was of so expensive a character that under normal conditions it would not probably be available.

Mr. HAWLEY. Did the gentleman learn from the hearings that there were in the United States or any of its possessions a sufficient quantity of those deposits anywhere that will in any way supply the demand in the United States and make us not dependent on foreign countries?

Mr. FITZGERALD. No such deposits have been found that would supply the needs of the United States.

Mr. HAWLEY. Are the survey hopeful that such may be found?

Mr. FITZGERALD. They are continuing the investigations hopefully, but they do not know. This is believed to be a desirable investigation to continue, because if they should find deposits sufficiently extensive to supply our needs at any reasonable price, of course they would be invaluable.

Mr. HAWLEY. I agree with the gentleman as to that.

Mr. FITZGERALD. And we recommend the appropriation, so that the investigation may be continued, in the hope that they may strike valuable deposits.

Mr. HAWLEY. Does this amount of $40,000 cover the entire amount asked by the survey for this purpose?

Mr. FITZGERALD. No. It is the same as that for the current year.

Mr. MANN. I move to strike out the last two words. This item provides—

For chemical and physical researches relating to the geology of the United States, including researches with a view of determining geological conditions favorable to the presence of deposits of potash salts, $40,000.

I am very much in favor of letting the Geological Survey continue to make their investigations to ascertain if they can find any potash salts; but is that what they are doing with this money, or are they doing something else with it? Under the language of the appropriation they are not compelled to pay any attention at all to potash salts. They may expend this money for chemical and physical researches relating to geology. That means anything. Are they spending the money in searching for potash, or are they using it for something else?

Mr. FITZGERALD. My understanding is that all the appropriation is being expended in investigations endeavoring to locate potash deposits.

Mr. MANN. Does the gentleman know how they proceed? Of course, they have discovered potash in alunite, but, of course, it was well known before that it contained potash.

Mr. FITZGERALD. They are drilling wells in Texas, attempting to locate deposits in that way.

Mr. MONDELL. Will the gentleman allow me to read just a paragraph:

We are continuing work in northwestern Texas, and we have reached a depth there of 545 feet on the 20th of this month, the date of the last report from the well. The first beds that might contain potash would be between 700 and 800 feet, but we hope to be able to go, if necessary, as deep as 1,800 feet at that point.

Mr. MANN. It does not take $40,000 to dig a well 500 feet deep, does it?

Mr. MONDELL. Oh, no. They have been drilling in Nevada and at other places, as well as carrying on other lines of work. This is the work that they are carrying on now, and that they propose to continue. It does sometimes cost a great deal of money to sink a deep well, as the gentleman knows.

Mr. MANN. Yes; but $40,000 is considerable money. They are only using the present $40,000 appropriation to sink a well 700 feet deep.

Mr. BORLAND. They claim to have sunk five wells in Nevada—without success, however.

Mr. MANN. Is that the method they are pursuing?

Mr. BORLAND. That seems to be the method they are pursuing. They did some work in Utah and some in Nevada, and now they are working in Texas, and they are trying to locate a stratum of potash by drilling.

Mr. MANN. It seems to me that is a very wise method.

Mr. BORLAND. The evidence shows that practically all this appropriation is used in this field work of drilling.

The Clerk read as follows:

For gauging streams and determining the water supply of the United States, the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, $175,000, of which $25,000 may be used to test the existence of artesian and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I do this for the purpose of discussing an item contained in this paragraph which is new. The provision authorizing the use of $25,000 to test the existence of artesian and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells is a new appropriation. For a number of years efforts have been made to secure appropriations for the beginning of this work, and for a number of years past the Committee on Appropriations have not seen their way clear to undertake work of this character. I want to express my appreciation of the attitude of the committee in at last adopting this work and beginning it. I see before me the gentleman from Colorado [Mr. TIMBERLAKE], who hopes that one of the first wells sunk will be in his district or thereabouts. I have no idea where the first well may be sunk. Gentlemen may ask, What business has the Federal Government to go over the country for the purpose of determining the possible location of areas furnishing artesian water supplies? As a general proposition we may say that the Federal Government is scarcely justified in undertaking that kind of work; but in the West there are very extensive areas that are known to be underlain with water-bearing strata. It is known, for instance, that the Dakota sands, stretching almost from the Canadian line to New Mexico, and extending eastward from the Rocky Mountains, carry artesian water over an enormous area. The question is, How deep is it down to these strata at any given point? How thick is the sand at a particular place? How much water does it carry at a particular point, and what is the water pressure, and what is the character of the water? Generally, the water is good, but that is not always true.

Now, it is beyond the financial means of any ordinary citizen, or any extraordinary citizen for that matter, unless he has some very large interests to serve, to sink a well to a great depth on a venture. Men sometimes do that and spend a great deal of money on the possibility of discovering a very valuable oil well, but an artesian-water well can under no circumstances or conditions be as valuable as an oil well. Therefore there is not the incentive to drill deep wells for water that there is for oil, and neither individuals nor communities can test out these great areas that may be underlain within a depth that can be reached at a reasonable cost with strata containing water, which when penetrated will rise above the surface. I think the Government may very properly undertake the work of testing out these areas, putting down wells here and there, with a view of discovering the distance to these artesian strata, the capacity of the strata and the character of the water. The work once done in a given locality by the Federal Government is a guide to private enterprise, and from that time on, if the stratum is found at a reasonable depth, and an artesian flow of considerable quantity is found, we may reasonably expect that private enterprise will drill wells and extend the artesian area; I have no doubt that in the course of time we shall in this way build up very prosperous communities where now the country is comparatively arid and almost worthless because of the lack of a goodly supply of water.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

For investigation of mineral fuels and unfinished mineral products belonging to or for the use of the United States, with a view to their most efficient mining, preparation, treatment, and use, and to recommend to various departments such changes in selection and use of fuel as may result in greater economy, and including all equipment, supplies, and expenses of travel and subsistence, $135,000.

Mr. FOSTER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 105, after line 23, insert as a new paragraph:

"For investigation and report to the next Congress upon the advisability and estimated cost of establishing and maintaining Government fuel yard or yards and necessary handling and distributing equipment in the District of Columbia for the storage of fuel for the use of and for delivery to all executive departments, District government, and independent establishments in the District of Columbia and vicinity, $5,000."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. FOSTER. Mr. Chairman, if a Government yard should be established, if it is found advisable to do so after investigation, I think it would mean a saving of at least $40,000 in the supply of coal in the District of Columbia.

Mr. MANN. Has the gentleman read the estimates sent in by the Secretary of the Treasury?

Mr. FOSTER. Yes; and I will say that the estimates, in my judgment, are much higher than would be necessary for the establishment of a Government coal yard. The Government buys about 225,000 tons of coal a year. It is estimated that a saving of at least 20 cents a ton could be made on this amount of coal purchased, and then there would always be a supply on hand, for we would buy the coal for a year.

Mr. MONDELL. What is the estimate in saving?

Mr. FOSTER. Twenty cents a ton.

Mr. MONDELL. Does not the gentleman think that we would save much more than that?

Mr. FOSTER. I do not know, but I think it would be at least that, and would amount to $40,000.

Mr. MANN. How does the gentleman reach his estimate?

Mr. FOSTER. That has been reached through men of experience who have figured as well as they could on what can be done. I say frankly that I have not figured it, but men who know what they are talking about have.

Mr. MANN. The first thing that we would have to do if you have a municipal coal yard is to supply every Navy and Army officer in Washington with coal at the contract price, and deliver it at their houses. Does not the gentleman think that we ought to include Members of Congress and all Government employees?

Mr. FOSTER. I do not know; we are not in the habit of doing that.

Mr. MANN. If we own a coal yard, why not own a coal mine?

Mr. FOSTER. I am not sure but that we might go as far as that. However, the District this year has paid $91,000 extra on account of the shortage of coal.

Mr. MANN. Of course there is a shortage of coal, owing more particularly to the transportation facilities. The House Office Commission that has jurisdiction over the power plant that supplies power to the Capitol and the House Office Building had to give directions to the Superintendent of the Capitol to buy coal wherever he could get it, not because the contractor did not have the coal to furnish, but because he could not get it transported to Washington. The Government would not be in any better position if it had a municipal coal yard.

Mr. FOSTER. Yes, it would; because we would buy the coal at a season of the year when we have no trouble in transporting it.

Mr. MANN. The gentleman means to buy in the summer time and store 200,000 tons of coal?

Mr. FOSTER. Yes; that can be done.

Mr. MANN. It would cost a good deal more to do it that way than to have a place with a smaller storage capacity. If coal is to be stored in a coal yard to the exteht of 200,000 tons, that is quite a storage.

Mr. FOSTER. Yes; it is.

Mr. MANN. And it costs a great deal to handle it in that way, too; it all has to be handled over twice.

Mr. FOSTER. I want to say that the Committee on Mines and Mining have recently made some investigations in reference to fuel, and we found that throughout the United States, in supplying fuel for Government needs, for instance, the Government is hauling anthracite coal from Pennsylvania to Fort Logan, Colo. It is hauling anthracite coal from Pennsylvania to the State of Wyoming.

Mr. MONDELL. Not much of it.

Mr. FOSTER. No; but in the aggregate it makes a large amount. They are hauling anthracite coal from Pennsylvania to Texas. Anthracite coal is nice coal to burn, but it costs money when you have to transport it that distance.

Mr. MONDELL. We have a great quantity of coal in Wyoming which is considered much better than anthracite.

Mr. FOSTER. Well, I am not going to discuss that. Now, I think that if the Government yard is established it can be established for a good deal less than has been estimated by the Treasury Department, and probably for one-half of that. I really believe that it is a good thing and the Government would be secure in a supply of fuel when necessary.

Mr. MANN. Will the gentleman yield for a question?

Mr. FOSTER. Yes.

Mr. MANN. Of course, the gentleman knows that a very large quantity of Pennsylvania coal goes out all over the great Northwest?

Mr. FOSTER. I know; but let me give the gentleman one instance. Down here at the old Knickerbocker Hotel the Government had an office building beside it. The Government was buying coal at $6.50 a ton. The Knickerbocker Hotel was buying coal at $4.50, with a higher thermal unit than the anthracite. The hotel finally came into the hands of the Government and they changed and went to using anthracite coal. Now, that is the situation, and there ought to be some system about it. The Government could probably save $300,000 a year, if there was an economical use of coal.

Mr. MANN. Mr. Chairman, my colleague cites an instance. I have heard several times from what seemed to be fairly authentic sources that at one time a distinguished character in this country, who then occupied the White House—and I vary the story from the exact facts, so as to leave some people out of it—crumpled a curtain in the White House between his forefinger and thumb and found it left black upon his hand. That is a very natural thing. You can go out here anywhere in the summer time and draw your hand over a leaf of any plant or a spear of grass and you will find black smoke on your hand. Thinking that that was a damage to the city of Washington, the White House curtains, and other things in the city, the President issued an order that they should cease to burn soft coal and should burn hard coal. Of course, the expense was very much greater. I do not know whether that order has ever been revoked or not, but I am inclined to think that they have been burning hard coal. At that time the Potomac Power Co. had its plant down southeast of the Treasury Building, and I believe at the same time that company was notified that it would have to quit burning soft coal so near the White House and the Treasury Building, and they moved their plant away. I do not know how far we ought to burn hard coal or soft coal in the city of Washington. Everyone who comes from Pittsburgh or Chicago to Washington will not fail to notice that there is not nearly so much smoke and soot around here as there is at home.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. I ask that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOSTER. The gentleman tells a very interesting story, and he is probably correct about it; but it is a fact that they can burn soft coal without the smoke being a nuisance. I will say to my colleague that it needs more attention, it needs to be looked after more carefully than when burning anthracite coal.

Mr. MANN. The gentleman will pardon me, but I referred a moment ago to the Capitol power plant. Last year the man in charge of the Capitol power plant, the superintendent or engineer, or whoever was superintendent down there, received repeated notices from the official here who has charge of doing away with the smoke nuisance that the Capitol power plant was a nuisance on account of its emitting immense quantities of black smoke. The matter was called to my attention as a member of the commission in supervisory charge. The suggestion was made that not improbably the local officials were rather anxious to put something over on Congress, taking special delight in calling attention to the fact that the power plant operated under the direct control of Congress was violating the proprieties, if not the law. I told the Superintendent of the Capitol that having charge of this power plant I did not think we could afford to maintain a smoke nuisance. Whatever private individuals might do, they could be prosecuted for it, but I thought it was our duty to do away with the smoke nuisance. It is a very difficult thing to do. I do not know whether it has been entirely done away with, because this winter I have not been watching the smoke from those chimneys as I did all last summer after this came to my attention.

Mr. FOSTER. I think it has not been done away with.

Mr. MANN. Every effort has been made to do away with it. There is no lack of anything that could be furnished to do away with the smoke nuisance there—at least I assume so, because that was the direction and that was my information.

Mr. FOSTER. Of course, it is not as neat and clean to burn as anthracite coal, but with proper care, looking after the furnace, it can be done so that there is not much nuisance about it.

Mr. MANN. Oh, it undoubtedly makes a great deal of difference how the stoking is done.

Mr. BORLAND. Mr. Chairman——

Mr. MONDELL. Mr. Chairman, will not the gentleman withhold his point of order for a moment?

Mr. BORLAND. Does the gentleman desire to discuss this?

Mr. MONDELL. I want to discuss the merits of the matter.

Mr. BORLAND. I withhold the point of order.

Mr. FARR. Mr. Chairman, I want to know if the purpose is to take care of soft coal in this yard?

Mr. FOSTER. I do not know as to that.

Mr. FARR. Not to discriminate against hard coal?

Mr. FOSTER. No.

Mr. FARR. Not to encourage the use of hard coal?

Mr. FOSTER. I do not know what it would do as to that.

Mr. FARR. Because it would be an expensive economy if they do away with the burning of anthracite coal in this beautiful city with all of its white buildings, and utilize soft coal. The gentleman would discover that they could not handle the smoke nuisance any more than they do in Pittsburgh.

Mr. FOSTER. I will say to the gentleman that if he has ever been to the Bureau of Mines Experimental Station at Pittsburgh and seen the burning of soft coal he would find but little smoke coming out of the flue.

Mr. FARR. They have experimented very much in Pittsburgh, and have not been able to keep their houses or persons clean.

Mr. MONDELL. Mr. Chairman, I am very much interested in the proposition of establishing a Government coal yard here. I am not entirely converted to the idea, but I am interested in it, and for many reasons. It has been suggested that we might save 20 cents a ton on our coal. If the Government bought coal as individuals buy coal, there is no doubt but that much more than 20 cents a ton could be saved.

I buy my coal supply for a month or more at a time—a little more than that in the fall—but, like most people, I do not buy in the summer, and the consequence is I am generally caught on all increases and high tides of the winter market that come along—and the tide has been very high this winter. Now, the Government buys its coal by contract by the year, and I presume in a majority of cases the contractor tries to protect himself, and does to a certain extent protect himself, against the winter rise of prices without charging it all to the Government. But this is true. If there is any one thing that is needed in this country in an industrial way more than another, it is to bring about some system or policy under which the American people shall buy their coal in the summer. Why can not the Government set the example? Not only would it be very much to the interest of the ordinary consumer, but such a condition, if we could bring it about, would be of great benefit to the workers in the coal industry, and in the long run would cheapen the price of coal, reduce the price of coal to everybody. Gentlemen who hear that coal miners sometimes make $4, $5, or $6 per day imagine the coal miner must be getting rich. They do not take into consideration the fact that a large portion of the year he is absolutely idle, and that even when his earnings are large for the time he is employed his average yearly wage is small. That is due almost entirely to the fact that coal mining is a seasonal occupation in many places. Mines run under full head for a while in the winter; everything is crowded; and then during the long months of the summer the mines are either closed down or they are run two or three days a week. It is as uneconomical a condition of affairs as can be conceived.

It is unfortunate from everybody's standpoint that at a time when the mine could be running under the most advantageous circumstances and the most economical conditions they are not to run at all, or only part time, and the miner, accustomed to that class of work, unable to find other work or unaccustomed to other work, finds it almost impossible to make ends meet. If he has not saved up some of his winter wages, he finds himself and family in a most unfortunate condition. While the mine is lying idle some overhead charges are going on, all of which must be reckoned with.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. May I have five minutes more?

Mr. BORLAND. I would suggest to the gentleman this is rather a very general debate.

Mr. MONDELL. I think I can conclude in five minutes, if the gentleman will allow me.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all——

Mr. MANN. The gentleman does not have to do that; whenever he wants to make the point of order he can do so.

Mr. BORLAND. Well, I will give notice I will make the point of order at the conclusion of the remarks of the gentleman from Indiana [Mr. Moss].

Mr. MONDELL. Mr. Chairman, all of these overhead charges that have been going on during a shutdown must be taken care of; when the mine begins to operate they must be borne by the cost of the coal then, instead of being taken out the year round. Now, if the American people can be taught to buy their coal in the good old summer time and store it so we can keep the mines running the year round, we will be doing an exceedingly helpful thing for the coal miner and we will reduce the average cost of coal.

Mr. FARR. Will the gentleman yield?

Mr. MONDELL. I yield.

Mr. FARR. Does the gentleman refer to the bituminous region?

Mr. MONDELL. I am referring to bituminous coal; I do not know much about anthracite mining.

Mr. FARR. The anthracite miners are not receiving one-half of the sum that the gentleman suggested.

Mr. MONDELL. Well, the bituminous miner is not getting rich even in those places where his daily wage may be large. I think the miners, even in my State, have been making good wages this winter, but their annual wage is comparatively small because the mines only run a portion of the time. The man who will devise or encourage or start a system under which we will begin to buy and store coal in the summer time, will be a public benefactor. Coal can be stored cheaply and be handled cheaply in large quantities, can be unloaded with machinery that handles it for a few cents a ton, can be reloaded without great cost.

Mr. KELLEY. Can the gentleman state why the mine operators do not do the thing the gentleman suggests?

Mr. MONDELL. The mine operator has about all he can do to run the mine and take care of his business, and ordinarily he has few storage facilities. He would have, in some cases, difficulty in selling his coal after it had been stored, for while one might be perfectly willing to use coal that has been stored one might not be so willing to take stored coal from the mine. The coal must be stored at the place of consumption, or near it. The railroads store a large amount of coal. If we could establish a system under which the general storage of coal was practiced, we would find that our coal bills would be less.

We mine our coal and we ship our coal at the time of the greatest demand, at the time of the greatest congestion of traffic, at the time when traffic is most likely to be tied up, and we carry on the whole business in the most uneconomical manner possible.

Mr. PARKER of New Jersey. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. PARKER of New Jersey. Has the gentleman noticed that whereas in the past years it was impossible to store soft coal in large quantities, because it heated, or leached, and got worse for fuel purposes, that recently they have adopted the plan of storing it under water, which avoids all that difficulty, so that large stores of naval coal can be kept?

Mr. MONDELL. That is the best possible storage for bituminous or lignite coals. But there are many coals that can be stored out of doors with safety that are not subject to spontaneous conbustion.

Mr. PARKER of New Jersey. Anthracite, of course.

Mr. MONDELL. And some bituminous coals as well.

Mr. PARKER of New Jersey. Do not they lose very much of their oxygen and nitrogen?

Mr. MONDELL. There are many coals that do not deteriorate for months, or even years. Some of them do, however.

The CHAIRMAN. The gentleman from Indiana [Mr. Moss] is recognized.

Mr. MOSS. Mr. Chairman, the question of cooperative buying is one of the most important ones that can come before the American people. And I desire to point out the principal difficulty in bringing about the condition that the gentleman from Wyoming [Mr. MONDELL] has been discussing.

Cooperative buying must be based upon the carload, because that is the unit in this country. It is easier to secure an order for a medium lot of merchandise than for a large lot. Therefore a small unit is more favorable for cooperative

buying than a large one. Yet we have been steadily going to a larger and still larger car in American transportation. Ten tons, or 20,000 pounds, used to make a carload, while now from 100,000 to 120,000 pounds make a carload. In European countries, where cooperative buying has reached its highest development—and it is the individual buying which brings the greatest glut in the market—they are able to buy in small carloads. Take the case of Germany, where cooperation has brought distribution to almost an ideal degree of perfection, 20,000 pounds is a carload. Five wagonloads of freight over good roads constitute a car lot over a German railroad. Anybody can readily see that such conditions favor the organization of small clubs or units for cooperative purchasing. It is easier to secure an order for 20,000 pounds of any staple commodity than to purchase 50 or 60 tons. The small-car lot has been one of the great factors which led to the organization of the 20,000 cooperative purchasing societies in the German Empire—societies whose purchases are chiefly coal, feed, and fertilizer, yet the trend of American railway transportation is away from the small carload and toward the large carload.

Now, it is not the very large buyers, those who buy straight through the year, who produce the glut in the coal market. It is the ordinary citizen who burns coal only in the wintertime. It would be a vast improvement, as the gentleman from Wyoming so ably points out, if society were to order its fuel during the slack season, so as to permit production to be continuous; but this condition can come only by catering to the small purchaser—to the needs of small clubs—and by making it possible for these purchases to be made when prices are lowest. The conditions must be such that they can buy in small units—that is, so a small number of persons can buy a carload. And that is true of feed, fertilizer, or any commodity which the great mass of the people buy.

I paid a greater attention to this subject during my short trip to Europe than any other one question, growing out of a proper system of distribution, namely, how they were able to organize and encourage cooperative buying. The system of distribution in Europe is very much superior to ours. My opinion is that the basic principle of their system is the small carload. Their advantage over us is that European buyers can order a smaller quantity and have it delivered at the standard price. The price at which any commodity is sold is always based on a carload, and whenever you buy less than a carload you buy at a disadvantage. The whole commercial tendency in the United States is to make the carload so large that the small country community can not order economically by the carload.

We have experienced great difficulty in building up cooperative buying among the farmers, because it requires the combined needs of so many individuals to utilize one car lot. If we want to buy cottonseed meal we have to order a large lot. If it is fertilizer the same conditions exist, while in Europe cooperation is made easily possible because of the smaller cars. I doubt if we will establish cooperative buying generally in this country unless we can secure a modification in our American system of transportation and go back to the smaller unit in shipping.

Mr. BORLAND. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For inquiries and scientific and technologic investigations concerning the mining, preparation, treatment, and utilization of ores and other mineral substances, with a view to improving health conditions and increasing safety, efficiency, economic development, and conserving resources through the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; to inquire into the economic conditions affecting these industries; and including all equipment, supplies, expenses of travel, and subsistence: *Provided*, That no part thereof may be used for investigation in behalf of any private party, $100,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. My colleague from Illinois [Mr. FOSTER], who is chairman of the Committee on Mines and Mining, I presume has fairly accurate knowledge of how this money is expended. I would like to get some information from him or from the gentleman from Missouri.

Mr. FOSTER. As I understand, this paragraph provides for ores taken out of the ground, as to the treatment of those ores to extract the metal.

Mr. MANN. This paragraph provides for anything relating to any minerals. And what do they do with them?

Mr. FOSTER. They make investigations along that line. They look into the health conditions provided here, as to such means as will make mining safer and healthier, remove the dust——

Mr. MANN. This paragraph reads—and I presume it is taken from the organic act——

Mr. FOSTER. It is.

Mr. MANN. It reads:

Mining, preparation, treatment, and utilization of ores and other mineral substances—

And so forth, and so forth, and so on. It covers any possible activity; but what do they do?

Mr. BORLAND. Mr. Chairman, the gentleman will find in the hearings a statement from Dr. Manning as to what they do under this appropriation. He says:

Considerable progress was made in investigations of smelter-smoke problems and of methods of removing from smelter smoke the constituents injurious to vegetation and animal life.

The possibilities and limitations of the wet thiogen process for reducing sulphur dioxide to elementary sulphur were demonstrated.

A comprehensive report on the reduction of barium sulphate, of importance to paint and other industries, was prepared.

There is a list here a page long. I can give the gentleman some more items if he would like to hear them.

Mr. MANN. Yes; I would like to hear some of it.

Mr. BORLAND. I read:

Progress was made in studies of the absorption and concentration of sulphur dioxide from smelter smoke and the purification of crude sulphur and arsenic.

Considerable progress was made in the work of cyanidation and allied processes for the treatment of gold and silver ores.

Methods were developed for treating low-grade complex gold, lead, silver, and zinc ores that if commercially successful will render available millions of tons of ore that can not now be treated profitably.

Encouraging results were obtained in the application of a process for extracting zinc from low-grade oxidized ores not amenable to present processes.

Methods of mining and milling lead and zinc ores in the Joplin district, Missouri, have been greatly improved and losses reduced as a result of the investigation conducted by engineers of the bureau.

That will give a general indication of what they have been doing.

Mr. MANN. That is very interesting.

Mr. BORLAND. This is the appropriation out of which they have done the radium work; but my understanding is that that work is virtually now at an end.

Mr. MANN. Have we ceased to be a partner in the production of radium?

Mr. BORLAND. We have produced the radium, and it is in stock; and I understand they are not producing any more. We have a supply of radium now.

Mr. MANN. We have three-tenths of a thousandth of a gram. [Laughter.]

Mr. BORLAND. Well, I understand they have it, and they are not going to produce any more. We asked Mr. Manning how much they had delivered altogether, and Mr. Manning said 5½ grams. He stated further that 1 gram of that amount belongs to the bureau. The bureau will get something altogether over 1 gram. There will be probably a little over 8 grams altogether as a result of the plant's operations. They say they have a supply on hand, and it does not exhaust itself very readily. That radium is conceded to be worth about $100,000—the stock that belongs to the Government.

Mr. MANN. Of course, it is easy to say how much a thing is worth when you do not buy it. There is no reason for putting a limit on the price.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MANN. I am not disposed to criticize what they have done about radium, although I think it is of doubtful propriety for a bureau of the Government to take a Government appropriation and turn it over practically to a private corporation to operate. But in this case it may have been justified.

Mr. Chairman, I heard the amendment of my colleague, Dr. FOSTER, a few moments ago about a coal mine.

Mr. BORLAND. If the gentleman will yield a minute, it seems the plant was devoted to the Government by this organization, and Mr. Manning said the net amount expended to date is about $335,000, of which $300,000 was expended by the National Radium Institute and $25,000 by the Government, to obtain 8 grams of radium.

Mr. MANN. I understand the Government put up its appropriation in connection with a private institution. They joined together and collaborated. The Government took a part of the radium and the private institution took most of it. I am not disposed to criticize that. I always have a little divided opinion when the question comes up as to whether a certain thing shall be done by the Government or by a private enterprise. I think it would be very injurious to lead people to believe that every-

thing has to be done by the Government and that private enterprise should be stifled. I think sometimes the occasion requires that the Government shall do things on its own account, although it may be in competition with private enterprise. I do not doubt that in the radium case, if it is profitable, a private institution would produce the radium. If it is profitable, they will continue to produce radium. If it is not profitable, they will not do it. We might go ahead and do it.

Now, the gentleman says that Mr. Manning says that we have radium enough. Where is this radium that belongs to the Government?

Mr. BORLAND. It is here in the Bureau of Mines building in Washington.

Mr. MANN. It is certainly of no value there to anybody.

Mr. BORLAND. Certainly it is.

Mr. MANN. What value is it there?

Mr. BORLAND. The testimony shows that the physicians come there and take away a certain amount of energy when conditions permit, and that it was being used constantly by the officials of the Public Health Service.

Mr. MANN. The Public Health Service goes up there to the Bureau of Mines with patients?

Mr. BORLAND. I am not technically familiar with it; but they go there and charge something with radium and bring it away.

Mr. FOSTER. Yes; the emanations from the radium are used, and they will be potent possibly 24 or 48 hours. They can go there and secure those emanations in water, for instance

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. MANN. Mr. Chairman, I would like to have two or three minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for one minute.

Mr. MANN. No; make it three minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FOSTER. In this water the emanations from the radium are even more powerful than the radium itself, but of course its power lasts only from 24 to 48 hours.

Mr. MANN. Nobody can get the benefit of it unless they come to Washington.

Mr. FOSTER. It would be good for 24 hours.

Mr. MANN. The people on the California coast can not get the benefit of it?

Mr. FOSTER. No.

Mr. MANN. We have enough of it?

Mr. FOSTER. They have not enough of it, except so far as the Bureau of Mines is concerned.

Mr. MANN. So far as the Bureau of Mines is concerned, they do not need any. It is not for their use. I do not know; perhaps they have somebody in the Bureau of Mines that needs the effects of emanations from radium. [Laughter.] I sometimes think they have.

Mr. FOSTER. There are experiments with radium all the time, as my colleague knows.

Mr. MANN. Oh, yes; but they are not confined to the Bureau of Mines. The experiments with radium are not confined to the Bureau of Mines. They are going on all over the world.

Mr. FOSTER. Certainly; but the Bureau of Mines under this arrangement has gotten a certain amount of radium.

Mr. MANN. We have spent $35,000 and some more to get in the Bureau of Mines a gram, is it?

Mr. FOSTER. I do not remember the amount. Yes; a gram of radium.

Mr. MANN. And 8 grams went to the other fellow. The Public Health Service sends somebody down here with a bottle of water and has it charged with radium, and they make use of it somewhere in the Public Health Service or somewhere else for 24 hours. I think we need some more experiments to get the benefit of that.

Mr. FOSTER. This arrangement was entered into by the Bureau of Mines in an experimental way to begin with, with Dr. Douglas and Dr. Kelly. These two men furnished $75,000 apiece and built this institute for the extraction of the ore in Denver, Colo. They went out and leased these mines from some company to take out so much radium ore, agreeing to take out so much radium, and whatever was gotten out above that quantity was to go to the Government. It was said they did not have a process that would extract the radium, but it was found they had, and at one-third of the previous cost.

The CHAIRMAN. The gentleman's time has expired. The Clerk will read.

The Clerk read as follows:

For inquiries and investigations concerning the mining, preparation, treatment, and utilization of petroleum and natural gas, with a view to economic development and conserving resources through the prevention of waste; to inquire into the economic conditions affecting the industry, including equipment, supplies, and expenses of travel, and subsistence, $100,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Does the gentleman know how far the Rittman process is being used by private parties?

Mr. MONDELL. I think perhaps I can give the gentleman a little information on that subject.

Mr. MANN. It is the gentleman from Wyoming to whom I am appealing.

Mr. MONDELL. A plant was started in Casper, Wyo., some two years ago, for the purpose of utilizing the Rittman process. The first construction was found to be faulty, and a large amount of reconstruction became necessary. That has taken a considerable time, as is natural with a new process of this sort, and my understanding is that up to this time they have not gotten to manufacturing in any great quantity in any very satisfactory way, though they are hopeful that the process will be found satisfactory and economical, and that it can be utilized to a large extent. My understanding is that the Rittman process is not being utilized in the production of a great quantity of gasoline at this time, but the outlook is hopeful.

The gentleman knows there are other processes than the Rittman process that produce a motor fuel from oils after all the gasoline has been extracted in the usual way. There is what is known as the Burton process, which is used by the Standard Oil Co. Under the Burton process they are producing a very considerable amount of motor spirits at various places, but my understanding is that up to this time they have not been able to develop the Rittman process very satisfactorily in very large production.

Mr. BORLAND. Mr. Chairman, the director of the Bureau of Mines said, among other things, that the chief of his division of petroleum had recently resigned to take charge of a large commercial company to operate under the Rittman process. He explained that with the oil at 2 cents a gallon, gasoline under the Rittman process could be produced at 6 cents a gallon, but that at the price now of petroleum the country over, gasoline could be produced under the Rittman process at from 10 to 12 cents a gallon, and that at the present wholesale and retail price of gasoline the Rittman process was a great money saver. As long as gasoline was cheap, soon after the Rittman process was discovered, probably it was not commercially attractive; but at the present price of gasoline it is said to be becoming more and more commercially attractive, and will probably come into immediate use.

Mr. MANN. If they can use the Rittman process and produce gasoline for 8 cents a gallon, why in the world do they not do it?

Mr. BORLAND. When the oil is down to 2 cents a gallon they produce it at 6 cents, but at the present price of oil they are producing it at 10 to 12 cents, and at the present price of gasoline that makes the Rittman process, which produces more gasoline out of the oil, an attractive commercial proposition.

Mr. MANN. If the Rittman process will produce so much more gasoline at a lower price, why do not the people who make gasoline use it?

Mr. BORLAND. I will explain to the gentleman why they do not.

The CHAIRMAN (Mr. BARKLEY). The time of the gentleman has expired.

Mr. BORLAND. I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. BORLAND. Kansas City is close to the market, and it is not so very long since gasoline was selling there at 8.4 cents a gallon at retail. As long as it retailed at 8.4 cents, nobody could employ the Rittman process commercially; but when gasoline retails at 20 cents, a very different situation is presented.

Mr. GARLAND. For the information of the gentleman I will say that I was on a subcommittee of the Committee on Mines and Mining, which had under discussion the subject of the reduction of the cost of gasoline, and the Rittman process was very thoroughly considered. The statement was made on the best of authority that the Rittman process did increase the amount of gasoline that could be secured from a certain amount of oil, but that in each case the units had to be recracked, and every time they did the recracking, the cost was as great as the first time, hence it did not decrease the cost, because every process of recracking cost as much as the first process.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. There is no doubt that motor spirits can be manufactured from oils that do not under the ordinary processes produce gasoline. They can be made from oils after the gasoline has been extracted or distilled from the oil under the ordinary process of distillation. The Standard Oil Co. uses a process known as the Burton process, by which 5,000,000 barrels of gasoline were produced in 1916. The Government has been experimenting, and a number of people have been experimenting with Government encouragement with what is known as the Rittman process, and my opinion is that eventually the Rittman process will work out and be found to be as economic and satisfactory as the Burton process, perhaps, more so with certain kinds of oil. But up to this time, for one reason or another—and that is not extraordinary, I think, in view of the fact that it took years to work out the Burton process—no very considerable amount of motor spirits or gasoline has been produced under the Rittman process. While the product is called gasoline, as a matter of fact it is not exactly the same as what has been known commercially as gasoline. It is a fluid that can be used and is used for the same purposes, but it is heavier in specific gravity than the ordinary standard gasoline, and my understanding is that it gives off an odor somewhat different from that of gasoline. It is not all of it as satisfactory an article as the ordinary commercial gasoline, but it does very well, and we should certainly encourage all of these processes under which we shall increase the amount of fluid that can be utilized in internal-combustion engines.

While we are perfecting these processes, increasing the amount of gasoline obtained from oils, at the same time the inventors are working on the internal-combustion engine and gradually getting an engine that will use heavier and heavier fluids, and eventually we may be able to use much oil in this way that it is impossible to use at the present time. That is a consummation we all hope for.

The Clerk read as follows:

Not exceeding 20 per cent of each of the four preceding sums may be used during the fiscal year 1918 for personal services in the District of Columbia.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 106 strike out lines 17 to 20, inclusive, and insert in lieu thereof the following:

"Not exceeding 20 per cent of the preceding sums for investigation as to the causes of mine explosions; for inquiries and scientific and technologic investigations concerning the mining, preparation, treatment, and utilization of ores and other mineral substances; for inquiries and investigations concerning the mining, preparation, treatment, and utilization of petroleum and natural gas; and not exceeding 30 per cent of the preceding sum for investigation of mineral fuels and unfinished mineral products belonging to or for the use of the United States, may be used during the fiscal year 1918 for personal services in the District of Columbia."

Mr. FITZGERALD. There is a provision in the bill limiting the appropriation for these various activities to 20 per cent. Of the appropriation for the investigation of mineral fuels and unfinished mineral products the bureau has been spending 30 per cent, and this amendment permits that to be done in the future.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For purchase or lease of necessary land, where and under such conditions as the Secretary of the Interior may direct, for the headquarters of mine rescue cars and construction of necessary railway sidings and housing for the same, or as the site of an experimental mine and a plant for studying explosives, $1,000: *Provided*, That the Secretary of the Interior is authorized to accept any suitable land or lands, buildings, or improvements, that may be donated for said purpose and to enter into leases for periods not exceeding 10 years, subject to annual appropriations by Congress.

Mr. MANN. Mr. Chairman, I move to strike out the last word. May I ask the gentleman in charge of the bill, or my colleague from Illinois, whether there have been any donations since July 1 of last year for mine rescue headquarters?

Mr. FITZGERALD. Not that I recall.

The Clerk read as follows:

In all, Bureau of Mines, $1,167,070.

Mr. NORTON. Mr. Chairman, I move to strike out the last word. I regret that the committee has failed to include under this department an item for the investigation of the lignite coals of the country as to their utility for the production of benzol and other light oils. That proposition was taken up last spring with the Bureau of Mines and I was led to believe that an estimate would be submitted to the committee for this work this session.

I want to say to the chairman that I believe it is a work that deserves the attention of the Committee on Appropriations. I predict now that within the next 10 years the source of the light oils used in internal-combustion engines will be chiefly from the lignite coal of the country. These light oils will be a most valuable by-product of the briquetting of the coal. I think the committee would be well justified now to make an appropriation of $50,000 or $100,000 for the investigation of that work. They are using lignite coal in Germany to-day to great advantage. They are there producing from those coals to-day, chemicals used in the manufacture of high explosives and dyestuffs. Some of the best chemists in this country take the position that lignite coals offer wonderful possibilities for the production of light oils to be used for fuel in internal-combustion engines of all kinds.

Mr. FITZGERALD. Mr. Chairman, I believe it appropriate that I should make this statement: The committee is very much gratified at these repeated expressions of satisfaction upon the part of Members at the very excellent work that has been done in reporting this bill. The committee is aware of the fact that, although it has eliminated $33,000,000 from the estimates submitted to the committee and reported this bill $33,000,000 less than the total estimates, it has recommended ample sums for the proper conduct of all of the governmental services provided for in the bill. The committee is particularly gratified at the repeated indications that Members of the House are gradually commencing to realize that our judgment is so sound and our work is so thorough and accurate that, although we have cut the estimates about 17 per cent, still we have made ample provision for very effective service for the country.

Mr. FOSTER. Mr. Chairman, I want to say that so far as the Bureau of Mines is concerned I am certainly gratified at the most kind treatment that the Committee on Appropriations has given that bureau.

Mr. FITZGERALD. Mr. Chairman, I hope the gentleman will not say "kind," but "just."

Mr. FOSTER. I shall say "just."

Mr. FITZGERALD. The Committee on Appropriations is always just but never generous.

Mr. FOSTER. I shall amend it by making it "just." I want to say this: That the Bureau of Mines has been doing most excellent work, and in the last year fatalities among miners in this country have been less than ever before in its history. Fewer men have lost their lives in this industry during the past 12 months than ever before in this country, and I hope that good work may go on until the fatalities have been reduced to the minimum. I think that the educational work that has been carried on throughout the country by means of the mine rescue cars and the literature that has been issued by the Bureau of Mines is having a wonderful effect. Not only is it doing great work in the reduction of fatalities but in the economic development of the mining industry of the country most wonderful work has been done. I repeat, the Committee on Appropriations has been just to this bureau and have shown a realization of the importance of it.

Mr. McCRACKEN. Mr. Chairman, I am aware that the number of fatalities have been less in the last year and that the department has been issuing bulletins to show the miners how to take care of themselves, but it is a fact, is it not, that a good many of these miners are men who can not read English?

Mr. FOSTER. Yes.

Mr. McCRACKEN. And does the gentleman know whether the bulletins are printed in other languages than English?

Mr. FOSTER. They are; and are to be printed in other languages than that, so that those who are unable to understand the English language may have them in the language which they can understand.

Mr. FARR. I think this year they have done that for the first time?

Mr. FOSTER. The gentleman is correct.

Mr. GARLAND. Mr. Chairman, I would like to ask the gentleman a question. Does it not appear to the gentleman that it is possible that the reduction in the number of fatalities may come because the number of immigrants coming to the country has been very greatly reduced or almost entirely stopped within the last two years? May not that be responsible for the reduction in fatalities? As a matter of fact the largest number of the employees in the coal mines, and I think in other mining as well, come from immigration from foreign countries. May not the stoppage of that immigration have had this effect?

Mr. FOSTER. I do not think the gentleman is correct about that.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

The Clerk read as follows:

King Hill project, Idaho: For beginning construction, maintenance, operation, and incidental operations, $200,000: *Provided*, That no part of this appropriation shall be expended until the Secretary of the Interior shall have determined that the said King Hill project is practicable, as provided by section 4 of the act approved June 17, 1902, known as the reclamation act, and shall have adopted the said project under and subject to the provisions and conditions of the said reclamation act.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the paragraph. It is a new project, and I think it ought to be explained.

Mr. MONDELL. The paragraph is not subject to the point of order.

Mr. FITZGERALD. What is the point of order?

Mr. STAFFORD. I reserve the point of order for the purpose of getting some information.

Mr. FITZGERALD. Mr. Chairman, the King Hill project in Idaho is a Carey Act project. It was begun by a company under the laws of the State of Idaho to reclaim certain lands that had been set aside for the State under the Carey Act. A very large sum of money, amounting, I think, to $600,000, has been expended upon the project by the company. The ditches and flumes are not of very substantial character and the company went into bankruptcy and the State bought in all of the rights at a judicial sale. It is impossible for those upon the land to finance the project, and unless something is done at this time to take it up and expend the necessary money to put the system in proper shape what has already been expended will be lost.

Mr. STAFFORD. I understand a large amount has been expended up to date?

Mr. FITZGERALD. Six hundred thousand dollars, if my recollection is right. It will require $400,000 to complete it, and $200,000 are appropriated here. The Secretary of the Interior stated that this project could be taken on without putting such a burden on the reclamation fund as to embarrass the progress of work upon existing projects. The committee, upon the presentation of the matter, believed that it was desirable to take this additional project. There is some question whether the Secretary of the Interior has determined under the reclamation act that the King Hill project is a practical project, and the provision was included that before any money should be expended the Secretary of the Interior should make the determination required by section 4 of the reclamation act and should provide that the project should be subject to all of the terms, conditions, and limitations of the reclamation law.

The committee wished that there should be no misunderstanding about the expenditure of this money, and if it is to be expended it should only be expended upon the condition that settlers upon those lands be subject to the same obligations and liabilities as settlers upon any other land upon which money is being expended for reclamation purposes. This is a unique case. There has not been a similar case heretofore where lands segregated under the Carey Act upon which a project has been initiated has been by judicial sale put in the control of a State and then proposed that the United States should take it over as a reclamation project. The provisions inserted in the bill in connection with the appropriation are that the Interior Department, before it can expend any money, must make certain that the expenditures upon this tract will be under the same condition and that those for whom benefits are to be made will be subject to the same obligations as persons obtaining the benefit of any other expenditures under the reclamation law.

Mr. STAFFORD. Are the sponsors of this willing to accept it upon the conditions named by the committee?

Mr. FITZGERALD. The settlers?

Mr. STAFFORD. The settlers; the receivers and——

Mr. FITZGERALD. I have no information about that.

Mr. SMITH of Idaho. Mr. Chairman——

Mr. FITZGERALD. In just a moment. But the committee has determined that before the department shall have any authority to expend any money that the department must first determine that this is a practical project under the reclamation law, and then secure agreements to bring those to be benefited within the provisions of the law before any money can be expended. The committee believes that under the circumstances while it was desirable to take this up as a new project, that it would not permit the Government to put an obligation upon the reclamation fund for expenditures upon a project under any condition by which those for whose benefit the expenditures would be made could by any possibility escape paying back to the reclamation fund the money to be expended for their benefit, and the indications are that those who have taken up the land will gladly accede to those conditions. My recollection is that the testimony shows that the settlers have complied with all the requirements which would entitle them to patents from the State under the Carey Act if the necessary reclamation project had been completed; but the State is unable to issue the patents because the land has not been reclaimed in accordance with the provisions of the Carey Act. The settlers upon the lands have done everything they could possibly do except to finance the necessary work for the reclamation project.

Mr. STAFFORD. As I understand, the State is not in a position to advance the funds to undertake this work.

Mr. FITZGERALD. The constitution of the State of Idaho, if I recall correctly, prohibits it from making expenditures for the purposes necessary to complete the system. All of the facts indicate this to be a very unique and unusual situation, and that if it were possible to bind those for whose benefit the project was to be initiated, that it would be highly desirable that the Reclamation Service should undertake the work.

Mr. SMITH of Idaho. Mr. Chairman, under the provisions of the Carey Act passed over 20 years ago, authorizing the reclamation of arid lands through State supervision, there were segregated to the State of Idaho in 1904 about 18,000 acres of land, and in 1909 about 9,000 acres, under what is known as the King Hill project in south central Idaho along both sides of the Snake River in the vicinity of Bliss, King Hill, Glenns Ferry, and Hammet. Glenns Ferry, a town of 1,200 population, is the largest settlement in the project. The State entered into a contract with the King Hill Irrigation & Power Co. and the King Hill Extension Irrigation Co. for the construction of irrigation works, and over $1,500,000 has been expended in the undertaking. Settlers from 23 States have entered about 16,000 acres of land in tracts ranging from 5 to 160 acres. Before the works were entirely completed the construction companies exhausted their resources, work was suspended, and the trustees for the bondholders brought foreclosure proceedings after a default of interest. In March, 1914, the property was offered for sale, the only bidder being the State of Idaho, who purchased it in order to protect the settlers from loss, since which time the State has been operating the system. Some portions of the project, especially the flumes, were so cheaply constructed that they are going rapidly to decay, and unless relief is afforded and the project rehabilitated great loss will be entailed on the settlers, many of whom have orchards and substantial improvements on their land. Because of the weakness of the flumes it is impossible to carry a full head of water, and the entrymen have refrained from cultivating the land to a large extent until a substantial water system could be completed. The value of improvements and live stock on the project will aggregate nearly $1,000,000.

The project contains over 16,000 acres of land which can be irrigated and cultivated and 2,500 acres of land suitable for orchard.

When the Committee on Appropriations made an inspection of irrigation projects two years ago, the King Hill situation was formally presented to the committee at Boise, Idaho. About a year ago the Secretary of the Interior directed an examination of the project by engineers of the Reclamation Service. The report of the engineers was considered by the board of engineers at Denver, Colo., in September last, and submitted to the Secretary of the Interior, upon which the estimates now pending before the Committee on Appropriations are based.

The State of Idaho can not, under its constitution, provide money for the purpose of reconstructing this system. Over 300 settlers are in danger of losing their investments and the benefit of their labors and the hardships they have endured, and if relief is not afforded and the project completed the land will revert to the public domain under the general law. The urgency of the matter is indicated in the report of the board of engineers and the Director of the Reclamation Service, and it is earnestly hoped that the Government may come to the relief of the settlers and take over the project and complete the same under the direction of the Reclamation Service.

I submit a statement showing the location by States of settlers on the King Hill irrigation project. There are 323 entrymen from 23 States:

Idaho	136
New York	1
Arkansas	1
Maine	1
Michigan	1
Nevada	1
South Dakota	1
Nebraska	2
Minnesota	3
Indiana	3
Ohio	3
Wisconsin	3
Missouri	4
Wyoming	4
California	4
Oklahoma	5

Kansas	11
Utah	11
Iowa	14
Washington	14
Oregon	20
Montana	21
Colorado	21
Illinois	22
Eastern States	16
Total	323

Mr. STAFFORD. May I inquire of the gentleman from Idaho whether he has any knowledge that the settlers are willing to accept this fund upon the conditions as set forth by the committee?

Mr. SMITH of Idaho. Yes; I have, and I hold in my hand here a telegram which reached me this morning in which it states that an irrigation district has been formed there, 456 voting for it and 47 against. It only requires a majority of the settlers to form an irrigation district.

[Telegram.]

GLENNS FERRY, IDAHO, *February 26, 1917.*

Hon. ADDISON T. SMITH, M. C.,
Washington, D. C.:

King Hill irrigation district carried by vote of 456 for to 47 against. Ready for business with Government.

ALLEN MILLER.

I have also a telegram from the governor of the State, authorizing the commitment of the State to this legislation and referring to an act of the legislature, passed March 3, 1915, two years ago, turning over the entire project to the Federal Government without any encumbrance at all and with a clear title.

BOISE, IDAHO, *February 5, 1917.*

ADDISON T. SMITH,
House of Representatives, Washington, D. C.:

The King Hill project came into possession of the State by foreclosure proceedings held in the United States District Court of the State of Idaho, the State land board buying the receivers' certificates with money from the Carey Act fund and eventually buying it at receivers' sale. The authority to convey was granted by the thirteenth session, senate bill 109, page 79, thirteenth session laws, as follows:

"SEC. 3. The said board is further authorized and directed to dispose of said project or any portion thereof by sale or otherwise to the United States Government or any other responsible person, firm, or corporation upon such terms and at such time as may seem to them most advantageous to the State. Said board is hereby authorized and empowered to make and execute on behalf of the State of Idaho such deeds of conveyance and all other documents and instruments that may be necessary to transfer all title which may be possessed by the State of Idaho to said projects."

Do you want any further instructions or do you want the legislature now in session to legalize the matter any further?

M. ALEXANDER, *Governor.*

Mr. STAFFORD. So there is no question whatsoever that those interested will approve of all these conditions as set forth in the bill?

Mr. SMITH of Idaho. Not the slightest.

Mr. STAFFORD. Mr. Chairman, the information furnished by the chairman of the committee, supplemented by that furnished by the gentleman from Idaho, is satisfactory, and I withdraw the reservation.

Mr. MONDELL. Mr. Chairman, in making this first appropriation for the King Hill project——

Mr. RANDALL. Mr. Chairman, I would like to have the amendment reported again which the gentleman from Wyoming made.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Mr. Chairman in making this first appropriation for the beginning of the King Hill project the committee in the proviso that has been referred to is not proposing to place the King Hill project in any different position or give it any different status under the reclamation law than projects now have under the law. As a matter of fact it has not authority to appropriate for a reclamation project except in accordance with the terms of the reclamation act.

Mr. NORTON. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. NORTON. The fact is the committee has given this a different status from most of the reclamation projects, has it not?

Mr. MONDELL. Mr. Chairman, I rose for the purpose of correcting any such misapprehension.

Mr. NORTON. It is making an appropriation of $200,000 before apparently it found whether this project is practical or not.

Mr. MONDELL. Oh, no.

Mr. NORTON. Do the committee appropriate money before a project is determined to be practical or not?

Mr. MONDELL. Well, if the gentleman will give me a little time, I will try to discuss these matters, and I rose for that purpose.

If this project is undertaken, it will be undertaken just as all the other projects have been undertaken—under all the terms and conditions of the reclamation law. But this is the first project, the first new project, proposed since the Committee on Appropriations began to appropriate for reclamation projects. Hence it is necessary, or wise at least, as I think it will be in the case of every new project we may undertake, to write in the words of this proviso. We are making no new law. We are laying no unusual obligation. We are simply stating the situation and are trying to make it clear to the people of the King Hill project, and at the same time remind the Secretary of the Interior of the fact that no project can be taken up except in accordance with the terms and conditions of the reclamation act, and that no project may be undertaken unless the terms and conditions of the reclamation act are complied with. I do not apprehend any difficulty on the part of the State of Idaho or the settlers under this project to enter into the contract and to assume the obligations necessary to make this a reclamation project. But in appropriating for the first time for a new project, since we began to appropriate it, it is proper, it is wise, it is judicious, and it is a notice to all concerned, that we shall write this proviso, which is simply the declaration of the law. This law provides that the Secretary of the Interior shall not enter upon any reclamation project until after examination he has determined that the project is practicable. Then on his responsibility he undertakes the work.

Now, just one word more. This is not the sort of a project that, in my opinion, the Government would undertake as a new project, because it is very doubtful as to whether at the beginning it was a feasible project. It is very doubtful whether a project is feasible upon which $1,500,000 has been expended for the irrigation of 18,000 acres only to discover it will require an expenditure of about $35 an acre more in order to establish such permanent works as will make the project a permanently successful one.

But we are justified, I think, in undertaking it by reason of the fact that, while the project in the beginning was one of many complications and innumerable difficulties and excessive in its cost, a large portion of the expenditures have already been made; no obligation now rests on the people, except a very small obligation to the State of Idaho that will probably be waived; and the Secretary and the Reclamation Service think the project can be finished for $600,000. If it can be finished for that sum it will be a feasible project. The people are there. The land is good, the climate is good, and we are saving the project by protecting it from the danger of dissolution. It looks as though, with all the expenditures already made, that unless we take hold of it the settlers would lose their homes and all that has been spent will go for naught. With this expenditure we can make the project a permanently successful one; and we can undertake it, I have no doubt, under all the conditions of the reclamation law.

Mr. SMITH of Michigan. About how many acres will it reclaim?

Mr. MONDELL. Eighteen thousand to 20,000.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

North Dakota pumping project, North Dakota: For maintenance, operation, continuation of construction, and incidental operations, $54,000.

Mr. HAUGEN. Mr. Chairman, I would like to inquire about this pumping project in North Dakota. Where is it located?

Mr. BORLAND. At Williston.

Mr. HAUGEN. Is there any land under irrigation there?

Mr. BORLAND. No. Williston is in the semiarid belt, and farming does very well without irrigation, and so they are using the pumping project almost exclusively to supply electric light to the town of Williston. The town pays for that power.

Mr. HAUGEN. Is it self-sustaining? Do they get enough revenue out of it to pay?

Mr. BORLAND. It is self-sustaining in that sense, but not paying back any consumption charges.

Mr. HAUGEN. Not getting any water for irrigation?

Mr. BORLAND. No; I think none is being pumped now for irrigation.

Mr. HAUGEN. Has it ever been tried out?

Mr. BORLAND. Yes; but the main difficulty is that while the rainfall there is irregular, it comes with such frequency that they are taking chances without irrigation.

Mr. NORTON. Mr. Chairman, I move to strike out the last word.

I want to say concerning this project at Williston that it is a project in which the United States has expended about $700,000, and the organization and construction of the project, as far as I have been able to determine by such an investigation as I have made of it, was very poor to say the least on the part of the Government. There are about 8,000 acres under irrigation on the project. Only a part of this area pays water-right

charges every rear. There should have been in the beginning an organization on the part of the Government that would have required everyone under the project to pay from the beginning a minimum water-right charge, so that the project would have at least paid operating expenses. When the area that is susceptible to irrigation is once put under actual irrigation and water is used therefor, this is going to then develop into a very splendid project and a project that will work out so that every cent of the proper construction charges will be repaid to the Government. Last year the Reclamation Service did not see fit to operate this project.

Mr. HAUGEN. Can the gentleman give any reason for not operating it?

Mr. NORTON. The reason for not operating it last year was that the Reclamation Service required a guaranty to be put up by the landowners under the project to pay for water rentals at least an amount equal to the operation expenses of the project.

Mr. HAUGEN. Has it ever been operated with any success?

Mr. NORTON. I do not believe it has ever been operated practically. Those who have had the construction work in charge and who have had the operation work in charge have not had a proper vision of the work that should be done there—of the development work and the encouragement that should be given those farmers upon the project.

Mr. TILSON. Mr. Chairman, will the gentleman yield for a question there?

The CHAIRMAN. Does the gentleman yield?

Mr. NORTON. In just a moment. I want to say this: If the policy that has been pursued by the Reclamation Service for the last few years is going to be followed out it will result in a loss to the Government of the entire amount that has been expended on the project, whereas if a wise and broad policy were carried out there in the next five years that territory, which the gentleman from Iowa [Mr. HAUGEN] is acquainted with, would be developed in such a way that every dollar that the Government has put in would be paid back.

I think the committee would be well justified in this case in following a broad and liberal policy for a period covering five or six years of assisting the landowners in using this water and in developing this project. There might be a loss for four or five years of three or four thousand dollars a year in operating expenses, but at the end of that time the project would more than pay all the expenses and ultimately, within 20 or 30 years, it would then pay back the construction charges.

Mr. BORLAND. This project will cost about three-quarters of a million dollars, and the city of Williston is now paying about $75,000 a year for power. Would it not be better for the city of Williston to bond itself and take over this plant and let the Government out? Would not that be a better plan?

Mr. NORTON. It might be a better plan. It might be that it would have been a better plan from the beginning for all of certain States and municipalities in the West to have bonded themselves and carried on all these irrigation projects, but I do not think so at all.

The city of Williston is one of the most progressive little cities in the West for its population. It has about 6,000 live, active, energetic, and progressive people. The citizens of that city are willing to do everything that is reasonable within their power to assist this project, but those in charge of the Reclamation Service went on there and organized that project and made a fizzle of it at the beginning. They are making a fizzle of it now, and if they proceed as they have done in the last few years the Government will lose all it has put in it.

Mr. TILSON. What is there there to produce power?

Mr. NORTON. There are millions of tons of lignite coal. The Government has its own coal property and coal plant there.

Mr. TILSON. You pump water with this coal?

Mr. NORTON. Yes. The energy from the coal is converted into steam power, and that steam power in turn into electric power.

Mr. TILSON. Does the gentleman think coal can be used to pump water and make it profitable as a continuing business?

Mr. NORTON. Yes; it can. There is no question about it at all.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

Mr. NORTON. Certainly.

Mr. HAUGEN. Has it not been tried out so as to establish the fact that it is a failure? About $800,000, as I understand, has already been expended on it.

Mr. NORTON. No; I do not think so at all. I think that if this project were wisely conducted and proper management used the plant would be made a paying and successful proposition.

Mr. HAUGEN. We have spent $800,000 on it, and it has been a failure.

Mr. NORTON. From the beginning it has not been properly managed and operated.

Mr. HAUGEN. Would it not be possible to unload and abandon the whole project?

Mr. NORTON. You might as well suggest it would be profitable to abandon several of our irrigation projects, for that matter. As I have said, I think that by following a broad and liberal policy in this case this project can and will be made a successful one. I do not think that the project can now be unloaded on any private concern.

Mr. HAUGEN. Williston would probably do that. I agree with the gentleman. I have been at Williston several times, but I have failed to find any evidence of agriculture in that vicinity.

Mr. NORTON. I have been over the project several times, and I am fully convinced and believe that with proper management the project will eventually prove highly successful.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. MONDELL. Mr. Chairman, the gentleman from North Dakota says that the Reclamation Service touching the Williston project has lacked vision. If there is anything that the Reclamation Service has had in connection with that and one or two other projects, it has been vision. They have had visions, as a matter of fact, that have not developed into realities.

And yet no one is particularly to blame for the starting of the Williston project, and no one is to blame for the starting of the Garden City project, which we are now, after spending $137,000, proposing to put up at auction. We shall be very lucky, indeed, if we get a few thousand dollars for it.

Mr. BORLAND. Mr. Chairman, may we have the gentleman's amendment read over again?

The CHAIRMAN. What is the gentleman's amendment?

Mr. MONDELL. To strike out the paragraph. [Laughter.]

The CHAIRMAN. The gentleman's amendment was to strike out the paragraph.

Mr. MONDELL. When the reclamation bill passed and the Reclamation Service began its work there were a great many people along the border line between humidity and aridity who had heard the wonderful stories of the crops you can grow and the values you can produce under irrigation, and who wanted some of those blessings. In response to that demand we started a row of projects from Williston to the Hondo, along the line where sufficient rain merges into questionable moisture conditions and fades out into aridity, and we have had just the luck with those projects that most people who had been students of irrigation expected we would have with them. But we had to try that experiment. Other people have tried it. Other people have had the same experience with it. We have had our trials, and we are going through with them now, and I do not think anybody in particular is to blame for the outcome.

The trouble at Williston is this, that when Jupiter Pluvius is kindly you can grow a crop without irrigation; and if you can grow a sort of a crop without any cost except the turning of the sod and the planting of the seed, why obligate yourself to pay $35 to $50 an acre for the purpose of loading upon yourself the responsibility and obligation of paying $3 or $4 an acre per annum for water to place on your land to grow crops? It is true that if these people would use that water, and if they could grow a class of crops that would pay the expense of its application at the cost of pumping, they would do very much better than they do under the somewhat uncertain conditions of rainfall up there; but it will be a long time in this country, as it has been a long time elsewhere, before the people in a humid country will learn that it pays to irrigate.

In the valley of the Po in Italy that lesson has been learned. In Spain and in various portions of eastern Europe and northern Africa it has been learned; but we, as a people, have never learned it, and it does not look as though we were going to learn it very fast around Williston or Garden City. The gentleman says that if the Reclamation Service had compelled the people to take the water and pay for it, all would have been well. If the Reclamation Service had attempted to do that thing, there would have been riots in that vicinity compared to which the bread riots in New York would have been tame and insignificant.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask unanimous consent that I may have five minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HAUGEN. Is it not a fact that in that section of the country, in Dakota, they have been growing bigger crops even than in the Red River Valley, and that they have a sufficient

rainfall at the present time, and have had for the last 8 or 10 years, and are growing splendid crops?

Mr. MONDELL. I think they have been getting very good rainfall there, and they have been raising very good crops. But there were people interested in irrigation in that region who wanted to try that experiment.

In the first place, it is a very questionable experiment to pump water anywhere for irrigation. It can be accomplished successfully only where crops of large acre value can be produced, and then it can be accomplished successfully only where the lift is not too great. You can not afford to grow wheat in North Dakota with water pumped out of the Missouri River by coal power on the lift required to place that water on the land around Williston. If the people around Williston can learn to raise something that brings more per acre than wheat, they can afford to irrigate.

Mr. NORTON. The gentleman knows that about 4,000 acres have been under the ditch there, and that those people have been willing to pay, and they have farmed very successfully, raising alfalfa and small-grain crops, and have paid the charges, and, in fact, have paid a large part of the constructive cost.

Mr. MONDELL. I am glad we started that project, and I for one would be perfectly willing to run this project at a loss for some time longer. We have been running it at a loss. People have not been paying the cost of maintenance while we have been furnishing the water. I think it would be well to continue to run it at a loss for a while, in the hope that we may finally get a larger number of folks to come under the project, and so that we can get out from under it without having lost too much. But we must expect a considerable loss there, the best we can do. It is not extraordinary that there should be a loss. This experiment had to be tried, and that was a fairly good place to try it.

Mr. HAUGEN. My contention is that the whole thing of having an irrigation pumping station there is a detriment to the country. It sets up a sort of a scarecrow and drives the people away, and if you do away with the station the people will move in there and cultivate the land. The fact is they have had a sufficient rainfall, and they have been growing most excellent crops on some of those farms, producing more than 30 bushels of wheat to the acre.

Mr. MONDELL. Anyone who is so simple as to be kept out of the country because some one in the country irrigates ought not to get along very well anywhere. The fact is that irrigation is carried on successfully in many regions in the world where the rainfall is 50 per cent greater than it is anywhere in North Dakota. It is done in the valley of the Po, in Italy, to which I have just referred. They irrigate there with a rainfall of 40 or 45 inches, and they make it pay because they grow a kind of crops that can not be grown successfully and surely without irrigation. But it took a long education to bring people to that idea.

As one member of the committee I would be perfectly willing to vote to approve some arrangement under which we can gradually turn over that project to the people up there, to handle it themselves, at a very considerable loss to the Reclamation Service and on terms on which the people can afford to take it.

Mr. NORTON. The gentleman knows that for the past two years they have been operating, and the operating expenses have been paid.

Mr. MONDELL. Part of the operating expenses.

Mr. NORTON. All of the operating expenses, and it is contemplated now that in any future operation by the Reclamation Service the operating expenses shall be paid. My idea is that even if it did not pay the operating expenses now, it would be a good business proposition for the Government to operate for a few years at a loss, and, as the gentleman says, to develop the project to a state where it would pay operating expenses and construction expenses.

Mr. MONDELL. And to aid those people in securing that vision which they need when they take the project over. I would agree to that.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

Lawton project Oklahoma: For maintenance, operation, continuation of construction, and incidental operations, $101,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Committee amendment: On page 113, in line 25, after the sum "$101,000," insert the following: "together with the unexpended balance of the sum appropriated for this project for the fiscal year 1917."

The committee amendment was agreed to.

The Clerk read as follows:

For cooperative and other miscellaneous investigations (secondary projects), $50,000.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. A few minutes ago I had occasion to mention the long, expensive trip made by three inspectors in order to find that a cow had eaten 45 cents worth of grass. I want to give you the details of other useless Government expenditures in connection with red-tape rigmarole. King and Pierce Counties in the State of Washington run to tidewater. They found it necessary to prevent the overflow of the waters of a dead-level river which lies as a connecting link between two other low-lying bottom-land rivers. The farmers at one end of this truly named "stuck" river would throw logs into one end, and the water would flow to the other end, and then the next year the farmers at the other end would throw logs in, and it would run the other way. So the two counties appropriated $861,000 for the purpose of dredging out the river and fixing its flow permanently so that it would flow toward the Puyallup River. Before this could be done the engineer employed by the two counties had to write to various departments and bureaus and present his application. It became necessary to cross one corner of Indian land, a corner section of land of the Muckleshoot Indian Reservation, and that section had to be released by the Government, which caused an investigation trip by a Government agent, and the unwinding of lots of red tape.

Then, again, after the authorities had received the application for permission to construct the drift barrier in White River Canyon between Buckley and Auburn—a canyon in which there are no dwellings or improvements of any kind—they wrote that the application would be referred to the Reclamation engineers as to the value of water rights for irrigation. Mind you, this is in a stretch of land only 12 or 14 feet above sea level where the whole problem was to get rid of the water.

So they went through a whole investigation regarding the irrigation project and finally released that. A few weeks after they wrote that the matter had been referred to the Geological Survey, and anyone who knows the elements of geology as applied to the hills within 5 miles of Auburn will remember the vast deposits of sand and gravel overlying the ancient strata and would be amused at the suggestion of a coal deposit in that vicinity.

In the course of time the Geological Survey released or removed its objection. I then notified Engineer Roberts by wire that he could proceed with the construction of the drift barrier. He was in a hurry as he anticipated high water in November.

Then the thing was held up for investigation of the value of the timber along this river bottom which had been logged off 20 years ago. In this investigation the Government furnished a young college graduate from the East who had doubtless found in some textbook or heard in some lecture that cottonwood was valuable for paper pulp. He, therefore, began measuring the diameters of the cottonwoods growing along the river banks, and as the writer of this letter to me says:

Those of us who had spent from 20 to 50 years in the State were somewhat nonpulsed at his actions. Indeed, the Indian agent asked him of what value they were. "For paper pulp," he said. I then explained to him that after paying $1 a cord for cutting it, $2.50 a cord for hauling it to the railroad station, 5 miles, paying a transportation charge of $1.50 a cord to market, a total of $5 per cord, it would probably bring in the market $2.50 a cord. This is a sample of the protection afforded by Uncle Sam of the Indian rights, when red tape is applied in large doses.

It is right on a par with the high-priced chase after the forest-reserve cow. While I am on the subject of governmental pettyisms in the West, let me show this warrant which was paid for carrying the mail.

Here is a United States Post Office Department warrant in payment for carrying the mail in one of these mountainous routes which was broken down by the overplus of parcel-post matter going in, along with mail-order catalogues weighing more than one man could carry. This warrant is in payment from July 1, 1914, to June 30, 1915. The route is about 20 miles long, and the warrant for one year's service is for 18 cents. Just the price of an ordinary jitney ride out West. It is not surprising to me that the people out there where these Government agents come and go, where surveyors, inspectors, map makers, costly governmental employees of every kind—and I notice they all come in the summer time—go to harass the people. Look at this bill, and you find the amount appropriated for survey upon lands in the enormous forest reserve, so called, is only $75,000, which leads me again to say, Mr. Chairman, that as the power of the Government centralizes at headquarters and the bureaus become larger and larger, with their people running over the country and harassing the set-

tlers and spending the Government money, we can not help but feel that it can not result in good.

The Clerk read as follows:

All moneys heretofore or hereafter refunded or received in connection with operations under the reclamation law, except repayments of construction and operation and maintenance charges, shall be a credit to the appropriation for the project or operation from or on account of which the collection is made and shall be available for expenditure in like manner as if said sum had been specifically appropriated for said project or operation.

Mr. MANN. Mr. Chairman, I reserve the point of order. I do not understand quite what this means. What is the purpose of it?

Mr. FITZGERALD. Mr. Chairman, this is to provide for the return to the reclamation fund of the receipts from the operation of hospitals and the messes on the works. We now furnish quarters and subsistence to the employees in many places and make them pay for them. We also furnish hospital service, for which they are charged, and this is to permit the receipts obtained from such sources to be credited to the reclamation fund.

Mr. MANN. That is where the project exists and the Government furnishes certain things to the employees, they pay for it, and that is to be covered into the fund?

Mr. FITZGERALD. Yes.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

Mr. SINNOTT. Mr. Chairman, I would like to know how this provision will affect the rentals coming in from power purposes?

Mr. FITZGERALD. It excepts repayments of construction and operation and maintenance charges.

Mr. SINNOTT. I do not see where the power rentals are covered in that language. On some projects considerable sums of money come in from power rentals. I understand in some instances it is something like $200,000 a year.

Mr. MANN. This would apparently cover them back.

Mr. FITZGERALD. My recollection is this would permit the use of the receipts from the power so far as necessary to operate the plant to be credited to the appropriation for that plant.

Mr. MONDELL. I do not think that returns——

Mr. FITZGERALD. Just one moment. I am in error there. It is not to return these moneys to the reclamation fund, but it is to credit them to the appropriation from which they are expended.

Mr. MANN. That is to the project fund?

Mr. FITZGERALD. Yes.

Mr. MANN. But apparently it would return to the project fund rentals received from the sale of power. Does the gentleman say that is not the intention?

Mr. FITZGERALD. This is what happens: We appropriate, say $100,000, for construction work on some project. We spend $10,000 in subsisting the employees.

Mr. MANN. We understand that, but suppose in connection with the operation of the reclamation project you sell a certain amount of power for which you receive a rental. That would be money received in connection with operations under the reclamation law.

Mr. BORLAND. If this is not specific enough to except receipts from power, it ought to be made specific.

Mr. MANN. I do not think it is.

Mr. BORLAND. There is no intention of permitting receipts from power to be covered into that particular reclamation fund.

Mr. FITZGERALD. This provision is almost identical with the one carried in the current law.

Mr. MANN. Oh, it is quite different from the present law. In the present law it is provided that all moneys refunded in connection with operations under the reclamation act except repayments of construction and operation and maintenance charges shall be a credit to the appropriation. This provision is that all moneys refunded or received in connection with operations under the reclamation law, except repayments of construction and operation and maintenance charges, shall be a credit to the appropriation, and so forth. Rental paid is not a repayment. It is money received in connection with the operation of the reclamation project, and I should say that under this language it would be covered into the project appropriation.

Mr. FITZGERALD. Let me read what Mr. Davis said.

Mr. MANN. I do not care so much what he said as what the bill says.

Mr. FITZGERALD. But having in mind what was said and done. The receipts of the power plant are part of the operation expenses and they are covered by the word "operation." The power plant is operated in connection with the operation of the project.

Mr. MANN. Undoubtedly it is part of the operation expense.

Mr. FITZGERALD. That is excluded.

Mr. MANN. But rental is not repayment.

Mr. BORLAND. Rental may be paid by somebody who is not a water user or a citizen of the project at all.

Mr. MANN. It is clearly not a repayment.

Mr. FITZGERALD. Mr. Davis said that what is intended is to allow them to omit from the estimates the receipts of such things as hospitals, mess houses, and mercantile stores. Unless they have this provision they must estimate the amount of money that would be expended for what is well defined——

Mr. MANN. No one is objecting to what they are asking for.

Mr. MONDELL. Will the gentleman yield to me for a suggestion which I think will clear this up? I think that if you will insert after the word "with" and before the word "operations," in line 23, the words "hospital messes or mercantile stores"——

Mr. FITZGERALD. But there may be other matters.

Mr. MONDELL. That is practically all of the operations that there are.

Mr. BORLAND. Why would it not be well to state "except payments for power and repayment of construction"?

Mr. MONDELL. I think that is dangerous, because then you would include everything except power, and if you limit this to certain operations that we have in mind and that we had in mind when we drew this language you are clearly not getting on dangerous ground.

Mr. FITZGERALD. Mr. Chairman, the provision in the present law is, "All moneys refunded except payments." Now, there are some receipts that are not refunds. This was to obviate the necessity of having the service include in the estimates the sum of money that will be expended for these incidental operations. I think there will not be any danger——

Mr. MANN. The purpose of enacting a law is one thing, but after the law is enacted the law speaks for the purpose, not somebody who advocated the law. This is a change of law. This provides that all money received in connection——

Mr. FITZGERALD. Mr. Chairman, I suggest we pass it over until to-morrow, and I will ask the director of the service with reference to it.

The CHAIRMAN. The gentleman from New York asks unanimous consent to pass over this act——

Mr. MONDELL. Mr. Chairman, before passing it over—I move to strike out the last word—I want to call attention to the reason for this. The language of last year was intended to accomplish what we now seek to accomplish, that is to return to the appropriation moneys that were received from hospitals, from messes, and from commissaries, little stores they run in connection with some of these projects, where they are far from town and they carry on the work by day labor; but the word used was "refunded," and the comptroller said that moneys so received were not moneys refunded, they were moneys received, and so, at the suggestion of the service, we added to the word "refunded" the word "received." I do not believe there is any possibility of any construction whereby sums received from power could be under this language returned to the appropriation.

Gentlemen will understand that this does not return any of these moneys as a credit to the project, but simply returns them to the appropriations. Power receipts now go to the project in reduction of the building charge. I do not think there is any danger of a misinterpretation, but if we were to add the provision I have suggested that would accomplish what we sought to accomplish without question.

Mr. MANN. Does not the paragraph provide for the return to the credit of the appropriation for the project or operation?

Mr. MONDELL. Yes; but it does not provide for a credit to the project, it provides for a credit to the appropriation.

Mr. MANN. I do not see how you can credit a project—you have to credit the appropriation.

Mr. MONDELL. On the contrary, every payment that is made on a building charge is a credit to the project, reducing the project charge that much. It does not go to the appropriation at all. This is a credit to the appropriation. These moneys are spent out of the appropriation. They buy food, they hire cooks, they feed men, and the men pay for their board; and the moneys when paid go back into the appropriations from which they come. It does not go to the credit of the project, so that in any event any of these sums returned, whatever they might be, would not go to the credit of the project but to the credit of the appropriation.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that this project be passed over temporarily.

The CHAIRMAN. The gentleman from New York asks unanimous consent that this project be passed over temporarily. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

In all, for the Reclamation Service, $8,227,000.

Mr. MONDELL. Mr. Chairman, before we leave the Reclamation Service I think attention should be called to a very important provision of this bill against which I am very glad no point of order was made. It is found in lines 14 to 21, inclusive, page 115. The act of June 25, 1910, known as the bond act, making advances for the reclamation fund by providing for a loan of $20,000,000 to the fund, provided in section 3 as follows:

That beginning the five years after the date of the first advances to the reclamation fund under this act, 50 per cent of the annual receipts of the reclamation fund shall be paid into the general fund of the Treasury of the United States until the payment so made shall equal the aggregate amount of advances paid by the Treasury to said reclamation fund, together with interest paid on the certificates of indebtedness issued under this act and any expenses incident to the preparation, advertising, and issuing of same.

Under that act the time had arrived when it would soon become necessary to withhold 50 per cent of the reclamation fund for these repayments. To withhold 50 per cent of the reclamation fund at this time, or any time in the near future, would cripple the fund and prevent our continuing in an orderly way the development of the projects, so the provision to which I refer, that a reimbursement of the money shall be made by the transfer annually of $1,000,000 from the reclamation fund to the general fund of the Treasury, beginning July 1, 1920, and continuing until full reimbursement has been made. This can be done without crippling the reclamation fund. And in this connection I want to say to the friends of the reclamation projects that this year the situation is brighter and better with all these projects than it has ever been before. I think it is clear to everyone now who has followed these projects closely that in the case of most of them the repayments now under way will continue until the projects have most of them paid back to the Government the greater portion of the sums advanced, in some cases all the sums advanced for construction, and in a majority of cases practically all.

Mr. STAFFORD. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. STAFFORD. In the 25 projects you carry in the bill the appropriations are about the same amount as provided for last year. There is but one project, I believe, omitted, and there is one new one added. I would like to know when the projects will be so completed that it will not be necessary to provide these large amounts for the maintenance, operation, and continuation of construction of these various items?

Mr. MONDELL. If he will examine the appropriations closely, the gentleman will find a number of cases where the project is practically complete. For instance, here is the Huntley project in Montana. The major portion of the appropriation we are making is for operation and maintenance. It is an appropriation made, all of which will be paid back within the year. If we make the appropriation this year, it all comes back into the Treasury. In quite a number of the projects we are well on toward completion, and the major portion of the appropriation is for operation and maintenance, which is immediately returned in the payment of operation and maintenance charges.

Mr. STAFFORD. The phraseology, if the gentleman will permit, in most of these items proyides for continuation of construction. If the construction was completed, it would not be necessary to have that phraseology.

Mr. MONDELL. There is no project that is entirely completed. The Salt River project is practically completed, but we are still doing a little work on that. The Huntley project is nearly completed. We are doing a little work there. The major portion of the appropriation on most of the projects is for maintenance and operation. The money comes back into the Treasury right away. On some of the projects, like the Yakima and the North Platte, we are now in the heart of heavy construction, and appropriations are large for construction and comparatively small for operation and maintenance. Some of those projects we will continue to develop for the next 10 years. For instance, take the Shoshone project. It has something like 60,000 acres of public land, for which we have already provided storage, and every dollar that we put into construction there carries water onto Uncle Sam's land to make new homes. That is a work that ought to go on rapidly.

But what I rose to say, Mr. Chairman, is that I think we have now reached a point where we may all be optimistic about the major portion of these projects, provided all we of the West stand as we have stood—for keeping faith with the Government in the matter of repaying these sums paid out for construction. We have undertaken a great work. We have really only started upon it. There are still vast areas that can be reclaimed, and they can only be reclaimed and made fit for homes by the expenditure of Federal money without the payment of interest. And we can not expect to continue that great work unless we are honest, faithful, and square and see to it that the moneys used in building these projects are returned under the very liberal terms of the reclamation law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TILSON. Can the gentleman inform me as to whether any of these projects are now actually returning money to the Treasury?

Mr. MONDELL. Oh, certainly. Some of them are returning $200,000 and $300,000 a year to the Treasury, and on most of the projects——

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. On most of the projects, I will say to my friend, the sums due had, at the time of the last report, been almost wholly paid. I think there was one project where the amount unpaid was 5 or 6 per cent. On some projects practically all was paid, and 1 or 2 or 3 or 4 per cent unpaid, just little driblets that come in slowly; but in the majority of cases the projects are paying up promptly and fully.

Mr. TILSON. But no project is paying more than has been advanced to it, with the interest on that sum?

Mr. MANN. And not that much, either.

Mr. Chairman, we hear quite often complaints from some of our Western brothers of the harshness with which the Government treats them. Here is the reclamation proposition: First, we agreed to give them money that came from the sale of public lands. Then came along a time when we agreed to give them the proceeds of bonds issued by the Government. What was the amount? Twenty millions, to be repaid after a certain length of time at the rate of 50 per cent, was it, of the proceeds from the reclamation fund a year? Well, having given them the money, then we passed a law extending the time for the repayment of the reclamation fund by the users of water for 20 years, or such a matter, without interest. Then having come to the point where the law was about to operate requiring them to repay to the Government the value of the bonds to the extent of the 50 per cent of the receipts of the reclamation fund, we now find they want to extend the time in which to begin to make the payments until 1900, and extend the time in which to complete the payments until 20 years thereafter, or more than 20 years thereafter, because it would take 20 years to repay the principal without the interest. Where they would have been obliged to refund all of the amount of the bonds within four or five years, or less time, it is now extended to 25 or 30 years. And still they complain.

Mr. MONDELL. We are not complaining. Will the gentleman yield?

Mr. MANN. You are not complaining about that, but you will probably want that changed before you commence to pay any of it back.

Mr. MONDELL. Will the gentleman yield?

Mr. MANN. We have never gotten a dollar back on account of the money advanced—not a nickel, not a sou.

Mr. MONDELL. What does the gentleman say?

Mr. MANN. All the money that the users pay back we turn over to some other reclamation project.

Mr. MONDELL. That is the law.

Mr. MANN. That is the law——

Mr. MONDELL. Will the gentleman yield?

Mr. MANN. Of course, I have to yield to the gentleman from Wyoming, although he has talked for 10 minutes on the subject without giving us much information, and I have talked for three minutes and given some information.

Now, I yield the gentleman the balance of my time.

Mr. MONDELL. I simply wanted to say this, that the best part of what the gentleman has just said is that he approves all that has been done.

Mr. MANN. No; I do not approve all that has been done, although I have always been a friend of the reclamation projects. But I think they have run us pretty hard sometimes.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

ALASKA, EXPENSES IN.

Alaska Engineering Commission: For carrying out the provisions of the act aproved March 12, 1914 (38 Stat., p. 305), entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes,"

including expenses incident to conducting hearings and examining estimates for appropriations in Alaska, and including not to exceed $6,000 for claims for premiums on insurance incurred prior to October 30, 1916, to continue available until expended, $10,500,000, of which sum $3,000,000 shall be available immediately.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. NORTON. I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin reserves the point of order on the paragraph, and the gentleman from North Dakota moves to strike out the last word.

Mr. NORTON. Mr. Chairman, I desire to inquire of the chairman of the committee what is the meaning of the phrase beginning on line 8, page 117, "including expenses incident to conducting hearings and examining estimates for appropriations in Alaska"? That is in addition to the legislation under the act authorizing the President of the United States "to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes."

Mr. FITZGERALD. If the Committee on Appropriations should be authorized to go to Alaska for the purpose of making examinations into the work in connection with the construction of these railroads, the expenses of that trip would be paid out of this fund.

Mr. NORTON. Is it proposed that the Committee on Appropriations shall make that trip to Alaska?

Mr. FITZGERALD. If Congress authorizes it.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. NORTON. Certainly.

Mr. JOHNSON of Washington. I think the committee should go to Alaska and find out something about the petty red tape that is going on there in connection with the construction of railroads in Alaska. Last winter the commission advertised for vast supplies—so many pounds of butter, so many bushels of potatoes, and so on.

Mr. FITZGERALD. I think I could not spare the time to make the trip myself, but I do believe that it would be of great service to Congress if the other members of the committee elected to the next House should be authorized to go to Alaska. It has been stated by those who had control of the construction of the Panama Canal that the visits made by various committees of Congress to the Isthmus of Panama resulted in a saving that was conservatively estimated at $11,000,000. At the very beginning the Committee on Interstate and Foreign Commerce made visits to the canal and obtained information that could not have been obtained otherwise.

Mr. NORTON. I want to say to the gentleman that they are very badly needed down there now.

Mr. FITZGERALD. We are proposing to spend $35,000,000 in the construction of these railroads in Alaska. We are also asked for large sums for certain other governmental activities there. We can do no more than take a risk on those who are presenting these matters to the committee, that they are presenting them in a manner that justifies acquiescence in their recommendations, and we have to take a great deal on faith. We decided to recommend this appropriation, and it may be that an opportunity will be presented before Congress shall adjourn to request authority for such a visit. I know not what the wish of Congress will be, but I have spent so much time in the last eight or nine years when Congress was not in session in making visits to places where the Government was doing important work in order to avail myself of the opportunity to get information at first hand, that I do not see the possibility of being able to give the time this year to such a trip.

Mr. NORTON. I hope the gentleman will find time for that work.

Mr. FITZGERALD. But I hope that other members of the committee will be able to arrange to make such a trip, because I am sure it will result in gaining much valuable information that will be of great benefit to the committee in its work.

Mr. STAFFORD. I want to inquire as to the policy of the Government in insuring its property, for which provision is made here, for the payment of $6,000 for premiums.

Mr. FITZGERALD. The Alaskan Engineering Commission insured certain cargoes going to Alaska. They were sending up there large quantities of valuable supplies, and the commission took out insurance on the cargoes. The Comptroller of the Treasury decided that without specific authority, following the uniform policy of the Government, there was no warrant for the insurance of these cargoes. The commission stopped insuring further cargoes when this opinion was rendered, and this $6,000 is to meet the obligations that had been incurred before the decision of the comptroller was rendered.

Mr. STAFFORD. Were the premiums at the regular rates?

Mr. FITZGERALD. Yes. We sent up there several million dollars' worth of material.

Mr. STAFFORD. It is not the policy of the Government to insure any of its cargoes in shipments from one point to another?

Mr. FITZGERALD. No. The investigation that we made of the matter showed that what had been done by the commission was done in good faith. We were sending these materials to Alaska on commercial steamers, several million dollars' worth of supplies, under conditions that were more than ordinarily hazardous. The commission saw fit to insure the supplies. They did it after consultation with other Government officials; but when the opinion of the comptroller was rendered, to the effect that they had no authority for such an expense, authority was asked to pay for such obligations as had been incurred up to that time, and the committee believed, under the circumstances, that we should authorize them to pay the premiums which were actually earned.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last two words.

Mr. FITZGERALD. I would like to offer an amendment, Mr. Chairman, to the paragraph. Since this bill was reported accounts have been rendered for about $500 additional for premiums that had not been received at the time; this amendment is to enable the commission to pay these additional obligations for premiums rendered for this service.

Mr. STAFFORD. I understand the commission will not incur additional obligations in the future?

Mr. FITZGERALD. No. But this is to meet obligations incurred before the decision of the comptroller was rendered.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FITZGERALD: "On page 117, line 10, strike out the sum of '$6,000' and insert in lieu thereof '$6,588.92.'"

Mr. WINGO. Mr. Chairman——

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last two words.

Mr. WINGO. I did not want to start making my remarks until the Chair had recognized me.

The CHAIRMAN. The gentleman from Washington has been endeavoring to get recognition of the Chair for some time. The Chair will recognize the gentleman from Arkansas presently, but he will first recognize the gentleman from Washington.

Mr. JOHNSON of Washington. Mr. Chairman, I sincerely hope that the item in this bill which will give an opportunity for the chairman of the Committee on Appropriations and other members of that committee to go to Alaska for the purpose of making a study of the building of the Alaskan Railroad and of conditions generally in that vast Territory may be retained in the bill.

By the expenditure of a few hundreds of dollars we all know that Chairman FITZGERALD, with his wonderful facility for the grasping of details, can do much to hasten the building of the railroad and for the general practice of economy. I do not mean to infer that the commissioners appointed by the President to build the road are not doing good work. They are. But it is generally admitted that the sending of a congressional commission to the Panama Canal during its construction resulted not only in increased speed but in greater value for money expended, and in changes in the plans which were for the best. Chairman FITZGERALD intimates that he will not be able to find time to go. I hope that he can find time, or, if he can not make the trip, I hope that the ranking member of the committee, Mr. GILLETT, of Massachusetts, can proceed to Tacoma and Seattle, thence to Juneau, Seward, and to Anchorage, and out to the end of the Alaskan Railroad, which has been constructed as far as the Matanuska coal fields.

I had the pleasure of going over the Alaska Railroad last fall. Many big things were happening and some little ones. Among the odd things I noticed was one call for bids for supplies for the winter camps on the railroad. In one advertisement they called for four or five thousand pounds of butter, several thousand pounds of potatoes, thousands of pounds of canned peaches and apricots, and then they wound up their advertisement by calling for five pounds of maccaroni and two pounds of tobacco. I wondered why they had cut it down so small.

Mr. WALSH. Is it not possible that they may have had working up there a gentleman from some other clime who has a cultivated taste that they want to take care of?

Mr. JOHNSON of Washington. I do not know, but that is merely one of the incidents. Now, a committee going to Alaska

will find among other things that they have built a Government town there called Anchorage, run by a Government agent, a very pretty town on a very good town site, on a harbor where I believe the range of the tides is about 33 feet. When the tide is in the water is very deep, and when it is out the water is very shallow. Now the people who have gone there to make the Government town, who have built fine bank buildings and other buildings and who are running daily newspapers and making a lively city, are determined to have that harbor perfected and made into a safe harbor at a cost of about half a million dollars to be paid for out of the Alaska Railroad funds.

Now, here is a half-million-dollar proposition coming up for the making of a harbor that will be a halfway point on the Government railroad. There will be no report on it through the ordinary channels through which river and harbor reports come, because it is proposed to take the money out of the Alaska Railroad fund. That in itself would send a delegation from Congress over the Government railroad in Alaska.

Mr. WINGO. Mr. Chairman, I have no desire to stop the very rapid progress with which this bill is being considered, but I have sat here two or three days not using any time. I appreciate the evidences of a desire on both sides of the aisle to press these appropriation bills, especially at this particular time. But there is some information I should like to have, and for that reason I have craved the indulgence of the committee long enough to ask the chairman of the committee for that information. That is, how much has been spent already on this project of the Alaska Railroad?

Mr. FITZGERALD. About $11,000,000.

Mr. WINGO. How much of that has been spent for administrative expenses?

Mr. FITZGERALD. My information is not in such form as to show that.

Mr. WINGO. How many miles of railroad have been constructed as a result of that $11,000,000 expenditure? How much of the $11,000,000 has been for supplies?

Mr. FITZGERALD. I can not tell that. I can state what it is proposed to spend next year for supplies, and what they spent last year; but I have not the figures for the total expenditure thus far.

Mr. WINGO. How much did they spend for supplies during the last year for which the gentleman has a report?

Mr. FITZGERALD. In the last fiscal year they spent for material, equipment, and supplies $1,406,000.

Mr. WINGO. Is that for maintenance supplies, or does that include material to go into the permanent construction?

Mr. FITZGERALD. That includes material. Next year they expect to spend $4,945,000.

Mr. WINGO. How much has been spent for salaries paid to employees, including the administrative officials?

Mr. FITZGERALD. Last year for salaries they expended $255,000 and for wages $699,000. Next year it is anticipated that for salaries they will expend $896,000 and for wages $2,449,000. I may say to the gentleman from Arkansas that they differentiate those items in this way: Under salaries they include purchasing agents, engineers, transit men, and all the engineering force, as well as the hospital and clerical forces. Under wages they include what might be called the construction force, locomotive engineers, trainmen, and mechanics of all kinds.

Mr. WINGO. How many miles of railroad have been built?

Mr. FITZGERALD. We bought the Alaska Northern Railroad, which runs from Seward to the head of the peninsula. That was not in shape to be operated, even for light equipment. That road for 71 miles has been put in shape for that equipment. Then, from Mile 71 the road——

Mr. WINGO. Does the gentleman recall how many miles of new construction there have been?

Mr. FITZGERALD. Yes; from Mile 71 to Anchorage, along Turnagain Arm, a distance of 45 miles, where there is very heavy rock construction, they have graded from Anchorage southeast about 13 miles. From Anchorage north the road is now practically completed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINGO. I ask that my time be extended five minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. The road is graded and the track laid to within 13 miles of the Matanuska coal fields. The distance from Anchorage to the Matanuska coal fields is 62 miles, and they have finished 49 miles. In addition to that, they have done considerable grading and track laying from Matanuska Junction. They have graded about 24 miles, and that is practically ready for the rails. Then, in addition, they have graded another section on the way to Fairbanks, between Mile 207 and Mile 245.

Mr. WINGO. What was the estimated cost per mile of the work done last year on the railroad that was already constructed and was rebuilt? Was any estimate given of what that cost, and what was the cost per mile on the new construction?

Mr. FITZGERALD. The work done last year was done for less than the estimated cost.

Mr. WINGO. What was the estimated cost per mile of the new section?

Mr. FITZGERALD. I do not recall. I will have to look that up. Does the gentleman from Wyoming remember the estimated cost per mile?

Mr. MONDELL. I do not.

Mr. FITZGERALD. This is a map of the Alaskan Railroad. This is the Alaskan road from Seward to mile 71. This road was constructed but was in very bad condition. They put in ballast, culverts, bridges, and are running some light trains.

Mr. WINGO. Can the gentleman tell what that reconstruction cost?

Mr. FITZGERALD. About $600,000.

Mr. JOHNSON of Washington. And that included roundhouses, office buildings, and so forth.

Mr. FITZGERALD. We bought it very cheap.

Mr. WINGO. That did not include the purchase price?

Mr. FITZGERALD. Oh, no; the purchase price was a little over $1,000,000, and the valuation was $2,000,000.

Mr. WINGO. What does the gentleman say that this reconstruction work cost?

Mr. FITZGERALD. About six hundred and odd thousand dollars. This part of the road here [pointing on the map] to Turnagain Arm is heavy rock construction. They have graded this for a distance of about 13 miles. From Anchorage we have graded down to Turnagain Arm and laid track for about 10 miles. That is heavy rock construction. We have graded and laid track from Anchorage Junction 42 miles up toward the Matanuska coal fields. They have just touched the edge of the field and are getting coal which they are using. Thirteen miles remain to be done into the coal fields. They have graded the roadbed for 28 miles in this section [indicating], and they have graded some up in this place beyond [indicating]. They are operating trains carrying passengers and freight on this portion of the line.

Mr. WINGO. What about this lower portion of the road?

Mr. FITZGERALD. They are operating that with combination gasoline cars on which freight and passengers are carried. Coal is not now available there.

Mr. JOHNSON of Washington. A cheaper grade of coal is available.

Mr. FITZGERALD. The type of combination cars they are using is much lighter than ordinary construction, and they only have a 70-pound rail. Until they replace their rails with 90-pound rails they could not use the heavier equipment. The work is progressing more rapidly than was anticipated. Within the past year there has been an exceptional increase in the cost of materials and also in the cost of labor, but the work has progressed, nevertheless, within the original estimate of the cost per mile. Does the gentleman from Alaska recollect what the estimated cost per mile was?

Mr. WICKERSHAM. I do not.

Mr. FITZGERALD. I think it was $50,000 or $55,000 a mile.

Mr. WINGO. Have they built a portion of the railroad complete for $50,000 a mile there?

Mr. FITZGERALD. Yes; for less than $50,000. We have completed 49 miles, and I think 13 from Anchorage to Turnagain Arm; and, as I say, they are operating this portion with a light equipment, and they have graded about 70 miles in addition, and it is well within the estimated cost. The estimated cost of the 450 miles from Fairbanks to Seward was about $28,000,000, and the commission does not expect that it will spend more than that in completing this road and equipping it, though there has been a great increase in the cost of material.

Mr. TILSON. How many miles intervene yet down between the coal fields and Seward?

Mr. FITZGERALD. When they reach the Matanuska coal fields they can ship it out of there for seven months in the year through Anchorage and Cook Inlet. The Turnagain Arm section is 45 miles long. That is heavy rock construction, and they have constructed and laid 10 miles of track and graded 3 or 4 miles additional, which would leave 32 miles.

Mr. WICKERSHAM. It is the most expensive of all the work along this line of road, but when that is completed the road will be done from Seward to the Matanuska coal fields. That work ought to be done this fall. I was informed by the engineering commission that all of the work was well within

their estimates. So it may be fairly assumed that the railroad will be completed this next fall from Seward to the Matanuska coal fields, and that we will then be able to secure the naval coal which is found in great abundance at that point, being the end of the branch line running out from Matanuska. So far as we could discover, and so far as I could discover from the investigations I made along the line of that road when I was there, the work was being well done and the country is to be congratulated upon the success that the Alaskan Engineering Commission is bringing to this project. We may look forward to its completion within the estimates as promised by this commission and as we who supported this project promised it to the House; but there is one thing that is not being done as it ought to be done. We promised the building of this road for the purpose of securing naval coal for this country. We told this House at that time that there was an abundance of naval coal there; that if this road could be built and put into operation our Navy upon the Pacific could have a cheap naval coal. The coal is there and substantially the road is completed and not a hand has yet been turned to secure that coal. There has been no action taken on the part of the Navy Department to secure the opening of this naval coal. There has been nothing done toward securing its transportation to Seward or to Anchorage, and its delivery to the Navy on the Pacific coast, and I desire to call the attention of the House to the fact that while the Alaskan Engineering Commission is doing its work well, and well within the estimate, and while everything is going with respect to the building of the railroad as we promised, yet that branch of the Government which has to do with taking out the naval coal is doing nothing, and it ought to take notice of the situation and do it immediately.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. SMITH of Michigan. What kind of a harbor is Seward?

Mr. WICKERSHAM. Seward is a great fine harbor 15 miles long, 2 or 3 miles wide, deep and commodious, with not a rock or a sandbar in it, and open all of the year around.

Mr. SMITH of Michigan. How about the ballast? What do they do for ballast on the road that is completed?

Mr. WICKERSHAM. There is rock and gravel, plenty of gravel, fine gravel, and rock ballast.

Mr. SMITH of Michigan. And they get good ties?

Mr. WICKERSHAM. There are plenty of ties along the line of the road, but the ties along there are not of the best, and many of them are being imported from the State of Washington, because they get better timber down there.

Mr. MONDELL. The gentleman does not anticipate that the Government shall mine the coal? He would not advise that, I assume?

Mr. WICKERSHAM. Well, I do not advise particularly with respect to that. I am simply calling attention to the fact that the Government has reserved all of our Alaskan coal lands, and the Government will not let us open those mines, and the Government seems not inclined to do it itself. I am calling attention to the fact so that the country may understand why this naval coal is not taken out, that it is not the fault of the men who are building the railroad, nor the fault of the Delegate from Alaska.

Mr. MONDELL. I did not understand that all of the coal land or anything like all of the coal land had been reserved. I had supposed that only a small area had been reserved. Have they not left large areas that are subject to lease?

Mr. WICKERSHAM. Yes.

The CHAIRMAN. The time of the gentleman from Alaska has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having assumed the chair, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918.

The message also announced that the Senate had passed with amendments the bill (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes, in which the concurrence of the House of Representatives was requested.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. MONDELL. Mr. Chairman, I ask that he may proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SWITZER. I would like to ask the gentleman a question. Have there been any applications from private enterprises, individuals or corporations, to lease any of these lands to develop the coal?

Mr. WICKERSHAM. I have heard rumors that there have been one or two applications, or probably more; but I do not know.

Mr. SWITZER. Is that all the gentleman knows about it—that there have been rumors of an effort to develop the coal land?

Mr. WICKERSHAM. That is all that I know has been done toward the development of the coal fields. I say something ought to be done with respect to the development of the coal fields. If you will not do it yourselves, let some of this land loose and let us do it.

Mr. JOHNSON of Washington. Mr. Chairman, I desire to state that only a couple of days ago the Secretary of the Interior stated to me that he believed an arrangement had been made by which a railroad rate could be offered cheap enough from Matanuska to Anchorage to induce those who will be entitled to make coal leases to make the leases and get busy. The trouble has been that those who propose to lease could not find out what they would be likely to pay for railroad rates.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. BORLAND. What does the gentleman suggest will be done in advance of the time that the railroad is opened from the Matanuska coal field to Seward, or in advance of the time that it is opened from the fields to Anchorage and the harbor at Anchorage is put in condition to receive colliers and ship the coal from that point? In advance of those two periods, what should be done toward opening the coal fields?

Mr. WICKERSHAM. As I said a moment ago, this road will be completed from Seward to the Matanuska coal field next fall, and nothing has been done in the way of putting up coal bunkers or securing naval coal in any way. The Government is neglecting its duty on the Pacific coast. No provision is being made for taking out this naval coal and putting it into our colliers upon the Pacific coast where it is needed. There is no Navy coal on the Pacific coast or along the Pacific coast anywhere from Mexico to Japan except this at the Matanuska coal field in Alaska. The Government is now shipping Navy coal clear around the Horn from Norfolk to supply these naval vessels in Alaska, when it can get it 180 miles from Seward all the year around if we open up that field.

Mr. BORLAND. My understanding is the railroad now runs to the edge of the Matanuska coal field, where there is a rather inferior grade of coal.

Mr. WICKERSHAM. That is correct.

Mr. BORLAND. Good for naval and domestic purposes to some extent; but they think there is a better coal farther on which has not yet been opened up?

Mr. WICKERSHAM. A large amount has been opened up and brought out and tested and reported on by the Navy Department as being equal to Pocahontas naval coal.

Mr. MOSS. I have understood that the Navy Department rejected the Alaska coal and claimed they wanted and needed a better coal.

Mr. WICKERSHAM. The Navy Department brought out hundreds of tons of the Matanuska coal and made very complete tests on the naval vessels in the Pacific and reported that it was equal to and as good as the Pocahontas coal which they get from Norfolk.

Mr. MOSS. As I recollect the debate on this matter, I voted for the appropriation largely because of my personal regard for the Delegate from Alaska——

Mr. WICKERSHAM. I thank the gentleman.

Mr. MOSS (continuing). And not on my faith in the railroad enterprise, but, as I remember the debate at that time, it was stated that the coal that had been tested by the Navy Department had been rejected and so reported on by the Navy.

Mr. WICKERSHAM. The gentleman is correct as to the first part of the debate, but before the debates were concluded the Navy had finished its investigations and made its final report.

Mr. SHERWOOD. It was stated in the debate that the tests made of that coal showed it was not suitable for the Navy. That was stated in the debate when the Alaska bill was under consideration.

Mr. WICKERSHAM. I think that was correct up to that time, but afterwards and before the bill was finally passed—I am not sure it was before it was passed, but about that time—the Navy Department made its final test upon a large quantity of that coal and reported that it was equal to the Pocahontas coal for naval purposes. But what I am trying to point out

now is that neither the Navy Department or any other department of the Government is making any effort to secure this coal in Alaska for which we largely built this railroad, and we want to hold them responsible because we are going to need this coal for the use of the Navy at a very early day.

The CHAIRMAN. The time of the gentleman from Alaska has expired.

The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I have some remarks I would like to offer on this paragraph to-night, though I think I would not care to offer them to-morrow.

Mr. FITZGERALD. I did not hear what the gentleman stated.

Mr. MANN. I said I felt as though I would like to offer some remarks on this paragraph to-night, and I think the chances are, if I sleep over it, I would not care to offer them to-morrow, and I hope in consideration of such a suggestion, and the fact it is now more than half past 10 and that a Democratic caucus is going on in the Chamber, that the gentleman will move to rise and give everybody a chance. [Laughter.]

Mr. FITZGERALD. Mr. Chairman, it is only half past 10, and I hope we will work for an hour or two yet.

Mr. MANN. Well, as far as I am concerned, I have three hours' work yet to do after I get home to-night.

Mr. FITZGERALD. I have, too.

Mr. MANN. It is on account of the gentleman's health; I wish to conserve the gentleman's health.

Mr. FITZGERALD. I shall be glad to be able to progress with 25 or 30 pages of the bill to-night, so we may finish this bill to-morrow.

Mr. MANN. I sincerely hope we shall finish it to-morrow before noon.

Mr. FITZGERALD. We will have a number of conference reports to-morrow. I am being pestered to death all day long and all night long by gentlemen who wish me to give way with this bill so other matters may come up.

Mr. MANN. I will say to the gentleman we are in very good shape as far as appropriations are concerned and as far as other matters are concerned. Undoubtedly we will pass a good many things before the end of the session, hurriedly, hastily, sometimes with good effect, but generally bad legislation, but we work 12 hours a day in the Chamber and then 4 or 5 hours outside.

Mr. FITZGERALD. I have worked 14 hours to-day, and I want to put in two full shifts, and in another two hours I can do it.

Mr. MANN. I think the gentleman and I both do more than 16 hours a day; I know I do and I know the gentleman does, and there are others.

Mr. FITZGERALD. The only recreation I get is working at night. I hope the gentleman will not interfere with my pleasure, but will let us go on for an hour or two.

Mr. MANN. This is the only easy work we have. I want to quit this and get to hard work.

Mr. BORLAND. Suppose we go down to national parks.

Mr. FITZGERALD. Suppose we get down to national parks.

Mr. MANN. No; otherwise I will have to get down to this proposition.

Mr. FITZGERALD. There is nothing in between that will incite any opposition.

Mr. MANN. Then it will not take long to read it in the morning.

Mr. FITZGERALD. Nobody will object to the gentleman getting that speech out of his system in the morning, although it would not be in order—his system, I mean.

Mr. MANN. I do not like to do it, but I am willing to take the responsibility; so I make the point of order there is no quorum present.

Mr. FITZGERALD. In view of the fact that these Republicans will not stay here and permit us to do business——

Mr. MANN. Three-fourths of those who are here are Republican Members. Without them there would not be the semblance of a quorum.

Mr. FITZGERALD. Mr. Chairman, I move the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20967) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, Mr. CONRY was granted leave of absence indefinitely, on account of illness.

HOUR OF MEETING TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from New York asks unanimouse consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. PAGE of North Carolina, from the Committee on Appropriations, submitted a conference report on the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, for printing under the rules.

The conference report is as follows:

CONFERENCE REPORT (NO. 1567).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8 and 88.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the construction of a culvert to carry Klingle Valley Creek underneath Connecticut Avenue, in order to enable adjoining property owners to make an earth viaduct on the line of Connecticut Avenue where it crosses said valley, $25,000, or so much thereof as may be necessary: *Provided*, That no part of this money shall be available until the Commissioners of the District of Columbia shall have secured satisfactory guaranty of sufficient fill and base to bring said area up to the proper level of Connecticut Avenue."

And the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 16, 76, and 98.

ROBERT N. PAGE,
JAS. MCANDREWS,
C. R. DAVIS,
Managers on the part of the House.

JOHN WALTER SMITH,
JOE. T. ROBINSON,
WM. P. DILLINGHAM,
Managers on the part of the Senate.

ADDITIONAL COMPENSATION TO ENROLLING CLERK.

Mr. MILLER of Delaware. Mr. Sepaker, I desire to submit a privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 501 (H. Rept. No. 1566).

Resolved, That the enrolling clerk of the House, so long as that office is held by the present incumbent, be paid additional compensation at the rate of $1,000 per annum, payable out of the contingent fund of the House until otherwise provided by law.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

EXTENSION OF REMARKS.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing certain brief resolutions passed by the corporation of Yale University.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the sundry civil bill.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

OLD-AGE PENSIONS—CORRECTED BILL.

Mr. RICKETTS. Mr. Speaker, on January 27, 1917, I introduced a bill (H. R. 20576) providing for pensions for all American citizens who have reached the age of 65 years who are incapable of performing manual labor and whose incomes are less than $300 per year.

This bill was referred to the Committee on Pensions, and I find that, through some inadvertence, possibly a clerical or typographical error, certain words and figures of the bill as originally drafted were omitted from the bill as printed. I have supplied these words and figures in another bill, giving the bill the same date and number.

I therefore ask unanimous consent that the bill H. R. 20576 be reprinted, inserting the language and figures omitted from the first print, and that the copies now on file in the document room and in the Committee on Pensions be destroyed and the correct reprinted bill and copies thereof take the place of the original bill and copies.

Mr. FITZGERALD. I would suggest to the gentleman that he introduce a new bill and get a new number, and with this statement in the RECORD the change will be made. I should not try to substitute.

Mr. MANN. This would be the star print of a bill, that is all. That is done every once in a while.

Mr. FITZGERALD. I will not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. HOLLINGSWORTH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Ohio [Mr. HOLLINGSWORTH] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HELGESEN. Mr. Speaker, I make a similar request.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 8222. An act to amend an act entitled "An act to incorporate the National McKinley Birthplace Memorial Association, approved March 4, 1911; to the Committee on the Judiciary.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills.

H. R. 12195. An act to amend section 17 of the United States bankruptcy law of July 1, 1898, and amendments thereto of February 5, 1903;

H. R. 14426. An act to amend section 6 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905;

H. R. 18594. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River at or near Parkin, Ark.;

H. R. 18720. An act permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of Minnesota;

H. R. 19239. An act granting the consent of Congress to the county of Pearl River, Miss., and the fourth ward of the parish of Washington, La., to construct a bridge across Pearl River, between Pearl River County, Miss., and Washington Parish, La.;

H. R. 18894. An act to amend the public-building act approved March 4, 1913, authorizing the acquisition of a suitable site for a public building at Pittston, Pa.;

H. R. 16855. An act for the relief of Riverside Military Academy;

H. R. 18181. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 19937. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 40 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Tuesday, February 27, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of the Interior submitting an item for inclusion in the general deficiency bill (H. Doc. No. 2091), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HOUSTON, from the Committee on the Territories, to which was referred the bill (H. R. 21020) to authorize the Legislature of Alaska to establish and maintain schools, and for other purposes, reported the same with amendment, accompanied by a report (No. 1560), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAYDEN, from the Committee on the Public Lands, to which was referred the bill (H. R. 20721) to extend the time limit of the timber-cutting rights of the Saginaw & Manistee Lumber Co. on lands in the Coconino and Tusayan National Forests, Arizona, and for other purposes, reported the same with amendment, accompanied by a report (No. 1561), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENRY, from the Committee on Rules, to which was referred the resolution (H. Res. 309) to investigate Ellis Island, reported the same without amendment, accompanied by a report (No. 1562), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FIELDS, from the Committee on Military Affairs, to which was referred the bill (S. 7433) for the relief of Winfield S. Solomon, reported the same without amendment, accompanied by a report (No. 1557), which said bill and report were referred to the Private Calendar.

Mr. MORIN, from the Committee on Military Affairs, to which was referred the bill (S. 7598) for the relief of John H. Kidd, reported the same without amendment, accompanied by a report (No. 1558), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 2465) for the relief of James Anderson, reported the same without amendment, accompanied by a report (No. 1559), which said bill and report were referred to the Private Calendar.

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (S. 698) for the relief of John L. O'Mara, reported the same without amendment, accompanied by a report (No. 1563), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 6251) for the relief of John F. Kelly, reported the same without amendment, accompanied by a report (No. 1564), which said bill and report were referred to the Private Calendar.

Mr. FIELDS, from the Committee on Military Affairs, to which was referred the bill (S. 6690) for the relief of Americus A. Gordon, reported the same without amendment, accompained by a report (No. 1565), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 21043) to amend sections 4402, 4404, and 4414 of the Revised Statutes, relating to the appointment and salaries of the Supervising Inspector General, supervising inspectors, inspectors of hulls, inspectors of boilers, assistant inspectors of hulls, assistant inspector of boilers, and clerks in the Steamboat-Inspection Service; to the Committee on the Merchant Marine and Fisheries.

By Mr. HEATON: A bill (H. R. 21044) to amend the public-buildings act approved March 4, 1913, authorizing the acquisition of a suitable site for a public building at Tamaqua, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. FOSS: A bill (H. R. 21051) to purchase land adjoining the Naval Training Station at Great Lakes, Ill.; to the Committee on Naval Affairs.

By Mr. FLOOD: A bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes; to the Committee on Foreign Affairs.

By Mr. RICKETTS: A bill (H. R. 21053) providing for pensions for all American citizens who have reached the age of 65 years and who are incapable of performing manual labor and whose incomes are less than $300 per annum; to the Committee on Pensions.

By Mr. KITCHIN: Resolution (H. Res. 535) authorizing the Clerk of the House to pay to Joseph S. McCoy the sum of $50 for services rendered the Ways and Means Committee; to the Committee on Accounts.

By Mr. RUCKER of Georgia: Resolution (H. Res. 536) authorizing the Clerk of the House of Representatives to deliver the portrait of Gov. Howell Cobb to Mary Ann Lamar Erwin, of Athens, Ga.; to the Committee on the Library.

By Mr. LINDBERGH: Resolution (H. Res. 537) directing the Comptroller of the Currency to inform Congress regarding amounts loaned on food and other necessaries of life held in storage, and for other purposes; to the Committee on Banking and Currency.

By Mr. SHERLEY: Resolution (H. Res. 538) providing for the consideration of amendments to H. R. 20967, the sundry civil appropriation bill; to the Committee on Rules.

By Mr. FESS: Joint resolution (H. J. Res. 382) fixing the time for the next meeting of Congress; to the Committee on the Judiciary.

By Mr. DOOLING: Memorial from the Legislature of the State of Pennsylvania favoring the passage of the Volunteer retired bill, giving Civil War Volunteer retired officers the same aid according to rank as that given retired officers of the Regular Army; to the Committee on Military Affairs.

By Mr. LAFEAN: Memorial of the Legislature of the State of Pennsylvania, disapproving the Federal taxes on profits of corporations, joint-stock companies, associations, and partnerships; to the Committee on Ways and Means.

By Mr. GARDNER: Memorial of the Legislature of the State of Massachusetts, favoring an amendment to the Constitution of the United States, giving Congress power to regulate the hours of labor; to the Committee on the Judiciary.

By Mr. VARE: Memorial of the Legislature of the State of Pennsylvania in support of the Volunteer retired bill; to the Committee on Military Affairs.

By Mr. FULLER: Memorial of the Legislature of the State of Pennsylvania, favoring the Townsend bill (S. 392) to create a Volunteer retired-officer list; to the Committee on Military Affairs.

By Mr. TINKHAM: Memorial of the Legislature of the State of Massachusetts, favoring the uniform regulation of the hours of labor in the United States; to the Committee on the Judiciary.

Also, memorial of the State Legislature of Pennsylvania, favoring Senate bill 392, Civil War Retired Volunteer bill; to the Committee on Military Affairs.

By Mr. SIEGEL: Memorial of the Legislature of the State of Pennsylvania, favoring the passage of Senate bill 392, known as the Civil War officers' retired-list bill; to the Committee on Military Affairs.

By Mr. GRIEST: Memorial of the Legislature of the State of Pennsylvania, petitioning the Congress for the enactment of the so-called volunteer officers' retired-list bill; to the Committee on Military Affairs.

By Mr. SMITH of Michigan: Memorial of the Legislature of the State of Michigan, favoring the passage of Senate bill 392, known as the Civil War volunteer retired bill; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HAWLEY: A bill (H. R. 21045) granting an increase of pension to Sarah F. Henderson; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 21046) granting an increase of pension to William A. Gibbs; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 21047) for the relief of Charles D. Shay; to the Committee on Claims.

By Mr. PRATT: A bill (H. R. 21048) granting an increase of pension to A. H. Shears; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21049) granting a pension to Charles E. Cortright; to the Committee on Pensions.

By Mr. STINESS: A bill (H. R. 21050) granting an increase of pension to Sarah Barber; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of United Male Singing Societies of Chicago, protesting against war; to the Committee on Foreign Affairs.

Also (by request), resolution of general court of the Order of the Founders and Patriots of America, expressing to the President their desire to give the President and this Government the most loyal support; to the Committee on Foreign Affairs.

By Mr. CAREW: Petition of the executive committee, National Association of Life Underwriters, appealing to Congress to exempt from taxation in the proposed revenue law all life insurance premiums and funds; to the Committee on Ways and Means.

By Mr. CHARLES: Petition of various residents of New York, against so-called espionage legislation; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of the Public Service Commission Association Rifle Club, favoring the immediate establishment by the Federal Government of a suitable rifle range near the city of New York to be used by civilian rifle clubs; to the Committee on Military Affairs.

Mr. DILLON: Petition of sundry citizens of South Dakota, favoring a referendum vote in case war should be declared; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of South Dakota, opposing war; to the Committee on Foreign Affairs.

Also, memorial adopted by meeting of 3,500 citizens of Minneapolis, praying for peace; to the Committee on Foreign Affairs.

By Mr. EAGAN: Petition of sundry citizens of New Jersey, favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of the Wine and Spirit Importers' Society of the United States, New York City, protesting against the passage of House joint resolution 84; to the Committee on the Judiciary.

By Mr. ESCH: Memorial of Viroqua Advancement Association (Inc.), Viroqua, Wis., urging the necessity of the early designation, construction, and maintenance of a system of national highways, to be built and maintained by the National Government; to the Committee on Roads.

By Mr. FULLER: Petition of several citizens of Illinois, protesting against the country becoming involved in war; to the Committee on Foreign Affairs.

Also, petition of George Foley, of Oglesby, Ill., favoring prohibitory bills; to the Committee on the Judiciary.

Also, memorial of Rockford (Ill.) Baner Lodge, No. 138, S. F. of A., favoring an embargo on food products; to the Committee on Foreign Affairs.

Also, petition of the Chicago Preparedness Conference, favoring universal military training and service; to the Committee on Military Affairs.

Also, petition of the Rockford (Ill.) Wholesale Grocery Co., favoring the Webb bill, House bill 17350; to the Committee on the Judiciary.

By Mr. GALLIVAN: Petition of sundry citizens of Boston, Mass., protesting against mail-exclusion bill and prohibitory legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Dorchester and Waltham, Mass., favoring a referendum vote before a declaration of war; to the Committee on Foreign Affairs.

Also, petition of Emergency Peace Committee of Massachusetts, indorsing the President's efforts to keep the United States out of war with Europe; to the Committee on Foreign Affairs.

By Mr. GOODWIN of Arkansas: Papers to accompany House bill 19020, a bill for the relief of Mart Bradshaw; to the Committee on Pensions.

By Mr. HOLLINGSWORTH: Memorial of Joshua Brantingham and 28 other citizens of Columbiana County, Ohio, protesting against compulsory military training in any form; to the Committee on Military Affairs.

By Mr. KENNEDY of Rhode Island: Memorial of members of Woonsocket Council, No. 113, expressing confidence in the President in these days of international uncertainty; to the Committee on Foreign Affairs.

By Mr. KETTNER: Petition of George M. Fedrick and three others, Anaheim; J. W. Donovan, Perris; Charles J. Perkin, Upland; Charles W. Hedges, Anaheim; I. N. Freeman, I. E. McMahan, and J. L. Gierunup, Riverside; and James C. Fritts, Yucaipa, all in the State of California, favoring passage of a bill to grant rural carriers a reasonable allowance for equipment maintenance, also to fix compensation of carriers upon an equitable and specific basis; to the Committee on the Post Office and Post Roads.

Also, petition of E. D. Cunard, Order of Railway Conductors of America, Division No. 392, E. E. Dillard, James J. Blackburn, G. F. Beach, Gus Taylor, and E. L. Bussey, all of San Bernardino, Cal., protesting against passage of House bill 19730; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. L. F. Golay, San Diego, Cal., favoring passage of House bill 17806, the Madden reclassification bill; to the Committee on the Post Office and Post Roads.

Also, petition of Clarence E. Austin, secretary State Rural Letter Carriers' Association, Chula Vista, Cal., favoring passage of bills for protection of rural carriers from being discharged for trivial matters; one that will define what shall be considered a day's work for a rural letter carrier; one providing a maintenance or a replacement fund of $300 a year like the mounted city carriers receive; to the Committee on the Post Office and Post Roads.

Also, petitions of 1,388 names of persons residing in San Diego County, Cal., protesting against passage of House bill 18986, Randall mail-exclusion bill; Senate bill 4429, Bankhead mail-exclusion bill; Senate bill 1082, Sheppard District of Columbia prohibition bill; House joint resolution 84, Webb nation-wide prohibition bill; House bill 17850, Howard bill to prohibit commerce in intoxicating liquors between the States; to the Committee on the Post Office and Post Roads.

Also, petition of Newton S. Gandy, Coronado, Cal., urging support of national prohibition and District prohibition bill; to the Committee on the Judiciary.

Also, petition of secretary California Christian Endeavor, Riverside, Cal., favoring strict prohibition amendment without words "for sale"; to the Committee on the Judiciary.

By Mr. MORIN: Petition of Mr. J. O. Corbett, secretary of the Rotary Club of Pittsburgh, Pa., requesting legislation by Congress by which the surplus turned into the Treasury of the United States by the Commissioner of Naturalization may be used in educating the aliens and preparing them for citizenship; also urging support of amendment to the sundry civil bill, by which the Bureau of Naturalization will be authorized to publish a standard textbook for use of aliens; to the Committee on Immigration and Naturalization.

By Mr. OLNEY: Memorial of Men's Club of Atlantic and citizens of Dedham, Mass., indorsing action of the President in severing relations with Germany and pledging support in international crisis; to the Committee on Foreign Affairs.

Also, petition of citizens of Rockland and Dedham, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SCHALL: Petition of Roy Bird and others, favoring prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Petition of public meeting at Mahoningtown, Pa., supporting antipolygamy amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of the Croton Avenue Methodist Episcopal Church, supporting antipolygamy amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. THOMAS: Petition of citizens of Daysville, Ky., against war with Germany; to the Committee on Foreign Affairs.

By Mr. TINKHAM: Petition of the executive committee, National Association of Life Underwriters, urging Congress to exempt from taxation in the proposed revenue law all life-insurance premiums and funds; to the Committee on Ways and Means.

By Mr. SMITH of Michigan: Petition of Clara Miller and 22 citizens of Detroit in favor of House bill 20080, migratory-bird treaty bill; to the Committee on Foreign Affairs.

By Mr. WINSLOW: Petitions of citizens of Worcester, Mass., in behalf of national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Worcester, Mass., on behalf of national prohibition; to the Committee on the Judiciary.

By Mr. WOODYARD: Petition of citizens and taxpayers of West Virginia, protesting against delegating and investing constitutional prerogatives and powers in the Executive of the Government; to the Committee on Foreign Affairs.

SENATE.

TUESDAY, *February 27, 1917.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou who hast led us through all the troublous times of the past and to the ever-increasing sphere of influence and prosperity and greatness as a Nation. We still look to Thee for Thy guidance. We pray that these men in this honorable Senate may catch the inspiration of the history written large with Divine purpose, that they may see clearly the path of duty to accomplish that which has been begun for the good and for the permanent blessing of this land. We pray that the inspiration of the Lord God Almighty may be with us that nothing which we undertake may exclude from it the thought of God, but that Thy purpose may be the guiding and controlling motive and thought of all our acts. We ask for Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SIMMONS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes; further insists upon its amendment to the amendment of the Senate No. 58; further insists upon its disagreement to the residue of the amendments of the Senate to the bill still in disagreement; requests a further conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. BYRNS of Tennessee, Mr. SISSON, and Mr. GOOD managers at the further conference on the part of the House.

SENATOR FROM WEST VIRGINIA.

Mr. CUMMINS. I present the credentials of Hon. HOWARD SUTHERLAND, duly chosen by the qualified electors of the State of West Virginia a Senator from that State for the term beginning March 4, 1917. I ask that the credentials may be printed in the RECORD and placed on the files of the Senate.

The credentials are as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, 1916, HOWARD SUTHERLAND was duly chosen by the qualified electors of the State of West Virginia as Senator from said State, to represent such State in the Senate of the United States, for the term of six years, beginning on the 4th day of March, 1917.

Witness his excellency our governor, Henry D. Hatfield, and our seal hereto affixed at Charleston this the 20th day of February, in the year of our Lord 1917.

[SEAL.] HENRY D. HATFIELD.

By the governor:

STUART F. REED,
Secretary of State.

LEGISLATIVE, ETC., APPROPRIATIONS—CONFERENCE REPORT.

Mr. OVERMAN. I ask that the action of the House be laid before the Senate on the legislative, and so forth, appropriation bill.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other

purposes, further insisting on its disagreement to the amendment No. 58, and further insisting on all other amendments in disagreement, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. OVERMAN. Mr. President, I wish to say in connection with this measure that there was a full agreement on the part of the Senate conferees. I wish to say also that the Democratic caucus instructed the committee of which I was chairman of the subcommittee to keep down expenses as much as possible, especially this salary increase of $26,000,000. In accordance with that instruction the committee brought in the bill. Then the Smoot amendment was adopted on the floor of the Senate.

I wish to say also that the Senate by a large vote accepted that amendment and instructed its conferees to stand by the Smoot amendment. Then, again, on another conference committee the matter was before the Senate on the Agricultural appropriation bill, and the conferees were again instructed to stand by the Senate action. Feeling that way and instructed that way, we have been compelled to adhere to the Smoot amendment.

But, Mr. President, since the action last night we feel that we are instructed otherwise, although the Senate conferees had agreed on the legislative bill as to the Smoot amendment. I ask that the appropriation bill be sent back in order that we may recede, and I want to say that on account of the action of the Senate, as far as I am concerned, I propose to agree with the House amendment for the raise of salaries, because the Senate has, I think, instructed the conferees so to act.

I therefore move that the Senate agree to the further conference asked by the House and that the same conferees be appointed, to wit, Senators OVERMAN, BRYAN, and SMOOT, on the part of the Senate. There is nothing else for us to do but to agree to the action of the House.

Mr. SMOOT. Mr. President, I feel sorry that under the House amendment we could not give the 15 per cent increase to employees receiving $480 or less, and I regret that the only thing the Senate conferees could do was to agree to the House provision considering the action of the Senate last night. I have always felt that if we could agree in conference to a compromise that would have taken care of employees receiving salaries below $480 it would have been very much better and it would have relieved many of the most distressing cases in the families of employees of the Government. I have not one or two or a dozen letters, but I have over a hundred letters from employees receiving $40 a month; in many cases it is stated they have six, and in some cases as high as eight, children. I can not for my life see how those poor people can live, and that is the reason why I wanted the 15 per cent increase on salaries of $480 and less.

Mr. OVERMAN. I want to say that I think it is our duty after the action of the Senate last night to agree with the action of the House. On all these appropriation bills it is our duty to agree to the House action rather than the action of the Senate, because after the vote here last night I feel that while heretofore we were instructed to stand by the Senate action, the Senate has reversed itself. For myself, the Senate having reversed itself, I feel it to be my duty as one of the conferees to agree to the House action.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina that the Senate further insist on its amendments still in disagreement and agree to the further conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. OVERMAN, Mr. BRYAN, and Mr. SMOOT conferees at the further conference on the part of the Senate.

LAND GRANTS IN IOWA.

Mr. NEWLANDS. I move that the Senate proceed to the consideration of Order of Business 480——

The VICE PRESIDENT. The motion is out of order. The Chair lays before the Senate a communication from the Secretary of the Interior transmitting, in further response to a resolution of the Senate of August 19, 1913, additional letters and documents regarding railway land grants in the State of Iowa, which, with accompanying papers, will be referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

Mr. HUSTING. I present resolutions adopted by the Commercial Club of Mayville, Wis., which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Resolutions adopted at the regular monthly meeting of the Mayville Commercial Club, held at the club rooms in the city of Mayville, on Tuesday evening, February 20, 1917.

Whereas the present crisis in our country's international relations are such that we may at any time be precipitated into war; and

Whereas we deem it the duty of every loyal American citizen to uphold our Government in its attempt to guard American rights wherever they may be: It is

Resolved, by the Commercial Club of the city of Mayville, Wis., That we commend the stand of our President in the present crisis and pledge to him our loyal support; and it is further

Resolved, That copies of these resolutions be mailed to His Excellency Woodrow Wilson, President of the United States, to our two United States Senators, and to our Representatives in the House of Representatives.

Dated at Mayville, Wis., February 20, A. D. 1917.

L. M. BACKHUBER, *President.*

Attest:

E. A. SEITZ, *Secretary.*

Mr. BRYAN presented petitions of sundry citizens of Florida, praying for national prohibition, which were ordered to lie on the table.

Mr. ROBINSON presented a petition of Local Union No. 586, United Mine Workers of America, of Huntington, Ark., praying for an investigation into the high cost of living, which was referred to the Committee on the Judiciary.

He also presented the memorial of R. E. Vick and sundry other citizens of Pine Bluff, Ark., remonstrating against the placing of a tax on mutual life insurance companies, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Dardanelle, Ark., praying for national prohibition, which was ordered to lie on the table.

Mr. STERLING presented a petition of sundry citizens of Faulk County, S. Dak., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Menno, S. Dak., praying that the United States remain at peace and that the question of war be submitted to a referendum of the people, which was referred to the Committee on Foreign Relations.

Mr. GRONNA presented a petition of sundry citizens of Porto Rico, praying for prohibition in Porto Rico, which was ordered to lie on the table.

Mr. GRONNA. I also send to the desk a letter written by J. H. Pifer, of Larimore, N. Dak., on the question of Federal prohibition, which I ask to be read at the desk.

There being no objection, the letter was read, as follows:

LARIMORE, N. DAK., *February 24, 1917.*

Hon. A. J. GRONNA,
United States Senate, Washington, D. C.

DEAR SIR: As a contractor engaged in the cutting and storing of ice for the Great Northern and Northern Pacific Railways, I engage from 200 to 500 men during the winter in the States of Iowa, Minnesota, North and South Dakota, Montana, Idaho, and Washington. It has been my experience that in the "dry" States I have had very much less trouble with men than in the "wet" States. The conduct of the men is better and there is much less trouble in keeping the men, and I get much better service in the "dry" States. From an economic standpoint, therefore, I am strongly in favor of prohibition.

I am convinced that your vote for national prohibition would be one of the greatest services to the country and your fellowmen that you could do, and I hope you will use your influence in that direction.

Very truly yours,

J. H. PIFER.

Mr. SHERMAN. I send to the desk a communication relating to the same subject presented by the Senator from North Dakota [Mr. GRONNA] which I consider proper to be preserved. I ask that the letter of date February 24, 1917, be printed in the RECORD but not read. It is a letter from Samuel Gompers. I am glad to give it the space required in the RECORD, as it gives various reasons why the prohibition law should not prevail. He seems to have gone wet, Mr. President.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *February 24, 1917.*

Hon. BEN JOHNSON,
Chairman District of Columbia Committee,
House of Representatives, Washington, D. C.

DEAR SIR: About two weeks ago I addressed a telegram to you, calling attention to the fact that the members of the Cigar Makers' International Union of America were vitally interested in the measure before your committee dealing with the prohibition question in the District of Columbia, the injurious influence of such a measure upon the more than 100,000 workers in the cigar industry. I asked that either myself or Mr. Joseph Dehan might have the opportunity of appearing before your committee and laying before them the facts and figures which would demonstrate the unwisdom and injustice which such a measure would inflict were it enacted into law. Mr. Dehan has been in constant attendance at the meetings of the committee and has had no opportunity of presenting the facts which have been placed in

his possession. For nearly two weeks I have been serving, nearly every day and many evenings, as a member of the advisory commission with the Council of National Defense, dealing there with momentous subjects of first importance in the present situation in which our country is placed, and I have therefore been unable to attend any meeting of your committee.

Of course it would be useless to undertake to present an argument in this letter against the proposal for prohibition, either in the District of Columbia or elsewhere. Suffice it to herein state that my travels, observation, and experience show beyond a measure of doubt that prohibition by law is an iniquitous proposition that carries within its wake not only denial of freedom, fails to accomplish the purpose of curing the drink evil—an evil admitted by all—and that it (prohibition by law) is violative of the fundamental principles of human freedom, that there is no agency so potent to make men temperate in all their habits as the much misunderstood and misrepresented organized labor movement—a movement which brings improvement in the mental and physical status of our people and reduces to a minimum the desire, the taste, or the habit of intemperance.

Then again, the method by which the measure now before Congress is sought to be forced through without due consideration of all elements and all of the people involved, and without even giving the people of the District of Columbia an opportunity to express themselves thereon.

It ought not to require an argument to any American Congressman to convince him against a procedure unheard of in the legislative annals of our country, and particularly when a proposal is of a character so violative of rights and interests and involving so large a number of people.

To-day our country and our people are confronted by a crisis in their lives; no one can now foretell its widespread influences and consequences. In such a situation is it wise, is it just, is it patriotic to divide our people in the face of such a crisis?

I have only referred indirectly to the great economic injury to the more than 100,000 members in the cigar industry, and to their families, involved in the proposal before your committee. How far-reaching the evil influence of such a piece of legislation would result upon the lives of several millions of workers, directly and indirectly employed in the industry sought to be crushed, surely deserves some consideration; surely more consideration than can be given to it in the limit of three hours' debate under which this great question is to be disposed of should the pending recommendation of the Committee on Rules prevail.

In the name of the Cigar Makers' International Union of America, its men, their women and children, I am authorized and do protest against the disposal of this important question in this summary and unjust manner.

Very respectfully, yours,

SAML. GOMPERS,
First Vice President of the
Cigar Makers' International Union of America.

A letter of which the above is a copy was sent to Hon. BEN JOHNSON.—S. G.

Mr. CURTIS (for Mr. GALLINGER) presented a petition of the Woman's Christian Temperance Union, of West Groton, N. H., praying for national prohibition, which was ordered to lie on the table.

Mr. OLIVER presented a petition of sundry citizens of Falls of Schuylkill, Pa., praying for national prohibition, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Mahonington and New Castle, in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry granges, all in the State of Pennsylvania, remonstrating against the proposed reduction of the tax on oleomargarine, which were ordered to lie on the table.

He also presented a memorial of the Federated Trades Council of Reading, Pa., remonstrating against the United States becoming engaged in the European war, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Central Labor Union of Erie, Pa., remonstrating against compulsory military service, which was ordered to lie on the table.

He also presented a petition of the Central Labor Union of Erie, Pa., praying that the increased expenses of the Government be met by an increased income tax and tax on profits, which was ordered to lie on the table.

He also presented a petition of the Pennsylvania Association of Union Volunteer Officers of the Civil War, praying for the passage at this session of the so-called Volunteer officers' retired bill, which was ordered to lie on the table.

Mr. WARREN presented a petition of the Board of School Trustees of School District No. 18, of Superior, Wyo., praying for the use of all surplus funds from naturalization sources for the education of immigrants, which was ordered to lie on the table.

Mr. THOMPSON presented a memorial of sundry citizens of Lawrence, Kans., remonstrating against the proposed reduction in the tax on oleomargarine, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Walton, Kans., praying for national prohibition, which was ordered to lie on the table.

Mr. PHELAN presented a memorial of Typographical Union No. 144, of Fresno, Cal., remonstrating against any change in the second-class postal rates, which was ordered to lie on the table.

Mr. McLEAN presented petitions of sundry citizens of New Britain, Cannondale, Moodus, Hazardville, Hartford, Seymour, New Haven, Portland, Norwich, Ansonia, Bridgeport, Orange, and Waterbury, all in the State of Connecticut, praying for national prohibition, which were ordered to lie on the table.

He also presented a petition of the congregation of the Swedish Lutheran Church of North Grosvenordale, Conn., praying that the United States remain at peace, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of New Haven, New Britain, Sharon, Greenwich, and Hartford, all in the State of Connecticut, praying for an appropriation for the enforcement of the child-labor law, which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Bridgeport, New Haven, and Waterbury, all in the State of Connecticut, praying for universal compulsory military training, which were ordered to lie on the table.

Mr. PENROSE presented a petition of the editors and staff of the Philadelphia (Pa.) Daily Record, praying for the passage of the volunteer officers' retirement bill, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Philadelphia, Pa., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. POINDEXTER. I present a telegram from the Chamber of Commerce and Commercial Club of Seattle, Wash., praying for an appropriation for roads in Alaska, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the telegram was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

SEATTLE, WASH., *February 25, 1917.*

Hon. MILES POINDEXTER,
United States Senate, Washington, D. C.:

Advised appropriation for construction and maintenance of roads in Alaska recommended by War Department stricken from bill in House. Absolutely essential to Alaskan development and prosperity that this item be reinstated. Alaska development now assuming enormous proportions, due to encouragement and aid extended by National Congress. Commerce for 1916 totaled in excess of $110,000,000, increase over 1915 of 50 per cent. Development of Alaska dependent absolutely upon transportation facilities; wagon-road construction most important. Respectfully urge you to use every effort possible to secure reinstatement of small appropriation of $500,000 recommended; should be four times as great.

ALASKA BUREAU SEATTLE CHAMBER OF COMMERCE
AND COMMERCIAL CLUB.

Mr. POINDEXTER. I present a telegram from the Commercial Club of Hoquiam, Wash., favoring the passage of the river and harbor bill, which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

HOQUIAM, WASH., *February 26, 1917.*

Hon. MILES POINDEXTER,
Senate, Washington, D. C.:

After full and careful consideration we indorse majority committee report rivers and harbors bill and urge your unqualified support of same as submitted.

HOQUIAM COMMERCIAL CLUB,
E. B. ARTHAUD, *President.*

Mr. POINDEXTER presented a memorial of the Chamber of Commerce of Seattle, Wash., remonstrating against the proposed tax on excess profits of corporations, which was ordered to lie on the table.

He also presented a petition of the Commercial Club, of Reno, Nev., praying for the enactment of legislation to prevent the charging of higher rates in interstate commerce for short hauls than for long ones on the same line, which was referred to the Committee on Interstate Commerce.

Mr. LODGE. I present resolutions adopted by the Men's Club, of Atlantic, Mass., approving the severance of relations with Germany and in support of the maintenance of American rights. I ask that the resolutions may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas the policy of frightfulness announced by the Imperial German Government on February 1 is imperiling American lives and practically blockading American ports: Therefore be it

Resolved, That we, the Men's Club, of Atlantic, Mass., unequivocally approve the action of the President in severing diplomatic relations with the German Empire; be it further

Resolved, That we pledge unswerving support to the President in any action which he may take to enforce international law, to break the present virtual blockade of American ports, and to protect American lives and interests upon the seas; and, finally, be it

Resolved, That copies of these resolutions be sent to the President of the United States and to our Representatives in Congress.

Mr. TILLMAN presented petitions of sundry citizens of Abbeville, Georgetown, and Columbia, all in the State of South Caro-

lina, praying for national prohibition, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. JAMES, from the Committee on Patents, to which was referred the bill (H. R. 12716) amending sections 4898, 4906, 4921, 4934, and 4935 of the Revised Statutes of the United States, reported it with amendments.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 8267) granting the sum of $549.12 to Clara Kane, dependent foster parent, by reason of the death of William A. Yenser, late civil employee, killed as result of an accident at Philadelphia Navy Yard, reported it without amendment and submitted a report (No. 1112) thereon.

Mr. BANKHEAD, from the Committee on Post Offices and Post Roads, to which were referred the following bills and joint resolutions, reported them without amendment and submitted reports thereon:

S. 6570. A bill for the relief of W. H. Overocker (Rept. No. 1114);

S. 7065. A bill for the relief of the estate of Charles Le Roy, deceased (Rept. No. 1113);

H. R. 1571. An act for the relief of Albert T. Huso (Rept. No. 1115);

H. R. 9335. An act for the relief of Mrs. W. E. Crawford (Rept. No. 1116);

H. R. 9737. An act for the relief of John A. Bingham (Rept. No. 1117);

H. R. 14345. An act to reimburse J. B. Patterson, postmaster of Lacon, Morgan County, Ala., for certain postage stamps stolen (Rept. No. 1119);

S. J. Res. 189. Joint resolution authorizing the Postmaster General to provide the postmaster at Lamar, Colo., with a special canceling die for the third national convention of the Young Men's Business Associations of America (Rept. No. 1120);

S. J. Res. 212. Joint resolution authorizing the Postmaster General to provide the postmaster at Wichita, Kans., with a special canceling die for the fall carnival and exposition of that city (Rept. No. 1121); and

H. J. Res. 203. Joint resolution authorizing the Postmaster General to provide the postmaster of Southbridge, Mass., with a special canceling die for the Southbridge one hundredth anniversary celebration (Rept. No. 1122).

Mr. LEA of Tennessee, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment:

S. 379. A bill to authorize the acceptance of certain lands by the United States for a military park reservation, and for other purposes; and

S. 5096. A bill for the relief of Henry von Hess.

Mr. JOHNSON of Maine, from the Committee on Pensions, to which was referred the amendment submitted by himself on the 26th instant, proposing to appropriate $1,200 to pay Dennis M. Kerr for extra and expert services rendered to the Committee on Pensions during the second session of the Sixty-fourth Congress, etc., reported it favorably, without amendment, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 10872) making an appropriation to Stuart, Lewis, Gordon & Rutherford, in payment of legal services rendered by them to the Creek Nation, reported it without amendment and submitted a report (No. 1118) thereon.

Mr. CATRON, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 5182. An act requiring the Secretary of War to issue an honorable discharge to Benjamin R. Buffington (S. Rept. No. 1123); and

H. R. 5948. An act for the relief of Hays Gaskill (S. Rept. No. 1124).

ADDITIONAL JUDGES.

Mr. OVERMAN. From the Committee on the Judiciary I report back favorably with amendments the bill (H. R. 5788) to create two additional associate justices of the Supreme Court of the District of Columbia, and I ask for its present consideration. I wish to say that this bill has passed the House unanimously, and it comes here with a unanimous report from the Judiciary Committee. The District of Columbia is in a bad condition in regard to courts. We have investigated the matter thoroughly. For 300,000 people there are only six judges. We think the number ought to be increased, and I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment was, on page 1, line 5, after the word "justices," to insert the words "of the court of appeals of the District of Columbia, and two additional associate justices."

The amendment was agreed to.

The next amendment was, in line 9, to strike out the words "supreme court" and insert the words "courts, respectively."

The amendment was agreed to.

The next amendment was, in line 9, after the word "receive," to insert the word "respectively."

The amendment was agreed to.

Mr. LEA of Tennessee. I offer an amendment to the bill.

Mr. OVERMAN. I ask that the title be amended, but I suppose that will come after the bill is passed.

The VICE PRESIDENT. We are not near the title yet. The Senator from Tennessee offers an amendment, which will be read.

Mr. LEA of Tennessee. I offer an amendment creating a judge for the middle district of Tennessee. There is no other opportunity to have it become a law. It is the same as the bill which passed the Senate the other day.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to add at the end of the bill the following:

SEC. 2. That hereafter there shall be for each of the two judicial districts, to wit, the middle district and the eastern district in the State of Tennessee, a district judge of the United States, who shall be appointed by the President, by and with the consent of the Senate, and who shall possess the same qualifications and shall have the same powers and jurisdiction and receive the same compensation prescribed by law in respect to district judges of the United States: *Provided*, That the judge now acting in both said districts shall continue to act in both said districts until a judge is appointed and qualified for the middle district as hereinafter provided.

That the district judge now holding office and acting for both said districts shall be assigned to and hereafter be the district judge for the eastern district in said State.

That the eastern district of said State shall be composed of the counties embraced in the eastern grand division of the State of Tennessee.

That the middle district of said State shall be composed of the counties now embraced in the middle grand division of the State of Tennessee.

That the President of the United States, by and with the advice and consent of the Senate, shall appoint the district judge for the middle district in said State, who shall, as to all business and proceedings arising in said middle judicial district, possess and exercise all the powers conferred by existing law upon judges of the district courts of the United States, and who shall succeed to and possess the same powers and perform the same duties within the said middle judicial district as are now possessed and performed by the district judge acting for both said districts in said State.

That terms of court may be held in the eastern judicial district of said State at the places and in the manner now prescribed by law.

That terms of court may be held in the middle judicial district of said State at Nashville, in said State, in each year on the first Mondays of April and October, and at Cookeville, in said State, on the first Mondays in February and June, after the passage of this act.

That the clerks of the courts of the eastern judicial district of Tennessee and the marshal and district attorney for said district shall perform the duties of their offices in the manner now prescribed by law for said district.

That the clerk of the court for the middle judicial district of Tennessee and the marshal and district attorney for said district shall keep their offices in the city of Nashville, in said State, and shall do and perform all the duties appertaining to their offices for said court.

That terms of court may be held at the places prescribed by this act and in the manner now prescribed by law in the middle judicial district by the judge of the eastern judicial district, or in the eastern judicial district by the judge of the middle judicial district, provided it is mutually agreed by and between the judges of each of said districts that the public interest demands it.

That all laws and parts of laws so far as inconsistent with the provisions of this act are hereby repealed.

Mr. OVERMAN. I can not accept that amendment. This is a bill which passed the House unanimously, and if there is placed on it an amendment creating a judge in Tennessee the District here can not get the relief they are entitled to. I hope the amendment of the Senator from Tennessee will be voted down. I do not want to antagonize the Senator's bill; I voted for it in committee; but it ought not to go on this bill, because if it goes on this bill neither the Senator's bill nor this bill can pass.

Mr. LEA of Tennessee. I believe if it goes on this bill both will pass, and if it does not go on the bill I do not believe either will pass.

Mr. JAMES. The bill reported by the Senator from North Carolina has passed the House.

Mr. LEA of Tennessee. And if the House concurs in this amendment, both Tennessee and the District of Columbia will have relief. We need in Tennessee an additional judge as much as they need two additional judges in the District of Columbia. If I can prevent the bill creating the two judges for the Dis-

trict of Columbia from passing without the amendment, it will not pass.

Mr. OVERMAN. I want to say to the Senator from Tennessee that if the bill goes to conference and the House conferees object to the amendment, I shall, for one, recede from it. With that understanding, I will let the amendment go on the bill.

Mr. LEA of Tennessee. I am very glad to hear that.

Mr. OVERMAN. I, for one, shall recede at once from the amendment if the House conferees object to it; and I want to give that notice.

Mr. LEA of Tennessee. My belief is that the House will concur in the amendment and that both Tennessee and the District of Columbia will receive the relief which they need.

Mr. CLARK. Mr. President, I very much regret to see this amendment go on the bill, because I believe that it will jeopardize both bills. I was in favor of the Tennessee bill, and I am still in favor of it, but I am also in favor of the District of Columbia bill. The fact of the matter is that the courts in this District are tremendously congested, and have been so for four years. Their dockets are months and even years behind. It is impossible for them to transact the constantly accumulating and growing business of the District. I regret that this complication has arisen, because I fear the result. While, of course, I shall do nothing that would be adverse to the decision of the acting chairman of the committee, I had hoped that it might be different.

The VICE PRESIDENT. The question is on the amendment of the Senator from Tennessee [Mr. LEA].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read:

A bill to create two additional associates justices of the Court of Appeals of the District of Columbia and two additional associate justices of the Supreme Court of the District of Columbia, and for other purposes.

DONATION OF LANDS TO UNIVERSITY OF NEBRASKA.

Mr. NORRIS. From the Committee on Public Lands I report back favorably, without amendment, the bill (S. 8307) authorizing the granting of patent to certain lands adjacent to the agricultural experiment station at Scottsbluff, Nebr., to the regents of the University of the State of Nebraska for dry-land agricultural experiment purposes, and I submit a report (No. 1111) thereon.

The report is a unanimous one upon the bill, which proposes to give some public land to the University of Nebraska for experimental farming purposes. The bill has received the approval of the Secretary of the Interior, of the Secretary of Agriculture, and a similar bill in exact language has received the unanimous report of the Committee on the Public Lands of the other House. I ask unanimous consent for the present consideration of the bill.

Mr. SMOOT. Mr. President, there is so much confusion in the Chamber that I could not hear what the Senator from Nebraska said.

Mr. NORRIS. I thought I was talking loudly enough to be heard.

Mr. SMOOT. The Senator was talking loudly.

Mr. NORRIS. But I will repeat my statement. The bill which I have just reported provides for giving to the University of the State of Nebraska some public land for farm experimental purposes. I repeat, it has received the approval of the Public Lands Committee of the Senate, of the Secretary of Agriculture, of the Secretary of the Interior, and a bill in exactly the same form has been unanimously reported by the Committee on the Public Lands of the other House. The bill contains a provision that whenever the State of Nebraska ceases to use the land, according to the terms of the bill, for experimental purposes it shall revert to the United States.

Mr. SMOOT. Did the Senator state that the bill had been reported from the Committee on Public Lands of the Senate?

Mr. NORRIS. Yes.

Mr. SMOOT. I have not received a notice of a meeting of the committee or heard anything in reference to the bill.

Mr. NORRIS. I think the Senator signed the report on the bill.

Mr. SMOOT. I do not remember that. However, so far as I am concerned, if the bill contains the provision that the land is to revert to the Government if it is not used——

Mr. NORRIS. It contains such a provision.

Mr. SMOOT. I have no objection to the present consideration of the bill.

The VICE PRESIDENT. Is there objecton to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to issue patent to the regents of the University of the State of Nebraska for dry-land agricultural experiments to the east half of section 30 and the west half of section 29, township 24 north, range 55 west; also the west half of the northeast quarter and the west half of the southeast quarter, section 29, township 24 north, range 55 west, sixth principal meridian, in the State of Nebraska, but in the event the lands cease to be needed or used for the purposes mentioned they shall revert to the Government of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL PROBATION SYSTEM.

Mr. CUMMINS. For the Judiciary Committee I report favorably and without amendment the bill (H. R. 20414) for the establishment of a probation system in the United States courts, except in the District of Columbia, and I ask unanimous consent for its present consideration.

I may say that it is simply a bill to restore to the Federal courts the power of suspending sentences, which they have exercised from time immemorial, but which now seems to be questioned or denied.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. PENROSE. Let the bill be read, Mr. President.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the courts of the United States having original jurisdiction of criminal actions, except in the District of Columbia, shall have power in any case, except those involving treason, murder, rape, arson, kidnapping, or a second conviction of a felony, after conviction or after a plea of guilty of a felony or misdemeanor and after the imposition of a sentence thereon, but before commitment, to place the defendant upon probation, provided that it shall appear to the satisfaction of the court that the ends of justice and the best interests of the public, as well as of the defendants, would be subserved thereby, and may suspend the execution of the sentence for such time and upon such terms as may be deemed best. The probationer shall be provided by the clerk of the court with a written statement of the terms and conditions of his probation at the time when he is placed thereon. He shall observe the rules prescribed for his conduct by the court and report as directed. No person shall be put on probation except with his or her consent.

SEC. 2. That upon the expiration of the term fixed for such probation the court may thereupon discharge the probationer from further supervision, or may extend the probation, as shall seem advisable. At any time during the probationary term the court may modify the terms and conditions of the order of probation, or may terminate such probation, when in the opinion of the court the ends of justice shall require, and when the probation is so terminated the court shall enter an order discharging the probationer from serving the imposed penalty; or the court may revoke the order of probation and cause the rearrest of the probationer and require him to serve the sentence or pay the fine originally imposed, or both, as the case may be, and the time of probation shall not be taken into account to diminish the time for which he was originally sentenced.

SEC. 3. That the provisions of this act shall also apply to cases where a judge or judges of courts of the United States of original jurisdiction have heretofore, after a plea or verdict of guilty, suspended the imposition or execution of sentence.

The VICE PRESIDENT. Is there objection to the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDITH BLANKART FUNSTON.

Mr. PHELAN. From the Committee on Pensions I report back favorably without amendment the bill (S. 8316) granting a pension to Edith Blankart Funston, widow of the late Maj. Gen. Frederick Funston, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edith Blankart Funston, widow of Frederick Funston, late a major general in the United States Army, and pay her a pension at the rate of $100 per month in lieu of that to which she is entitled by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET N. BAUSKETT.

Mr. LEA of Tennessee, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 369, reported favorably thereon and

it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Margaret N. Bauskett, widow of William T. Bauskett, late clerk to the Committee on Claims of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. OWEN. Mr. President, I ask the Senate to proceed to the consideration of Senate bill 8259, Order of Business 947, the amendment to the Federal reserve act.

The VICE PRESIDENT. The Senator from Oklahoma asks unanimous consent that the Senate proceed to the consideration of Senate bill 8259, the amendment to the Federal reserve act.

Mr. SMOOT. Mr. President, I shall object until the morning business is over.

The VICE PRESIDENT. There is an objection. The presentation of bills and joint resolutions is in order.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 8317) to authorize the Legislature of Alaska to establish and maintain schools, and for other purposes; to the Committee on Territories.

By Mr. RANSDELL:

A bill (S. 8318) to promote the safety of employees and travelers on railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic, adjustable fire extinguishers, and for other purposes; to the Committee on Interstate Commerce.

By Mr. BANKHEAD:

A bill (S. 8319) for the relief of Joseph A. Choate (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 8320) to authorize the issue of a patent to certain land in Alabama to William M. Wilson (with accompanying paper); to the Committee on Public Lands.

By Mr. SMOOT:

A bill (S. 8321) granting a pension to Richard A. Norris (with accompanying papers); to the Committee on Pensions.

By Mr. CLARK:

A joint resolution (S. J. Res. 219) authorizing the Secretary of the Interior to suspend action upon applications for patents to withdrawn oil or gas lands in connection with which agreements have been or may be made under the act of Congress, approved August 25, 1914; to the Committee on Public Lands.

DIVERSIONS OF WATER FROM NIAGARA RIVER.

Mr. WADSWORTH. I introduce a joint resolution, and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The joint resolution will be read.

The joint resolution (S. J. Res. 218) extending the time within which the "Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River" shall remain in effect was read the first time by its title and the second time at length, as follows:

Resolved, etc., That Public resolution No. 45, of the Sixty-fourth Congress, approved January 19, 1917, entitled "A joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River," is continued in full force and effect, and under the same conditions, restrictions, and limitations, until July 1, 1918.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. HUSTING. I object.

Mr. WADSWORTH. Mr. President, I ask the Senator from Wisconsin to withdraw his objection for a moment, and perhaps I shall be able to explain the matter in such a way that he will not persist in his objection.

Mr. HUSTING. I should like to have the joint resolution go over and be printed so that I can look into it.

Mr. WADSWORTH. May I have the attention of the Senator from Wisconsin once more? Will the Senator not give me the opportunity to explain the very great emergency which exists, which this joint resolution is intended to meet? If, after the explanation, which will be exceedingly brief, the Senator from Wisconsin is not satisfied, of course he will be entitled to make his objection.

Mr. HUSTING. Very well.

Mr. WADSWORTH. Mr. President, the Senate will remember that some time prior to the Christmas holidays the Senate passed a joint resolution authorizing the diversion of 4,400 cubic feet of water per second from the Niagara River above the Falls at Niagara Falls, that 4,400 cubic feet per second being the amount not then in use by the power companies, but still authorized by the treaty between the United States and Great Britain. The Senate took favorable action, by unanimous consent, on that joint resolution, owing to the fact that the Canadian Government had commandeered at that time approximately 60,000 horsepower and prevented the exportation from the Canadian side to the industries on the American side of that amount of power. That joint resolution authorizing the American power companies to divert 4,400 cubic feet per second up to the treaty limit enabled those companies to supply the American industries with approximately the amount of power they had been deprived of by the Canadian embargo. The temporary permit expires on July 1.

It has been my hope that permanent legislation could be enacted at this session of Congress regulating the diversion of water from the Niagara River and making it possible for the diversion on the American side to be maintained at the treaty limit. It is now apparent that no permanent legislation is possible. The 52,000 horsepower which the temporary permit enabled the industries on the American side to make use of will be abandoned on July 1 next if the joint resolution which I have now introduced to continue the permit for another year is defeated at this session of Congress.

In addition to that, since the passage of the joint resolution giving this temporary permit up to July 1 next, the Canadian Government has notified the power companies on the Canadian side that by April 1 next 50,000 additional horsepower will be taken away from the American industries on the American side. So that, with the withdrawal of 50,000 horsepower in addition to what has already been withdrawn, a total of 110,000 horsepower will have been withdrawn from American industries.

The result will be a catastrophe not only to the industries at Niagara Falls but also to industries all over the United States. I have it on the most excellent authority that if the industries at the Falls are deprived of a total of 110,000 horsepower during the next summer, which will be the event in case this joint resolution extending the temporary permit fails of passage, the Navy Department will be unable to secure shells for the guns or armor for the battleships, because the electrochemical industries at Niagara Falls manufacture those alloys and metals which are necessary in the manufacturing of armor and projectiles in the great steel plants of the United States. There are many other industries that are entirely dependent upon the electrochemical industries at Niagara Falls. There is no other source of supply for various ingredients that go into some of the most important products of the industries of the United States.

It is for that reason that I have introduced this joint resolution and asked unanimous consent that it be adopted, extending the use of that 4,400 cubic feet of water per second up to July 1, 1918, in the hope, may I say, that before that time shall arrive permanent legislation will be enacted by Congress.

I would not ask for unanimous consent for the consideration of the joint resolution this morning, let me say to the Senator from Wisconsin, did I not dread that, if it is not passed here this morning, it will not be passed by both Houses before Saturday night, in which event a great catastrophe will overtake industries of the country.

Mr. HUSTING. Mr. President, when the original joint resolution came before the Senate and was passed some time ago, I recognized the emergency and I raised no objection. Now, as I understand, the joint resolution introduced by the Senator from New York is to extend the time another year. I do not say that I am opposed to this joint resolution, or that I will prevent its adoption upon reflection and examination, for I think it should be adopted. I may, however, want to propose some amendments to the joint resolution, and for that reason I object to its consideration at this time, and ask to have it go over under the rule.

The VICE PRESIDENT. This is a joint resolution, and joint resolutions do not go over under the rule. The Chair will inquire what the Senator from New York desires done with the joint resolution? Shall it lie on the table, or shall it go to the Committee on Foreign Relations?

Mr. WADSWORTH. I ask that it be printed and lie on the table, my idea being that if it is referred to the Committee on Foreign Relations it can not be reported to the Senate in all probability until Thursday.

The VICE PRESIDENT. The joint resolution will lie on the table and be printed.

Mr. SHIELDS. Mr. President, before action on the joint resolution, I desire to say a word in regard to it.

The VICE PRESIDENT. There can be no action on it now. Objection was made to its consideration, and the joint resolution has been ordered to lie on the table.

Mr. SHIELDS. Then, before the matter is concluded, I desire to say a few words. This joint resolution is supplementary to a joint resolution which was passed some time ago, authorizing certain factories and manufacturing plants to use the water of the Niagara River until July 1, which was passed without objection by both Houses of Congress. It was an emergency measure. It was shown to both Houses that the great factories there, involving an investment of about $100,000,000 and manufacturing exclusively articles that are used extensively in every part of the United States, would be compelled to shut down, and that it would not only result in a great injury to those plants, but would be a calamity to the people of the United States.

I have had a number of telegrams from manufacturing plants of various kinds in Tennessee, calling my attention to the matter, and saying that if they can not get goods that are manufactured exclusively by the plants at Niagara Falls they would be compelled to close down.

The first joint resolution was passed with the hope and expectation that before the adjournment of this Congress a bill, known as the Cline bill, providing for the use of the waters of the Niagara River above the Falls, to which the joint resolution of the Senator from New York applies, would be enacted during this Congress. That bill has passed the House and is now pending before the Foreign Relations Committee, or rather before a subcommittee of that committee. That committee has held extensive hearings, which have shown the necessity for immediate legislation upon this subject. I call the attention of the Senator from Wisconsin to the fact that, as he will, of course, remember, he himself appeared before that committee and was of the opinion that the bill, because of the magnitude and importance of the questions involved, ought not to be considered at the present session of Congress, but should go over to another session; and I am inclined to think, as suggested by the Senator from New York [Mr. WADSWORTH], that this will be necessary, and that it will be impossible to have that bill acted upon during the present Congress. Therefore this resolution is an emergency measure, which should be passed to avert great loss and damage to the people of New York and of many other States. I hope that either at this time or upon some other day, to suit the convenience of the Senator from Wisconsin, he will not object to it and that it may be favorably considered.

The companies who are now using the waters of the Niagara River for power purposes, and whom the resolution is intended to protect, are not trespassers. They are there under the authority of the laws of the State of New York, within the confines of which the waters used by them flow, and which holds them in trust for its people subject only to the power of Congress to control commerce on the river. It is conceded that they in no way interfere with the navigation of the river.

Mr. President, I wish to place in the RECORD a telegram that I happen to have on my desk from the president of a great manufacturing plant at Kingsport, Tenn., in regard to the necessity for the continuance of the operation of these plants at Niagara Falls. I wish to have the telegram read.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read the telegram, as follows:

KINGSPORT, TENN., *February 23, 1917.*

Senator JOHN K. SHIELDS,
Washington, D. C.:

We depend upon electrochemical manufacturers at Niagara Falls for supplies of graphite and other products to keep our electrolitic department running. Any curtailment in quantity of power generated at Niagara Falls will greatly interfere with the possibility of our running constantly at full capacity and make it necessary for us to curtail our employment of labor. Any action of Congress making it impossible for the companies at Niagara Falls to generate power to the maximum of their present equipment will seriously affect the industries throughout the whole country using these products. We earnestly request you to use your efforts to prevent such action.

FEDERAL D. & C. CORPORATION,
JNO. C. HEBDEN, *Vice President.*

INVESTIGATION OF FOOD SUPPLIES.

Mr. BORAH. I ask that the joint resolution (S. J. Res. 216) providing for an investigation into the cause of the rise in prices of foodstuffs and furnishing relief for those who are in need, introduced by me on yesterday, and which I asked to lie on the table, may be taken from the table and referred to the Committee on Appropriations.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on Appropriations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. STERLING submitted an amendment proposing to appropriate $1,500 for necessary traveling expenses incurred by the survivors of the first and second expeditions made in exploring the Grand Canyon of the Colorado, etc., respectively, in August, 1869, and September, 1872, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Senate to regulate the pay of officers and employees of the Senate borne on the roll known as the soldiers' roll in conformity with the pay of messengers of the Senate, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate $50,000 for mechanical equipment needed for the completion of the United States post-office and courthouse building at Muskogee, Okla., etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was ordered to be printed and with the accompanying papers referred to the Committee on Appropriations.

Mr. WADSWORTH submitted an amendment proposing to appropriate $1,400,000 to acquire by purchase and to receive the transfer of the New York Maritime Quarantine Station buildings and grounds, floating and all other equipment, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. O'GORMAN submitted an amendment proposing to appropriate $5,335.71 to pay the claim of Watson B. Dickerman, administrator of the estate of Charles Bachman, deceased, intended to be proposed by him to the general deficiency appropriation bill (H. R. 21069), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BROUSSARD submitted an amendment providing that no officer of the Medical Reserve Corps shall be entitled to retirement or retirement pay, nor shall he be entitled to compensation except for physical disability incurred in the line of duty and while on active duty, etc., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. MARTINE of New Jersey submitted an amendment proposing to appropriate $200,000 for the purchase or condemnation of tracts of land known as Great Peace Meadows, in the State of New Jersey, for a suitable target range, etc., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. SWANSON submitted an amendment making applicable the parole system provided for United States prisoners under the act of June 25, 1910, to all prisoners convicted in any criminal court in the District of Columbia, intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SHEPPARD submitted an amendment proposing to appropriate $45,000 for a quarantine station at Galveston, Tex., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment for medical relief in Alaska, from $50,000 to $62,500, intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $20,000 for botanical exploration in Central and South America, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

THE REVENUE.

Mr. O'GORMAN submitted an amendment intended to be proposed by him to the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes, which was ordered to lie on the table and to be printed.

INVESTIGATION OF FOOD SUPPLIES.

Mr. BORAH. Mr. President, I have a letter from the Attorney General of the United States touching the subject of food inquiry and investigation, which I ask to have printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., February 21, 1917.

Hon. WILLIAM E. BORAH,
United States Senate, Washington, D. C.

DEAR SENATOR: I have read your remarks in the Senate on the enforcement of the law against combinations to increase prices, as reported in the CONGRESSIONAL RECORD of yesterday. I will try to answer the very reasonable inquiries which were in your mind.

To begin with, however, I will ask you to bear in mind that there are two broad limitations upon the power of this department in the field in question:

First. Increases in prices brought about, not by agreement, conspiracy, or monopoly, but by a common selfish impulse of traders to take advantage of the extraordinary condition of the times, are not punishable under any existing Federal law, no matter how completely lacking in economic justification, no matter how extortionate.

Second. Sales of commodities by retailers to consumers in the various cities and communities generally fall outside the field of interstate commerce and therefore outside the jurisdiction of the Federal Government.

Within these limitations the Department of Justice has brought to bear its full energy. Immediately after the outbreak of the European war, in August, 1914, when the first marked increases took place, the Attorney General instructed the various United States district attorneys and the various agents of the Bureau of Investigation throughout the country to make inquiry in their respective communities for the purpose of ascertaining whether any such increases were due to agreements or conspiracies in restraint of interstate trade. These instructions have been repeated from time to time since.

Except in two or three cases no evidence has been discovered up to this time to justify indictments under the Federal statutes. The inquiries are still proceeding, however. Indeed, I have no doubt that the beginning of an investigation by the grand jury in the southern district of New York was the controlling factor in bringing some of the leading manufacturers of news print paper to the point where they were willing to agree that the price be arbitrated by the Federal Trade Commission.

One of the principal inquiries has been with respect to coal. This brings me to one obvious defect in the existing laws for the regulation of trade.

The control of anthracite coal—the principal domestic fuel in the East—has become centered in a few railroads, thus uniting the functions of production and transportation. To no small extent the same situation exists with respect to bituminous coal. The Massachusetts Commission on the High Cost of Living, in a report published a few weeks ago, after pointing out the evil consequences of this condition, made the following recommendation:

"Because of the conditions here summarized, your commission believes that it is not only to the interest of the citizens of Massachusetts but also for the general welfare of large sections of the United States that the production and marketing of anthracite coal should be freed entirely from the control or influence of the railroads that are the initial carriers of the coal."

As you know, the so-called commodities clause of the act to regulate commerce was intended to eradicate this evil. A majority of the Supreme Court, however, having held that a railroad may own the stock of a coal-mining company without having any interest, direct or indirect, in the coal produced by the company, the legislation has failed to accomplish its purpose. The Attorney General has for the last two years strongly recommended that the commodities clause be amended so as to accomplish a complete divorce between transportation and production. A bill to carry this recommendation into effect has been drafted and a copy is inclosed herewith for your information. I also inclose a copy of a statement made to the House Committee on Interstate Commerce by the Assistant to the Attorney General in support of the bill.

Another condition which has been brought out in the course of the department's investigation is the existence of associations in almost every branch of trade. These associations perform some very useful functions. They also in many instances make their influence felt in maintaining prices, in such a subtle and intangible way, however, that it is impossible to convict them of violating the law. It hardly seems desirable to prohibit such associations altogether, but the question arises, in view of their undoubted influence in maintaining prices, whether traders, as a condition of being permitted to form such associations, should not be required to assume the burden of establishing the reasonableness of their prices when challenged.

Another suggestion which has occurred to those of us who have been dealing with the problem is whether the charging of extortionate prices in interstate commerce should not be made, per se, an offense, although not the result of either conspiracy or monopoly.

Still another suggestion is whether the great produce exchanges and stockyards of the country, which constitute the primary market places for our foodstuffs, should not be under much closer governmental scrutiny and regulation than now prevails, to the end, amongst others, of insuring against the employment of their facilities in transactions which create false impressions of the conditions of supply and demand and artificially affect prices. Without stopping now to inquire how far the Federal Government could directly regulate such exchanges, it could doubtless accomplish the same objects by prescribing the conditions upon which they should be permitted to use the mails, the telegraph, and other instrumentalities of interstate communication in carrying on their business.

Finally, it appears desirable, and I have already suggested, that the warehouses of the country should be required to make to the Department of Agriculture, under oath, periodical reports of the quantities of produce in storage. I am advised that a bill to this end has heretofore been introduced either in the House or the Senate, and perhaps in both Houses.

In view of the fact that the President has directed the Department of Agriculture and the Federal Trade Commission to conduct an inquiry into this whole subject with a view to proposing remedies, I do not feel that the time is now ripe for me to make any more definite suggestions than those above.

There is one final thought, Senator, which I should like to have you and others have in mind in assessing the work of this department in the enforcement of the antitrust laws. The executive department alone can not enforce those laws. It must have the sympathetic cooperation of the Federal courts. I regret to say that a number of the Federal judges always have been and are still apparently reluctant to enforce the Sherman Act. I do not mean to charge that they attempt deliberately to obstruct the will of Congress. I assume that their views of public policy do not agree with those of Congress as expressed in the Sherman Act and that unconsciously they permit their own views as to what the law should be to affect their construction of the law as it is written.

I will give an example or two. In the case against the American Can Co. the United States District Court for the District of Maryland, after expressly finding in its decree—

"That the defendant, the American Can Co., was organized as a combination to monopolize interstate trade in cans, and to attain the object of monopolizing said trade in interstate cans such trade was unlawfully restrained by it, and by those who formed it and directed its earlier activities, and that some of those individuals who formed it and directed its earlier activities are defendants in this cause and still participate in the management and control of the said defendant, the American Can Co"—

refused to order a dissolution of the combination as prayed by the Government, on the ground that to do so would be "inexpedient," in the opinion of the court. The contention of the Government was that Congress in the Sherman Act had declared that it is expedient to dissolve such combinations. In the event that you should wish to examine further into this case, you will find full information in the accompanying documents:

The first opinion of the court.
The motion of petitioner for final decree and supporting brief.
The decree and supplemental opinion of the court.
The Government's assignment of errors on appeal to the Supreme Court.

Another case of judicial laxity, as we regard it, recently occurred in the District Court for the Southern District of Iowa, presided over for the time being by Judge Pollock, of Kansas. After a long and expensive investigation the Government developed conclusive evidence that the members of an association of dealers in plumbing supplies, with country-wide ramifications, had combined to monopolize the trade by boycotting any manufacturer or jobber of plumbing supplies who sold to others than members of the association. Indictments were found in three different sections of the country. The first to come to trial was in the southern district of Iowa. The defendants were convicted. They appealed, and sentence was suspended on all but two pending the outcome of the appeal. The Circuit Court of Appeals for the Eighth Circuit affirmed the conviction. Thereupon, in December last, the defendants were brought before Judge Pollock for sentence. What took place was reported by the district attorney in substance as follows:

After first stating that the defendants were not guilty of any violation of the law in the ordinary sense and that he would not impose any sentences which would bear heavily upon them, he imposed trivial fines ranging from $50 to $150. He then asked the defendants in substance, according to the report to the department, to tell him whether they were able to pay these fines, the implication being, I suppose, that if they said they were not he would reduce them still further.

I did not intend to write at such great length, but the reasonableness and moderation of your remarks, contrasting so strongly with the heedless and unjust criticism so often directed against those charged with the enforcement of the law, led me to believe that a fairly full statement on the subject might not be unwelcome to you.

Very truly, yours,

T. W. GREGORY,
Attorney General.

REPUBLIC COAL CO.

Mr. MYERS. Mr. President, I rise to a privileged question—the report of the committee of conference on Senate joint resolution 50, which was a resolution to sell the coal of a certain area of land in Montana to the Republic Coal Co. I report that the Senate and House conferees have not come to any agreement, and I move that the Senate conferees be discharged and that the Senate concur in all of the House amendments.

I will give a word of explanation in regard to why I make that motion, and I will tell what the amendments of the House were.

As the joint resolution passed the Senate it provided for the sale of this coal at a figure not less than the appraised price, to be fixed by the Secretary of the Interior. The House struck that out and provided for the lease of the coal under such terms and conditions as the Secretary of the Interior might impose. As it passed the Senate the acreage was 1,440 acres. The House amended it and cut it down to 640 acres. The House put on a provision that the coal should not be sold in the market, and should only be sold to the Chicago, Milwaukee & St. Paul Railway.

The only amendment about which there was any difference between the House conferees and the majority of the Senate conferees was that which related to sale or lease. The majority of the Senate conferees had no objection to cutting down the area to 640 acres. The majority of the Senate conferees had no objection to the House amendment that the coal could only be sold to one customer—the Milwaukee Railroad. The only point of difference between the House conferees and the Senate conferees was as to whether it should be a sale or a lease. The Senate conferees wanted sale alone; the House conferees wanted lease alone. I believe that a majority of the Senate conferees were willing to make it "sale or lease," but the House conferees would not accept that. With them it was lease alone or nothing.

I believe that the majority of the Senate conferees would give in to the House conferees on every point and would report here a conference report recommending that every amendment of the House be concurred in; but what is the use of that? If a majority of the Senate conferees are of that mind a simpler method is to report a disagreement, as I have done, and to move the discharge of the Senate conferees and to move that all of the House

amendments be concurred in. This is what should have been done in the first place, I believe; and I think the Senate ought to uphold the motion I have made to accept every amendment of the House. I am willing to do it, I believe a majority of the Senate conferees are willing to do it, and there is a precedent for leasing coal land on the public domain to a corporation in the case of the Owl Creek Coal Co. in Wyoming, where a resolution passed both House and Senate about seven years ago to lease certain coal lands to the Owl Creek Coal Co. in Wyoming.

This is a matter of great necessity, and I hope that the Senate will concur in the House amendments.

Mr. SMOOT. Mr. President, has the morning business closed?

The VICE PRESIDENT. No; the morning business has not closed.

Mr. SMOOT. Then, Mr. President, the motion made by the Senator from Montana is not in order.

Mr. MYERS. Is not a report of a conference committee in order at any time, Mr. President?

Mr. SMOOT. It is in order to present it, Mr. President, but not to consider it.

The VICE PRESIDENT. It is in order to present it.

Mr. MYERS. But may not the motion accompany the report?

Mr. SMOOT. I make the point of order that the motion is not in order.

The VICE PRESIDENT. The presentation of conference reports is always in order, except under certain circumstances which do not now exist. They can only be taken up upon motion or by unanimous consent. Objection is made to taking it up now, and the objection will be sustained.

Mr. MYERS. Then I ask leave to renew the motion immediately upon the conclusion of the morning business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8229) to establish a national military park at the battle field of Guilford Courthouse.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

S. 8227. An act granting the consent of Congress to the city of Fort Atkinson, in Jefferson County, Wis., for the construction of a bridge across the Rock River;

S. 8295. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 20451. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

PENSIONS AND INCREASE OF PENSIONS—CONFERENCE REPORT.

Mr. HUGHES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8296) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the House recede from its amendments numbered 3, 9, 13, 14, 18, and 19.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 4, 5, 6, 7, 8, 10, 11, and 15, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 16, and agree to the same with an amendment, as follows: Restore the matter stricken out by such amendment, amended to read as follows:

"The name of Herbert G. Hoots, late of Company F, Fifteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 21, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"The name of William F. Core, late of Company A, One hundred and fifty-eighth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month."

And the House agree to the same.

The committee of conference have been unable to agree on the amendments of the House numbered 12, 17, and 20.

WM. HUGHES,
REED SMOOT,
Managers on the part of the Senate.
J. A. KEY,
JAMES KEATING,
SAM R. SELLS,
Managers on the part of the House.

The report was agreed to.

Mr. HUGHES. I move that the Senate further insist upon its amendments, agree to the further conference asked for, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT conferees at the further conference on the part of the Senate.

The VICE PRESIDENT. The morning business is closed.

NAVAL APPROPRIATIONS.

Mr. SWANSON. I move that the Senate proceed to the consideration of House bill 20632, the naval appropriation bill.

Mr. NEWLANDS. Mr. President——

Mr. MYERS. Mr. President, I ask the Senator from Virginia if he will not withhold that motion for a few minutes, so that I can make a motion to take up the conference report, of which I spoke a short time ago?

Mr. SWANSON. I can not withhold it.

The VICE PRESIDENT. The Senator from Virginia moves that the Senate proceed to the consideration of House bill 20632, the naval appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes.

Mr. NEWLANDS. Mr. President, I desire to ask the Senator from Virginia whether he can not give an opportunity for the consideration of the bill for the enlargement of the Interstate Commerce Commission, which has already progressed and which, I think, is near a final determination?

Mr. SWANSON. Mr. President, I can not do so this morning. I will state that I had an understanding yesterday with the Senator from Oklahoma [Mr. OWEN], who was very urgent yesterday, that if he would let me make this motion and get this bill before the Senate I would yield to him for 30 minutes today to see if he could not get up for consideration the bill in reference to the Federal reserve banks; and I can not yield to anyone else.

Mr. SMITH of Georgia. Mr. President, of course that requires unanimous consent.

Mr. SWANSON. That requires unanimous consent.

Mr. SMITH of Georgia. Senators can not parcel out the time.

The VICE PRESIDENT. No; that is thoroughly understood.

Mr. SWANSON. It is understood that it can only be done by unanimous consent.

Mr. NEWLANDS. I wish to ask the Senator from Virginia whether he can not, after the Senator from Oklahoma has disposed of his matter, grant to me a similar opportunity with reference to this important measure?

Mr. SWANSON. Mr. President, after the request of the Senator from Oklahoma is disposed of we can consider these other requests.

Mr. SMOOT. To save the time of the Senate, I want to say now that I shall object; so that we might just as well proceed with the naval appropriation bill.

Mr. OWEN. Mr. President, this amendment to the Federal reserve act is regarded as a very important matter in strengthening the financial condition of the United States in anticipation of the possible difficulty in which this country may be involved. I do not think it will take over 30 minutes to dispose of it. The main purpose of the measure is to drift into the hands of the Federal reserve banks the gold which is now carried in the pockets of the people, and which is serving no national function. It is a very important matter, not to be treated as a mere formality or a matter of no consequence. It is a matter of vast consequence. There are between two and three hundred million dollars of gold that ought to pass into the hands of the Federal reserve banks for the purpose of protecting this country; and in view of that I hope that Senators will not object to the consideration of the bill.

Mr. GRONNA. Mr. President——

Mr. OWEN. I yield to the Senator from North Dakota.

Mr. GRONNA. The Senator from Oklahoma knows, I think, that I am very much interested in this bill; but I will say to him that he can not pass it in 30 minutes, because I shall ask for some time to discuss it. I think the Senate ought to have some information about this bill. It is one of the most important measures that has been before Congress or that possibly can come before Congress. While I do not say that I shall oppose the bill, I want to have the privilege of offering certain amendments; I want to have an opportunity to discuss the changes that are being made in the present law; and I will say to the Senator that it will not pass this body in 30 minutes.

Mr. OWEN. Mr. President, I have presented the reasons which justify the consideration of the bill by the Senate. Under the rules of the Senate an objection will put this matter over, and that is left to the responsibility of Senators who care to make the objection.

The VICE PRESIDENT. The Chair deems it right to notify the Senator from Oklahoma that he can move to proceed to the consideration of this bill.

Mr. OWEN. Then I make that motion, Mr. President.

Mr. SWANSON. Mr. President, I can not consent to having the naval bill displaced.

The VICE PRESIDENT. It is not a question of consent; it is a question of making a motion. The Senator from Oklahoma moves that the Senate proceed to the consideration of Senate bill 8259.

The motion was rejected.

The VICE PRESIDENT. The Secretary will continue the reading of the naval appropriation bill.

Mr. FLETCHER. Mr. President, I desire to say that there is a very important matter that ought to be acted upon by the Senate, and that is Senate bill 8168, with reference to shipping. People are complaining about the high cost of living and about the congestion of transportation throughout the country. The committee has reported this bill, which is intended to give certain powers to the Shipping Board to enable us to build up the American merchant marine. I want to bring that bill before the Senate at the very first opportunity. I do not believe that in its present form there is any serious objection to it. There may be one or two provisions that will be objected to; but I believe the bill could be acted on within a very short time, probably within an hour, anyhow. If there are valid reasons why the provisions which are alluded to should be eliminated, let the Senate say so, and let the other provisions of the bill be enacted, so that this matter can be attended to. It is a case of great emergency and it ought to receive the consideration of the Senate.

Mr. POINDEXTER. Mr. President, I demand the regular order.

Mr. FLETCHER. This is the regular order. We are discussing the naval appropriation bill.

Mr. POINDEXTER. The regular order, Mr. President, is the completion of the reading of the naval appropriation bill.

Mr. SWANSON. Mr. President, no motion is in order until the reading of the bill is concluded.

Mr. FLETCHER. Discussion of the bill, I take it, is in order at any time.

Mr. SWANSON. Not until the formal reading is concluded.

Mr. FLETCHER. I supposed it had been read.

Mr. MYERS. I desire to ask the Senator from Virginia if he will not yield——

Mr. SWANSON. I call for the regular order, which is the continuation of the reading of the bill.

The VICE PRESIDENT. The Secretary will proceed with the reading of the bill.

Mr. MYERS. Mr. President, I rise to a parliamentary inquiry. I wish to know if the demand of one Senator for the consideration of the revenue bill now will displace the naval bill and bring the revenue bill before the Senate?

The VICE PRESIDENT. Not until 2 o'clock.

Mr. MYERS. Well, I will wait until 2 o'clock.

The reading of the bill was resumed, beginning on line 4, page 72, and was concluded.

The PRESIDING OFFICER (Mr. PITTMAN in the chair). The first amendment of the committee will be stated.

The first amendment of the Committee on Naval Affairs was, under the subhead "Pay, miscellaneous," on page 3, line 10, after the words "not exceeding," to strike out "$50,000" and insert "$100,000"; in line 20, after the word "exceed," to strike out "$200,000" and insert "$215,000"; and in line 25, after the words "in all," to strike out "$1,000,000" and insert "$1,134,000."

For commissions and interest; transportation of funds; exchange; mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders, and for traveling expenses of civilian employees, and for actual and necessary traveling expenses of midshipmen while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen; for actual traveling expenses of female nurses; actual expenses of officers while on shore patrol duty; mileage to officers of the Naval Reserve Force traveling under orders of the Secretary of the Navy; hire of launches or other small boats in Asiatic waters; for rent of buildings and offices not in navy yards, including the rental of offices in the District of Columbia; expenses of courts-martial, prisoners and prisons, and courts of inquiry, boards of inspection, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; expenses of naval defense districts; stationery and recording; religious books; newspapers and periodicals for the naval service; all advertising for the Navy Department and its bureaus (except advertising for recruits for the Bureau of Navigation); copying; ferriage; tolls, costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress; recovery of valuables from shipwrecks; quarantine expenses; reports; professional investigation; cost of special instruction at home and abroad, including maintenance of students and attachés; information from abroad and at home, not exceeding $100,000, and the collection and classification thereof; all charges pertaining to the Navy Department and its bureaus for ice for the cooling of drinking water on shore (except at naval hospitals), telephone rentals and tolls, telegrams, cablegrams, and postage, foreign and domestic, and post-office box rentals; and other necessary and incidental expenses: *Provided*, That the sum to be paid out of the appropriation, under the direction of the Secretary of the Navy, for clerical, inspection, and messenger service in navy yards, naval stations, for the fiscal year ending June 30, 1918, shall not exceed $215,000, and for necessary expenses for the interned persons and prisoners of war under the jurisdiction of the Navy Department, including funeral expenses for such interned persons or prisoners of war as may die while under such jurisdiction; in all, $1,134,000.

The amendment was agreed to.

The next amendment was, on page 3, line 25, after "$1,134,000," to insert:

Provided, That the Secretary of the Navy is authorized to lease for a period not to exceed three years storage facilities in the vicinity of the navy yard, Norfolk, at an annual rental of not exceeding $14,000, to be paid out of the appropriation "Pay, miscellaneous."

Mr. PENROSE. I should like to inquire from the Senator having this measure in charge just why this proviso is necessary?

Mr. SWANSON. The proviso is necessary in order to enable the department to rent a building in Norfolk for the purpose of storing supplies. The department earnestly recommend it. They rent half the building there and are very desirous of renting the rest of it. They are building new shops at Norfolk, and when those are completed the old shops will be used for supply purposes, and the Government will pay no rental then. The department have been very insistent on this, because they have no place to store the supplies that are there, and they do not wish at this time to construct a building, as the old shops can be used for that purpose.

Mr. PENROSE. I should like to make a further inquiry. What is the character of the supplies that are stored there?

Mr. SWANSON. There is a letter here from the department. If the Senator will read what the Secretary says here, on page 3——

Mr. PENROSE. I thought, perhaps, the Senator, representing Norfolk here, would know all about it without referring to the record.

Mr. SWANSON. The Navy Department gives the information, and I can give it to the Senator very easily.

The last naval appropriation act included a provision for the rental of certain private property in the vicinity of the navy yard, Norfolk, Va., for storage purposes. Since this property has been leased, the space available has been almost entirely filled up with the regular stock of naval supply material; and reports received from the yard indicate that there is practically no available space for the accumulation of a stock of reserve material. All of the storage space at the yard, together with this addition, is being used for current needs.

The property rented from the Seaboard Wharf & Warehouse Co. is about half of this company's property fronting on the Elizabeth River. This company proposes to make certain changes in that part of the property not leased to the Government; but before doing so the suggestion has been made that the Government might desire to use the remaining portion of this property and the warehouses thereon for storage purposes, and if so this addition would be leased at an annual rental of $14,000.

It is considered most desirable to take advantage of this proposal in order that the Government may have the use of this entire property, thus making available sufficient frontage on the river to moor vessels without paying wharfage charges on account of overlapping the property not covered by the lease. This additional storage space is very much needed, and it is recommended that a provision be inserted in the appropriation bill similar to that included in the bill last year, under Public Works, Bureau of Yards and Docks, for the navy yard, Norfolk, Va., at page 25, following line 25:

"The Secretary of the Navy is authorized to lease for a period not to exceed three years storage facilities in the vicinity of the navy yard, Norfolk, at an annual rental of not exceeding $14,000, to be paid out of the appropriation 'Pay, miscellaneous.'"

The acquisition of this property will in no way relieve the situation with regard to the necessity for the erection of a large central storehouse within the yard limits. The lease of this property is a temporary expedient and is necessary on account of the congested conditions and the extraordinary amount of additional work at the Norfolk yard.

I will say in addition we do not wish to erect buildings there, because when the new shops are completed the old shops will be used for storage purposes.

Mr. PENROSE. One more inquiry, Mr. President. Why does this material have to be stored in Norfolk? Why could it not be stored in Charleston?

Mr. SWANSON. Where?

Mr. PENROSE. Why does this material necessarily have to be stored in Norfolk? Why could it not be stored at the Charleston Navy Yard with great convenience?

Mr. SWANSON. Always the material there is stored for the use of the Navy. That is all the information I can give.

Mr. PENROSE. Why not at the navy yard at Charleston?

Mr. SWANSON. It is for the use of the naval forces and the naval people at Norfolk.

Mr. PENROSE. Does the Senator mean to maintain that the Charleston Navy Yard is not fitted for the storage of this material?

Mr. SWANSON. I have made no such contention.

Mr. PENROSE. I was asking why Norfolk was selected in preference to Charleston?

Mr. SWANSON. I will say the Senator was on the subcommittee that passed upon this bill, and——

Mr. PENROSE. Unfortunately I was not present.

Mr. SWANSON. The Senator could have gotten all the information he desired.

Mr. PENROSE. Perhaps the location of the clothing plant at Charleston was considered sufficient for that station and so the storage plant is put here. But I do not know, Mr. President. It is a local matter.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The next amendment was, on page 6, after line 21, to insert:

The balances under the several items of the appropriation "National Advisory Committee for Aeronautics," carried in the act making appropriations for the naval service for the fiscal year ending June 30, 1917, approved August 29, 1916, are hereby consolidated into a single fund and may be expended by the committee for its purposes as stated in the paragraph of public act No. 271, Sixty-third Congress, approved March 3, 1915, establishing the committee.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Navigation," on page 8, line 17, after the word "parties," to strike out "$319,228.84" and insert "$419,228.84," and in line 18, after "$419,228.84," to strike out "*Provided*, That not exceeding $500 shall be expended for the purchase of motor-propelled passenger-carrying vehicles," so as to make the clause read:

Recruiting: Expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; purchase, rental, maintenance, operation, exchange, and repair of motor-propelled passenger-carrying vehicles for official use; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties, $419,228.84.

The amendment was agreed to.

The next amendment was, on page 9, after line 15, to insert:

That hereafter the Secretary of the Navy may authorize the senior officer present, or other commanding officer, on a foreign station to order boards of medical examiners, examining boards, and retiring boards for the examination of such candidates for appointment, promotion, and retirement in the Navy and Marine Corps as may be serving in such officer's command and may be directed to appear before any such board.

The amendment was agreed to.

The next amendment was, on page 14, line 14, after the words "in all," to strike out "$85,000" and insert "$92,000," so as to make the clause read:

Naval training station, California: Maintenance of naval training station, Yerba Buena Island, Cal.: Labor and material; buildings and wharves; general care, repairs, and improvements of grounds, buildings, and wharves; wharfage, ferriage, and street car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, and tools, and repairs to same, including the maintenance, repair, and operation of one horse-drawn passenger-carrying vehicle to be used only for official purposes; fire engines and extinguishers; gymnastic implements, models, and other articles needed in instruction of apprentice seamen; printing outfit and materials, and maintenance of same; heating and lighting; stationery, books, schoolbooks, and periodicals; fresh water, and washing; packing boxes and materials; and all other contingent expenses; maintenance of dispensary building; lectures and suitable entertainments for apprentice seamen; in all, $92,000.

The amendment was agreed to.

The next amendment was, on page 15, line 7, after the words "in all," to strike out "$90,000" and insert "$100,000," so as to make the clause read:

Naval training station, Rhode Island: Maintenance of naval training station, Coasters Harbor Island, R. I.: Labor and material; buildings and wharves; dredging channels; extending sea walls; repairs to causeway and sea wall; general care, repairs, and improvements of grounds, buildings, and wharves; wharfage, ferriage, and street car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, and tools, and repairs to same, including the maintenance, repair, and operation of two horse-drawn passenger-carrying vehicles to be used only for official purposes; fire engines and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and materials, and maintenance of same; heating and lighting; stationery, books, schoolbooks, and periodicals; fresh water, and washing; packing boxes and materials; and all other contingent expenses; lectures and suitable entertainments for apprentice seamen; in all, $100,000: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting, inspection, and messenger service for the fiscal year ending June 30, 1918, shall not exceed $5,701.60.

The amendment was agreed to.

The next amendment was, on page 16, line 10, after the words "Great Lakes," to strike out "$90,000" and insert "$96,400," so as to make the clause read:

Naval training station, Great Lakes: Maintenance of naval training station: Labor and material; general care, repairs, and improvements of grounds, buildings, and piers; street car fare; purchase and maintenance of live stock, and attendance on same; motor-propelled vehicles, wagons, carts, implements, and tools, and repairs to same, including the maintenance, repair, and operation of one motor-propelled passenger-carrying vehicle, and one horse-drawn passenger-carrying vehicle to be used only for official purposes; fire apparatus and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and material, and maintenance of same; heating and lighting, and repairs to power-plant equipment, distributing mains, tunnel, and conduits; stationery, books, schoolbooks, and periodicals; washing; packing boxes and materials; lectures and suitable entertainments for apprentice seamen; and all other contingent expenses: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting, inspection, and messenger service for the fiscal year ending June 30, 1918, shall not exceed $1,500; in all, naval training station, Great Lakes, $96,400.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Ordnance," on page 21, line 18, after the word "assistance," to strike out "$705,611, to be available until expended," and insert "$1,375,345, to be immediately available and to remain available until expended, and the limit of cost fixed in the naval appropriation act, approved August 29, 1916, is hereby removed."

So as to make the clause read:

Projectile plant: To complete the erection and equipment of a plant for the manufacture of projectiles, on a site to be selected by the President, including the employment of all necessary expert, drafting, and clerical assistance, $1,375,345, to be immediately available and to remain available until expended, and the limit of cost fixed in the naval appropriation act, approved August 29, 1916, is hereby removed.

The amendment was agreed to.

The next amendment was, on page 22, line 10, after the word "exceeding," to strike out "$5,781,174" and insert "$6,381,174"; in line 11, before the word "available," to insert "immediately"; in the same line, after the word "available," to insert "and to continue available," and in line 12, after the date "1920," to strike out "$4,131,174" and insert "$4,731,174"; so as to make the clause read:

Batteries for merchant auxiliaries: For batteries for merchant auxiliaries (to cost not exceeding $6,381,174), to be immediately available and to continue available until June 30, 1920, $4,731,174.

Mr. LA FOLLETTE. Mr. President, what page?

The PRESIDING OFFICER. Page 22, line 10.

Mr. LA FOLLETTE. I call for the reading of the bill for amendment under the rule.

The PRESIDING OFFICER. The Secretary is now reading the amendments of the committee.

Mr. LA FOLLETTE. The bill is not being read for amendment under the rule, which I insist upon.

Mr. SWANSON. There is no rule requiring it. The formal reading of the bill was completed and the committee amendments are being considered. I asked unanimous consent that the formal reading of the bill should be dispensed with and that it be read for amendment, but that was refused. The amendments offered by the committee have precedence.

Mr. SMOOT. I have not asked that the bill be read; but wherever a request is made by a Senator that the bill shall be read for committee amendments it means the reading in full of the bill, not simply the reading of the amendments. That has been the universal practice.

Mr. LODGE. Where unanimous consent is given to dispense with the formal reading, the bill is then read for amendment; but where the formal reading has been had the bill can not be read again.

Mr. SMOOT. I am only stating what the practice has been.

Mr. LODGE. I think not. It has been held here repeatedly that when a bill has once been read formally it is then open to amendment at any point.

Mr. SMOOT. The formal reading of the bill was not dispensed with because there was objection, and after the formal reading of the bill then the bill is read for amendment.

Mr. SWANSON. The Senator is entirely mistaken. The rule requires that there shall be three readings. I asked to dispense with the formal reading and that it might be read for action on the committee amendments. The Senate refused to give unanimous consent.

Mr. LODGE. Dispensing with the formal reading and reading the bill for amendment is a matter of unanimous consent. Any Senator has a right to insist on the formal reading, and when that formal reading is completed the bill is open to amendment; it is not to be read again.

Mr. SMOOT. Does the Senator claim that if unanimous consent is given to dispense with the formal reading of a bill, then a Senator can not ask that it be read in full for amendment?

Mr. LODGE. Certainly not. If the formal reading is dispensed with, it is always accompanied with a request that it be read for amendment, and the reading for amendments takes the place of the formal reading. When that formal reading takes place there is no further right for a reading of the bill.

Mr. SWANSON. The rule requires three readings. It was read twice and referred to the committee. That is stated on the bill. It came in here, and I asked that it be read for committee amendments, which was refused. The formal reading of the bill has been completed, and now it is open to amendment.

Mr. SMOOT. I agree with the Senator as far as he went. The formal reading of the bill has taken place, but after the formal reading of the bill bills always have been read in the past for committee amendments.

Mr. LODGE. No; it has been held here, and I have made the point myself that when a bill has once been read it is open to amendment at any point by anybody. It is a mere practice that the committee amendments shall be considered first.

Mr. SMOOT. Has it not been the practice that when reading a bill for action on the committee amendments upon the request of any Senator that it be read it is read?

The PRESIDING OFFICER. The Chair understands that there has been the proper formal reading of the bill and that the bill is now open to amendment.

Mr. LODGE. Certainly.

The PRESIDING OFFICER. Under the agreement the committee amendments are presented first, and they are now being presented. If there is no further debate on it, the question will be taken on agreeing to the amendment.

Mr. LODGE. There is no right to a fourth reading.

The PRESIDING OFFICER. The pending amendment will be stated.

The SECRETARY. On page 22, line 10, strike out "$5,781,174" and insert "$6,381,174," and——

Mr. SHERMAN. Will the Senator in charge of the bill explain the necessity for this increase of what appears to be about $600,000?

Mr. SWANSON. If the Senator will permit me, the merchant vessels of the United States have been examined and inspected by the Navy Department. We know now what is desired in case an emergency or war should arise, the batteries which are needed, the ammunition which will be needed for the batteries. The increase here over the House appropriation has been occasioned by the fact that they are going to substitute larger guns on some of the vessels, which will require more money. It has been accurately estimated by the department. The department has recommended this sum as necessary to make the merchant marine available as auxiliaries of the Navy if we should have war.

Mr. SHERMAN. Is there any evidence in addition to the hearings here published?

Mr. SWANSON. If the Senator will look at the documents, he will find the evidence.

Mr. SHERMAN. Is there some additional matter furnished before the Naval Committee of the Senate that the House did not have, showing the justification for this increase?

Mr. SWANSON. Yes; here is the letter. Nearly every one of the increases, I will say to the Senator, have been made by an estimate of the department on account of the changed conditions and increased necessities. We have letters that are published showing the necessity for the increases.

Mr. SHERMAN. For this increase of $600,000?

Mr. SWANSON. Yes; absolutely. Here is a letter, if the Senator wants to read it.

Mr. SHERMAN. They are published in the tabulation which the Senator holds in his hand?

Mr. SWANSON. Yes.

The PRESIDING OFFICER. Without objection——

Mr. LA FOLLETTE. Wait a moment, Mr. President. I will inquire of the acting chairman of the committee if the Senate committee had any information upon this subject that was not in the possession of the House committee when it considered it?

Mr. SWANSON. Yes; because the letter bears the date of February 17. If the Senator would like to hear the letter read, it will show that this increase was very carefully made.

Mr. LA FOLLETTE. Just a moment, Mr. President. Is the Senator from Virginia able to state that the other House was in possession of a letter of the sort to which he refers from the Secretary of the Navy?

Mr. SWANSON. I am informed by the clerk of the committee that they were not.

Mr. LA FOLLETTE. Mr. President, if the Senator will merely read that letter and will give the Senate some opportunity to judge of the necessity for this appropriation——

Mr. SWANSON. The Senator from Wisconsin can read it on page 22 of the committee print of the bill.

Mr. LA FOLLETTE. I do not want to take the time to do so from the consideration of other amendments, but I should like to have the Senator either read the letter or have the Secretary read it.

Mr. SWANSON. It may be read by the Secretary, if the Senator from Wisconsin desires; but if the Secretary has not a copy of it, I will read it. It is as follows:

NAVY DEPARTMENT,
Washington, February 17, 1917.

MY DEAR MR. CHAIRMAN: I desire to have the following item inserted in the naval appropriation bill as reported in the Senate on February 14, 1917. This item refers strictly to the Bureau of Ordnance, and provides for the following increase:

"Batteries for merchant auxiliaries, $600,000."

The reason for asking the additional amount at this time is that when this estimate was made the matter of providing guns larger than 1-pounder for small patrol vessels had not been considered. It is now desired to include an amount of $600,000, to be utilized in the construction of 6-pounder, 3-pounder, or 3-inch guns for small patrol vessels, as may be decided upon. The sum asked for includes 150 6-pounder guns and mounts at a cost of $4,000 each. The vessels that will be used for patrols, submarine chasers, and mine sweepers will all require a certain armament, and the type of gun used will depend upon the construction and size of vessels adopted.

Attached hereto is a memorandum giving the form of the amendment desired.

Very sincerely, yours, JOSEPHUS DANIELS.

Hon. B. R. TILLMAN,
Chairman Committee on Naval Affairs,
United States Senate, Washington, D. C.

Mr. LA FOLLETTE. Mr. President, I should like to inquire of the acting chairman, in order that I may clearly understand and the Senate may understand just what we are doing—whether this provision contemplates the arming of merchant ships?

Mr. SWANSON. That is a question to be determined by the President and the subsequent action of Congress. I doubt whether the President has authority to furnish arms to merchant vessels, unless such authority be granted by Congress. I know of no power which the President has to either sell or to loan these guns. It is a power as to which it is very doubtful whether or not it is possessed by the President. This legislation does not propose to authorize him to do so. Its purpose is, in case of emergency, to have the guns ready for any ships which might be taken from the merchant marine to be made a part of the Navy as auxiliaries.

Mr. LA FOLLETTE. That is, if I understand the acting chairman of the committee, a wholly different purpose from that which was raised by the address of the President delivered yesterday to the two Houses of Congress in joint session.

Mr. SWANSON. It is entirely different and has nothing to do with conferring any additional power whatever on the President. Last year we appropriated a part of the money for this purpose.

I do not know whether or not the Senator was present when I made my statement, but I will now state that the merchant vessels of the United States have all been inspected, and it is known which of those vessels will be available as auxiliaries to the Navy in case war should occur. In order to prepare for an emergency this legislation is simply framed to provide arms and ammunition for these vessels, to be held by the Navy Department, unless authority is given to the President elsewhere or in some other measure in case the vessels should become auxiliaries of the Navy to have them promptly equipped for that purpose.

Mr. LA FOLLETTE. As I understand the explanation of the acting chairman of the committee, this legislation does not contemplate the arming of merchant vessels until they shall have been incorporated within the Navy under authority of some formal act of Congress. Am I correct in my assumption?

Mr. SWANSON. The Senator is correct as to that. There is no authority now to buy ships and to make them auxiliaries of the Navy. Until such authority is given in some form, I know of no authority which the Navy Department possesses to obtain ships. If authority should be given by Congress hereafter to arm merchant ships, I have no doubt that the guns proposed to be constructed by this appropriation would be utilized for that purpose.

Mr. SMITH of Georgia. Let me see if I understand the Senator from Virginia. This amendment simply proposes to furnish money to provide certain guns. It in no sense defines the way in which these guns are to be used. Hereafter we shall have the guns ready, if Congress should determine to take over certain merchant vessels and make them a part of the Navy, or if Congress should determine to authorize the President to loan the guns to vessels still in private ownership; these guns might be loaned, but until further legislation takes place the guns will await the use of the Government.

Mr. NORRIS. Mr. President, I want to inquire——

Mr. SMITH of Georgia. I wish to know if I understand the Senator from Virginia correctly?

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. LODGE. Mr. President——

Mr. LA FOLLETTE. I shall be very glad to yield for an explanation.

Mr. NORRIS. Before the explanation is made, I desire to inquire where the language under discussion is found in the bill, as I desire to follow it.

Mr. LA FOLLETTE. It is on page 22, if I may advise the Senator from Nebraska.

Mr. LODGE. There is one word there which makes it very distinct. Those are guns for merchant auxiliaries and not for merchant ships. They can not be auxiliaries—that is a technical term—until they are made a part of the Navy; that is, until they are commandeered in time of war and added to the Navy.

Mr. LA FOLLETTE. Then, Mr. President, if the Senator from Massachusetts is correct——

Mr. LODGE. That is as far as this appropriation goes.

Mr. LA FOLLETTE. If the Senator from Massachusetts is correct in his statement in distinguishing between these two classes of vessels, this item would not provide guns which could by any possibility be loaned by the executive department of the Government to the owners of merchant ships.

Mr. LODGE. Not without further legislation.

Mr. LA FOLLETTE. Not without further legislation?

Mr. LODGE. No.

Mr. LA FOLLETTE. There is no authority which could be regarded as an implication of the right to loan them?

Mr. LODGE. There is no authority in this bill whatever to use those guns for that purpose.

Mr. LA FOLLETTE. There is no authority in this bill; but let me ask the Senator from Massachusetts if there is any provision of law or any authority in the organic law which would give the President directly and plainly the right to loan the guns provided for in this paragraph to merchant ships?

Mr. LODGE. No.

Mr. LA FOLLETTE. Or for use upon merchant ships?

Mr. LODGE. There is an old statute giving merchant ships the right to arm and setting forth under what circumstances they may defend themselves; but it conveys no right to the Government to furnish ships with guns. I know of no other statute on the subject. I can not give the number of the statute just at this moment, but I have it. It is an old statute—nearly 100 years old—giving the right to merchant ships to arm and defend themselves under certain conditions. That right was given for the purpose of enabling ships to defend themselves against pirates.

Mr. LA FOLLETTE. Against pirates; yes.

Mr. NORRIS. Mr. President——

Mr. LA FOLLETTE. I yield the floor to the Senator from Nebraska.

Mr. NORRIS. I should like to ask the Senator from Massachusetts a question in reference to the answer he has just given to the Senator from Wisconsin. As I understood the Senator, he said there was no statute authorizing merchant vessels to arm.

Mr. LODGE. I said there was an old statute authorizing them to arm themselves.

Mr. NORRIS. That there was such a statute?

Mr. LODGE. Yes; an old statute, which has been on the statute books for a hundred years.

Mr. NORRIS. I understood the Senator to say "no" statute, but it appears that he said an "old" statute.

Mr. LODGE. I said "an old statute." This provision of the bill applies to ships commandeered in time of war by the Government for the purpose of making them a part of the Navy, as the word "auxiliaries" implies. A merchant auxiliary of the Navy is a ship of war in the eye of the law, but an armed merchant ship is not a ship of war and does not lose her character as a merchantman armed for defense.

Mr. NORRIS. The question which I was asking, perhaps, does not relate strictly to this particular amendment. I was really trying to get some general information. The statute permits merchant ships, then, to arm themselves as they may see fit—or is there any limit to it?

Mr. LODGE. There is no limit expressed in the statute at all.

Mr. NORRIS. If a ship armed itself, then, without reference to any governmental connection whatever, would there be any limitation on its right to enter and depart from ports that would interfere with it, anyway?

Mr. LODGE. That would depend on the evidence, as Chief Justice Marshall said, and as Mr. Lansing said when he issued regulations in regard to belligerent merchant ships. The question of whether it is an armament for defense is a question of fact to be determined in each case.

Mr. NORRIS. Has there been any decision on the subject of the arming of merchant ships by which a person could guide himself to any extent?

Mr. LODGE. In a circular letter which Mr. Lansing sent out at the beginning of the European war, there were laid down certain general propositions as evidence of the character of armament.

Mr. NORRIS. As I remember, we rather changed our attitude on the subject in a subsequent letter addressed to all the belligerents.

Mr. LODGE. We tried to.

Mr. NORRIS. And the suggestion was made that a ship armed in any way would be considered as a warship.

Mr. LODGE. Yes; that change was tried, but abandoned. We are now living under the regulations of September, 1914, which have not been changed.

Mr. NORRIS. Those are different regulations, of course, from the position that we sought to take in the beginning?

Mr. LODGE. No; that is the position that we took in the beginning as establishing the character of a ship.

Mr. NORRIS. Perhaps the Senator is not thinking of the same thing I am; but, as I remember, near the beginning of the war we addressed a communication to all the belligerents in which we suggested that any guns on a ship would have the effect of making it a warship, and later we assumed a different attitude.

Mr. LODGE. The Senator is mistaken. It was just the other way. We issued a circular at the beginning of the war stating certain qualifications which would be evidence of the character of a ship; that is, as to whether it was a merchant ship or a ship of war. For instance, I will take the first qualification, namely, that if a merchant ship carried a gun of a larger caliber than 6 inches, that would be evidence or create the presumption that it was armed for other than defensive purposes. That position we held until January 18, 1916, when Mr. Lansing put out what was known as a tentative note, looking toward a change in the rules as to what constituted a change of character in a merchant ship, but that was never pressed.

Mr NORRIS. What was that tentative note? I simply desire to ascertain if the Senator has the same idea that I have.

Mr. LODGE. It was simply a suggestion that changes might be made. The Secretary of State went into no details, but he suggested that the old rules of international law as to what constituted armament, and so on, might be changed so as to be accommodated to submarine attacks.

Mr. NORRIS. I think the Senator is thinking of a different letter from the one I have in mind.

Mr. LODGE. I am thinking of the only ones on that subject of which I know. I followed them with great care.

Mr. NORRIS. I have in mind a letter which was given great publicity and which was sent to all belligerents.

Mr. LODGE. That was the letter of January 18, 1916, but in that letter there were laid down no other specific requirements.

Mr. NORRIS. It is not my idea that he did; but my recollection now is——

Mr. LODGE. That letter was dated January 18, 1916.

Mr. NORRIS. My recollection is that the idea the Secretary of State wanted to convey was that since armed merchant vessels originally were permitted on the ground that there were pirates on the sea, and inasmuch as pirates had long since disappeared, the reason for arming merchant vessels had disappeared.

Mr. LODGE. He did.

Mr. NORRIS. And his suggestion was that they ought not to arm at all.

Mr. LODGE. That was the suggestion.

Mr. NORRIS. But other nations rejected that view?

Mr. LODGE. Nobody else seemed to approve of it among the other nations so far as I ever heard.

Mr. NORRIS. I never heard of it ever being approved by any other nation.

Mr. LODGE. Shortly afterwards the President wrote the note in which he said American rights must not be abridged, and called on Congress to defeat certain resolutions.

Mr. NORRIS. Yes.

Mr. LODGE. So I think we are left standing on the provisions of the note of September—I do not remember the exact date in September, but of September, 1914.

Mr. NORRIS. I want to ask the Senator another question of a general nature on the subject: In connection with the statement that if guns of larger caliber than 6 inches were carried, it would be considered evidence that the vessel was an armed vessel; was there, as the Senator remembers, any limitations as to the number of guns?

Mr. LODGE. No; it referred to an unusual number of guns and an unusual number of the crew. It put no distinct limitations on the guns. It did not go into the question of broadsides, or anything of that sort. It assumed, I presume, that broadsides under modern conditions would be considered arming for attack; but I do not recall that it spoke of that particularly.

Mr. NORRIS. Our Government, as I remember, has not taken any position in regard to merchant ships carrying broadsides, for instance, or carrying guns except at both ends of the ship?

Mr. LODGE. I think under modern conditions if a ship were armed broadside it would be taken as a presumption, as evidence, that it was armed for attack.

Mr. NORRIS. Does the Senator think that would be true under existing conditions, where there is notice given by one of the powers that she is going to attack vessels without warning, and the fact that it is almost necessary to have guns on the sides of the ship in order to meet such an attack?

Mr. LODGE. I think that would give a wider scope to the meaning of "defensive armament."

Mr. NORRIS. Yes; I should think so.

Mr. LODGE. Undoubtedly. And, of course, any nation can determine for itself what it calls "defensive armament."

Mr. NORRIS. Of course, after all, it is a question of fact, as the Senator has said.

Mr. LODGE. It is a question of fact.

Mr. NORRIS. And, as part of the facts, a merchant vessel would have a right to take into consideration a public announcement of one of the great powers.

Mr. LODGE. Absolutely.

Mr. NORRIS. That it would attack vessels without warning; and therefore, perhaps, what would have been considered under regulations prior to such notice as offensive armament might under changed conditions be considered as defensive armament.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Mexico?

Mr. NORRIS. If the Senator desires to speak on the question, I will yield the floor. I was merely trying to get some information.

Mr. FALL. I merely desire, along the lines on which the Senator was speaking, to call his attention to the fact that, in so far as the merchant vessels of the United States are concerned they can not be governed in their action by any statement as to what the armed vessels of a nation with which we are at peace were going to do and the change thereby made in the mode of warfare. That could not affect the rights or the limitations of a merchant vessel. The merchant vessels of the United States stand in exactly the same position with reference to the high seas as a citizen of the United States stands, in so far as national duties, and so on, are concerned. A merchant vessel of the United States under no circumstances is authorized to defend itself against even an illegal attack of a vessel of war of any nation with which this Nation is at amity.

Mr. NORRIS. Yes; I think that is according to a statute.

Mr. LODGE. That is the statute to which I referred.

Mr. FALL. Yes; the statute is simply following the rules of international law on that subject. The statute gives the affirmative right to defend against unlawful attacks of ordinary vessels——

Mr. LODGE. Certainly.

Mr. FALL. But not of the national vessels of any nation with which the United States is at peace.

Mr. LODGE. The statute was to give protection against privacy, primarily.

Mr. FALL. Certainly.

Mr. LODGE. But, if the Senator will allow me, of course, this Government can confer larger powers on its merchant ships.

Mr. FALL. Oh, undoubtedly—the Congress can; not the President.

Mr. LODGE. I mean the Congress.

Mr. FALL. The Congress can, but not the President of the United States.

Mr. LODGE. No, no; I mean the Congress.

Mr. FALL. The Congress can, because then that is the country of the merchant changing its municipal law, if necessary, as it sees fit, for his own protection. In other words, the Congress of the United States can give the merchant vessels of the United States the legal right to defend against the armed national vessels of a nation with which we are at amity. That affords him protection. Without such powers or rights being vested in him by his country, if he does even defend against the attack of a national vessel of a country with which we are at amity, he is not entitled to be treated even as a prisoner of war, but he is tried by a military court-martial, not by the ordinary courts. It is not a question of prize, not a question of civil action, not a question of confiscation, not a question of forfeiture, but it becomes a criminal matter, to be dealt with by the strong hand of the military force. In other words, he is on a par with a pirate. Now, if his country does affirmatively confer upon him the right to resist against such an attack then his municipal law protects him against such charge of piracy and trial by a military court-martial.

The statutes of the United States have absolutely, in terms, prohibited the defense by one of our merchantmen against any kind of an attack made by a national vessel of a country with which we are at amity. The statute of the United States nowhere prescribes the number of guns which a merchant vessel may carry as a defense against piratical attack. It leaves that to the circumstances of the occasion, or to the necessities. But in time of war, when the United States undertakes to occupy the position of a neutral, then by maintaining that position or undertaking to maintain that position by proclamation or by act it at once assumes duties to the belligerent countries. One of those duties is to see that no privateersmen or other ships are fitted out in its harbors which may be used against either of the belligerents. Therefore, not because the President might have any possible power to interfere with the navigation or commerce laws of the United States—for under the Constitution that is peculiarly within the province of Congress, so that he can not change those laws—but in seeing that the duty of this country as a neutral is performed—and that is his duty, to see that we maintain properly our position of neutrality—it becomes possible to say how many guns one of the vessels sailing from our ports may carry. It is within his judgment to say, in passing upon this question of neutrality and protecting our neutrality, whether a vessel shall sail from our ports. A merchant vessel can not sail, as the Senator knows, of course, without clearance papers. Not in interference with the navigation or commerce acts, but in protecting the neutrality of this country in time of war, the President can then instruct the collectors of the ports that they shall see that any ship clearing shall only have arms of a certain caliber, a certain number, and mounted in a certain place.

Mr. LODGE. That is absolutely correct, of course. That was the purpose of Mr. Lansing's first note.

Mr. FALL. Exactly.

Mr. LODGE. But if the Senator will allow me a single remark, the Senator showed very conclusively the other day, from the precedent of 1798, that these powers can be conferred on merchantmen by Congress without a declaration of war.

Mr. FALL. Undoubtedly; and the President of the United States might issue a note to the collector of the port of New York, for example, allowing him to issue clearance papers to a merchantman armed even with broadside guns, if he had not already taken the position that no such merchantman should be allowed to clear from our harbors, whether a belligerent vessel or one of our own national vessels. Now, as to the effect of an action of the President, without the authority of the Congress or with it, in changing the rules which he has adopted for neutrality and the regulations adopted to maintain our neutrality, under the theory that we propose to authorize the President to put this country in a condition of armed neutrality as distinguished from unarmed neutrality he might be allowed to change the rules already established as to one gun, I believe, at the stern, of a certain caliber; but any change of the rules of neutrality during time of war by any neutral nation, of course, carries corresponding responsibilities to the belligerent nations and is governed by the ordinary rules as to maintaining neutrality during time of war.

Mr. NORRIS. The Senator's explanation is very illuminating. It gives me a great deal of information on the subject. I want to ask him a question or two further, if he will permit me.

Mr. FALL. I shall be glad to answer the question if I can.

Mr. NORRIS. The Senator speaks of the power of the President in maintaining the neutrality of the Government and mak-

ing regulations as to how ships can be armed before he will permit them to depart. First, I want to ask the Senator, does the President get that authority from any statute law passed by Congress or is that a general rule?

Mr. FALL. He gets that authority from the constitutional power vested in the executive department, under which as the Commander in Chief of the Navy and the Army of the United States, he is charged with the defense of the United States. One of the matters of defense is the preservation of neutrality, under that general constitutional power.

Mr. LODGE. Also under the neutrality acts, of course.

Mr. FALL. Certainly.

Mr. NORRIS. Well, is the President given authority in the neutrality acts to make such regulations as he sees fit?

Mr. LODGE. He is given certain authority. I will get them.

Mr. NORRIS. I wish the Senator would. While that does not bear directly on this amendment, I think it is a subject that we probably ought to have a great deal of information about.

Mr. FALL. I do not think there is any particular, specific statutory authority given the President. As I recall it, that would answer the Senator's question.

Before I take my seat, I do not know that I have made this sufficiently clear. As I understand it, while the President might now possibly authorize ships to clear from the port of New York or any other port with other arms than those which have heretofore been prescribed—the stern gun of a certain caliber—while he might authorize that, the President of the United States could not possibly authorize any merchantman sailing from the United States to defend itself against the attack of a German submarine. Congress, and Congress alone, can give such authority to such merchantman.

Mr. NORRIS. Then, what would be the reasonableness of a rule made by the President under this power that would provide that a merchant ship could put on more guns, when as a matter of fact they would not have any right to use the guns in defense against a submarine, for instance?

Mr. FALL. None, except upon the theory that this country is going into armed neutrality, and is going to change the rules—going to change the statutes—and, of course, the Senator knows that that can only be done by Congress——

Mr. NORRIS. Yes.

Mr. FALL. And is going to vest authority in the merchantman to defend itself against the armed vessels of another nation. Now, you might whip the devil around the stump, as you might say, by allowing this additional armament upon the theory that the merchantman would defend itself against another attack than that of a national of some foreign country with which we are at peace; but that would not justify nor clear the merchantman so defending, if he did defend, against the attack of a national vessel; it would not place him in any different position.

In other words, in 1894 Mr. Gresham, our Secretary of State, had occasion to send instructions to our minister to Haiti with reference to the rights of defense by a merchantman in resisting attack made under cover of authority by some revolutionary government, or some one claiming to hold a commission from some revolutionary government. Mr. Gresham took particular pains to instruct our minister at Haiti that any such vessel must understand that in using its defensive guns it was liable to become subject to the piracy act, to being condemned as a pirate, and its crews to being hung by summary court-martial, drumhead court-martial, without any trial at all; he said, "It should also be borne in mind that a merchant vessel using arms of destruction on the high seas, unless duly commissioned for the purpose, may expose herself to the charge of piracy," and the Attorneys General of the United States in several different instances have passed upon the same proposition, for instance, with reference to the shipment of contraband.

The majority of our commerce to-day with the European countries is either contraband of war or enemy's goods. Now, of course, under the rules of war no one carrying contraband is entitled to go through a blockade, nor can he at all defend against the attack of any vessel seeking to halt him. He must stop, must surrender, must turn over his cargo. The same thing is true of vessels carrying enemy's goods; and as Attorney General Speed at one time said, a merchantman resisting an attempt to search, if he was carrying contraband or enemy's goods, laid himself open to the charge of piracy, and in fact became a pirate, although he was not animated under the old definition of animus furandi; that is, he was not a common enemy against all the countries of the world, sinking all vessels alike; but if he was carrying contraband and was halted and refused or resisted search, he was an enemy and practically a pirate. Of course, I am not quoting the exact language.

Mr. NORRIS. I want to ask the Senator another question before he sits down. I think he has explained very properly what the law is. As I understand, it is to the effect that one of our merchant ships, for instance, armed, no matter to what extent, would not have the right under the statute to attack a submarine even though the submarine were going to attack the merchant ship. Now, we come back to the proposition——

Mr. FALL. If the Senator will pardon me, let me illustrate that particular point just a little further.

Mr. NORRIS. Certainly.

Mr. FALL. Suppose the case of two vessels of ours, sailing in consort we will say, or one within reach of the S. O. S. call of another, on the high seas. One of them attacked by a submarine, being shelled by a submarine, if attempting to resist, would be liable as an enemy, possibly as a pirate, depending upon the particular circumstances. Of course, it could plead necessary self-defense on the trial for violating international law and the laws of our own country; but certainly the consort of that vessel, or any other vessel hearing the S. O. S. call, must at once make its escape and get away from the submarine, instead of going to the assistance of its sister vessel so being illegally attacked.

Mr. NORRIS. The point on which I want a little further light from the Senator is this: Take the law as it stands. That means that the merchant vessel dare not attack the submarine, no matter what the submarine may have in contemplation, even if it is known that the submarine is going to attack the merchant vessel.

Mr. FALL. It may not even oppose and defend, under the words of the statute.

Mr. NORRIS. Yes. Then we come back to the other proposition, that the President has authority, under the laws of the country, to issue regulations in regard to the arming of merchant vessels, and he permits merchant vessels to arm under that authority.

Mr. FALL. Not regulations with reference to arms, but regulations with regard to clearance from a port.

Mr. NORRIS. Yes; I understand. In other words, they can not clear from the ports if they are armed contrary to the regulations that he lays down. Now, then, the ostensible reason for permitting them to carry any arms——

Mr. FALL. Is against piracy.

Mr. NORRIS. Is against piracy. Every man knows that there are now no pirates in the world.

Mr. FALL. Well, I do not agree with the Senator there.

Mr. NORRIS. Does not the Senator agree with me? Then I should like to have the Senator explain that. Are there some pirates, and where are they, and who are they?

Mr. FALL. I think that every national vessel or other vessel of the central powers pursuing the methods which they have been pursuing prior to and since the sinking of the *Lusitania* has been engaged in piracy, contrary to the rules of war and contrary to international law, and that they have placed themselves beyond the pale of law.

Mr. NORRIS. Does that include the submarines?

Mr. FALL. I have reference to the submarines, particularly.

Mr. NORRIS. I understand. I supposed the Senator had particular reference to the submarine warfare. Well, that being true, if they are pirates, then why can we not use these guns to sink them?

Mr. FALL. You can, if Congress will declare that they are pirates; but you can not as long as they sail under their colors, and you can not even defend against them; so you must change your law.

Mr. NORRIS. Then, is the Senator warranted in saying that they are pirates, when there is a law of Congress that says they are not pirates?

Mr. FALL. I say that they are pirates. The Senator must understand that there is an entire difference. The term "pirate," as ordinarily used, is a term used in international law. Piracy can also be defined by municipal statute; and the two classes of piracy are entirely distinct and different. The rules governing one do not apply to the other. I say that in my conception of international law the warfare as carried on by the German submarines constitutes international piracy; not piracy under the municipal definition.

Mr. NORRIS. Then, as I understand, the merchant vessels that arm themselves according to the rules laid down by the President have the right to defend themselves against one kind of pirates, but not against another kind of pirates.

Mr. FALL. Because your municipal law has distinctly declared on the subject, and your merchant vessels are governed by that. The theory, the Senator must understand, is to give protection in foreign countries. The President might arm these ships to-day; they might sail from our harbors; and they might sink a German submarine illegally attacking them, or attacking them, as the Germans claim, legally. Coming back

here to our ports, or if they were brought into our ports for trial by arrest on the high seas, or when they returned, if they were brought in here, then the fact that they had the authority of the President of the United States so to act might be urged in mitigation of the offense, and we would not try them, undoubtedly, under the military law. But an entirely different status would immediately apply if they were captured by Germany and taken into a German port or the port of one of the central allies. There they would stand as pirates. Here they might stand as patriots.

Mr. NORRIS. Well, if the Senator will permit me just a little further, when I said that everybody knew that there were no pirates, the Senator said there were pirates.

Mr. FALL. I think so.

Mr. NORRIS. I had reference now to such pirates as these vessels would be, under the law, permitted to attack; and there are no such.

Mr. FALL. Oh, undoubtedly under our laws as they stand, each of our men attacking them would himself be subject to trial by military court-martial exactly as though he were a pirate, if he were captured and tried in a foreign country.

THE REVENUE.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which is House bill 20573.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

Mr. SIMMONS. When the bill was laid aside yesterday the Senator from Ohio [Mr. HARDING] had the floor. I should like to ask the Senator if he will not yield to me to suggest at this time that we pass over the amendments on pages 14 and 15 down to the margarine amendment and take that up as the next Senate committee amendment for consideration.

The PRESIDING OFFICER. Does the Senator from Ohio yield for that purpose?

Mr. SIMMONS. I make the suggestion because a large number of Senators are interested especially in this amendment, and it would accommodate them if we could have our next vote upon it.

Mr. HARDING. That course is entirely agreeable to me.

The PRESIDING OFFICER. Is there objection?

Mr. CUMMINS. Mr. President, a parliamentary inquiry. What was the request of the Senator from North Carolina?

Mr. SIMMONS. I made it more in the nature of a suggestion than a request. I suggested that we pass over the amendments on pages 14 and 15 down to the margarine amendment, and that the margarine amendment be taken up as the next committee amendment, merely for the purpose of accommodating a situation.

Mr. CUMMINS. I myself have no objection. The Senator from Ohio [Mr. HARDING], I understand, has the floor.

The PRESIDING OFFICER. Without objection, it will be passed over, then. Is there objection? There being no objection, that order will be made. The Senator from Ohio has the floor.

Mr. HARDING. If the Senator in charge of the bill wishes to take up the oleomargarine amendment, I have no objection.

Mr. SIMMONS. I understood that unanimous consent was given.

Mr. SMOOT. It was. There are a number of Senators who were not present when the unanimous consent was given, and they do not know that the oleomargarine amendment is before the Senate. For that reason I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fernald	McCumber	Smoot
Bankhead	Harding	McLean	Stone
Beckham	Hardwick	Martine, N. J.	Sutherland
Borah	Hitchcock	Myers	Thomas
Brady	Hollis	Nelson	Thompson
Brandegee	Husting	Norris	Tillman
Broussard	James	Page	Townsend
Bryan	Johnson, S. Dak.	Penrose	Underwood
Catron	Jones	Pittman	Wadsworth
Chamberlain	Kenyon	Poindexter	Walsh
Culberson	La Follette	Ransdell	Warren
Cummins	Lane	Shafroth	Watson
Curtis	Lea, Tenn.	Sheppard	Weeks
Dillingham	Lee, Md.	Sherman	Williams
du Pont	Lewis	Shields	Works
Fall	Lippitt	Simmons	

The PRESIDING OFFICER. Sixty-three Senators have answered to the roll call. A quorum of the Senate is present.

LEGISLATIVE, ETC., APPROPRIATIONS—CONFERENCE REPORT.

Mr. OVERMAN. Mr. President, will the Senator yield to me to make a conference report?

Mr. HARDING. Why, certainly. I delight to yield to the Senator from North Carolina.

Mr. OVERMAN. I submit the report of the committee of conference on the disagreeing votes of the two Houses on the legislative, executive, and judicial appropriation bill.

The PRESIDING OFFICER. The Senator from North Carolina submits a conference report, which will be read.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 5, 23, 24, 25, 32, 33, 34, 37, 38, 39, 42, 43, 44, 51, 53, 55, 59, 61, 69, 70, and 71.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 6, 7, 8, 9, 10, 11, 14, 15, 16, 18, 19, 20, 21, 26, 27, 28, 29, 30, 31, 35, 36, 40, 41, 45, 46, 47, 48, 49, 50, 52, 54, 56, 57, 60, 63, 64, 65, 66, 67, and 68, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Senate resolutions numbered 561, Sixty-third Congress, third session, and 101, Sixty-fourth Congress, first session, are hereby repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Bureau of Efficiency shall investigate the methods of examining and auditing claims against the United States and accounts of disbursing officers, and of accounting for receipts and disbursements, and shall submit a report to the Secretary of the Treasury and to Congress, with recommendations, at its next regular session.

"The Bureau of Efficiency shall investigate the work performed by the Subtreasuries and report to the Secretary of the Treasury and to Congress at the beginning of the next regular session what part of the work of the Subtreasuries may be transferred to other offices of the Government, banks of the Federal Reserve System or farm-loan banks, and for the purpose of this investigation the representatives of the Bureau of Efficiency shall have access to all necessary books and other records of the Government.

"The Bureau of Efficiency shall investigate the methods of transacting the public business in the Civil Service Commission and report to Congress through the President at the next regular session of Congress. The officers and employees of the Civil Service Commission are hereby directed to furnish said bureau with such information as it may require to carry out this provision.

"The Bureau of Efficiency shall ascertain the rates of pay of employees of various State and municipal governments and commercial institutions in different parts of the United States, and shall submit to Congress at its next regular session a report showing how such rates compare with the rates of pay of employees of the Federal Government performing similar services.

"Officers and employees of the executive departments and other establishments shall furnish authorized representatives of the Bureau of Efficiency with all information that the bureau may require for the performance of the duties imposed on it by law, and shall give such representatives access to all records and papers that may be needed for that purpose."

And the Senate agree to the same.

That the House recede from its disagreemnt to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment, after the word "departments," insert the following: "and independent establishments of the Government"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For employees now paid from appropriation for emergencies arising in the Diplomatic and Consular Service, $4,140"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Federal Farm Loan Bureau: For 4 members of the board, at $10,000 each; secretary to the board, $4,500; chief, bond division, $3,000; 4 private secretaries, at $2,000 each; clerks—1 of class 4, 1 $900, 3 at $720 each, 1 $600; clerk and stenographer, $1,200; stenographers—7 at $1,000 each, 4 at $900 each, 3 at $720 each; messenger; and 3 assistant messengers; in all, $77,920;

"For salaries and expenses under the Federal Farm Loan Board created by the act approved July 17, 1916, including the actual necessary traveling expenses of the members of the board and such salaries, fees, and expenses as are authorized by said act, including farm-loan registrars, examiners, and such attorneys, experts, assistants, clerks, laborers, and other employees in the District of Columbia and elsewhere as the Federal Farm Loan Board may find necessary, $182,080; in all, $260,000. A detailed statement of expenditures hereunder shall be made to Congress.

"Estimates in detail for all expenditures under the Federal Farm Loan Bureau for the fiscal year 1919, and annually thereafter, shall be submitted to Congress in the annual Book of Estimates."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment of the House to the amendment of the Senate numbered 58, and in lieu of the matter inserted by said Senate amendment, insert the following: ": *Provided*, That on and after July 1, 1919, no Government official or employee shall receive any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality, and no person, association, or corporation shall make any contribution to, or in any way supplement the salary of, any Government official or employee for the services performed by him for the Government of the United States. Any person violating any of the terms of this proviso shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $1,000 or imprisoned for not less than six months, or by both such fine and imprisonment as the court may determine"; and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 8. The Bureau of Efficiency shall investigate duplication of service in the various executive departments and establishments of the Government, including bureaus and divisions, and make a report to the President thereon, and the President is hereby authorized, after such report shall have been made to him, wherever he finds such duplications to exist to abolish the same. Report of the action taken hereunder shall be made to Congress at its next regular session."

And the Senate agree to the same.

LEE S. OVERMAN,
REED SMOOT,
Managers on the part of the Senate.
JOSEPH W. BYRNS,
THOMAS U. SISSON,
JAMES W. GOOD.
Managers on the part of the House.

Mr. OVERMAN. Mr. President, I will state that all but one of the conferees on the part of the Senate felt that by the vote of last night they were instructed to recede from the position which has been taken so far, and to agree to the House amendment, which provided for an increase of 10 per cent to Government employees receiving up to $1,200, and 5 per cent to those receiving above $1,200 and up to $1,800; and we have added to the bill $1,300,000, the amount which it is estimated will be required for the payment of those increases to the employees covered by this bill. The Senator from Florida [Mr. BRYAN], one of the conferees, refused to sign the report; but the Senator from Utah [Mr. SMOOT] and myself, feeling that we were instructed by the Senate, signed the report. This is a full and complete report, signed by all the conferees with the exception of the Senator from Florida.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. SMOOT obtained the floor.

Mr. SMITH of Georgia. Mr. President, I do not think this matter can come up for consideration at this time except by unanimous consent. I object to its immediate consideration.

Mr. SMOOT. The Senator will not object to my saying just a word. I was recognized. Mr. President, I want to express my regret——

Mr. HARDING. May I ask——

Mr. SMOOT. I only wish to speak for a moment.

Mr. HARDING. I will yield to the Senator temporarily.

Mr. SMOOT. I simply want to express my regret that in this report we could not include the increase of 15 per cent in the salaries of Government employees receiving $480 or less. The House amendment provides that up to $1,200 per annum the increase shall be 10 per cent. If there had been any way, Mr. President, in which I could have insisted on that part of my amendment which gave an increase of 15 per cent on all salaries of $480 per year and under, I should have insisted upon it and refused to sign the report; but as there was only one of two things to do—either refuse to sign the report and let the bill die, or accept the House provision as passed—I concluded that the proper thing for me to do after the action taken by the Senate last night, was to sign the report.

I therefore hope that the report will be agreed to.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Florida?

Mr. HARDING. If it is for an inquiry or for a very momentary matter; yes.

Mr. BRYAN. No, Mr. President; the Senator yielded to the other conferees on the part of the Senate on this bill, and I only wish to make a statement on the same subject. Of course, if the Senator does not want to have me do it I will not ask him to yield.

Mr. HARDING. Mr. President, there is no one in the Senate Chamber to whom I would rather show courtesy than the Senator from Florida, but I should like to finish my remarks.

Mr. BRYAN. The Senator yielded to the other conferees. It is a funny way to show a courtesy.

The PRESIDING OFFICER. Does the Senator yield?

Mr. HARDING. If I will not lose the floor.

The PRESIDING OFFICER. The Senator will not be taken from the floor.

Mr. HARDING. I yield to the Senator from Florida.

Mr. BRYAN. Mr. President, I dislike to trespass upon the time of the Senator from Ohio. I merely desire to say that I have not signed the conference report. I shall not, however, undertake to oppose its adoption. I believe the committee acted justly in the beginning, and I am sure that those who need help would have received it better under the Senate amendment than under the House amendment, and at half the expense.

Last night, when the Indian appropriation bill was under consideration, there was not an opportunity given to enter into the reasons that actuated the committees that had been insisting upon the Smoot amendment on all these appropriation bills. The Senator from Wisconsin [Mr. LA FOLLETTE] argued the question at length upon the assumption that employees hired by private concerns were being paid higher wages than Government employees. I undertake to say, Mr. President, that the Government employees, without any increase at all, are receiving 25 to 50 per cent higher wages than employees of private concerns. The very illustration used by the Senator from Wisconsin will demonstrate that.

He said that night before last he was on a street car and the conductor told him that after being in the service for five years he received 27 cents an hour, and that he worked 10 hours a day. Now, if he worked every day in the year after having been in the service for five years he would have been receiving $985.50 per annum. Take a man that enters the Government service and compare that, will you? He enters at $800 in the Post Office Department, and under the law he is automatically promoted, if he remains in the service, until he receives $1,200; so a man entering the Government service would have been receiving $1,200 as against the $985.50. But bear in mind that this street car conductor friend of the Senator from Wisconsin had to work 365 days in the year to get his money, and that the

Government employee has 30 days' leave of absence, 30 days' sick leave, and holidays in addition, besides Sundays. But omitting the holidays, he is paid for 132 days on which he does not work, and still he is getting 25 per cent higher pay than the street car conductor at the end of five years, though he works only 233 days as against the 365 of the other man.

Mr. President, the Senator said that we were building up an official aristocracy. That is what we are doing; and by the passage of this House amendment you have not only increased the appropriation $26,000,000, but you have increased it upon one bill alone $13,000,000—that is, the Post Office bill, which gets half of all the increase—and it goes to a class of people who are the most highly paid class of employees in this country. There is the aristocracy, gentlemen of the Senate. Under the law they can not be discharged, they get this automatic promotion, and they get these holidays off. The men in private employment, on the other hand, run the risk of being discharged, they do not have 60 days off besides Sundays, and they get from 30 to 50 per cent less wages.

Mr. President, there are two classes of people in this country—the taxpayers and the tax eaters. It is easy enough to get up here, where the galleries are filled with the beneficiaries of this legislation, and speak of them as being underpaid, when the average pay in the Government service is twice as much as the farmers throughout this country make, working day by day and week by week and month by month, without any holidays at all.

I have no hesitation in saying that I think an injustice is being perpetrated upon this country, an injustice that, if it is carried out, will make favorites of Government employees over those in private employment, that will make all of them quit their private employment and seek Government employment instead. Therefore I refused to sign any such report as that.

I thank the Senator from Ohio.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. SMITH of Georgia. No; I object to its immediate consideration.

The PRESIDING OFFICER. The objection carries it over.

Mr. NORRIS. Mr. President, may I make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. NORRIS. I understand that under the unanimous-consent agreement the conference report goes over, but I should like to inquire of the Chair whether that objection puts it over until after the disposition of the pending bill? The point I want to make, Mr. President, is this: Could somebody else in the absence, for instance, of the Senator from Georgia call it up again, and if he was not here, and somebody else did not object, would it be taken up notwithstanding this objection before the expiration of the unanimous-consent agreement?

Mr. SMITH of Georgia. Unless some of us are here to object, undoubtedly it may be called up, but I think somebody will be here.

Mr. OVERMAN. I am going to call it up, but I do not think I will have a right to call it up until after the disposition of the revenue bill, under the objection made to-day.

The PRESIDING OFFICER. Except during the morning hour.

Mr. OVERMAN. Except during the morning hour. If there is a morning hour I can take it up, but I will not take advantage of the Senator, of course, if he is not here.

Mr. NORRIS. That is the understanding I wanted to have.

Mr. OVERMAN. I give notice that if there is a morning hour to-morrow morning I will ask to take it up then. If not, of course, the objection will carry it over to the next morning.

Mr. SMITH of Georgia. It will be up to the Senate, then, to decide whether they will permit it to be taken up or not.

THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

Mr. HARDING. Mr. President, I think it will be no flagrant violation of the rules of the Senate if in concluding the remarks which I began yesterday I address myself to the bill in general, rather than specifically to the pending amendment relating to the oleomargarine tax.

Ordinarily I should be content to allow such remarks as I made yesterday to answer for my protest against the pending legislation, were it not for the fact that it would be very easy to misconstrue the purport and the intent of the protest which I was seeking to utter.

It has not been my thought at any time, Mr. President, to cry out against placing its just burdens of taxation on the wealth of the land. I do not know that wealth, corporate or individual, has been more clamorous in the cause of preparedness than any other element in our American life. I do not think it has more at stake. I do know from personal observation that those who represent both corporate and individual wealth are ever ready to bear their just burdens of taxation; and it goes without the saying that corporate wealth is the most available we have to reach in the normal processes of taxation, particularly by the State or local subdivision. Its tangible property is as readily reached as any other, and in the modern processes of reporting corporate possessions its intangible holdings are made more evident than that of any individual holder. So, then, in the normal processes of collecting taxes wealth encounters its just burdens under the ordinary procedure.

In recent years there has grown up a process of adding extra tax burdens, some of which I have no desire to complain against. I think most of them have been accepted without complaint, and if it were necessary to provide for the national defense, or if it were necessary in a time of emergency to meet the vast extraordinary expenditures incident to war, I believe there would be no serious complaint at the most extraordinary proposal made in the pending bill.

But I am objecting to it, Mr. President, as I stated yesterday, first, because it is unnecessary; second, because it is class taxation, and very unfair and dangerous as well; and, third, because it is utterly impracticable to make a just imposition and collection of the taxes.

For the moment, that section which has been passed over in the consideration of the Committee of the Whole I want to revert to. I refer to the conflict made manifest in our legislation regarding what constitutes the real capital of a corporation. Last September, when we passed a revenue act levying a tax of 50 cents per thousand dollars of the capital stock of corporations throughout the land, we provided not only in the law, but in the administration of it since, that a fair value of capital stock should be the value of the stock itself and the surplus and undivided profits. The Internal-Revenue Department in securing the necessary statements for the levy of this tax has passed a rule that certain intangibles shall be included in the assets of the corporations in order to fix the value on which it must pay this tax.

I alluded yesterday to the fact that the statement required of a corporation calls for monthly quotations of the market value of the stock. I think it is manifest to such Senators as are interested in the subject that one can not dependably fix the value of a stock by the market quotations. There are sometimes outside influences that give a momentary value to capital stock that is quite out of proportion to its real value. I need not enumerate the various influences which may bring about such a situation, and it would be very difficult for any Government agency to undertake to assess or fix a valuation on the various stocks of the corporate organizations of this land by means of market quotations, and any process of valuation would be even more difficult.

Noting that perfectly impossible undertaking, I have wished to suggest to the sponsors for this bill that they provide an amendment and say if we are to have this 8 per cent tax on the profits in excess of 8 per cent on the capital stock, the amount of capital of the institution shall be accepted in accordance with the representation of its value made under the revenue act of last September. Surely the Government does not expect one line of reporting, putting a high valuation on the assets of a corporation for the purpose of collecting a tax on the stock issued, and then reverse its policy and put a low valuation on the capital stock in order to minimize the exemption from the excess profits tax.

I am repeating this point which I hope in some way unknown to me will reach the ears of the sponsors for this bill. It would be a fair and perfectly logical thing to do and would eliminate from the proposed law the uncertainties and the unending conflict of fixing a value upon which there shall be exemptions from the proposed tax.

Mr. President, I do not mean to revert again to a thing that is so much in my mind, namely, the avoidance of a measure like this if the party to which I belong were able to write the revenue laws. I am very well aware that neither Congress nor the public is deeply interested just now in a tariff discussion. About the only thing that awakens our lively interest is something relating to the great world conflict which is now raging and the possible involvement of our own Nation. It is a rather prosy thing to discuss so selfish and materialistic a proposition as the industrial and business interests of our country. But nevertheless, Mr. President, unless the world has gone hopelessly

mad there must soon come an end to this conflict, and whatever may be the result in the adjustment of peace, there must come the after-conflict which grows out of the ambitions and rivalries of commercial and industrial nations.

Marked as must be the anxiety of the allied powers on whose commerce the submarine warfare is now being waged without mercy or consideration, anxious as must be the European nations which are involved in this unspeakable conflict, it is a fact nevertheless, Mr. President, that throughout the anxieties and trials there is being given serious thought to what must be the industrial and commercial aftermath.

I was very much interested to read, not very long since, a statement by Lloyd George that no matter how enormous must be the figures which represent the cost of the conflict to Great Britain, the people of England were in large part compensated by the industrial awakening which has come through the war, that they had scrapped their antiquated methods, they had instilled a new spirit and developed new strength in their industrial enterprises, and that they were better prepared on that account to enter the conflicts of the peace of the world which are to come, much better fitted to reestablish themselves than they were to hold their own before the war came.

Only within a day or two I was very much interested to read that aside from the spiritual awakening of France and a rebirth of patriotism in that country there was compensation in the war in that it had brought new application, new concern, and new development in the industrial resources of France, so that France, too, is looking forward hopefully to its part in the conflicts or the contests of peace which are to come after the war.

I need not speak of the policy of the industrial preparedness of the Imperial Government, or the land rather, of Germany. The wonderful development of Germany has made it the most formidable commercial rival of the United States that we had, and I think it is not unfair to say that the formidable character of the German development had its part in bringing about the war which is now waging.

These contemplations, Mr. President, lead me to the point I am seeking to make, namely, that instead of penalizing organized efforts in the United States under corporate form, instead of levying an unjust burden on success in this country, it would be well for these United States even now, when the mind of the world is focused on war, to give a thought to the promotion of our own preparedness for the contests which are soon to follow.

It is not possible, of course, in a short session of Congress, and would not be possible in the long session with the present majority in control, to rewrite the tariff laws of this country. I shall not be greatly surprised, however, if in the providence of political majorities the dominant party continues in control, that its representatives may be forced to rewrite the tariff laws of the country. But I recognize the impossibility at this session of securing a revision. I regret that the party to which I belong can offer nothing constructive at this time as a substitute for the pending measure.

But I have said the essential thing, Mr. President, that under the Republican policy of protection along lines of duties which existed under the last Republican protective measure we would be collecting on the present imports of the United States of America essentially a quarter of a billion dollars more than we collect under existing laws. In my judgment it would be a wise policy to put that burden of a quarter of a billion on the foreign producer who seeks the American market and take off or, rather, hold from the American producer the quarter of a billion that is proposed to be put on him as a class tax under the enactment of this law.

Mr. President, I was very much interested when I first came to the Senate, some 15 months ago, to hear the discussion which took place at that time relating to the extension of the so-called war emergency tax. I was very greatly impressed by a remark made by the junior Senator from Alabama [Mr. UNDERWOOD], whom I esteem so highly that I do not quote him in any contentious mood. Indeed, if I thought he would not hear it, I should preface my statement by the suggestion which is in my own mind, that the junior Senator from Alabama is so truly representative of the type of Democracy which was once dominant in this country, and believed in raising revenues by the exaction of import duties for that purpose, that I would consider him one of the most likely men in his party to carry the national standard of his party in the not very distant future. So when I make my allusion to the statement of the junior Senator from Alabama I do it in very great deference.

I heard the Senator say, Mr. President, last December, in defense of the tariff measure which bears his name, that we—meaning the Democratic Party or the majority in Congress—had enacted a bit of legislation which has taken the burdens of taxation from the backs of the people who are less able to bear them, and have put those burdens on those who are best fitted to bear them. I assume that the latter statement makes reference to the income tax, with which, I may emphasize, I am finding no fault, Mr. President; but I do not accept the statement of the Senator from Alabama that he took the burdens from those less able to bear them, because experience, which is proof beyond all dispute, shows that the burdens were not removed, and whether war be altogether to blame or not, there has been a constant increase in the cost of the necessities of life, not only during the pending war but for many months prior to its outbreak.

I do not believe, Mr. President, that it is within the genius of any statesman who ever lived to reduce the cost of living by any reduction of the tariff. You can never reduce the cost of living except as you reduce capacity to live. So, then, if I may bring myself back to the theme which I have in mind, I wish it were possible to turn from the policy of putting a perfectly needless and unjustifiable burden on the corporate and partnership industries of this country, and collect it, as we have from almost time immemorial under Republican policies, from those who enter into competition for our American prosperity.

However, Mr. President, that alone is not my point. There is pending in this body a measure known as the Webb bill, recommended by the Chief Executive, designed to encourage the cooperation of American productive interests in going out to make conquests of the markets of the world. I will be very glad to vote for that measure myself. I can see the necessity for it. We have reached an age of big things in the world. We have gotten away from the time when the individual is the chief factor in our productive and commercial life. If you want to find the individual with a small undertaking, who is accomplishing even a little in the world, you must go to the very outskirts of civilization.

I remember last year, or the year before, I was traveling in northern Canada on a fishing trip, and away up on the outskirts of civilization I found an old-fashioned shoemaker, who was taking orders and individual measurements and making boots and shoes after the method that prevailed in this country 40 years ago. That would not be possible in the State of Maryland or Pennsylvania or New Jersey. He had gotten away beyond the contacts of active civilization, and there the individual was still thriving with his little industry; but in our greater American activities we have come to the age of great things, and these great accomplishments have been wrought by the association of capital and men.

I think, Mr. President, that that process, if we mean to hold America in its eminence, ought to be encouraged, and not penalized, as the pending bill proposes, and I can not understand why Congress will propose such a thing. If there were any avoidance of payment of the burdens which properly belong to these organizations, if they were a hurt or a hindrance to our American progress, instead of being a contributing agency, then such a course might well be justified; but these institutions are the things which make us what we are.

There is not a community in the United States, Mr. President, to-day that would not hold a jollification meeting if some one were able to announce the coming of a new corporate organization that would establish an industry in that community. I have heard the lamentation in the city of Washington, this great Capital, in the press and in certain circles, that one of the drawbacks to the Capital City, and one of the difficulties in finding sufficient tax values to make the District treasury show as it ought, lies in the fact that it has not any industrial institutions. I have never grieved at that myself. I have thought perhaps the Capital City would answer the aspirations of the American people better if it were distinctly a capital city rather than a typcial American industrial city.

The point I am trying to get at in this rather rambling way is that the Congress of the United States, instead of adding this excessive class burden, ought to reverse the policy absolutely, and seek to find means for the encouragement and the upholding of the arms of American industry at a time when we are soon to face the new competition of the world.

That is not alone, Mr. President, because we have held a distinctly peculiar position; it is more particularly because, through the fortunes of the world involvement and our being thus far able to hold ourselves aloof, we have accumulated the great bulk of the gold of the world; and the nation that is able to buy offers the inviting market. The contending nations of Europe, no matter what the terms of peace may be, must rehabilitate themselves, and they are going to seek this market, and the ingenuity and the methods long since proven and the desperation of the situation are going to give Europe a hold

on American markets. I had rather vote for a revenue system, Mr. President, that will hold American markets for Americans first, rather than add unfair burdens to those who are seeking to hold these markets with their own activities. Let us aim to hold them our very own rather than open them up to the assaults of the competition of the earth.

I do not know that I can say it appropriately, but there is one thing I have deplored in the discussion of all these questions. I alluded to it briefly yesterday. I find fault with the tendency, not in one party alone, to make believe that laws are designed to do something for the great American mass by penalizing those who are achieving success. I think, Mr. President, it tends to rend the harmony of American citizenship and the concord of endeavor.

It is only a day or two since we were reading the farewell address of the Father of our Country. I wonder how many of you caught the significance of a phrase in that farewell address. I think it applies to the thing of which I am speaking. Washington said, in substance:

> Our people must ever be on guard against the misrepresentations which come of envy and jealousy, for these tend to render alien to one another those who ought to be bound in the ties of fraternity.

I wonder if he did not mean those who preached the gospel of envy and hate; those who appealed to class prejudice; those who make their appeals to the less successful, who are inevitably and ever will be in the majority. There is no help for that. I do not know whether you want to question the wisdom of God Almighty; I will not; but He did not create men with equal ability, and He did not endow men alike with enterprise and industry and thrift. There ever will be these differences, and I had rather do something to compose them, so far as I can, than to make an utterance or to vote for a class of legislation which tends to magnify those differences.

I have been observing with some considerable interest the influence of our industrial system on American life. I believe, Mr. President, the finest illustration I can give is to take a bunch of the boys who were my schoolmates in the grammar and high schools of a village, a village of 600 inhabitants, where the democracy of the community is universal, so to speak; a village without any corporate body or any manifest wealth; a village where the son of the carpenter and the blacksmith and the minister and the doctor all blended in that democracy that you can not find anywhere except in the village. I have traced some of these boys in my recent reflections because I knew that they all started out in the world essentially alike, so far as material advantages were concerned; and it is a very interesting thing to see what became of them, and how much this so-called Government privilege and Government favoritism had to do with their lives. I shall not mention them by actual names, but I remember one—"Jeff," I will call him. Jeff was the bruiser in our class, always ready for a fight; a tight-fisted fellow. You would not have expected him to make any particular mark in the world, as I estimate him in the reflections of 40 years, but that fellow, with his tight fistedness, took a very natural bent. He became the village banker, and he is the successful banker in that village to-day. If he had chosen to cast his lot in a wider sphere, I am not sure but that he might have been such a man as would have control of a great banking institution in New York. He is an important, thrifty, influential man in that village to-day.

And I remember another, whom I will call "Bill." If anyone in that crowd had more material advantages than another, it was he. He was inordinately bright, and, I take it, that in his grades he always stood at the head of his class. I remember the teacher not infrequently pointing out Bill as an example for the others, a shining light who would some day illumine the world. Well, I am sorry to say, Bill's habits were not good; he yielded to a weakness. There was no "bone-dry" legislation at that time, and Bill made a failure of life. And Charlie—Charlie was the local saloon keeper's son, and, as we estimate things, his opportunities and prospects were the poorest of any in that class; but he had something in him that is the making of men, and his father, realizing that, assisted him to an education, and that boy, with no capital with which to start and of all of them having the least advantages, has become not only a great man in his profession to-day but he has become a successful farmer in addition, and if I were rating men he has made a notable success of life.

There was another one, Frank. Frank was the carpenter's son. There was nothing distinguishing about Frank's prospects. He made no marks of extraordinary character in his development in school, but there was something in him that suggested achievement, and he began making good, and Frank to-day is drawing $25,000 a year as the head of a great commercial institution and earning every cent of it; and in passing, I may say, is required to pay no excess profits tax on his large earnings.

There was one more—and I speak of him to emphasize my argument. What shall I call him, because I do not want to use his real name? "Josh," I will say; that is a village name. Josh was the bright luminary of that school. There was not one in a hundred pupils who did not believe he would be the shining mark. He was always proficient in his studies and seemingly a zealous, never-tiring worker; but Josh—well, Josh to-day is the janitor of his lodge. He plays one of the particular characters when they put on the "amplified third," and is momentarily the cynosure of all eyes; but he can not command $10 in cash to save his life, and yet, Mr. President, I will wager he is the happiest man in the lot.

What is my application? Only this: I have not run on to the length I might, but these boys from the village, starting with exactly the same opportunity and equipment and with the same advantages in education, which were merely the advantages of a lot of boys in our American common schools, met the conditions of American life. Some of them went out to notable achievement; some of them linger in the village to-day—none of them was pushed forward by any Government favoritism; none of them profited by the so-called special privileges of government, but all of them meeting American opportunity alike, some succeeding, some mediocre, some failing. And I make the statement, Mr. President, that American business success, commercial or industrial, is not founded in any way on favoritism or privilege.

Now, why object to the proposed tax? This 8 per cent tax on excess profits is a penalty on success, and I make bold to say, Mr. President, that 8 per cent profit on a man's investment is not sufficient if you expect to have any further American development. Mr. President, I am myself an advocate of a fairer division of the profits of production in these United States, and if I knew how to do it, I would be standing here now advocating some system which would result in a fairer division between capital and labor of the profits of their cooperation. That is an entirely different question, however, from a Government penalty on success, and I make bold to say that if 8 per cent is to be the limitation of profits for developing capital in this country, American development will soon come to a standstill. Eight per cent money never lighted a furnace fire in these United States; 8 per cent money never laid a rail or stretched a wire or opened a mine. Eight per cent return is big for conservative capital, which is in the greater abundance, but conservative capital is of the type that picks out a demonstrated possibility, and then invests in the thing that is already developed, sometimes adding to its increment through increased efficiency that may well be applied; but American development has been wrought by capital which makes its venture in the hope of a larger earning than 8 per cent.

Look at the banker. The average American banker is well satisfied with 6 per cent on his capital and a guaranty against loss. There is an abundance of money in the United States at 4 and 5 per cent, if the security is ample; but listen, Senators, American development has its chances to take; there is the adventure of business, and our remarkable development in the last 60 years, which is ten times that of any other nation on the face of the earth, is due to this spirit of gambling in the human being whereby a man is willing to take his capital and add to it his energies and his genius and his pluck and determination, in the hope that the combination of these things will result in a profitable achievement. That is what has made us what we are.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Ohio yield to the Senator from Montana?

Mr. HARDING. Certainly.

Mr. WALSH. I am particularly interested in the Senator's discussion of this subject.

Mr. HARDING. I am glad the Senator is; and that condition is so rare that I want to pay him tribute. [Laughter.]

Mr. WALSH. I have in my desk here the last annual report of the Butte Superior Copper Co., not engaged in the production of copper, as might seem from its name, but in the production of zinc in my State. That company has a capital stock of a little more than $2,000,000. Its profits during the year 1915 were something over $7,000,000; in other words, it made over 300 per cent on its capital during the year 1915. It is entitled to 8 per cent exemption, which leaves 292 per cent net, and then it pays 8 per cent on 292 per cent, leaving it about 285 per cent net on its investment. Does the Senator think that

285 per cent net is very much discouragement to people who engage in the zinc-production business?

Mr. HARDING. Oh, Mr. President, the inquiry of the Senator from Montana is hardly a fair one to ask me to apply to the remarks I am making. That is a very exceptional case, and a very exceptional line in these war times. Enormous fortunes have been made in copper, and yet, Mr. President, I will venture to say that in the Senator's State there are a good many more millions of dollars that have been put in the ground in the gamble for ore that nobody has ever heard anything about and never paid a dollar in return. I myself, if I could command a million dollars, would not invest it in any sort of mining enterprise with the hazard which is at stake, and if I did take a portion of any capital I could command and put it into a hole in the ground I should want a very large return made possible before I would undertake it. We must not overlook the hazard of loss.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield further to the Senator from Montana?

Mr. HARDING. Certainly.

Mr. WALSH. The Senator states the facts exactly; and this bill contemplates taking the burdens of taxation off the backs of the poor fellows who have put their money into the ground and have not got it out to impose it upon those who, through good fortune as well as good business judgment, have been able to make 300 per cent.

Mr. HARDING. Now, since the Senator from Montana has been good enough to make that statement, I should like to have him, while he is on his feet, elaborate it. I want to ask the Senator, if he will be so kind as to tell me, how does the pending measure take the burden from the backs of the fellows who have lost?

Mr. WALSH. Mr. President, I understood the Senator to advance the idea that these enormous revenues should be raised by duties upon imports, such as, for instance, flour and wheat. Let me say further, Mr. President—and I feel at liberty to speak about it because I am engaged in raising sheep out in Montana—that I have another report upon my desk of a sheep company that has been selling its wool at 40 cents a pound. The report shows that it made 20 per cent last year upon its investment. I understand the Senator would have a duty imposed upon wool.

Mr. HARDING. I would.

Mr. WALSH. So that, as I understood the Senator, he would have the taxes imposed upon the things that people eat and the things that they wear, so that the poor prospector would be obliged to pay a heavy levy upon practically everything that he bought, and thus he would be contributing to the General Treasury. Now, Mr. President, I would prefer to relieve him, and impose it upon the Butte Superior Mining Co., that has been fortunate enough and has exhibited good business capacity enough to make 300 per cent upon its investment, an aggregate of more than $7,000,000 in the year 1915. If the Senator will indulge me so far, I want to say further that probably this bill bears more heavily, if it may be spoken of in that way at all, upon the industries in the State of Montana than perhaps those of any State in the Union, outside of the State of Delaware, where are located the great powder plants; and yet I feel a pride in saying that not a company operating in the State of Montana has offered a word by way of criticism or of protest against paying the great taxes they will be obliged to pay, because of the enormous profits they have made, in order to meet the necessities of the Government in this crisis.

Mr. HARDING. Mr. President, the able Senator from Montana is a delight to me. Of course, it is his assumption that the burdens are to be placed upon the poor fellow, on the American consumer if you like, under the Republican policy of protection, but I will dismiss that with the statement that all experience disproves what he has said. You know, there is no more fallacious thing in the world than the assumption that a duty is added to the cost of an article, and is therefore a burden on the American consumer. I dislike to take up the time of the Senate, Mr. President, but since the Senator from Montana has raised the question, I must divert him for a moment.

Some years ago I made my first trip to France. I hope nobody will relate the experience I am about to give outside of the Chamber, because it is personal; but coming from a rural community, and knowing very little about the ways of the world except as I had read about them in a hazy way, I said to Mrs. Harding: "Now, there is a very high tariff on sparkling wine, and when we get to Paris the lid comes off. I am going to indulge myself once, because it will be very cheap over there." My recollection is that the tariff on champagne was at that time something like $18 a case. I may be inaccurate as to the figures, but if it were true, then I should at least get the bottle of wine in Paris at $1.50 less than in this country, with the proportionate profit taken off of the retail price. I had visions at least of going in and getting a bottle of French wine for $2, we will say, because I had heard it said, in a roundabout way, that the price in our own country was $4.

We had not been in Paris but a day when I went to the Café de la Paix, on the Rue de l'Opera, or some place like that; and there was the absence, as was customary in a good many French cafés, of bills of fare with prices attached. So I ordered my dinner and, among other things, a bottle of French champagne, dreaming all along that, since the tariff is a tax, it would not cost me in Paris to exceed $2; and, if the theory of the Senator from Montana is correct, it ought not to have cost more than that. When I received my check and found it so enormous that, like one from the country districts, I called for specifications, I found that my bottle of wine, which, according to rumors, could have been purchased in New York at that time for $4, cost me in Paris, with no American duty, $4.50 [laughter], and I learned through experience that the tariff is not a tax.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. HARDING. I do.

Mr. SMITH of Georgia. Does the Senator think that that was due to the fact that they recognized him as being from the country? [Laughter.]

Mr. HARDING. They may have seen the moss on my back. That is very possible. [Laughter.] But I trust the Senator from Georgia will remain. I will divert him again. I am not filibustering, Mr. President. The line of discussion is drawing me out.

Mr. SMITH of Georgia. Mr. President, I want to say to the Senator that I had a call at the door and I was going out for just a moment. I will return at once.

Mr. HARDING. I will excuse the Senator.

Mr. SMITH of Georgia. But if there is something real good in what he has to say, I will wait.

Mr. HARDING. Well, this is very worth while, and I hope the Senator will stay. If it is not, the money will be refunded at the door. [Laughter.]

Mr. MARTINE of New Jersey. Mr. President, will the Senator permit an interruption for just one second?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. HARDING. Certainly.

Mr. MARTINE of New Jersey. I should like to ask, in view of the information the Senator has given the Senate as to his habits and luxurious tastes in regard to drinking wine in cafés——

Mr. HARDING. Only once, Senator—only once.

Mr. MARTINE of New Jersey (continuing). I should like to know whether he voted for a bone-dry District of Columbia or not? I should like to know how the Senator reconciles his habits and tastes with a bone-dry vote. [Laughter.]

Mr. HARDING. Well, I will settle this discussion with the Senator from New Jersey the next time I make the experiment in Paris.

Mr. President, as the Senator from Georgia, in perfect good humor, has seemed to question the directness of my illustration, I have another. I had heard, in my rural way, of the gay character of the French capital; and having been brought up along pretty restricted lines, and having that inevitable human tendency to break the confines just a little bit, on one of the trips that I had the fortune to make to the great French capital I said to Mrs. Harding, "Now, I want a night off. I want to see the lights of this city, and if you will enter into a contract with me that I shall have a night off without any inquiries afterwards, I will buy you any Parisian bonnet you may elect to choose." The compact was made, and I had my night. It was not worth it. [Laughter.] I do not recommend it to any of you. The next morning I started off to keep my contract about the millinery. That is a fad of mine—keeping contracts—and so I went with Mrs. Harding to a millinery shop on the Rue Royale, where together we picked out a very becoming pattern hat. I am ashamed to say what we paid for it—what I paid for it. [Laughter.] The cost of living had not then mounted so high, and we are less startled by enormous figures now; but for purposes of illustration I will say to the Senator from Georgia that that hat cost 40 good American dollars.

Mr. CHILTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from West Virginia?

Mr. HARDING. Certainly.

Mr. CHILTON. Would it interrupt the Senator to tell the Senate whether he purchased the hat after or before he visited that wine shop? [Laughter.]

Mr. HARDING. Well, I do not want the Senator from West Virginia to allow his bone-dry curiosity to take him too far into my private affairs. [Laughter.] I want to be serious, Mr. President. I am going to make an illustration that is worth while. It would not be fair to carry out my illustration now on the retail price of the hat I purchased, because tariffs are not fixed on retail prices; but suppose the Parisian milliner charged me 100 per cent profit, which is not unlikely; then the wholesale price of the hat would have been $20. The tariff on millinery at that time was 60 per cent; and if the tariff is a tax added to the article as a charge against the consumer, then 60 per cent of $20 would be $12, and the hat in this country ought to be worth $32 at wholesale. Then if the American distributor charges 100 per cent, like the French retailer, the hat would be worth in this country $64—not worth it, but $64 would be charged for it. But I will not assume that the American distributor charged so much. I will say that he only charged 50 per cent, and that makes the price of the hat on the retail market $48.

Now, what were the facts? Bear in mind, if the Senator from Georgia will oblige me, that I had given up $40 for it in Paris, and the tariff is a tax, and the tariff is 60 per cent. Well, this hat was a very beautiful specimen. It was a large one, and I, as the head of the family, became its special bearer and custodian. I carried that particular piece of millinery from Paris to Calais, and from Calais to Dover, and from Dover to London, and from London to Liverpool, and was bothered with it from one side of the Atlantic to the other, and when we landed in New York City, and a more or less vain woman put on her Paris hat here to go out and show it to New York, and we started down Fifth Avenue, we had not gone a block until in a show window was the identical hat [laughter] that I purchased and carried from Paris. The tariff is a tax, and I gave up $40 in Paris for a hat and found it in a window in New York City advertised at $24. That was not because I had moss on my back.

Mr. SMITH of Georgia. And it was not because the Senator took a night off just the night before? I will say to the Senator that I also have been to Paris.

Mr. HARDING. I have no doubt of it. [Laughter.]

Mr. SMITH of Georgia. But I did not take "a night off" there, and I found no difficulty in buying goods there much cheaper than in New York, practically with the tariff off, as compared with prices in New York City. I repeat, however, that I never took "a night off" in Paris.

Mr. HARDING. Mr. President, I want to say to the Senator from Georgia that he is the first American citizen I ever heard make that statement. I will not challenge it.

Mr. LANE. Mr. President, I should like to ask the Senator what year he was over there? I was over there once, and heard there was another American there, and I have been anxious to locate who it was. About what year was that?

Mr. HARDING. Very well; if this is going to be a confession, Mr. President, I will take it up with the Senator from Oregon a little later.

Mr. LANE. I should like to call the Senator's attention to the fact that when I was over there I found that Singer sewing machines, one of which I had bought at my house a short time before for $100, were selling for $19.75 retail.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Utah?

Mr. HARDING. Certainly.

Mr. SMOOT. I want to notify the Senator who just made the statement that that same sewing machine for which he paid $100 did not cost to make in America more than $8.72.

Mr. LANE. I had that suspicion at the time, but that was the trust's price.

Mr. HARDING. I am very much delighted and pleased beyond measure to get into this line of discussion if it does not trespass too long upon the time of the Senate. I must get back for a moment to the Senator from Montana, who has added so delightfully to the argument I have in mind. He called attention to the enormous profits of the sheep raisers of his State. If he had called attention to these profits under a protective tariff on wool I should have been stumped to make an answer. But the Senator from Montana is as well aware as I that the enormous profits on the sheep herds of Montana have come under a period of free trade in wool, and there has not been an instance of a lowered price on American woolens since the tariff was removed, so that the sheep condition pointed out by the Senator from Montana is very much akin to that of the great copper producers of his State. They are working enormous fortunes out of conditions which are the reflex of the European war.

I think I will yield no further for this colloquy.

Mr. OVERMAN. I am very much obliged to the Senator from Ohio. I had no idea it would take up so much time.

Mr. HARDING. I do not wish that the digressions and interruptions of the speech shall drive me into the attitude of making a filibuster talk. I have had no such thought in mind. I have been aiming in a very desultory and rambling way to voice my objection to this excess profits tax. Whether he intends it or not, the Senator from Montana, who is momentarily absent, made a suggestion that will enable me to illustrate the particular thought I have in mind. The Senator from Montana made allusion to some copper concern, with its many millions of profit during the past year, and I think he asked me if I was in favor of taxing that corporation.

Mr. President, under the income tax every dollar of those enormous profits must pay their fair proportion of the burden of Federal taxation. I am perfectly frank to say that I for one do not favor a sandbag policy because they have had an extraordinary year. There are a good many lean years in business, Mr. President. The reason why I am voicing my protest to this measure is that it is affecting thousands of corporate and partnership enterprises throughout the country that are unaffected to any notable degree by the extraordinary conditions of to-day. Because they are conducted along lines of success does not justify this policy of sandbagging them to reach a few munition makers and a few who are enjoying extraordinary profits. Yet under this bill we are stepping in with the strong arm of the Government to club legitimate, permanent, normal American enterprises, and I do not think it ought to be the policy of this Government.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Michigan?

Mr. HARDING. Certainly.

Mr. TOWNSEND. I have listened with a good deal of interest to the very able argument of the Senator from Ohio. I was especially attracted by a statement which he made in reference to the growing tendency of the times, and a commendable one, of sharing profits between employers and employees. I want to ask his opinion as to what will be the effect upon that tendency of placing a tax upon surplus earnings.

Mr. HARDING. Mr. President, I am glad the Senator from Michigan asks me the question. My own judgment is that this policy of penalizing success is a blow that will hinder the present American tendency to bring capital and labor into closer relationship and a new state of very necessary mutuality in business. I can understand how it is going to work. It is not any crime for an American citizen to seek to avoid an unjust taxation. I can see how the imposition of this tax is going to revolutionize the salary rolls of American corporations and the salary rolls of American partnerships. How simple it would be. Here is the close corporation, we will say, which is subject to this 8 per cent tax, and it has a pay roll of three or four or five thousand dollars a year. It is the simplest thing in the world in that close corporation to add the equivalent of 15 or 20 per cent of the profits to the salaries, so that the so-called net earnings of the concern will be reduced to a minimum. That, Mr. President, is going to have the very opposite tendency to that which would fit into the more altruistic idea of the Senator from Michigan.

Mr. President, I want to say it now, because I think it is pertinent to this discussion, that there is an American problem second only to the maintenance of American rights and the preservation of our nationality, and that American problem is the solution of the great industrial question. We made an abortive attempt at it here last year, when Congress assumed the wage-fixing authority and the legislative fixing of hours of work for the great carriers in interstate commerce. I do not know what has become of it. I think it is the general impression that that effort has proven a fiasco, and we know there is a protest against the pending legislation which has in mind the compulsory arbitration of industrial disputes. I do not think that our industrial problem can be solved that way. I have yet to hear a practical remedy offered. I think there is none, except to establish mutuality of interest and harmony of endeavor; and you never can establish it in the world except through some voluntary process of a more equitable division of the earnings of great and small enterprises as well. I wish I knew how to contribute to bring that about; but I know, Mr. President, I am not contributing in that direction when by my vote in this body I give assent to a penalty on success.

Mr. President, I believe in success, and I despise the man who cries out against it. In my observations in life I have found that one man's success ought invariably to be made another man's inspiration to succeed; and I have had the experience to know that corporate and partnership success is not founded so much on capital as it is on talent, genius, industry, stick-to-itiveness, ability to do things.

Congress under the name of a war emergency, which does not exist, so far as taxation is concerned, is proposing to adopt this method of penalizing success. For myself and the Commonwealth which sent me here and the thousands of successful institutions which are contributing to the good fortune of that Commonwealth and adding their part to the good fortunes of the American Nation I protest, proclaiming that it is unfair, unjust, impracticable, and revolutionary in that it is class legislation, which has no part in the program of the American Republic.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Kansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fall	Lewis	Simmons
Beckham	Fletcher	Lippitt	Smith, Ga.
Borah	Gronna	McCumber	Smith, Md.
Brady	Harding	Martin, Va.	Smoot
Broussard	Hollis	Martine, N. J.	Thomas
Bryan	Hughes	Newlands	Townsend
Catron	Husting	Norris	Vardaman
Chamberlain	James	Oliver	Wadsworth
Chilton	Jones	Overman	Walsh
Clapp	Kenyon	Page	Warren
Clark	Kirby	Penrose	Watson
Culberson	La Follette	Phelan	Weeks
Cummins	Lane	Poindexter	Works
Curtis	Lea, Tenn.	Shafroth	
du Pont	Lee, Md.	Sheppard	

Mr. KIRBY. I desire to announce that my colleague [Mr. ROBINSON] is absent on official business.

Mr. WALSH. I wish to state that the junior Senator from Delaware [Mr. SAULSBURY] is detained on official business.

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. There is a quorum present.

Mr. CUMMINS. Mr. President, my chief purpose in asking the attention of the Senate is to address the Senate very briefly upon the oleomargarine amendment. I can hardly hope to add to the information that has already been laid before the Senate with regard to the amendment of which I understand the Senator from Alabama [Mr. UNDERWOOD] is the author, but which has been proposed by the Finance Committee. I can, however, record my own view with respect to it.

Before doing so, I feel that I ought to make one or two preliminary observations, or rather recur to one or two incidents in the consideration of this bill. My Democratic friends have endeavored to create the impression throughout the country that the Republican Members of the Senate have been attempting to delay unduly and unreasonably the disposition of the revenue bill. I think the responsibility for the long debates which have ensued ought to be put where it belongs.

The Finance Committee, and I assume I am speaking of the majority of the Finance Committee, is responsible, entirely responsible, for the prolonged debate upon the measure. I do not believe there is a single Republican who has any desire to prevent the levying of such taxes as are necessary to meet the expenditures and exigencies of the Government; but instead of bringing forward a proposal for the levy of taxes, according to an established and accepted principle, a principle upon which we have heretofore increased tremendously the revenue of the Government, the committee has brought forward an extraordinary, inequitable, unjust, and unworkable proposal.

I am not now speaking of the revenue that might be raised through a protective tariff. I do not expect my Democratic friends to propose to the country or to propose to the Senate a system of duties upon imports laid upon the protective plan. It would be too much to expect. They would be false to their traditions if they were to do it. In what I have said it must not be understood that I am criticizing the majority for failure to bring forward a protective system instead of the alleged revenue system which now prevails.

I am speaking of the proposal to levy an 8 per cent tax upon the net income of partnerships and corporations above a certain return upon the capital. Why do not the Democratic majority simply increase the rate of tax upon net incomes? I think we are all in favor of an income tax. There are some defects in the income-tax law of last year, which I will not pause to point out, but in the main it is founded upon a sound principle, at least from my standpoint, for I am one of those who believe that the revenues of this country, so far as they are not accumulated at the customhouses, ought to be laid upon the wealth, and not upon the consumption, of the country. But, instead of increasing the income tax, which would have had a general and fairly just operation, the entire system is abandoned and it is proposed to levy a tax of 8 per cent upon the net income after paying 8 per cent upon the capital invested in the business, with the $5,000 deduction.

Was it not obvious—did the members of the Finance Committee not know—that a proposal of that kind would lead to long examination, to great debate? They must have so known, because such a proposal was never before made in the Congress of the United States.

I am not criticizing it because it lays its hand upon the wealth of the country or upon large incomes. I am criticizing it because it lays that hand unequally. It taxes most heavily those who ought to be taxed most lightly and relieves those who ought to bear the greater burden. What justification is there for a law which proposes to lay this immense tax upon the net income of two corporations that, we will take for illustration, are earning the same amount of money, but one of them having a capital of $200,000, for instance, and the other having no capital at all, or a negligible capital—one corporation earning its income through the service, the genius, the activity of its members or its employees and the other earning its income simply on account of the investment of capital?

I will take two corporations of small capital, because they will better illustrate my point. I hope that before the debate is closed some Senator can be found who will attempt, at least, to justify this extraordinary and, I think, unprecedented suggestion for taxation.

I will assume a corporation with a capital of $200,000. Somebody has accumulated that capital and has invested it in that business. I will assume that it earns $40,000 in a year, all net income. From the $40,000 there will be deducted arbitrarily $5,000. Then there will be deducted what? Eight per cent upon the $200,000. That will leave $19,000 upon which this tax is to fall; that is, upon such a corporation there would be levied a tax of $1,520.

I will take another corporation—and all that I am saying about the corporation applies with even greater force to the partnership—another corporation, the value of whose capital or property is negligible, and it earns $40,000 in a year of net income. Under the law there will be deducted from it also the sum of $5,000, leaving for the operation of this tax $35,000, the tax upon which will be $2,800, against the $1,520 levied against the corporation that has an invested capital large in proportion to the earnings of the company. I know that this phase of the matter has been already commented upon; but I should like to hear, at some time before this debate is closed, some defense of inequality of that kind. On such corporations and on partnerships you are simply levying a tax of 10 per cent, including 2 per cent income tax upon their net income, while with regard to the capitalistic corporations, those which depend for their earning capacity largely upon the amount of capital invested, you are levying nothing until they pay that capital 8 per cent.

Do not let us hear any more the suggestion made by the Senator from Mississippi that we of the minority are endeavoring to relieve munition makers of these taxes. You are giving to the munition makers 8 per cent upon the entire value of their property before you exact a single additional penny of taxation; but you are drawing within the net of this strange system tens of thousands of worthy and deserving men who are utilizing their strength of mind and of body to earn an income. You are taxing them 10 per cent upon that income as against 2 per cent, if you please, upon the capitalistic corporation; that is, if not more than 8 per cent shall be earned.

Is it any wonder that when such a proposal is made, it should awaken the liveliest interest and the strongest protest? It was just as sure to do it as time was to pass; and yet I have heard the most ungenerous and the most unjust criticisms from the other side with regard to our disposition to debate a system of that kind, proposed for the first time in American life.

I pass to another. For 15 years or more it has been the policy of the United States, which had been established after long consideration, to prevent, if possible, the sale of colored oleomargarine as butter. I suppose there is no subject that could be suggested that would give rise to more difference of opinion, more heated and earnest opposition, than the suggestion that that policy should be abandoned; and yet upon a revenue bill it is brought forward as a part of the work of the committee, and the country is asked to pause while we are en-

deavoring to raise a great sum of money in order to meet the public necessities, to debate the problem of butter and oleomargarine. There was no man on the committee so dull, no man who could look forward to the outcome so blindly as not to know that when that proposal was made in the Congress of the United States days would be required for its consideration. I am not just at this moment discussing the merits of the proposition, but under the pretense of raising revenue—and it is a mere pretense, because the Senator from Alabama said that the estimate of the Treasury Department was that it would possibly raise $3,500,000 a year more than the present law—but under the guise of a revenue measure to meet a great emergency it has been proposed to abandon an industrial policy of the United States established through long discussion, and a policy which nearly every State in the Union has espoused, for there is barely a State—I do not know whether there is any State—that has a dairy interest of any magnitude that has not in some fashion or other attempted to forbid the coloring of oleomargarine so that it would resemble butter. Here is one of the reasons for the delay which has ensued.

I have mentioned these things because it is not fair, it is not just, that the Democratic majority should attempt to stamp upon the minority in the consideration of this bill a disposition to delay debate or to prolong its disposition. If it had not been for the unanimous consent, which I think really originated upon this side of the Chamber, and these two propositions had been debated as is the custom in the Senate, debated according to their importance and according to their far-reaching effect, we would not get a vote upon the revenue measure in three weeks. Instead of any disposition to delay a vote upon the revenue bill we have surrendered what I regard as a most valuable right, namely, the privilege of every Senator expressing in the fullest and completest way his opinions with regard to these two vital proposals.

But that is not all. Instead of limiting this bill to the raising of a revenue sufficient to meet the exigency of this hour or of the next year; instead of limiting it to authority to dispose of all the Panama Canal bonds and $100,000,000 more of bonds, and of the refunding of $63,000,000 of debt, already outstanding, we are asked to authorize the Secretary of the Treasury to issue $500,000,000 additional bonds. I call them "bonds" because the distinction between certificates and bonds is too shadowy for me to grasp. If this bill passes, we shall have given to the Secretary of the Treasury the power to keep outstanding for all time, until we retire them by legislation, $500,000,000 of certificates, and if he happens to pay some of them through current revenue, he can immediately issue new certificates in order that the amount may always equal $500,000,000. There is not a suggestion that any part of the $500,000,000 thus authorized is needed for present necessities; it has not been pointed out that any part of the $500,000,000 will be required to pay anything which we can now foresee; but, in order that the Secretary might have always at his disposition this vast fund, we give him the right and the power to issue $500,000,000 of debt, to be extinguished only when Congress shall again act.

I have become numb with this constant demand for discretionary money—$100,000,000 in this bill for one general purpose, a Mexican situation in part; $500,000,000 for no purpose at all; and the naval bill, which was under consideration this morning, proposes to give the President $115,000,000 more, to be used at his discretion in the execution of contracts for armament. The joint resolution which I understand is now before the Committee on Foreign Relations of the Senate proposes to give the President $100,000,000 more to be used according to his view of the public needs. When will it stop? How soon will Congress refuse to abdicate its functions and appropriate money only for specific purposes, the need of which Congress may apprehend and understand?

So far as I am concerned, I rebel against the constant encroachment of the Executive power—and I am not now speaking, of course, of any one President—upon legislative authority. We might apparently just as well attempt to put all the property of this country at the disposal of the President, leaving him to levy such taxes as may seem fit to him, for such purposes as he may think are for the public welfare. I am every day astonished at the rapidity of the advance we are making toward the complete surrender of legislative functions.

I have called attention to these things because I believe this bill is subject to this criticism. I believe that it is bad all the way through. There is not a man in the Senate who will more gladly vote for the taxes necessary to fill the Treasury with the funds that are required for the national defense than I; but I protest against new, untried, unworkable systems. I say "unworkable." I think it has been mentioned before, but I put the question now to my Democratic friends, How long do you think it will be before you can establish the basis necessary to levy the 8 per cent tax upon net incomes above 8 per cent dividends? I venture to say that you can not do it with any justice in 10 years.

Three years ago we gave to the Interstate Commerce Commission the authority, and the direction also, to enter upon the work of valuing the railroad property of the United States. We have appropriated millions upon millions of dollars in order to enable them to carry on that work. The commission has a vast force to carry it on, and very properly so—I have no criticism upon it whatever—but it is estimated, as I understand, that it can not be completed within the next three years. Does the majority take the view, as I do, that it will be necessary for the Commissioner of Internal Revenue or the Secretary of the Treasury to value every railroad in this country in order to ascertain whether the railroads must pay the 8 per cent additional tax? I do not know whether it is the purpose of the majority to have that done; but I assert that it must be done before the system can be laid even upon the railway property in the land. Let us see for a moment. Section 201 provides:

That in addition to the taxes now under existing laws there shall be levied, assessed, collected—

And so forth—

a tax of 8 per cent of the amount by which such net income exceeds the sum of (a) $5,000 plus (b) 8 per cent of the actual capital invested.

We come then to section 202, which defines the term "actual capital invested," and it is there declared that it means:

(1) Actual cash paid in.

I wish the chairman of the committee, a very distinguished Senator, and I think entirely devoted to the public good, had inquired of the Interstate Commerce Commission and ascertained how that body was progressing with the work of discovering the actual cash paid in to the various railway corporations of the land. That is one of the elements provided in the law of 1913 which the commission was charged to discover, and it has been very diligent in that attempt, but its success has not been gratifying to those who believe that "actual cash paid in" does constitute a very important element in valuing the property.

The bill proceeds:

(2) The actual cash value of assets other than cash at the time such assets were transferred to the corporation or partnership.

Mr. President, that involves the valuation of all the corporate property of the United States, including the railways. I can not say accurately how many corporations will come under this proposed law, but there are 100,000 corporations, at least, which will fall, or may fall, under its operation. I should like to know whether it is contemplated that the Secretary of the Treasury shall undertake the task of valuing and ascertaining the cash value of the thousands of corporations which will be called upon to pay the tax and the thousands of partnerships which will also come within the scope of the law. Tell me, if you please, how long it would take the Secretary of the Treasury to ascertain the cash value of the property of the United States Steel Corporation. If the Secretary were given all the help that an appropriation could furnish him, he could not ascertain the value of that property in three years. How long would it take the Secretary of the Treasury to ascertain the cash value of the property of the Standard Oil Co.? I might recite thousands of other corporations that are very large, but not so large as these.

Mr. President, a plan of that kind simply keeps the word of promise to the ear and breaks it to the hope. I assume the majority of the committee did not consider that phase of the problem; but it must be considered before any revenue can be derived from this source. I had hoped for something better, but the hope is almost gone now, and the Senator from Minnesota [Mr. CLAPP] suggests I ought not even to waste a hope on it; and probably he is correct, for it seems to me that everybody has gone crazy but myself. [Laughter]. I do not see why a proposal of this sort does not excite universal indignation. I can not understand it. When it was so easy to raise this money in an undisputed way, in a fair and equitable way, we resort to a system of this kind, that will either turn to ashes in the day of its victory or will be administered through an arbitrary will that has no power above it to correct or restrict it.

I felt, Mr. President, that I could not say less than I have said with regard to the measure as a whole. I regret more than I can express that I am unable to vote for a measure that is intended to make the Government strong to resist any attack that may be made upon it. I feel, like all other loyal Americans, that we ought to stand foursquare to the world to defend ourselves wherever we are unjustly assailed; but, with that keen and overwhelming desire, I can not bring myself to vote for a system such as I have described.

I come now, Mr. President, to say a few words about the so-called oleomargarine amendment. I have already alluded to the circumstances under which it was brought forward, and which, I think, ought to have prevented its appearance in this body at this time and in such a bill. As to its merit, the Senator from Alabama [Mr. UNDERWOOD], in discussing it, was careful to say that popular opinion was sweeping strongly in favor of the amendment. He reminded those of us who live in agricultural States that are in part given over to the production of butter—I think he said a very large majority, although he may have said 75 per cent or 90 per cent, of the people were in favor of the amendment. I thought he intended to convey delicately the thought that if we did not vote for the amendment we might be overwhelmed by those who are interested in some way in promoting the manufacture of oleomargarine.

I think there are more people in my State who are consumers of butter than there are who produce butter. I think there are probably more people engaged in cattle raising generally than are engaged in the dairy industry. That makes no difference with me. There must be a right or a wrong about this matter, and I have confidence enough in the people of my country to believe that they can appreciate right and wrong. I do not believe that the people of my State always vote in accordance with their financial or pecuniary interests. I have enough confidence in them to believe that they are willing to do what they believe to be right, even if it is opposed to their immediate profit. There must be in this amendment some right or wrong. Those who propose it may not so intend it; but, after all, they are proposing it because, if it is adopted, it will enable those who sell oleomargarine to sell it for a higher price than they can now secure.

How the man or the woman who is consuming oleomargarine can be benefited by a policy which will advance the price of oleomargarine I do not know. It is utterly impossible for it to compete with butter except in so far as, through a bill of this sort, it becomes possible to delude and deceive the people who consume it into the belief that it is butter. So long as it is distinguished from butter it will never affect the price of butter, and the only effect of this amendment, if it were adopted, would be to increase the price of oleomargarine for one of two reasons: Either because a man, knowing the substance that he was eating to be oleomargarine, would rather eat yellow oleomargarine than white, or because he did not know that it was oleomargarine. One of the two reasons must be applicable to every phase of this controversy.

Now, let us see what the right or wrong of it really is from my standpoint. It has been a long time since butter was discovered; I will not pretend to say how long. We have traced this matter from the days of Abraham to the present moment. I have no reason to believe that they did not have butter before Abraham's time. I am not especially well informed about those ancient days, but I have an idea that they had butter before that time. During all the course of these years, somehow or other, butter has become associated inseparably in the minds of the people with a yellow color. The Senator from New York [Mr. WADSWORTH] said the other day, and I think he said truly, that there are times of the year when, if the dairyman is not particularly careful about the feed that he furnishes his cows, the butter will be substantially white. I think that is true; but, notwithstanding all of that, the world over, butter is associated with the yellow color, because during much the greater part of the year butter is naturally some shade of yellow. I think butter has appropriated that color. I think it is just as sacred to butter as a trade-mark is to the man who establishes and becomes its owner according to the laws of the land.

Something like 40 years ago an ingenious Frenchman invented or discovered the process of making oleomargarine, and he secured a patent upon it. I am not going to weary the Senate with any learned description of the art of making oleomargarine. I have heard a great deal said about it, and I think there has been more misinformation put before the Senate about oleomargarine during the progress of the debate than I have ever heard poured out on any given subject. I am afraid to say much about it myself, lest I shall fall into the same category; but I do know something about it, for it happens that about 25 or 30 years ago I was engaged in litigation which concerned the original patent that was issued for the process of making oleomargarine, and as it had subsequently been developed in this country; but that is neither here nor there. I am going to assume that there is a great deal of good butter and some bad butter in the market, and I intend to assume that oleomargarine is a healthful product and will serve as a fair substitute for the article that we call butter. I am not convinced that oleomargarine is unhealthful. I think that a man of common strength and in fairly good health can eat oleomargarine with perfect impunity, and he will find it a sustaining and nutritious article of food.

No matter whether butter is good or bad or indifferent, there are some people who would rather have butter than oleomargarine; and when they come to buy their butter or eat their butter they look for a yellow substance, and when they see it they assume that it is butter. The Frenchman of whom I have spoken, and his successors in America, knowing that this color has been and is inseparably connected with the article known as butter, came to the conclusion that in order to market the product, in order to command the best price possible for it, they must color it so that it would be accepted everywhere as butter. In so doing, I think they committed a fraud. In so doing, I think their whole policy ought to fall under condemnation. I told the oleomargarine makers some 30 years ago, in the matter to which I have already briefly alluded, that they ought to abandon any such effort; that they ought to unite and establish a color for oleomargarine; that if they thought the people would not accept the natural color of the article then they ought to take an artificial color for it and gradually establish it in the public mind, and gradually attach it to the public taste. If they had done so, this great controversy which has raged from one end of the country to the other never would have taken place. I think I suggested that they might very well take pink as a suitable color for oleomargarine. Now, in those days ice cream was yellow, but in these days pink ice cream is just as fashionable and just as well received as yellow ice cream. Why could not the oleomargarine people have done the same thing? Every color except yellow was at their disposal, but they chose the yellow because they thought they could accomplish a fraud upon those who ate the substitute as well as upon those who dealt in it commercially.

Now, it makes no difference whether the coloring of oleomargarine is for the purpose of deceiving the people who eat it or whether it is for the purpose of recommending it to the taste of those who eat it; it is equally a fraudulent practice. If it is for the purpose of deceiving those who either buy or consume it, it is plainly a deception and a fraud. If it is to recommend it to the educated taste of the people of the country, then in so coloring it they are taking away from butter an advantage to which it is in morals, and I think in law, entitled.

For these reasons, Mr. President, I am opposed to the change in the law with regard to this article. I do not think there ought to be any tax levied upon oleomargarine. I do not think there ought to be any tax levied upon butter. There ought to be no imposition laid upon any article necessary for the sustenance of the people if the revenues can be found elsewhere. If I had my way, I would make it a criminal offense, with heavy penalties, for any manufacturer or any dealer in oleomargarine to give it any artificial color resembling butter. I would allow the manufacturer or producer of oleomargarine to color it, if he pleased, to his heart's content, provided he did not color it some shade of yellow that would give those to whom it was offered as food reason to believe that he or she was about to eat butter. Of course, when I say I would give him the right to use any color within the limits of the rainbow, I do not mean that he should be privileged to use any coloring matter that would make it destructive of health or life.

Mr. LANE. The Senator would not let the manufacturer make it purple, or blue, or anything like that?

Mr. CUMMINS. Well, Mr. President, I am not sufficiently familiar with the various colors to know what can be taken and used without injury, and so I can not answer that question. For the last few years I have been eating various confectionery decoctions at dinners that I have had the pleasure of attending, and I have found pink ice cream and brown ice cream and green ice cream, and I do not know whether I have had purple ice cream or not; but I do not remember any color that I have not seen put before me, unless it be purple, and I am not sure about that.

But to be entirely serious, Mr. President, the oleomargarine makers of this country ought to reform themselves and assume an honest basis. They have a product which may or may not be good. I am not going to put my opinion against that of so distinguished a scientist as my friend from Oregon, Mr. LANE. When he says that there are cells in oleomargarine that are hard to break down, and that may overcome the fellow who tries to break them down, why, I have no disposition to contradict him. But whether it is good or bad, I do not want it to be put upon the market so that it can be misunderstood at all, and I am not in favor of laying any tax whatsoever on it, but I insist, for the protection of the consumer as well as for the preservation of common, good faith in the business and

industry of the country that oleomargarine makers shall avoid the yellow color.

There is one very remarkable thing about this amendment which, I think, has not yet been called to the attention of the Senate—at least, I have not heard it—and I should like to read it in the presence of so just a man and so intelligent a critic as the Senator from Georgia [Mr. SMITH], who is a member of the committee.

Mr. LANE. Mr. President, if the Senator will permit me to interrupt him, would he object to the process of churning this concoction in milk so that it not only looks like butter, but tastes like butter made of good, fresh milk? And then, in addition, the better kinds of it are loaded with a certain amount of process butter itself in order to lubricate it for the purpose of getting it into one's stomach. Would he object to that? Does he not think that is as great a fraud as coloring it yellow?

Mr. CUMMINS. Mr. President, that presents a subject that I have not carefully considered.

Mr. LANE. Well, all right.

Mr. CUMMINS. All that I insist upon is that there shall be no fraudulent deception of the public. The Senator from Alabama [Mr. UNDERWOOD] very carefully laid before the Senate the provisions of the bill with regard to marking, which he claimed to be an adequate protection, and which he insisted would sufficiently guard the consumer against deception. As I remember, he did not read this provision. The provision I am about to read follows the first part of section 500, which provides for the name, and for the tax of 2 cents a pound, and for the penalty for breaking or interfering with the Government stamps that are put upon the packages. It then proceeds:

Provided, That margarine may be packed in any form required and removed from the place of manufacture under such regulations as are now or may hereafter be prescribed for export to foreign countries, or for consumption upon vessels plying between ports of the United States and those of foreign countries, or for the use of the United States Government, without the payment of tax thereon or affixing stamps thereto.

Section 501 then continues:

SEC. 501. All margarine shall be packed by the manufacturers thereof in separate sanitary "manufacturers' original packages" of one-fourth, one-half, 1, 2, 3, 5, or 10 pounds each, except as provided in section 400 of this act.

What I have read, Mr. President, means this: That manufacturers of margarine can prepare it for export without marking it at all, coloring it as they please. How long do you think we would maintain a market for our butter abroad if manufacturers of margarine were permitted to export from the United States a substance that could not be detected from butter without a chemical analysis? Our reputation is none too good now in foreign markets with regard to these things; and when we give to our manufacturers of an article like this, which is condemned in every foreign country, I think, the privilege of exporting it without even marking the packages with the name of the article, we will have destroyed what little respect we have retained abroad. Moreover, it can be put up without marking and sold to all vessels plying between ports of the United States and those of foreign countries. What motive is there for this? Why are not the men who work upon these vessels and the people who travel upon them entitled to just as much protection as our people who live upon the land in the United States? Will the Senate license our shipowners to impose upon the crews and the people who travel in this remarkable way?

Mr. CLAPP. Mr. President——

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. CLAPP. The Senator has introduced here a suggestion that, so far as I have heard the debate, has not been made yet, and I think it most important, and that is the effect upon our foreign butter trade of allowing oleomargarine colored in imitation of butter to go abroad.

There was a time when the butter of Denmark was known the world over, and had a market throughout the world. A few years ago I was reading about the wonderful decrease in the demand for the butter of Denmark, due to the fact that the makers of butter there had permitted the quality to fall below the standard of what it formerly was; and I think the very suggestion which the Senator has recently made is one of the most vital that has been made in the course of this discussion.

Mr. CUMMINS. I am very much obliged to the Senator for the suggestion, recalling an incident with which I was not, and am not, familiar. But the effect of permitting a fraud and a piracy of this character can be easily foretold. Further, oleomargarine may be put up without marking, and of course without stamps, and sold to the Government of the United States for the consumption of our Army and our Navy. Just at a time when we are preparing for defense against the world, when we are offering every reasonable inducement for enlistments in the Army and Navy, we are passing a law which contemplates that in the guise of butter we intend to feed our Army upon oleomargarine. For myself, I think the soldier in the trenches is just as much entitled to know at least whether he is eating oleomargarine or butter as is the millionaire who sits at his princely table. I am not willing to make any such discrimination as is made in this bill, even though I thought that under any circumstances margarine should be painted a yellow color.

Why, gold is yellow. It is of all shades of yellow. There are no two gold mines that produce gold of the same color. We coin gold into money. What would you think if it were proposed to take silver and make it of the same size as a gold coin, leaving, however, the inscription upon it which we now require, and allow the mints to gild it, in order that it may bear the appearance of gold, and so deceive the unwary?

Mr. President, I have concluded what I have to say with regard to this particular subject. I have an amendment to the bill, or to a committee amendment which we have passed over, and which, when the time comes, I shall present. I have another amendment with regard to the tariff which, when the time comes, I shall present, with a brief argument in its behalf. I close what I have to say, again expressing my sincere regret that in a measure which is intended to accomplish great objects in which every American citizen has an equal interest, which is intended to provide the funds with which to prepare an adequate defense, we have before us a bill so full of inequity and injustice that I find it impossible to bring myself to its support.

Mr. WADSWORTH. Mr. President, I do not intend to address the Senate upon the pending amendment, which has been discussed so thoroughly by other Senators upon the floor and has just been commented upon by the Senator from Iowa. I intend to offer a few suggestions and comments on other portions of the revenue bill, and in doing so I am perfectly cognizant of the fact that I have not an all-comprehensive knowledge of the art or science of taxation, nor am I completely familiar with all the history of taxation imposed by the Federal Government or by the governments of the States.

In spite, however, of my comparative ignorance of this most difficult problem, which has taxed the ingenuity of governments and peoples since nations began to exist, I make bold to suggest that there is one feature of this revenue bill which is unique in the history of tax legislation in this country. It occurs in the very first section of the bill.

Senators will observe that a special preparedness fund is created by this act and set aside for the purpose, first, of supporting the Army; second, supporting the Navy; and third, to defray the expenses of erecting fortifications along our seacoast. The bill provides that the money which shall be contributed to this fund shall be derived, first, from operation of Title II of the bill, which is the excess profits tax; second, from the operation of Title III of the bill, which is the increased inheritance tax; and third, by the contribution of $175,000,000 per year from the proceeds of the revenue act which the Congress enacted last September, signed, I believe, September 8, 1916.

It will be further observed that the bill indicates that this $175,000,000 which is to be contributed by the revenue act of last autumn represents an estimate of the increased amount brought into the Federal Treasury by the act of last September as compared with the laws which were on the statute books prior to that enactment.

If we look back to that law of last September and endeavor to ascertain from what chapters of that law the increase of $175,000,000 annually was obtained, we are forced to the conclusion that that increase of $175,000,000 is derived from the imposition of the inheritance tax, which was new at that time; also from the imposition of the so-called munitions tax, which was new at that time; also from the imposition of the tax on the capital stock of corporations, which was new at that time so far as Federal taxation is concerned; and also from the doubling of the normal income-tax rate, and the raising of the rates of the surtax upon large incomes.

So, Mr. President, it will be found that for the first time, I believe, in the history of the Government special taxes are assessed upon a comparatively small group of people for the support of the Army and the Navy. It was estimated at the time we were debating the revenue bill of last year that it would not apply to much more than one-half of 1 per cent of the total population of the United States. I may say, in passing, sir, that it was not intended to apply to more than one-half of 1 per cent of the people if it could be avoided by the Democratic Party.

The revenue bill of last summer, however, did not go so far as to say that the money collected from one-half of 1 per cent of the people should be used for a specific purpose and that purpose alone; but this bill proceeds to say, in effect, that the one-half of 1 per cent of the people who are taxed under the

law of last summer and who will be taxed under this bill—and there will be no material increase in the number of individuals who will carry this burden—must contribute most of the support of the Army and the Navy during the rest of this administration.

I believe I am correct in saying that this is the first time in our history when the burden of the defense of the country is to be imposed intentionally, and, I may say with malice aforethought, upon a small fraction of the population. I may be somewhat old-fashioned in my ideas as to the functions of an Army and the functions of a Navy supported out of the Treasury of a great Nation. I have always understood that the Army and the Navy were supported and operated for the purpose of protecting all the people, whether they be rich or poor, proud or humble. I have labored under a delusion, apparently, that it was the duty of every citizen of the United States, with suitable exemptions and adjustments by which our tax laws shall be made scientific and bearable, to do his share in the defense of his country. I have believed that this was a democracy. Apparently the Democratic Party does not believe that this is good doctrine, for under this bill they specifically provide that 99½ per cent of the people shall not be called upon to contribute to the support of the Army and the Navy, if it can be avoided. I think it is unique in the history of all democracies that a great political party should come before the legislative branch and before the people and assert that as their doctrine and their last and presumably best thought upon the theory of taxation in a democracy.

I am perfectly well aware, Mr. President, that there are many Senators upon the other side and many Members of the House of Representatives on the majority side who take little or no interest in the Army or the Navy. I am well aware also that a school of thought has arisen in this country in recent years, and that furthermore it is making its voice heard throughout the land to-day in the presence of this great crisis. It seeks to teach the people of the United States that they owe no support to their Army or their Navy, that the mere existence of any such agencies of government is an evidence of barbarism.

I have had it impressed upon me pretty strongly in the last few days that this agitation is spreading, this agitation which attempts to place the defensive forces of the United States in the position of outlaws, this agitation which is attempting to prevent and persuade our young men from enlisting in any military force organized for the defense of the country. I assert with all solemnity that this very bill provides encouragement for just that kind of agitation, for it in effect makes the Army and the Navy the special concern of a small class of people and attempts to exempt the great mass of the people from any responsibility whatever in aiding in their support.

I say I have had these things brought to my attention with a good deal of emphasis quite recently. Not many days ago, Mr. President, I was called upon in my office in the Senate Office Building by a delegation of citizens, some 150 or 200 in number, who came to Washington to utter their protest against the Government of the United States using force to protect the lives and the property of Americans. Several of them made addresses in my presence and fully expounded their views. One of them suggested that there was no such thing as an American, that it was merely a term that had no meaning whatsoever, and that the life or the property of a citizen of this country was of no more concern to the other inhabitants of the country than the life or the property of a Turk or a Bulgarian. Another suggested that the word "patriotism" was misleading, that it had been used through centuries to cloak terrible crimes. Another insisted that under no circumstances whatsoever should any dispute be settled by force. Another suggested that there was no such thing as a just war, and that even the greatest war waged by the United States was a regrettable incident.

I describe these addresses made to me, Mr. President, to emphasize, if I can, the character of the agitation that is going on and which, if continued with any degree of success, will Chinafy this people of ours. I am not sure that this agitation will succeed at once, but every Senator upon this floor knows that it is dinned into our ears pretty nearly every day. When I see this bill, which, as I said before, provides in an indirect method, but by no means an ineffective method, ammunition for just that kind of agitation, I confess that, as an American, I am distressed. I can not understand how Senators on the other side can, with due deliberation and with a full knowledge of the effect of this tax, insist that the Army and the Navy of the United States shall be supported financially by carefully selecting a few out of the 100,000,000 of people.

Will some Senator on the other side tell me why the tax collected from the liquor business should not contribute its full share to the support of the Army and the Navy, and why the tax collected from the tobacco business should not contribute its share? Why is it that one-half of 1 per cent of the people are decreed or are to be decreed by statute as the people who will be responsible for the financial support of the defense of the United States?

The chairman of the Committee on Finance in one of his speeches here one or two days ago indicated very clearly one view of the Democratic majority upon this question; for he said in effect that this bill was calculated to impose taxes upon that portion of our people who were most anxious for the increase of the Navy and the maintenance of an adequate Army. In other words, Mr. President, if an American citizen believes that the Navy should be increased and that the Army should be modernized and made adequate, the Democratic Party says "All right, but we will make *you* pay for it." The same view was expressed by the Democratic leader of the House of Representatives when he indicated very clearly that under the operation of this proposed tax law the money would be collected principally from those communities in the United States which have been asking for protective measures against foreign invasion or attack.

Could any system or doctrine be more un-American than that? I am astounded that the leader of a great party in either House should ever endeavor to set up the principle that we Americans, all of us, whether we live in Wyoming or New York, whether we live in Minnesota or Florida, have not an equal interest in the defense of the country. Yet that is exactly what the leaders of the Democratic Party have indicated upon this floor and upon the floor of the House of Representatives.

Mr. President, the Army and the Navy are not local institutions; they are national; and everything that is done by the Congress with respect to the Army and the Navy, their management, their recruitment, the selection of their officers, and their financial support, should be done in a national spirit instead of in a provincial spirit. I regret exceedingly that this provincial spirit with respect to the defenses of the United States should crop out in the Congress and be reflected in the bill which the Democratic Senators have caucused upon, which they intend to pass, regardless of any criticism or suggestion whatsoever.

Mr. President, our system of national defense is none too democratic. For over 100 years we have relied apparently upon a theory or principle, if we may grace it with such a definition, that the armies and the navies shall be recruited for the defense of the country from those who are willing to defend the country, and from no one else. Incident to that undemocratic theory, which is the present difficulty under which we are struggling in an endeavor to form and maintain an adequate Army and Navy, witness the slackness in the recruiting. Add to that unjust and inefficient method of recruiting the defensive forces of the United States the Democratic Party coming along and making it worse by deliberately enacting into law a provision which says, in effect, "only a few of you will be called upon to support the Army and the Navy financially."

In one of the greatest crises that ever confronted the people of the United States the Democratic Party absolutely throws democracy out of the window. Selection is what they stand for, selection of some people to bear the burden; and then they blindly trust that some other people may be willing to come forward and shoulder the muskets. The combination of the two, in my humble judgment, particularly at this stage in our history as a Nation, is lamentable.

Mr. President, so much for the first section of this bill, which I regard as the most vital part of it. A good deal has been said upon the floor, particularly by Senators on the Democratic side, to the effect that it was their intention so long as they remained in power to tax the wealth of the country. I have listened to those declarations a good many times, and I have yet to see a law placed upon the statute books by our Democratic brethren which really taxes the wealth of the United States. As a matter of fact, none of the laws which are now upon the statute books tax the wealth of the country. They merely tax certain forms or manifestations of wealth; and it has been the consistent policy of the majority to carefully hand pick those forms or manifestations of wealth and make them bear the burden.

I know very well that a person who represents or attempts to represent in part the State of New York will get very little hearing from the present majority in the Senate or, in fact, in the House, and I do not intend to enlarge into a discussion of the effect of this tax imposed upon the people of the State which I in part represent. Suffice it to observe in passing that two years ago the citizens of the State of New York paid approximately 38 per cent of all the money collected into the Federal Treasury under the individual income tax and the corporation income tax. That was before the normal income tax

and the surtax had been raised by last year's act. That was before the inheritance tax was placed on the statute books, and necessarily that estimate was made before this proposed excess profits tax was decided upon. I apprehend, Mr. President, that before these gentlemen get through the State of New York will pay very nearly 50 per cent of all the money covered into the Treasury of the United States through the income tax, the excess profits tax, the capital-stock tax, and the inheritance tax.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from New York yield to the Senator from Ohio?

Mr. WADSWORTH. I yield for a question.

Mr. POMERENE. In making that statement, does the Senator from New York take into consideration the fact that much of the property owned by residents of New York, and their investments, are in the States of Ohio, Indiana, Illinois, and every other State in the Union?

Mr. WADSWORTH. I understand that perfectly, Mr. President.

Mr. POMERENE. Then, does it impress the Senator from New York that it is a fair statement?

Mr. WADSWORTH. I had not completed my statement.

Mr. POMERENE. Well, I do not care to interfere with the course of the Senator's argument, but it seems to me that if a large part of this property which earns and which pays this tax is invested in other States, it is hardly fair to say that 38 per cent of that tax raised under the income-tax law is payable by residents of New York.

I have very distinctly in mind this situation: Several years ago, when we changed our tax laws in Ohio, quite a number of very wealthy gentlemen, and ladies as well, left Cleveland and other portions of that State to escape that tax, and took up their residence in New York. Now, if the good people of New York will send those people back to Ohio, it may in part equalize the tax which is paid by the several States.

Mr. WADSWORTH. The Senator from Ohio would evidently like an extradition law applicable to tax dodgers, and I am somewhat in sympathy with him in that regard. It may be related in passing, however, that the State of New York, and particularly the city of New York, at this time have reached that condition where they are commencing to drive people out of that State and that city on account of the desperate endeavor to get revenue for the localities—for the very reason that the Federal Government is invading the sources which up to this time have been relied upon by the States to support their institutions. I was not contending, and had not intended to contend, that all the money collected in the State of New York was paid by its citizens. If I created that impression, I did not intend to do so. I have contended, however, and shall contend, that these taxes are calculated to teach millions and millions of people that they owe no responsibility to the Government and are also intended, in so far as it can be brought about by carefully contrived legislation, to bring about a state of affairs in which great constituencies represented upon this floor escape almost entirely. Otherwise, you would not find in the capital-stock tax an exemption of $99,000; otherwise, you would not find in the inheritance tax an exemption of $50,000; otherwise, you would not find in the individual income tax an exemption of $3,000.

I voted upon this floor last summer to lower the taxable income under the income tax to $2,000 pursuant to an amendment offered by the Senator from Alabama [Mr. UNDERWOOD] in order that more citizens of the United States should come to understand that they owe some responsibility in contributing to the support of the Government; but the Senator from Alabama got very little encouragement in the roll call on that proposition from Senators upon the Democratic side of the Chamber.

I know it is perfectly human to so contrive laws that one's constituents are affected very lightly; but some day, somewhere, Mr. President, there must be a protest against the situation, which, as the Senator from Ohio [Mr. HARDING] has said, is dividing the people of the United States into classes and sections, a tendency which has already reached that extent where the Army and Navy are put off to one side and a particular class of people are called upon to support them.

Much has been said, as I have already indicated, about the taxation of wealth. This bill provides some food for thought, if nothing else. Speaking of taxing wealth, I should like to call the attention of the Senators to that provision of the bill which seeks to place a tax upon the excess profits of partnerships. We may find ourselves in some rather peculiar difficulties and in some inconsistencies with respect to that feature of the tax. I can not myself believe that the gentlemen upon the other side, who have been responsible for the framing of this legislation—if, indeed, it did originate in the Senate at all or in the other House—have thought over some of the effects which will result from this proposed tax upon the excess profits of partnerships. The Senator from Massachusetts [Mr. WEEKS] made some very intelligent observations upon that feature of the bill. He did it in a way which I can not approach in excellence; he did it in a manner which showed his complete knowledge and familiarity with the business life of the United States—a knowledge and familiarity, Mr. President, that, I venture to say with all respect, the Democratic Party does not possess.

The tendency of the day is toward combinations between men in order the better to carry out their designs, whether it be in politics, whether it be in business, or whether it be in agriculture. As the Senator from Ohio has said, there is nothing intrinsically wicked or venomous in the formation of a corporation, and there can be no justification for the imposition of a tax upon the corporation holding the same sort of property that an individual may hold and at the same time absolve the individual from that same tax; nor can there be any justification for the imposition of a tax upon a partnership, and thereby punish two men or three men for joining their fortunes and endeavoring to be more successful, while the individual right next door, who owns just as much property and who does just as much business as do the three partners combined, escapes.

I look for the day when this sort of cooperation and organization will become entirely familiar and prevalent in agriculture. We hear much in these days about the necessity for organizing the food supplies of the country. We know down in the bottom of our hearts that something of that sort is necessary; that our present haphazard system of supplying the people of the congested cities with food occasionally breaks down with very regrettable results, largely on account of the fact, Mr. President, that there is no cooperation or organized system used in the marketing of food products. A way has already been pointed by the farmers in some portions of the country, notably in California, and in some instances in the Northwest, whereby great success has been attained in the marketing of the products of those regions, so that the consumer receives the product quickly and with reasonable cheapness, and the producer receives a fair price for the product that he sells. That is done through cooperation; through dozens of men entering into partnership. As I read this bill, they are to be punished for doing it; they are to be taxed; and the party in power proposes, through the operation of this kind of legislation, to place the taxing power of the Government as an obstacle in the path of that kind of progress.

I do not pretend, of course, to know the alpha and omega of agriculture and of all the development which is going on in that basic industry, but I can bring to my mind and to the attention of Senators who are sufficiently interested to listen some rather remarkable examples of what will happen under this proposed tax law. I know three young men who operate a considerable-sized farm near where I live. They work from morning until night. They are amongst the best farmers I have ever known and amongst the most public-spirited and patriotic young men I have ever known. They perform their obligations to the community in a civil and political way, and they attend to their business with industry and enterprise. No one of the three has an income in excess of $3,000 a year, and, therefore, no one of the three pays any income tax, but with a reasonably good year upon their farm they will make together considerably more than $5,000, and with a bumper crop and with extra good luck and hard work they will be subject to the tax under this bill. My own place is but 1 mile away, and with equal luck and with equal industry, if I can ever command it, I might be able to make as much for myself on my farm as they make on theirs, but I will be exempt, because I am an individual, while those three young men will be taxed because they are in partnership. Can there be any justification for any such system of taxation as that?

I can call to mind many, many instances of that kind. The same thing is true, I have no doubt, in the State of Illinois, where creamery companies have been organized by the joining together of a number of men of moderate means, who thus far have escaped the long arm of the Federal Government in its ceaseless search to get money out of the pockets of some selected group of people; but the instant they organize, the instant they become partners; the instant they attempt to progress and to do something to make agriculture more stable, to do something to standardize their products, then they come under the jurisdiction of this law in the event that they succeed in their efforts to the extent of making more than 8 per cent in any one year.

I believe there would be more justice in this tax if it provided that an excess profits tax should be levied upon profits which over a term of years have averaged more than 8 per cent; every man in business has his ups and downs, whether

he be a partner in a manufacturing concern or whether he be a partner in a farming concern, and the same thing is true of corporations. I have known many men in my business life who for two or three or four years at a time have made next to nothing, struggling along, trying to build up a business, carrying a heavy mortgage upon their property, whether it be a factory or a farm. Finally the golden day arrives; good luck has attended their efforts; their industry is rewarded; and they have an eminently successful year. Instantly the Federal Government takes some of their earnings away from them under this proposed statute, no account being had of the long years of drudgery and misery that have led up to that one prosperous period.

I have known of farmers in Kansas who have sold out their farms there, moved down into the Panhandle of Texas, bought land, and paid for it. Two of them, partners, went there together and struggled along in that semiarid region for year after year, building up a little herd of cattle by selective breeding, improving its quality, getting their brand well known in the community and in the cattle trade, planting and harvesting crops, suffering losses year after year, hanging on with their teeth, as it were—pioneers, breaking into new country—and when they finally reach the point where they can sell their cattle and their crops upon the market at a price that will bring them a remunerative return, at a price which will bring them 8 per cent upon their capitalization, they are called upon to contribute to the Government from their earnings under this proposed law. How the Treasury Department is ever going to determine what their capitalization is passes my comprehension, for under the terms of this bill their capitalization must be based upon the value of the property when it was put into the business. However, when they have reached that point the Government of the United States says, "I want some of your profits." Directly bordering upon the two or three sections of land owned by these men that I have in mind there is a private owner with thousands of acres who will not pay a cent under this bill. Yet, we are told that this bill is designed to tax the wealth of the United States. As a matter of fact, Mr. President, it will not tax many people. It is not intended to tax many people. The Democratic Party does not believe in spreading taxation over many of the people of the United States. It prefers, rather, to select a few to bear the burden and to teach the rest that they owe no obligation; but this bill, Mr. President, in its partnership provision, will tax very heavily men and women of very moderate means, who should not be called upon to contribute out of their occasional profits money for the support of the Army and the Navy when their neighbors are not called upon to contribute under any Federal tax law.

Mr. President, I am entirely aware that protests directed against this bill, against its undemocratic and unpatriotic spirit, are of no avail. I know perfectly well that some time during Wednesday night the bill will pass, but I regret that the day has come in the Congress of the United States when the defense of this country is to be imposed by statute upon a few of its citizens.

Mr. CURTIS. Mr. President, I had intended to submit some remarks on the oleomargarine amendment, which has been incorporated in the bill by the committee; but the hour is growing late, and, I understand, Senators desire to take a recess. I will therefore ask to have printed in the RECORD, as part of my remarks, a letter which fully covers the question.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

TOPEKA, KANS., *February 14, 1917.*

Hon. CHARLES CURTIS, United States Senator,
Washington, D. C.

DEAR SENATOR: We take the liberty of confirming a wire we sent you to-day, as follows:

"We appeal to you to investigate and to oppose Senator UNDERWOOD's amendment to revenue bill to tax oleomargarine 2 cents per pound and permit coloring of same. Please protect valuable dairy industry of Kansas. More oleomargarine manufactured last year than ever before. Permission to color yellow like butter will have tendency to fraud in its sale and will moreover increase cost of living."

There has appeared in the press of late a few articles clamoring for the removal of the tax on oleomargarine. We would infer from these articles that the writers thereof are not informed as to the object of placing a tax on oleomargarine or by parties interested in the oleomargarine business.

As you are well aware, the tax on oleomargarine was placed on same by Congress for the purpose of protecting the consuming public from fraud and deception in the purchasing of butter or oleomargarine. The present law in the United States places a tax of 10 cents per pound on oleomargarine when it is colored to imitate butter. It is taxed only one-fourth of 1 cent per pound when it is put up and sold in its natural color, which is white or very light yellow. This one-fourth of 1 cent a pound tax was placed on oleomargarine so as to bring it under the Internal Revenue Department as they have police facilities for enforcing the law and protecting the public against fraud.

The dairy men have no desire to place any tax on oleomargarine if it can be sold to the public for what it is. Every country where oleomargarine is sold or manufactured has certain restrictive measures controlling its sale and manufacture. Fraud and deception seem to have followed in the wake of this product. France, where the product originated during the Franco-Prussian War has had to amend its laws twice to protect the public against fraud in the sale of oleomargarine. European countries prohibit its being colored in imitation of butter, and they also require that it must be sold in separate stores where butter can not be handled. If such a law were possible under our form of government the tax would not be necessary. Germany, France and Belgium require that oleomargarine be sold in separate stores. In Denmark the law compels its being put up in a different style package from butter, the package being oblong in shape.

Writers of late have been giving the impression to the public that the manufacturers of oleomargarine are paying 10 cents a pound tax on same. The late report put out by the Internal Revenue shows that 97¾ per cent of the oleomargarine in this country last year paid only one-fourth of 1 cent per pound tax. There was more oleomargarine manufactured last year than ever before in the history of the industry in this country. There was manufactured 152,509,912 pounds according to the report of the Internal Revenue Department just published. Of this amount 2,587,689 pounds were exported and consequently relieved from paying the tax. Of the enormous amount of oleomargarine produced during the year, only 3,403,287 pounds were taxed at 10 cents per pound, or a little less than 2¼ per cent.

Dairying is becoming one of the principal industries of the State of Kansas. We trust that you can see your way clear to oppose Senator UNDERWOOD's amendment permitting of the coloring of oleomargarine. We admit that the present oleomargarine law is not perfect. It permits manufacturers to use the cheaper fats such as intestinal fats, vegetable oil, etc., in making their product. They are taxed only one-fourth of 1 per cent a pound on same when sold in its natural color, and there is no limit to the amount of water that may be incorporated in oleomargarine. In addition to this such brands as "Butterine," "Jersey" brand, "Holstein" brand, "Guernsey" brand, and other names indicate that it is made from milk or cream. On the other hand if the creamery man incorporates the smallest fraction of a per cent of foreign fats in connection with his butter he is required to pay a tax of 10 cents per pound and a license of $600 per year, and to brand it adulterated butter. What the dairy interests of this State ask is to prevent oleomargarine from masquerading as butter.

Yours, truly,

J. J. CORKILL,
General Superintendent.

The PRESIDING OFFICER. The Secretary will state the amendment on page 15.

The SECRETARY. On page 15, after line 12, it is proposed to insert a new title to be known as Title V, as follows:

TITLE V.—MARGARINE TAX.

SEC. 500. That in lieu of the taxes now imposed by law upon the substances, mixtures, or compounds heretofore known as oleomargarine and which shall hereafter be known and designated as margarine, or its equivalent descriptive word when manufactured for export to a foreign country, there shall be levied, collected, and paid a tax at the rate of 2 cents per pound, to be paid by the manufacturer thereof, which tax shall be represented by internal-revenue stamp or stamps so affixed to the respective "manufacturers' original packages," hereinafter provided for, as to seal them securely, so that said packages may not be opened without destroying the stamp or stamps affixed thereto; and it shall be unlawful for any dealer, knowingly and willfully, to break said stamps, or to knowingly have in his possession such packages upon which said stamps have been broken or otherwise defaced: *Provided*, That margarine may be packed in any form required and removed from the place of manufacture under such regulations as are now or may hereafter be prescribed for export to foreign countries, or for consumption upon vessels plying between ports of the United States and those of foreign countries, or for the use of the United States Government, without the payment of tax thereon or affixing stamps thereto.

SEC. 501. All margarine shall be packed by the manufacturers thereof in separate sanitary "manufacturers' original packages" of one-fourth, one-half, 1, 2, 3, 5, or 10 pounds each, except as provided in section 400 of this act; and said "manufacturers' original packages" shall be packed in "shipping packages" containing not less than 10 pounds each, upon each of which shall be plainly branded, stamped, or printed the word "margarine" and a label as follows: "Notice.—The manufacturer of the margarine herein contained has complied with all the requirements of the law. Every dealer is cautioned not to break or deface the 'manufacturers' original package' herein contained or the revenue stamp or stamps thereon." Upon each of "manufacturers' original packages" shall be plainly branded, stamped, or printed the word "margarine," together with a caution notice as follows: "Notice.—Every person is cautioned not to use either this package or the stamp or stamps thereon again, or to remove the contents of this package without destroying the stamp, under the penalty of the law in such cases."

SEC. 502. That in lieu of the special taxes or licenses now imposed by law upon manufacturers of, and dealers in, oleomargarine, there shall be, and are hereby, imposed annually special taxes as follows: Manufacturers of margarine shall each pay $600; wholesale dealers in margarine shall pay $60; retail dealers in margarine shall each pay $6.

SEC. 503. Margarine is here declared to be a food product; and, except as modified or repealed by this act, all the provisions of the existing laws relating to this product heretofore designated as oleomargarine shall continue in full force and effect, and all the general provisions of the internal-revenue statutes for the assessment and collection of taxes and licenses, and for seizures, forfeitures, and punishments for violations thereof, are hereby extended and made to apply to this food product, the taxes imposed by this act, and the persons upon whom imposed. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is hereby authorized and required to make all needful rules and regulations to carry this act into effect. Nothing herein contained shall be construed to alter, amend, or repeal the provisions of the act of June 30, 1906, as amended, known as the meat food inspection act, nor the provisions of the act of June 30, 1906, as amended, known as the pure food and drug act.

During the reading of the amendment,

Mr. SMOOT. Mr. President, I will say to the Senator having the bill in charge that if we are to recess it seems to me we had better recess now, because there is no question but that the amendment will have to be read at the time it is voted on.

Mr. SIMMONS. No; I think we had better have the amendment read this afternoon.

Mr. PENROSE. Read it now.

Mr. SMOOT. Then, of course, it will have to be read again to-morrow.

Mr. SIMMONS. Why will it have to be read again? Every Senator has it before him. It is a mere form.

Mr. PENROSE. It is only a form to read it.

Mr. SMOOT. I have no doubt but that to-morrow, just before voting, some Senator will ask that it be read.

Mr. SIMMONS. I do not think so.

The Secretary resumed and concluded the reading of the amendment.

Mr. PENROSE. Mr. President, I suppose the Senate is not prepared to vote on this amendment now, and I take this opportunity to have placed in the RECORD a list of imports of merchandise entered at the port of New York from Japan during the period beginning with November 25, 1916, and ending January 26, 1917.

I think, Mr. President, that this list of merchandise, aggregating nearly $10,000,000, is extremely interesting and impressive. I also have here a letter from Mr. C. H. Brown, an expert in statistics of this kind, representing the national hosiery industry, part of which I will ask to have inserted in the RECORD, explaining the significance of these figures.

The PRESIDING OFFICER. Without objection, that will be done.

The matter referred to is as follows:

[Extract from letter from C. H. Brown.]

In preparing the import statistics from Japan during December, 1916, and January, 1917, I hope to call your attention, as well as Members of Congress, to the heavy imports from that country and the largely increased number of products they are sending to this market, those represented by small amounts being feelers for new trade. From my investigation, most of the new lines of merchandise are remaining and seem to be acceptable in the markets of the United States. From all the information I can gain, Japan is prepared to increase the amount of merchandise sent us as fast as conditions demand.

During the progress of the foreign war there has been but little interference with merchandise coming into this country from Japan, and it seems a fact that Japan is making a strong endeavor to supply merchandise which before the war came here principally from Germany. When one considers that Japanese wages compared with those in Germany and America are about as cents compared with dollars, it seems that American manufacturers are due to find competition from Japan far more difficult to meet than anything they have been compelled to contend with from Germany. So if American manufacturers are to be protected from Japanese low wages, they should have that protection now, as well as after the close of the foreign war, which, in my opinion, the figures submitted to you proves beyond contradiction.

Imports of merchandise entered at the port of New York from Japan during the period beginning with Nov. 25, 1916, and ending Jan. 26, 1917.

Products.	Quantities.	Values.
Silk fabrics, ungummed ..... pounds	223,591	$1,511,901
Silk fabrics in the gum ..... do	18,825	94,103
Silk dyed in the piece ..... do	12,510	93,072
Silk yarns dyed and weighted ..... do	496	2,932
Silk yarn dyed, not weighted ..... do	24,588	149,819
Silk handkerchiefs, cut		47,663
Silk handkerchiefs, hemstitched and embroidered		65,260
Art silk yarns ..... pounds	170	590
Silk plush and velvet ribbons		298
Boots and shoes ..... pairs	3	2
Wool cloth and dress goods ..... square yards	19,310	7,203
Other manufactures of wool		1,955
Musical instruments and parts		9,749
Books and music		4,173
Silks spun in the gray ..... pounds	1,333	3,064
Silk flouncings		6,114
Wool carpets and rugs ..... square yards	3,391	8,701
Moss		2,679
Tungsten ore ..... tons	32	52,085
Feathers		7,389
Beads		19,568
Brushes		141,000
Buttons		149,219
Flax ..... tons	78	13,719
Seeds		24,143
Dry horsehides ..... pounds	5,000	1,080
Metal filaments ..... number	1,388,148	32,097
Crude camphor ..... pounds	274,800	78,385
Refined camphor ..... do	539,500	213,651
Collodion		1,168
Salts of soda		560
Muriate of salts ..... pounds	28,000	12,236
Muriate of potash ..... tons	50	7,830
Synthetic indigo ..... pounds	9,200	11,960
Medicinal preparations		1,145
Unrefined black ..... pounds	384,312	82,889
Chemicals		74,130
Plumbago ..... tons	558	11,660
Iridium ..... ounces	152	6,191
Scientific apparatus		1,204

Imports of merchandise entered at the port of New York, etc.—Contd.

Products.	Quantities.	Values.
Manufactures of shell and mother-of-pearl		$1,023
Fertilizers		2,592
Manufactures of bone and horn		915
Manufactures of ivory		1,676
Art works		49,975
Manufactures of india rubber		1,426
Manufactures of bronze		70,902
Manufactures of wood		85,853
Manufactures of iron and steel		19,449
Manufactures of lead		778
Antimony matte ..... pounds	168,000	17,873
Coal-tar colors ..... do	2,116	8,861
Metals		19,265
Manufactures of copper		31
Pocketknives ..... dozen	2	2
Scissors ..... do	623	2,148
Other cutlery		30
Carbons		1,855
Lenses		1,624
Cameras		191
Jewelry		1,359
Manufactures of gold and silver		2,470
Pearls		5,220
Imitation precious stones		2,619
Cotton cloth dyed in the piece ..... square yards	348,943	28,952
Other manufacturers of cotton cloth ..... do	1,449,054	68,301
Other manufactures of cotton		25,675
Cotton handkerchiefs		1,839
Cotton velvets and plushes ..... square yards	1,172	470
Cotton, silk, and wool wastes ..... pounds	286,000	60,185
Cotton, silk, and wool wearing apparel		68,178
Cotton, silk, and wool ready-made clothing, also linen		40,983
Cotton, silk, laces, and embroideries		238,562
Cotton underwear		1,537
Silk manufactures unenumerated		17,390
Lace curtains		1,064
Linen handkerchiefs		181
Manufactures of fibers		7,204
Matting ..... square yards	134,615	27,941
Straw hats		69,507
Materials for hats		1,365,416
Other manufactures of straw		10,249
Undressed furs and skins		6,722
Furs dressed on the skin		733
Unmanufactured animal hair ..... pounds	7,729	3,427
Cleaned human hair		766
Uncleaned human hair ..... pounds	180	297
Bristles ..... do	1,931	4,157
Fans		2,237
Umbrellas		984
Pens and penholders		763
Manufactures of furs		401
Window, plate, and other glassware		4,024
China, decorated		53,420
China, not decorated		383
Earthenware, decorated		22,169
Earthenware, not decorated		1,610
Other earthenware		181
Manufactures of leather		448
Dolls and toys		73,666
Paper hangings		5,525
Other manufactures of paper		213,456
Pipes		436
Starch ..... pounds	4,287,588	205,095
Tea ..... do	1,261,074	169,337
Vegetable wax ..... do	290,400	32,763
Vegetable oils		6,639
Fish oil ..... gallons	16,995	17,274
Crab meat ..... pounds	25,320	5,904
Shrimp		632
Meat products		7
Bread and biscuit		49
Macaroni ..... pounds	500	16
Rice flour ..... do	100	4
Cleaned rice ..... do	4,000	128
Mushrooms ..... do	42	103
Fruits and nuts		38
Pickles and sauces		165
Beans and peas ..... bushels	66,812	154,913
Cured fish		578
Spices ..... pounds	70,000	5,471
Prepared vegetables and fruits		685
Wines		980
Sugar candy		17
Matches		35,196
Bulbs ..... number	1,266,753	41,163
Plants		3,693
Perfumery		10
Bottles		133
Lithographic labels		5
Bicycles		1,159
Pencils		559
Post cards		45
Free articles		20,675
Dutiable articles not enumerated		198,388
Total, 135 products		9,832,639

Mr. WADSWORTH. Mr. President, may I inquire of the Senators in charge of the bill if it is the intention to take a recess to-night and have no morning hour to-morrow?

Mr. HUGHES. That is the intention, as I understand.

Mr. SIMMONS. That is the understanding.

Mr. WADSWORTH. I dislike very much to consume any time now, but I should like to call attention to a very difficult

situation with respect to this extension of the permit for the use of water at Niagara Falls. The resolution (S. J. Res. 218) which authorizes the extension of that permit beyond July 1 next is now upon the table.

Mr. PENROSE. I suggest to the Senator that he call it up now.

Mr. SMITH of Georgia. Can we not take it up by unanimous consent now?

Mr. WADSWORTH. The Senator from Wisconsin objected to its immediate consideration this morning in order to give him a chance to prepare an amendment; and if there is to be no morning hour to-morrow and the revenue bill is taken up immediately upon the convening of the Senate to-morrow, it will be utterly impossible under the unanimous-consent agreement, as I understand it, to reach the Niagara Falls extension permit to-morrow.

Mr. FLETCHER. The bill can be laid aside by unanimous consent.

Mr. SMITH of Georgia. Which of the Senators from Wisconsin was it?

Mr. WADSWORTH. The junior Senator from Wisconsin [Mr. HUSTING].

Mr. PENROSE. Does the senior Senator from Wisconsin know whether or not the junior Senator from Wisconsin would object?

Mr. LA FOLLETTE. He would object to its consideration to-night.

Mr. WADSWORTH. I am not asking for the consideration of it to-night, because I understand perfectly that the junior Senator——

Mr. SMITH of Georgia. It is perfectly agreeable to us to adjourn.

Mr. SMOOT. No; not to adjourn; to recess.

Mr. SMITH of Georgia. I say it is agreeable to the Senators on this side.

Mr. PENROSE. The understanding is that we will not adjourn; that we will take a recess. The minority have been crowded under this unanimous-consent agreement and have not had a fair opportunity to present their views.

Mr. SMITH of Georgia. What I was endeavoring to do was to explain to the Senator from New York that we were not wishing to cut him off. We agreed to a recess because we thought it was the wish of the Senators on the other side of the Chamber.

ARMED MERCHANT SHIPS.

Mr. STONE. Mr. President, the Committee on Foreign Relations has had under consideration the recommendation made by the President in his address before the joint session of the two Houses on yesterday; and that committee has directed me, as its chairman, to introduce the bill I now send to the desk, and ask that it be read the first and second times and referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. Without objection——

The SECRETARY. A bill authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing the registry of the United States, with defensive arms, and for other purposes.

Mr. PENROSE. Let it be read, Mr. President.

The PRESIDING OFFICER. Request is made that the bill be read. The Secretary will read the bill.

The Secretary read the bill, as follows:

A bill (S. 8322) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing the registry of the United States, with defensive arms, and for other purposes.

Be it enacted, etc., That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks, and the President of the United States is hereby authorized and empowered to supply such vessels with defensive arms, fore and aft, and also with the necessary ammunition and means of making use of them; and that he be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

SEC. 2. That the sum of $100,000,000 is hereby appropriated, to be expended by the President of the United States for the purpose of carrying into effect the foregoing provisions, the said sum to be available until the 1st day of January, 1918.

SEC. 3. That for the purpose of meeting the expenditures herein authorized the Secretary of the Treasury, under the direction of the President, is hereby authorized to borrow on the credit of the United States and to issue therefor bonds of the United States not exceeding in the aggregate $100,000,000, said bonds to be in such form and subject to such terms and conditions as the Secretary of the Treasury may prescribe, and to bear interest at a rate not exceeding 3 per cent per annum: *Provided*, That such bonds shall be sold at not less than par, shall not carry the circulation privilege, and that all citizens of the United States shall be given an equal opportunity to subscribe therefor, but no commission shall be allowed or paid thereon; that both principal and interest shall be payable in United States gold coin of the present standard of value, and be exempt from all taxation and duties of the United States, as well as from taxation in any form of all State, municipal, or local authorities; that any bonds issued hereunder may, under such conditions as the Secretary of the Treasury may prescribe, be convertible into bonds bearing a higher rate of interest than 3 per cent per annum if any bonds shall be issued by the United States at a higher rate than 3 per cent per annum by virtue of any act passed on or before December 31, 1918.

SEC. 4. That in order to pay the necessary expenses connected with the said issue of bonds, or any conversions thereof, a sum not exceeding one-fifth of 1 per cent of the amount of bonds herein authorized to be issued, or which may be converted, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct.

SEC. 5. That the President is authorized to transfer so much of the amount herein appropriated as he may deem necessary, not exceeding $25,000,000, to the Bureau of War Risk Insurance, created by act of Congress approved September 2, 1914, for the purpose of insuring vessels, their freight, passage moneys, and cargoes against loss or damage by the present risks of war.

Mr. WATSON. Mr. President, I should like to ask the chairman of the committee whether or not that is a unanimous report; or did I understand him to say it was a unanimous report of the committee?

Mr. STONE. I made no statement with respect to that.

Mr. WATSON. I understood the Senator to say—perhaps I misunderstood him—that it was a unanimous report of the committee.

Mr. STONE. I made no statement upon that subject.

Mr. WATSON. Has the Senator anything to say on that point for the illumination of the Senate?

Mr. STONE. I have not.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. LA FOLLETTE. Do I understand that unanimous consent was granted for the introduction of that bill at this time?

The PRESIDING OFFICER. That is the ruling of the Chair.

Mr. LA FOLLETTE. Well, Mr. President, just this word: No one could know what that bill was until it was read; and I ask now, in all fairness, that the request for unanimous consent, since the Senate is informed as to the character of the bill, be again submitted to the Senate.

The PRESIDING OFFICER. The ruling of the Chair was made after it was inquired if there was objection, and the Chair does not understand that the unanimous consent given can be withdrawn. Without objection, the bill will be considered read the first and second time——

Mr. LA FOLLETTE. Well, I object, Mr. President.

The PRESIDING OFFICER. As the Chair understands it—the Chair is just now making a ruling—without objection it was done, and it will be considered read the first and second time and referred to the committee.

Mr. THOMAS. Mr. President, I desire to call the attention of the ranking member of the Finance Committee to one——

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. LA FOLLETTE. I understand from the chairman of the committee who presented the bill, the Senator from Missouri [Mr. STONE], that no request for unanimous consent was made.

Mr. STONE. I think it is fair to say what the RECORD itself will disclose.

The PRESIDING OFFICER. The Chair announced that, without objection, the bill would be received; and it was presented and was read.

Mr. STONE. I will say that I did not make a formal request for unanimous consent. I stated, as I recall it, that I introduced the bill by request of the Committee on Foreign Relations as the action taken by the committee on the recommendation made by the President in his address of yesterday, and I think the Chair said, "If there be no objection, the bill will be received," or words to that effect.

The PRESIDING OFFICER. The bill was presented, and the Chair understood that the bill at this time could not be presented except by unanimous consent. "Without objection," the Chair said, "the bill will be presented," and it was asked that it be read, and necessarily it was done by unanimous consent.

Mr. LEA of Tennessee. Mr. President, in a spirit of fairness I suggest that the Reporter read the proceedings from the time the bill was offered by the Senator from Missouri.

The PRESIDING OFFICER. The Chair will state that the ruling has been made. If the Senator from Wisconsin desires to appeal from the decision of the Chair, or to make some motion relative to it, the Chair will entertain it.

Mr. LA FOLLETTE. I do not understand that unanimous consent has been given for the first and second reading of the bill.

The Reporter read as follows:

Mr. STONE. Mr. President, the Committee on Foreign Relations has had under consideration the recommendation made by the President in his address before the joint session of the two Houses on yesterday; and that committee has directed me, as its chairman, to introduce the bill I now send to the desk, and ask that it be read the first and second time and referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. Without objection——

The SECRETARY. A bill authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing the registry of the United States, with defensive arms, and for other purposes.

Mr. PENROSE. Let it be read, Mr. President.

The PRESIDING OFFICER. Request is made that the bill be read. The Secretary will read the bill.

Mr. LA FOLLETTE. Mr. President, it is quite apparent from the reading of the notes that the Presiding Officer did not present any request to the Senate or make any statement to the Senate that implied the submission of a unanimous-consent request. A request has been made for unanimous consent for the first and second readings of the bill, and no opportunity has been given to any Senator to object to the first and second readings of the bill, as shown by the record.

The PRESIDING OFFICER. The Chair will hold that since the bill could not have been introduced except by unanimous consent, when it was offered, and the Chair said "without objection," and nobody objected, the ruling of the Chair is to the effect that the matter was presented. That is the ruling of the Chair, and it would be too late to object to the presentation of the bill under those conditions. If there is a difference with the ruling of the Chair there is a method of remedying that difference and getting relief from it, if the Senator from Wisconsin desires to appeal from the decision of the Chair.

Mr. SMOOT. So that the record may be straight, I want to ask the Presiding Officer if he holds that the mere statement of the Chair that without objection the bill will be read is equivalent to a unanimous-consent agreement, or does the Chair hold that it was a unanimous-consent agreement because the bill could not have been introduced except by unanimous consent?

The PRESIDING OFFICER. The Chair holds that since it could not have been introduced except by unanimous consent when it was offered, and the Chair said, "without objection, this will be done," it was done by unanimous consent.

Mr. SMOOT. The mere fact that the Chair said "without objection," as read by the Reporter, and there being no objection has been held not to be a unanimous-consent agreement; but if the Chair holds that the bill could not have been introduced unless by unanimous consent, and therefore it was done by unanimous consent, that is another question entirely. I do not know that I have ever heard that point decided.

The PRESIDING OFFICER. It is the ruling of the Chair that it could not have been introduced except by unanimous consent, and when it was offered and the Chair said "without objection," and no objection was made, it necessarily was introduced by unanimous consent.

Mr. STONE. I did not suppose there would be any objection to the introduction of the bill. It is so customary to interrupt the proceedings when the unfinished business is under consideration to introduce a bill for reference that I did not suppose there would be any objection to it, and hence I made no formal request for unanimous consent. I can not perceive at the moment that any right or privilege or opportunity has been lost to anyone by the mere introduction of the bill. It is a committee bill; I was directed by the committee to introduce it merely for reference to the committee, and I hope there can be no criticism or objection to the course taken.

Mr. LA FOLLETTE. The course taken, if taken under the rule, as I understand it, would mean the saving of one day's time in getting the bill out of committee and before the Senate. Did I understand that the right to demand the first and second readings of the bill is held to have been surrendered?

The PRESIDING OFFICER. Is the Senator from Wisconsin asking for a further ruling on the question?

Mr. STONE. On the suggestion of some of my colleagues of the committee, that there may be no criticism whatsoever, and inasmuch as in my opinion as well as that of others it would not expedite or delay the consideration of the bill, I have no objection whatever to a reconsideration of the action taken by unanimous consent.

The PRESIDING OFFICER. The Chair will hold that the bill has been introduced, and has been read one time, and it has not been read the second time, and if it is desired to object to it, the objection would be made, of course, to a second reading. But if unanimous consent is asked to reconsider upon that point, whatever the Senate does about the matter is, of course, the rule. Without objection——

Mr. LODGE. I do not think we can reconsider a unanimous consent.

Mr. LA FOLLETTE. I do not ask for a reconsideration, but I do object to the second reading of the bill.

The PRESIDING OFFICER. The bill will lie over until to-morrow on objection to its second reading.

THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

Mr. THOMAS. Mr. President, the unanimous-consent agreement under which the Senate is now acting in regard to the revenue measure provides that "at 8 o'clock p. m. on Wednesday, February 28, 1917, the Senate will proceed to vote," and so forth. I am informed that it is understood between the Senator having charge of the bill and the minority that we shall recess at this hour until to-morrow morning at 10 o'clock. In that event the legislative day will continue until to-morrow as of the 27th.

I wish to ask the Senator from Pennsylvania [Mr. PENROSE] whether, in his opinion, the recess will in any wise affect the operation of the unanimous-consent agreement. The agreement does not specify whether we shall vote upon a calendar day or a legislative day. To-morrow will be the legislative day of the 27th if we take a recess. I thought best to clear up any possible question about the effect of a recess upon the unanimous-consent agreement before a recess is taken.

Mr. PENROSE. Mr. President, it does not seem to me that there is any doubt about it, because the unanimous consent does not mention any legislative day. It specifically mentions Wednesday.

Mr. THOMAS. That is my understanding. I am glad the Senator agrees with me.

Mr. STONE. Before a recess is taken I am going to prefer a request for unanimous consent that the Senate now proceed to the consideration of executive business, to continue not later than half-past 6, and that no business be done except to read and refer nominations.

Mr. THOMAS. Before that request is put, will the Senator withdraw it sufficiently long to enable me to make a motion now that when the Senate recesses it shall recess until to-morrow morning at 10 o'clock?

Mr. STONE. I have no objection to that.

Mr. SIMMONS. Before the motion of the Senator from Colorado is put I wish to inquire if there is dissent by any Senators present to the construction of the Senator from Pennsylvania [Mr. PENROSE] of the unanimous-consent agreement.

The PRESIDING OFFICER. It has been ruled by the Chair that that construction is the correct one.

Mr. THOMAS. I ask that my motion be put that when the Senate takes a recess it shall be until to-morrow morning at 10 o'clock.

The PRESIDING OFFICER. Is there objection to the motion that when a recess is taken it shall be until to-morrow morning at 10 o'clock? No objection being made, it is agreed to.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. The Senator from Missouri [Mr. STONE] has the floor.

Mr. NEWLANDS. I wish to ask the Senator from Missouri whether his motion will include the favorable report from committees upon appointments made. I have a report to make from the Committee on Interstate Commerce.

Mr. STONE. If there be no objection, I will extend the request so as to make it that no business shall be done except the receiving and presentation of nominations for reference and reports of committees on nominations already referred.

Mr. SMOOT. I shall object to the latter part.

Mr. STONE. Then I will not include it.

The PRESIDING OFFICER. Unanimous consent is requested to proceed to the consideration of executive business for the consideration of such matters as were mentioned by the Senator from Missouri.

Mr. NEWLANDS. Certainly the Senator from Utah did not understand my suggestion.

Mr. SMOOT. The Senator from Utah well understood it.

Mr. NEWLANDS. The Committee on Interstate Commerce is ready to report favorably on the nomination of two members of the Federal Trade Commission. I simply wish to make that report.

Mr. SMOOT. The Senator from Utah understands it. There will be plenty of chances to do that.

The PRESIDING OFFICER. There is objection to that part of the request. Is there objection to the request as first made by the Senator from Missouri?

Mr. OWEN. I should like to ask the consent of the Senate that on Thursday morning immediately after the morning business we may take up the bill proposing certain amendments to the Federal reserve act.

Mr. SMOOT. There is no necessity to ask unanimous consent at this time.

The PRESIDING OFFICER. There is objection.

Mr. SMOOT. On Thursday morning the Senator can move to take up the bill, and there is no question but that he will get the votes to take it up.

The PRESIDING OFFICER. There being objection, the question is whether unanimous consent is given to the request made by the Senator from Missouri that the Senate proceed to the consideration of executive business. Is there objection? The Chair hears none, and the Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, February 28, 1917, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 27, 1917.

PROMOTIONS IN THE ARMY.

SIGNAL CORPS.

Maj. Daniel J. Carr, Signal Corps, to be lieutenant colonel from February 14, 1917, vice Lieut. Col. George O. Squier, appointed Chief Signal Officer, with the rank of brigadier general.

Capt. Charles de F. Chandler, Signal Corps, to be major from February 14, 1917, vice Maj. Daniel J. Carr, promoted.

INFANTRY ARM.

Maj. John W. Heavey, Ninth Infantry, to be lieutenant colonel from January 26, 1917, subject to examination required by law, vice Lieut. Col. Sydney A. Cloman, Twelfth Infantry, resigned January 25, 1917.

Capt. Alexander E. Williams, Quartermaster Corps (Infantry), to be major from January 26, 1917, vice Maj. John W. Heavey, Ninth Infantry, promoted.

FIELD ARTILLERY ARM.

Capt. George V. H. Moseley, Fifth Field Artillery, to be major from July 1, 1916, to fill an original vacancy.

Capt. Charles M. Bundel, Sixth Field Artillery, to be major from July 1, 1916, to fill an original vacancy.

Capt. Charles D. Herron, Third Field Artillery, to be major from July 1, 1916, vice Maj. Harry G. Bishop, Fifth Field Artillery, promoted.

Capt. Robert C. Foy, Ninth Field Artillery, to be major from July 1, 1916, vice Maj. Dan T. Moore, unassigned, detailed in the General Staff Corps.

Capt. Edward T. Donnelly, Fifth Field Artillery, to be major from July 1, 1916, vice Maj. Frank E. Hopkins, unassigned, detailed in the Signal Corps.

Capt. George M. Brooke, Field Artillery, detached officers' list, to be major from August 3, 1916, vice Maj. John E. Stephens, unassigned, detailed in the Inspector General's Department.

Capt. Harry C. Williams, Field Artillery (detailed in Quartermaster Corps), to be major from September 22, 1916, vice Maj. Henry L. Newbold, unassigned, placed on detached officers' list.

Capt. Albert U. Faulkner, Fourth Field Artillery, to be major from September 22, 1916, vice Maj. Harry C. Williams, whose detail in the Quartermaster Corps is continued.

First Lieut. Robert G. Kirkwood, Third Field Artillery, to be captain from July 1, 1916, vice Capt. William McK. Lambdin, Fourth Field Artillery, promoted.

First Lieut. Harold E. Marr, Field Artillery, detached officers' list, to be captain from July 1, 1916, vice Capt. George V. H. Moseley, Fifth Field Artillery, promoted.

First Lieut. Joseph W. Rumbough, Fourth Field Artillery, to be captain from July 1, 1916, vice Capt. Charles M. Bundel, Sixth Field Artillery, promoted.

First Lieut. William McCleave, First Field Artillery, to be captain from July 1, 1916, vice Capt. Charles D. Herron, Third Field Artillery, promoted.

First Lieut. Allan C. McBride, Field Artillery, detached officers' list, to be captain from July 1, 1916, vice Capt. Robert C. Foy, Ninth Field Artillery, promoted.

First Lieut. Joe R. Brabson, Third Field Artillery, to be captain from July 1, 1916, vice Capt. Edward T. Donnelly, Fifth Field Artillery, promoted.

First Lieut. Leonard C. Sparks, Field Artillery, unassigned, to be captain from July 1, 1916, vice Capt. Walter E. Prosser, unassigned, detailed in the Signal Corps.

First Lieut. John A. Crane, Fifth Field Artillery, to be captain from July 1, 1916, vice Capt. John N. Greely, unassigned, detailed in the Signal Corps.

First Lieut. Frederick A. Prince, Fifth Field Artillery, to be captain from July 1, 1916, vice Capt. James M. Burns, detailed in the Ordnance Department.

First Lieut. Marshall Magruder, Field Artillery, unassigned, to be captain from July 1, 1916, vice Capt. Everett S. Hughes, detailed in the Ordnance Department.

First Lieut. Truby C. Martin, Sixth Field Artillery, to be captain from July 1, 1916, vice Capt. Thomas J. Smith, detailed in the Ordnance Department.

First Lieut. Wilbur Rogers, Seventh Field Artillery, to be captain from July 2, 1916, vice Capt. Arthur F. Cassels, Sixth Field Artillery, retired from active service July 1, 1916.

First Lieut. Louis R. Dougherty, Field Artillery, unassigned, to be captain from July 2, 1916, vice Capt. Edward A. Stuart, Second Field Artillery, retired from active service July 1, 1916.

First Lieut. Samuel R. Hopkins, Second Field Artillery, to be captain from July 7, 1916, vice Capt. Harry C. Williams, Fifth Field Artillery, detailed in the Quartermaster Corps.

First Lieut. Charles P. Hollingsworth, Field Artillery, unassigned, to be captain from July 7, 1916, vice Capt. Tilman Campbell, Sixth Field Artillery, detailed in the Quartermaster Corps.

First Lieut. Charles D. Daly, First Field Artillery, to be captain from September 22, 1916, vice Capt. Albert U. Faulkner, Fourth Field Artillery, promoted.

COAST ARTILLERY CORPS.

First Lieut. Norton M. Beardslee, Coast Artillery Corps, to be captain from July 2, 1916, vice Capt. John G. Workizer, retired from active service July 1, 1916.

First Lieut. William C. Whitaker, Coast Artillery Corps, to be captain from July 7, 1916, vice Capt. Harry W. Newton, detailed in the Quartermaster Corps.

First Lieut. James A. Brice, Coast Artillery Corps, to be captain from July 7, 1916, vice Capt. Charles E. N. Howard, detailed in the Quartermaster Corps.

First Lieut. James L. Dunsworth, Coast Artillery Corps, to be captain from July 7, 1916, vice Capt. John O. Steger, detailed in the Quartermaster Corps.

First Lieut. Dana H. Crissy, Coast Artillery Corps, to be captain from July 7, 1916, vice Capt. Graham Parker, detailed in the Quartermaster Corps.

First Lieut. Francis G. Delano, Coast Artillery Corps, to be captain from July 7, 1916, vice Capt. Richard H. Jordan, detailed in the Quartermaster Corps.

First Lieut. Raphael R. Nix, Coast Artillery Corps (captain, Ordnance Department), to be captain from July 7, 1916, vice Capt. Owen G. Collins, detailed in the Quartermaster Corps.

First Lieut. James L. Walsh, Coast Artillery Corps (captain, Ordnance Department), to be captain from July 7, 1916, vice Capt. Raphael R. Nix, whose detail in the Ordnance Department is continued.

First Lieut. Henry H. Malven, jr., Coast Artillery Corps, to be captain from July 7, 1916, vice Capt. James L. Walsh, whose detail in the Ordnance Department is continued.

First Lieut. Edward L. Kelly, Coast Artillery Corps, detached officers' list, to be captain from July 7, 1916, vice Capt. Louis C. Brinton, jr., detailed in the Quartermaster Corps.

First Lieut. Thruston Hughes, Coast Artillery Corps, to be captain from July 7, 1916, vice Capt. Mark L. Ireland, detailed in the Quartermaster Corps.

First Lieut. Charles B. Meyer, Coast Artillery Corps, to be captain from July 10, 1916, vice Capt. James A. Ruggles, promoted.

First Lieut. Frederick A. Mountford, Coast Artillery Corps, to be captain from July 10, 1916, vice Capt. Terence E. Murphy, promoted.

First Lieut. Fordyce L. Perego, Coast Artillery Corps, to be captain from July 15, 1916, vice Capt. Allen D. Raymond, promoted.

APPOINTMENTS IN THE ARMY.

CHAPLAINS.

Rev. George Runyan Longbrake, of Wisconsin, to be chaplain with the rank of first lieutenant from February 16, 1917, to fill an original vacancy.

Rev. Frank Campion Armstrong, of Illinois, to be chaplain with the rank of first lieutenant from February 16, 1917, to fill an original vacancy.

Rev. John Henry Hardy, of Texas, to be chaplain with the rank of first lieutenant from February 17, 1917, to fill an original vacancy.

PROVISIONAL APPOINTMENT, BY TRANSFER, IN THE ARMY.

Second Lieut. Erskine S. Dollarhide, Fifth Field Artillery, to be second lieutenant of Infantry, with rank from November 30, 1916.

Second Lieut. George N. Ruhberg, Twenty-sixth Infantry, to be second lieutenant of Field Artillery, with rank from November 30, 1916.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Medical Inspector George H. [illegible]ber to be a medical director in the Navy from the 2d day of [illegible]ober, 1916.

The following-named surgeons to be medical inspectors in the Navy from the 29th day of August, 1916:

Charles E. Riggs,
James F. Leys,
Frank C. Cook,
Charles P. Kindleberger,
Arthur W. Dunbar,
Theodore W. Richards,
Moulton K. Johnson,
Middleton S. Elliott,
Dudley N. Carpenter, and
James C. Pryor.

Surg. Washington B. Grove to be a medical inspector in the Navy from the 2d day of October, 1916.

Passed Asst. Surg. Robert G. Heiner to be a surgeon in the Navy from the 12th day of June, 1916.

The following-named passed assistant surgeons to be surgeons in the Navy from the 29th day of August, 1916:

Robert E. Stoops,
Benjamin H. Dorsey,
Harry F. Hull,
William J. Zalesky,
Lewis H. Wheeler,
Henry A. May,
William D. Owens,
Owen J. Mink,
Frederick E. Porter, and
Paul T. Dessez.

Passed Asst. Surg. Norman T. McLean to be a surgeon in the Navy from the 20th day of September, 1916.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 9th day of February, 1917:

William O. Bailey, a citizen of the District of Columbia,
William B. Fowlkes, a citizen of Virginia, and
Ralph H. Jenkins, a citizen of Maryland.

The following-named first lieutenants to be captains in the Marine Corps from the 29th day of August, 1916:

William B. Sullivan, and
Richmond Bryant.

The following-named acting assistant dental surgeons to be dental surgeons in the Navy from the 29th day of August, 1916:

Emory A. Bryant,
William N. Cogan,
Harry E. Harvey,
James L. Brown,
Eugene H. Tennent,
Joseph A. Mahoney,
Leon Martin,
Joseph D. Halleck,
Anson F. McCreary,
Marion E. Harrison,
Ernest W. Lacy,
Lucian C. Williams,
Harry W. Blaisdell,
Harry D. Johnson,
Paul G. White,
Cornelius H. Mack,
Arthur A. Rehm,
Hugh T. Meyers,
William L. Darnall,
Logan A. Willard,
John R. Barber,
George H. Reed,
Franklin L. Morey,
John V. McAlpin,
Merwin W. Mangold,
Edward E. Harris,
Alexander G. Lyle,
Alexander J. Zuehlke,
John W. Crandall,
Thomas L. Sampsell, and
Thomas J. Daly.

The following-named assistant dental surgeons in the Dental Reserve Corps to be assistant dental surgeons in the Dental Reserve Corps of the Navy from the 29th day of August, 1916:

Williams Donnally,
George C. Kusel,
Meyer L. Rhein,
Clarence J. Grieves,
Charles W. Rodgers,
Clyde M. Gearhart,
David J. Alexander,
Walter C. Miller,
Edwin N. Cochran,
Gordon H. Claude,
Charles C. Galloway,
William M. Thebaut, and
George C. Fowler.

Julius L. Waterman, a citizen of New York, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 13th day of February, 1917.

The following named citizens to be dental surgeons in the Navy for a probationary period of two years from the 20th day of February, 1917:

Griffin G. Frazier, a citizen of the District of Columbia;
Rufus A. Ferguson, a citizen of Virginia;
Alfred W. Chandler, a citizen of New Jersey; and
Carl S. Ziesel, a citizen of New Jersey.

Naval Constructor Daniel C. Nutting, jr., with the rank of lieutenant commander, to be a naval constructor in the Navy with the rank of commander from the 29th day of August, 1916.

POSTMASTERS.

ALASKA.

J. F. Warder to be postmaster at Ketchikan, Alaska, in place of Minnie E. Swineford, resigned.

ARIZONA.

Robert T. Jones to be postmaster at Superior, Ariz. Office became presidential January 1, 1917.

ARKANSAS.

W. E. Lamb to be postmaster at Lepanto, Ark. Office became presidential January 1, 1917.

CALIFORNIA.

George C. Coggin to be postmaster at Armona, Cal. Office became presidential October 1, 1916.

Solomon Geer to be postmaster at Puente, Cal. Office became presidential January 1, 1917.

H. A. Hall to be postmaster at Bigpine, Cal. Office became presidential October 1, 1916.

Thomas F. Keating to be postmaster at Novato, Cal. Office became presidential January 1, 1917.

Henry A. Miles to be postmaster at Ramona, Cal. Office became presidential October 1, 1916.

Edward R. Neill to be postmaster at Indio, Cal. Office became presidential January 1, 1917.

William O'Grady to be postmaster at Kennett, Cal., in place of Kenneth V. Blair, resigned.

Ralph H. Read to be postmaster at Middletown, Cal. Office became presidential January 1, 1917.

Ross L. Taylor to be postmaster at Downieville, Cal. Office became presidential January 1, 1917.

COLORADO.

R. O. Casady to be postmaster at Springfield, Colo., in place of James E. Gordon, resigned.

FLORIDA.

E. L. Brigman to be postmaster at Panama City, Fla., in place of Al Hogeboom, removed.

Sterling L. Canter to be postmaster at Avon Park, Fla. Office became presidential January 1, 1917.

Charles T. Hellier to be postmaster at Jensen, Fla. Office became presidential January 1, 1917.

GEORGIA.

John S. Brown to be postmaster, at Locust Grove, Ga., in place of John S. Brown. Incumbent's commission expired June 7, 1916.

William Smith to be postmaster at Pearson, Ga. Office became presidential January 1, 1917.

John D. Watterson to be postmaster at Eatonton, Ga., in place of Thomas C. Spivey, resigned.

IDAHO.

D. Rolla Harris to be postmaster at Sugar, Idaho. Office became presidential July 1, 1914.

ILLINOIS.

Earl Bitner to be postmaster at Glasford, Ill. Office became presidential October 1, 1916.

Mary H. Hrdlicka to be postmaster at Cary Station, Ill. Office became presidential January 1, 1917.

John F. Petit to be postmaster at Mooseheart, Ill. Office became presidential April 1, 1916.

INDIANA.

Maggie L. Harding to be postmaster at Brownsburg, Ind., in place of James F. Harding, deceased.

Cyrenius W. Walters to be postmaster at Hazleton, Ind. Office became presidential January 1, 1917.

IOWA.

Jacob A. Schwartz to be postmaster at Fenton, Iowa. Office became presidential January 1, 1917.

LOUISIANA.

Edwin R. Ford to be postmaster at Jonesville, La. Office became presidential January 1, 1917.

MAINE.

Herbert M. Poland to be postmaster at Rockport, Me., in place of C. A. Churchill, resigned.

David H. Smith to be postmaster at Darkharbor, Me. Office became presidential October 1, 1916.

MARYLAND.

Edwin S. Worthington to be postmaster at Darlington, Md. Office became presidential October 1, 1916.

MASSACHUSETTS.

Abner Harlow to be postmaster at Mattapoisett, Mass., in place of J. S. Burbank. Incumbent's commission expired December 14, 1912.

Benjamin C. Kelley to be postmaster at Harwich Port, Mass. Office became presidential October 1, 1916.

Frank M. Reynolds, jr., to be postmaster at Nantasket Beach, Mass. Office became presidential October 1, 1916.

Edward W. Sullivan to be postmaster at Stockbridge, Mass., in place of Agnes J. Smith. Incumbent's commission expired December 20, 1915.

MICHIGAN.

George T. Baldwin to be postmaster at Fowler, Mich. Office became presidential October 1, 1916.

William Beacom to be postmaster at Pickford, Mich. Office became presidential January 1, 1917.

Neil H. Burns to be postmaster at Kingston, Mich. Office became presidential January 1, 1917.

Thomas J. Donlan to be postmaster at Dollar Bay, Mich. Office became presidential January 1, 1917.

Floyd W. Downing to be postmaster at Byron, Mich. Office became presidential October 1, 1916.

MINNESOTA.

Fleur de Lis Bradford to be postmaster at Verndale, Minn., in place of C. J. Aldean, resigned.

Bert S. Colton to be postmaster at Granada, Minn. Office became presidential October 1, 1916.

George A. Etzell to be postmaster at Clarissa, Minn. Office became presidential October 1, 1916.

Joseph Groebner to be postmaster at Wabasso, Minn. Office became presidential October 1, 1916.

Edith A. McN. Marsden to be postmaster at Hendrum, Minn. Office became presidential October 1, 1916.

De Wane Searles to be postmaster at Elgin, Minn. Office became Presidential October 1, 1916.

William H. Sturgeon to be postmaster at Canton, Minn. Office became presidential October 1, 1916.

MONTANA.

Don W. Beeman to be postmaster at Lambert, Mont. Office became Presidential October 1, 1916.

Frank Bernatz to be postmaster at Dixon, Mont. Office became presidential January 1, 1917.

Mattie C. Donaldson to be postmaster at Froid, Mont. Office became presidential January 1, 1917.

W. M. Eaman to be postmaster at Dutton, Mont. Office became presidential January 1, 1917.

Matthew U. Mains to be postmaster at Savage, Mont. Office became presidential October 1, 1916.

Margaret O'Connell to be postmaster at St. Ignatius, Mont. Office became presidential October 1, 1916.

Hattie Savage to be postmaster at Troy, Mont. Office became presidential October 1, 1916.

NEBRASKA.

John T. Bridges to be postmaster at Oconto, Nebr. Office became presidential October 1, 1916.

Mildred B. Graves to be postmaster at Palisade, Nebr. Office became presidential October 1, 1916.

William M. Trent to be postmaster at Bellevue, Nebr. Office became presidential January 1, 1917.

NEW HAMPSHIRE.

Stella E. Coburn to be postmaster at North Rochester, N. H. Office became presidential April 1, 1916.

NEW JERSEY.

Alley B. Ayres to be postmaster at Island Heights, N. J. Office became presidential October 1, 1916.

George A. Clark to be postmaster at Scotch Plains, N. J. Office became presidential January 1, 1917.

Frank Ferry, jr., to be postmaster at Bayhead, N. J. Office became presidential October 1, 1916.

John B. Geary to be postmaster at South Plainfield, N. J. Office became presidential October 1, 1916.

Walter R. Huff to be postmaster at Neshantic Station, N. J. Office became presidential January 1, 1917.

Daniel E. McCallion to be postmaster at Lakehurst, N. J. Office became presidential October 1, 1916.

William C. Snyder to be postmaster at Avon by the Sea, N. J. Office became presidential October 1, 1916.

NEW YORK.

Leslie E. Eignor to be postmaster at Pine Hill, N. Y. Office became presidential October 1, 1917.

Joseph A. Frost to be postmaster at Williamstown, N. Y. Office became presidential January 1, 1917.

John B. Mattice to be postmaster at Wayland, N. Y., in place of John A. Kramer, deceased.

George H. Smiley to be postmaster at Minnewaska, N. Y. Office became presidential January 1, 1917.

Clara M. Park to be postmaster at Woodstock, N. Y. Office became presidential October 1, 1916.

George W. Snyder to be postmaster at Schoharie, N. Y., in place of C. B. L'Amoreaux, removed.

Charles H. Whitson to be postmaster at Briarcliff Manor, N. Y., in place of C. H. Whitson. Incumbent's commission expired April 17, 1916.

NORTH CAROLINA.

Albert R. Bauman to be postmaster at Montreat, N. C. Office became presidential October 1, 1916.

Lewis B. McBrayer to be postmaster at Sanatorium, N. C. Office became presidential January 1, 1917.

Edward K. Norris to be postmaster at Creedmore, N. C. Office became presidential October 1, 1916.

Archie J. Sykes to be postmaster at Pomona, N. C. Office became presidential October 1, 1916.

NORTH DAKOTA.

Minnie E. Anderson to be postmaster at Leonard, N. Dak. Office became presidential January 1, 1917.

James Fitzpatrick to be postmaster at Sawyer, N. Dak. Office became presidential January 1, 1917.

Mabelle Fletcher to be postmaster at Adams, N. Dak. Office became presidential October 1, 1916.

Gertrude M. Larin to be postmaster at Parshall, N. Dak. Office became presidential October 1, 1916.

Oscar W. Moore to be postmaster at Rocklake, N. Dak. Office became presidential October 1, 1916.

Mons K. Ohnstad to be postmaster at Sharon, N. Dak. Office became presidential October 1, 1916.

Ira L. Walla to be postmaster at Arnegard, N. Dak. Office became presidential October 1, 1916.

OHIO.

Emil L. Davis to be postmaster at Lakeview, Ohio. Office became presidential January 1, 1917.

Charles O. Polen to be postmaster at Beallsville, Ohio. Office became presidential October 1, 1916.

J. D. M. Russell to be postmaster at Wilberforce, Ohio. Office became presidential January 1, 1917.

Kate B. Stanley to be postmaster at Lowell, Ohio. Office became presidential October 1, 1916.

William T. Wilson to be postmaster at Mount Orab, Ohio. Office became presidential October 1, 1916.

OKLAHOMA.

Charles S. Cravens to be postmaster at Jenks, Okla. Office became presidential January 1, 1917.

George P. Creal to be postmaster at Supply, Okla. Office became presidential October 1, 1916.

Charles H. Hatfield to be postmaster at Hydra, Okla., in place of Lee Roy Daniel, resigned.

Joseph O. Jackson to be postmaster at Mountain Park, Okla., in place of Edward Hensley, resigned.

Allan C. Melton to be postmaster at Cement, Okla., in place of George L. Powell, resigned.

Ellen L. Morris to be postmaster at May, Okla. Office became presidential October 1, 1916.

Frances G. Owens to be postmaster at Gate, Okla. Office became presidential October 1, 1916.

OREGON.

Daisy Buckner to be postmaster at Scio, Oreg. Office became presidential October 1, 1916.

Edgar L. Davidson to be postmaster at Oswego, Oreg. Office became presidential January 1, 1917.

Shelby F. Deaderick to be postmaster at Halfway, Oreg. Office became presidential October 1, 1916.

Clark B. Foster to be postmaster at Dayton, Oreg. Office became presidential October 1, 1916.

Volney E. Lee to be postmaster at North Powder, Oreg. Office became presidential October 1, 1916.

Roy E. Pritchett to be postmaster at Gaston, Oreg. Office became presidential October 1, 1916.

Roy J. Rhoades to be postmaster at Powers, Oreg. Office became presidential January 1, 1917.

J. W. Vandervelden to be postmaster at Banks, Oreg. Office became presidential January 1, 1917.

W. W. Wilson to be postmaster at Yoncalla, Oreg. Office became presidential October 1, 1916.

PENNSYLVANIA.

Camilla W. Adams to be postmaster at East McKeesport, Pa. Office became presidential October 1, 1916.

Daniel J. O'Brien to be postmaster at Everson, Pa. Office became presidential October 1, 1916.

SOUTH DAKOTA.

Walter R. Dickson to be postmaster at Hitchcock, S. Dak., in place of Bernard Laverty, declined.

William F. Gouch to be postmaster at Canova, S. Dak. Office became presidential October 1, 1916.

Charles H. Hess, jr., to be postmaster at Blunt, S. Dak., in place of Nettie H. Beebe. Incumbent's commission expired April 6, 1914.

Bert E. Schroeder to be postmaster at Emery, S. Dak. Office became presidential October 1, 1916.

TEXAS.

Jonathan W. Duncan to be postmaster at Malakoff, Tex. Office became presidential October 1, 1916.

W. S. Nelson to be postmaster at Sterling City, Tex. Office became presidential October 1, 1916.

UTAH.

Joseph A. Sill to be postmaster at Layton, Utah. Office became presidental October 1, 1916.

VIRGINIA.

John C. Hudgins to be postmaster at Claremont, Va. Office became presidential October 1, 1916.

WASHINGTON.

John L. Field to be postmaster at Quincy, Wash. Office became presidential October 1, 1916.

W. W. Gwinn to be postmaster at Harrington, Wash., in place of F. M. Charlton, resigned.

WEST VIRGINIA.

J. Frank Grimet to be postmaster at Mount Hope, W. Va., in place of Charles M. Brown, resigned.

WISCONSIN.

Howard C. Hepburn to be postmaster at Prairie Farm, Wis. Office became presidential October 1, 1916.

Arnie M. Sanders to be postmaster at Marshall, Wis. Office became presidential October 1, 1916.

WITHDRAWAL.

Executive nomination withdrawn February 27, 1917.

Luther Byron Ballou, of Kansas, for provisional appointment as second lieutenant of Cavalry.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 27, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord our God, incline Thine ear and hear our petition. Help us, we pray Thee, to guide our frail bark through the tumultuous and stormy seas of this life, and bring us at last in Thine own good time into that haven of rest where peace and tranquillity reign supreme in Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CLERICAL ASSISTANCE TO COMMITTEE ON ENROLLED BILLS.

Mr. LLOYD. Mr. Speaker, I offer a privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 511 (H. Rept. No. 1568).

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to employ such additional assistant clerks as may be necessary during the remainder of the Sixty-fourth Congress, the payment for services not to exceed the sum of $250, to be paid out of the contingent fund of the House.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 20451. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The Speaker announced his signature to enrolled bills of the following titles:

S. 8227. An act granting the consent of Congress to the city of Fort Atkinson, in Jefferson County, Wis., for the construction of a bridge across the Rock River; and

S. 8295. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

Mr. BYRNS of Tennessee. Mr. Speaker, I ask unanimous consent to dispense with the reading of the report, and let me make just a brief statement.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to make a brief statement in lieu of the report. Is there objection?

Mr. WINGO. Reserving the right to object, Mr. Speaker, I suggest that the gentleman make a brief statement, and then we can decide whether or not to dispense with the reading of the report.

The SPEAKER. Is there objection to the gentleman from Tennessee making a brief statement?

There was no objection.

Mr. BYRNS of Tennessee. Mr. Speaker, since the filing of this report the Senate has taken action upon another appropriation bill—the Indian appropriation bill—adopting the House provision with reference to the increase of salaries. The report now before the House recommends that the House yield to the Senate and adopt the so-called Smoot amendment.

That report was made as a result of the very firm, very positive, and insistent statements of all the Senate conferees on this particular bill and the Senate conferees on other appropriation bills carrying a like provision, that the Senate would never yield to the House and would insist positively and firmly and finally upon the adoption of the Smoot amendment. But since the Senate on yesterday afternoon adopted the provision of the House upon the Indian appropriation bill, I think that this report of the conferees upon the legislative bill should be rejected and sent back to conference, and I ask that that be done.

Mr. GILLETT. Mr. Speaker, will the gentleman yield to me five minutes?

Mr. BYRNS of Tennessee. I yield to the gentleman.

Mr. GILLETT. Mr. Speaker, I think I ought perhaps to make an explanation and possibly an apology to the conferees on behalf of the House and to the Senate for some remarks I made the other day on amendment numbered 17. That is the amendment where the Senate put in a provision for four clerks in the State Department, who would be in the classified service, and the House conferees amended it by the insertion of words which practically took those clerks out of the civil service, and in my remarks I criticized the conferees and said they were acting simply as a cat's-paw for the Senate, assuming that this patronage all went to the Senate.

Now, I wish to say, Mr. Speaker, that I found I was mistaken, and that the patronage, instead of going, as I assumed, to the Senate, went half to the Senate and half to Members of the House, and therefore I did an injustice to the conferees in saying that they yielded and gave this patronage exclusively to the Senate.

Now, it is very obvious, Mr. Speaker, why this was done. I confess it was astounding to me to find that the Senate put on this amendment providing for four clerks in such a way as to take them out of the civil service. Why the Senate had such a spasm of virtue is difficult to understand, and I suspect it was by accident rather than by design. [Laughter.] The result of the House amendment taking them out of the classified service was, as I understand, that two members of the House Foreign Affairs Committee got two of these clerks and two Members of the Senate got the other two. Of course it means that the Secretary of State was obliged to give this patronage to the members of the Committee on Foreign Affairs. I do not suppose it is because the Secretary of State thinks those Members will recommend any better clerks, or because they are any more intelligent or influential than any other Members of this House, or than the conferees; but it is because when the Committee on Foreign Affairs go to the State Department and urge upon them their friends for clerks the State Department will not dare to refuse, because as they are constantly asking that committee for legislation and appropriations they can not afford to offend them, but must propitiate them, and that illustrates the viciousness of such legislation as this, because it involves a reciprocal obligation between the State Department and the Committee on Foreign Affairs. If the State Department gives these influential gentlemen this patronage, then they expect, when their bills come before the committee, that the committee will have a friendly and obliged sense of gratitude toward them and will be apt to smooth the way for such legislation as they want. Each tries to oblige the other, and the United States bears the expense.

The conferees of the House suggested the amendment whereby, instead of having four clerks specified and classified as the Senate had them, they simply granted a lump sum, which takes it out of the civil service. The Committee on Appropriations for years—and I think the gentleman from Tennessee [Mr. BYRNS] and also the gentleman from Mississippi [Mr. SISSON] have been about as insistent as anybody in maintaining that position—have insisted that we ought to do away with lump sums, and that we ought to appropriate for individual classes; and yet in this instance the conferees of the House have moved an amendment granting a lump sum and so taking it away from the civil service and making it all a matter of patronage.

I am very much surprised that the gentleman from Tennessee [Mr. BYRNS] should have done this. In response to my question the other day the gentleman from Tennessee said that, of course, I appreciated that the conferees of the two Houses could not either of them have their own way, intimating he had yielded unwillingly to the Senate. In this case the gentleman could have had his own way by just keeping silent and leaving these clerks in the civil service, where the Senate placed them; but I venture to say that when he made this amendment there was no controversy with the Senate conferees about accepting it. They undoubtedly tumbled over each other to accept this amendment, and I should not be surprised if they themselves suggested it. I regret extremely that when the Senate had this unprecedented and inexplicable spasm of virtue the conferees on the part of the House should have come forward and thrown them a life line and pulled them out onto their usual vantage ground of patronage. I think it deserves the criticism of the House; and while I admit that I was mistaken the other day, and that the gentlemen were not mere cat's paws of the Senate, I do not know that it very much relieves them that the patronage was divided fifty-fifty between the Foreign Affairs Committee of the House and the Foreign Relations Committee of the Senate.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. GILLETT. Certainly.

Mr. MANN. The gentleman stated, as I understood him, that the Senate in a spasm of virtue took these clerks out from under the civil service.

Mr. GILLETT. If I said that, I misstated it. I meant to say that by what seemed to me to be an inadvertence the Senate put them in.

Mr. MANN. Put them into the classified service?

Mr. GILLETT. Yes.

Mr. BYRNS of Tennessee. Mr. Speaker, I am very glad that my friend the gentleman from Massachusetts [Mr. GILLETT], who shows so much familiarity with the question as to just where this patronage is going, has made a statement which confirms my statement of the other day to the effect that no one of the conferees of the House upon this bill and no member of the Appropriations Committee of the House has any of this patronage or expects to receive any of it. In so far as the suggestion of the gentleman from Massachusetts as to where this amendment really came from is concerned, I shall have nothing to say, because that was a matter that took place in conference. But I will say to the gentleman that the question of making this a lump sum appealed to the House conferees, and I assume to the Senate conferees, because of the fact that it is an emergency appropriation to enable the Secretary of State to employ clerks for emergency purposes. He may need them all the year. He may need them for only a portion of the year; and certainly, if I understand correctly, it has always been the policy of Congress in appropriations of this kind to leave a certain amount of flexibility so as to permit the Secretary of State to use the funds for the best interests of the service.

Mr. GILLETT. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman.

Mr. GILLETT. Will the gentleman tell me what difference it would make, in the line in which he now speaks, as to whether they had been appropriated for as proposed by the Senate or by the House? In either case they could have been used temporarily and dropped at any time.

Mr. BYRNS of Tennessee. The Senate amendment provided for four positions.

Mr. GILLETT. Which were then in existence.

Mr. BYRNS of Tennessee. One of class 4, one at $900, and two at $720 each, if I remember correctly.

Mr. GILLETT. Positions that were then in existence.

Mr. BYRNS of Tennessee. That would have made it necessary for the Secretary of State, if he had used this fund, to have employed only four clerks, and to have employed them for a year, whereas under the lump-sum appropriation he can employ 6 or 8 or 10, if he needs them, for a limited time. I do not know whether the Secretary of State intends to do that or not, but it simply gives him that privilege if he thinks best.

Mr. MANN. Will the gentleman yield to me just one minute?

Mr. GILLETT. I yield to the gentleman from Illinois.

Mr. MANN. I should like to make a little addition to what has been said. I have been told that this appropriation item to which reference has been made provides for taking care of four clerks in the State Department, two of whom were named by Democratic members of the Committee on Foreign Affairs of the House and two of whom were named by Democratic members of the Committee on Foreign Relations of the Senate.

Mr. GOOD. Will the gentleman yield to me three minutes?

Mr. BYRNS of Tennessee. I yield to the gentleman three minutes.

Mr. GOOD. I think the gentleman from Tennessee [Mr. BYRNS] is mistaken with regard to the policy of the committee and the policy of the House when he says it has been the policy of the committee to provide for these emergency employees in a lump-sum appropriation. Just the reverse is the case. If he will turn to page 35 of the bill he will find that we appropriated $320,000 for the employees of the State Department. Two years ago the Secretary of State came before the committee, wanting to increase that by adding a great many of the various classes of clerks, but the committee thought it was better to place those in a separate paragraph, not appropriating a lump sum, and so we provided for the following additional clerks: Two of class 4, 4 of class 3, 5 of class 2, 10 of class 1, 12 at $1,000 each, and so forth, $54,000.

Then, in another paragraph, after naming certain persons who would do drafting work, and so forth, we said: Law clerks—2 at $2,250 each, 1 at $2,000, to be appointed by the Secretary; clerks—8 of class 4, 7 of class 3, 10 of class 2, 10 of class 1, and so forth; in all, $72,880. We named the number of clerks of each class, and they had to be appointed from the classified list.

Mr. BYRNS of Tennessee. Now will the gentleman yield?

Mr. GOOD. After what we did here the Senate went to work and put on another additional paragraph, and named the clerks—1 of class 4, 1 at $900, 2 at $720 each—and what the

conferees did was to strike out that language and put in the lump sum, a thing altogether different than we had ever done before. While I am not disposed to criticize what was done in committee, I think the interpretation that has been placed upon the action of the conferees by the gentleman from Massachusetts [Mr. GILLETT] is a natural interpretation, and one warranted by the facts.

Mr. BYRNS of Tennessee. Will the gentleman yield just there?

Mr. GOOD. Yes.

Mr. BYRNS of Tennessee. The gentleman refers to the appropriation which was made two years ago for extra clerks and placed in a separate paragraph?

Mr. GOOD. Yes.

Mr. BYRNS of Tennessee. The gentleman, I am sure, will agree with the statement that those clerks were appropriated for permanently. In other words, they were made a part of the permanent force of the department, and they were taken out from a lump sum which was appropriated the year before to enable the Secretary of State to secure additional services for emergency purposes.

Mr. GOOD. Yes.

Mr. BYRNS of Tennessee. So I repeat, that it always has been the policy and was the policy in this bill to make these emergency appropriations in lump sums, and it was only when it was made to appear to the committee two years ago that the clerks who had been employed out of this lump sum were necessary as a part of the permanent standing force of the department that they were taken in and appropriated for in the manner suggested by the gentleman.

Mr. GOOD. I will ask the gentleman in reply if it was not the understanding that they were provided for in an additional paragraph in order that they might be taken up and dropped as soon as the European war was over and the causes that made the employment necessary had disappeared?

Mr. BYRNS of Tennessee. That is correct; they were put in a separate paragraph for that reason, but they were intended to be a permanent force.

Mr. GOOD. A permanent force for the year, but with the intention of dropping them as soon as the reason for the employment had disappeared.

Mr. BYRNS of Tennessee. That is quite true. Mr. Speaker, I ask for a vote.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to dispense with the reading of the report. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendments and ask for a conference.

Mr. MANN. Did we amend any of the Senate amendments?

Mr. BYRNS of Tennessee. The educational amendment, I think, was amended.

Mr. MANN. Then the gentleman wants to except that.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House further insist on its disagreement to all the Senate amendments except Senate amendment 58, and further insist on its amendment to Senate amendment 58.

Mr. STAFFORD. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. STAFFORD. Amendment 62, providing for accounting officers——

Mr. BYRNS of Tennessee. That was concurred in by the House without an amendment.

Mr. MANN. Then the gentleman wants to except that. We do not want to insist on our disagreement to amendment 62.

Mr. BYRNS of Tennessee. But that amendment is not in disagreement.

Mr. GARNER. I think the gentleman from Tennessee has already made the proper motion in the beginning. There is no amendment 62 in disagreement.

Mr. MANN. Very well; I think the gentleman is correct.

The SPEAKER. The gentleman from Tennessee moves that the House further insists on its disagreement to all the Senate amendments except Senate amendment 58, and insist on the House amendment to Senate amendment 58 and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. BYRNS of Tennessee, Mr. SISSON, and Mr. GOOD.

EXTENSION OF REMARKS.

Mr. LAZARO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the manufacture of small arms.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

BATTLE FIELD OF GUILFORD COURTHOUSE.

Mr. DENT. Mr. Speaker, I desire to call up the conference report on House bill 8229, to establish a military park at the battle field of Guilford Courthouse, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the statement be read instead of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8229) to establish a national military park at the battle field of Guilford Courthouse, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 4.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 4. That the affairs of the Guilford Courthouse National Military Park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, one of whom shall be an actual resident of Guilford County, State of North Carolina, one an actual resident of the State of Maryland, and one an actual resident of the State of Delaware. They shall be appointed by the Secretary of War, the actual resident of Guilford County, State of North Carolina, so appointed to serve, unless sooner relieved, for a term of four years. The resident commissioner shall act as chairman and as secretary of the commission. One of the other commissioners so appointed shall serve for a term of three years, and the other for a term of two years, unless sooner relieved. Upon the expiration of the terms of said commissioners the Secretary of War shall, in the manner hereinbefore prescribed, appoint their successors, to serve, unless sooner relieved, for a term of four years each from the date of their respective appointments. The office of said commissioners shall be in the city of Greensboro, N. C. The resident commissioner shall receive as compensation $1,000 per annum, the nonresident commissioners $100 per annum each, and they shall not be entitled to any other pay or allowances of any kind whatsoever.

"SEC. 5. That it shall be the duty of the commission named in the preceding section, under the direction of the Secretary of War, to open or repair such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of War may determine, all lines of battle of the troops engaged in the Battle of Guilford Courthouse and other historical points of interest pertaining to the battle within the park or its vicinity; and the said commission in establishing this military park shall also have authorty, under the direction of the Secretary of War, to employ such labor and services and to obtain such supplies and material as may be necessary to the establishment of said park, under such regulations as he may consider best for the interest of the Government, and the Secretary of War shall make and enforce all needed regulations for the care of the park."

And the Senate agree to the same.

S. H. DENT, Jr.,
SAM. J. NICHOLLS,
JULIUS KAHN,
Managers on the part of the House.

GEO. E. CHAMBERLAIN,
G. M. HITCHCOCK,
H. A. DU PONT,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8229) to establish a national mili-

tary park at the battle field of Guilford Courthouse, submit the following written statement explaining the effect of the action agreed on:

The conferees substantially agreed upon the bill as it passed the House, except as to section 4. That section was changed so as to provide that the resident commissioner of Guilford County, N. C., should hold his commission for a term of four years, unless sooner removed, and receive a salary of $1,000 per annum instead of $2,000. Said section was further changed so as to provide that the other two commissioners should be appointed, one from the State of Maryland and the other from the State of Delaware, and should hold their commissions for a term of two and three years, respectively, as the Secretary of War might determine, and receive a salary of $100 per annum instead of $500. It further provides that upon the expiration of the terms of the several commissioners their successors should be appointed for a term of four years each.

Section 5 was reinstated just as it passed the House.

The Senate receded from its disagreements Nos. 2 and 4, and the House receded on No. 3. The latter simply strikes out such language as the conferees deemed unnecessary, to say the least.

S. H. DENT, Jr.,
SAM. J. NICHOLLS,
JULIUS KAHN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6286. An act to confer jurisdiction on the Court of Claims; to the Committee on the Judiciary.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20967, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARNER in the chair.

The Clerk read as follows:

All expenditures of money appropriated herein for school purposes in Alaska for schools other than those for the education of white children under the jurisdiction of the governor thereof shall be under the supervision and direction of the Commissioner of Education and in conformity with such conditions, rules, and regulations as to conduct and methods of instruction and expenditure of money as may from time to time be recommended by him and approved by the Secretary of the Interior.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Is the gentleman from New York able to say how much of the $200,000 appropriated for the education and support of schools in Alaska is expended for education, and how much for other purposes?

Mr. FITZGERALD. We appropriate $200,000 for the education of the Esquimaux, Aleuts, and Indians.

Mr. MANN. But how much is used for education, and how much is used for other purposes?

Mr. FITZGERALD. It is all used for education.

Mr. MANN. If the gentleman has not the information I will not ask him about it.

Mr. FITZGERALD. I know that it is all expended for education. Previously some was spent for medical relief, but we now provide for that in a separate paragraph.

Mr. MANN. They employ a lot of doctors and nurses.

Mr. FITZGERALD. But that is out of a separate appropriation.

Mr. MANN. No; they employ them out of this fund, besides a lot of other expenses.

Mr. FITZGERALD. We did formerly, but we do not now.

Mr. MANN. The difficulty is I happen to have read the report of the Commissioner of Education on the subject which came to us yesterday, and the gentleman from New York has not yet read it.

Mr. FITZGERALD. But that was for the year past; we are talking about the current year. I am up to date, and the gentleman is not.

The Clerk read as follows:

National Park Service: Director, $4,500; assistant director, $2,500; chief clerk, $2,000; draftsman, $1,800; clerks—1 of class 3, 2 of class 2, 2 at $900 each; messenger, $600; in all, for park service in the District of Columbia, $17,600.

Mr. RANDALL. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 120, line 25, after the figures "$17,600," insert: "*Provided*, That no part of the appropriations made in this act shall be expended for any purpose in any national park wherein a monopoly has been granted by any employee or officer of the Government to any lessee or permittee, concessionaire or other person, firm or corporation whatsoever."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will not be adopted. It is absolutely destructive of the proper management and control of the national parks. For many years visitors to the national parks have been severely criticizing the character of the accommodations that have been afforded by various concessionaires. The Interior Department, through the new National Park Service, after spending almost two years in negotiating with the various concessionaires, have finally, in nearly all of the national parks, entered into agreements whereby the hotel, camp, and transportation facilities have been put upon a basis that will insure to the visitors to the national parks decent and adequate and sanitary accommodations, with an adequate return to the Government for the privilege granted. These negotiations have taken considerable time to effect. Take the Yellowstone National Park, for instance. Heretofore the transportation through that park has been by horse-drawn vehicles. It took five days for the tourists to go through the park. There were several transportation companies. Now, the Department of the Interior has gotten together those who had the hotel privileges, those who had the transportation privileges, those who had the camping privileges, and by a series of agreements by which everyone who had some concession was protected, have arranged a system of automobile service by which it will be possible for the tourist to go through the park, if he so desires, in three days. Not only would it be possible for him to shorten the time of his visit, but arrangements have been made to eliminate insanitary conditions for the tourist and to provide him with decent accommodations. Such arrangements could not have been made unless some provision was possible by those who had to invest very considerable sums of money were insured of some return upon their investment.

The arrangements that have been made have all been made upon a profit-sharing basis for the Government. The Government is to receive in most of these agreements 50 per cent of the profits of the enterprise, and after what has been done, the efforts that have been made to improve the park service for the benefit of the tourist, it would be an outrage at this time to adopt such an amendment. If it were adopted, persons who have invested very large sums of money for automobiles in some of these parks would suffer great loss. In the Yellowstone National Park my recollection is that it required an investment of nearly half a million dollars to provide the automobiles necessary to accommodate the traveling public. That concession in its nature is essentially an exclusive concession, and the adoption of such an amendment as this would deprive these people of the opportunity to carry out their agreement and would make them suffer irreparable financial loss. For these reasons the amendment is not only unwise, but it is absolutely indefensible and ought not to be agreed to.

Mr. RANDALL. Mr. Chairman, the gentleman from New York makes a very plausible address in favor of monopolies. I do not know what has happened in other parks, but I do know what has happened in the Yosemite. Five thousand private automobiles went into this park last year and they found accommodations like this: There was but a single place at which they could buy gasoline in the Yosemite National Park, and another concessionaire in the Yosemite Park begged the authorities to be permitted to sell gasoline for 10 cents a gallon less than the exclusive concessionaire sold it for. The man who goes into that park will find that there is but one garage in which he can have repairs made, and that there is no competition whatever. The business has grown to an extent where there is plenty of business to have actual competition. The exclusive contracts which have been entered into by the Interior Department have resulted in making the Yosemite National Park a park for rich people, and a park for poor people to keep out of.

Mr. BORLAND. Mr. Chairman, I am satisfied that the evil that the gentleman from California strikes at is purely an ad-

ministrative matter, a matter of regulation, and I am satisfied that he does not intend to go as far as his amendment would go. As the chairman of the committee has explained, it has taken some time to bring these accommodations in the national parks up to the demand of the present traveling public.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. RANDALL. There have always been plenty of accommodations in all of these parks, transportation and otherwise, of the very finest kind.

Mr. BORLAND. Mr. Chairman, the demand has been growing in recent years faster than accommodations grew, and when a demand grows and a larger number of people go into the parks a stricter regulation is necessary from a sanitary standpoint, fire protection, and from the standpoint of the convenience and comfort of the traveling public, and in every other way. This park service has worked out a plan of that kind on the profit-sharing basis, and they have taken away the incentive for extortionate charges in two ways: First, by reserving the right to regulate these charges; and second, by regulating the gross amount of profit that the concessionaire may make, providing for a division over a certain return upon his investment. Those two ways are the best ways that have been found to correct this evil. It was not at all apparent that if there was the freedom of competition that the gentleman dreams of there would not be a combination formed overnight among the people who happen to be selling gasoline in a particular park.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. JOHNSON of Washington. Is it not a fact that by means of regulation the system of charges are not only for admission of automobiles in all of the parks, but other charges have been made uniform so that the touring public will know what the charges will be?

Mr. BORLAND. They are being made uniform, and our opinion is they are reasonable. Under the circumstances necessarily they are higher than they would be in the large cities where there would be a great many accommodations. Men do not transport repairs and gasoline a long ways and wait for business unless there is a profit to justify it, and the matter about which the gentleman complains is purely an administrative one.

Mr. TAYLOR of Colorado. Is it possible for one garage to take care of 5,000 cars in the short time they go in there?

Mr. BORLAND. I do not understand that 5,000 cars all stop for repairs or 5,000 stop for gasoline.

Mr. FITZGERALD. Five thousand cars go in in the course of an entire year, as the Yosemite Park is open all the year round.

Mr. TAYLOR of Colorado. I know, but 5,000 cars are a great many for one garage to take care of.

Mr. BORLAND. The gentleman realizes there is a town called El Portal only a few miles from the entrance gate——

Mr. HAYES. Twenty miles.

Mr. BORLAND. About 20 miles from El Portal to the gate of the park, and the chances are the number of people who are compelled to have repairs made and buy gasoline out of the 5,000 is rather limited.

Mr. TAYLOR of Colorado. The charges are extortionate.

Mr. BORLAND. I do not know the charges are extortionate, I think that is a matter that ought to be submitted to the Interior Department.

Mr. HAYES. Will the gentleman yield to me for a suggestion?

Mr. BORLAND. Yes.

Mr. HAYES. I do not know that an act of Congress is necessary; it may be a department regulation can correct it; but there are a great many abuses in the national parks like the gentleman from California, my colleague, has suggested. For instance, last summer, to my personal knowledge, gasoline went from 25 cents a gallon in the national park up to 39 cents a gallon, where it stayed nearly all the summer, and finally got up to 50 cents, so I am advised, though I do not know it of my own personal knowledge.

Mr. FITZGERALD. The gentleman realizes that persons transporting gasoline into the national parks for sale are put to a freight charge?

Mr. HAYES. But the men who charge that are absolutely without excuse. It is due to the fact that certain men have the monopoly for the sale of gasoline, and let me suggest one thing more, which I know personally, and that is the garage man has an exclusive right for the garage and the charges were extortionate.

Mr. BORLAND. Let me remind my friend from California that the charges for the ordinary tourist through the parks have not only been kept down, but in some cases actually decreased, and the grade of accommodation in lodging, food, and transportation has been increasing for the amount that has been charged the tourists. This is an isolated case about the gasoline. In every respect these charges have worked fairly and uniformly for the people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I can not subscribe to the policy inaugurated by the National Park Service of placing a penalty in the way of charges upon all tourists who happen to visit our national parks, a new policy, in order to save the Government, perhaps, some appropriations for maintenance and to have the Government become a profit sharer to the extent of 50 per cent of the net profits arising from these various concessions. If the Government is going to receive 50 per cent profit, it naturally follows that the charges must be higher.

I can not favor the position that our national parks, those greaty beauty places in the western part of the country, should be used as a means of profit sharing by the National Government. Nor can I subscribe to the new policy recently inaugurated under this National Park Service of monopolizing concessions in these respective parks. If I had not seen the actual effect of monopoly during a three weeks' stay in the Yosemite National Park, where it was my privilege to go into every nook and corner of that wonderland, I would not here to-day be speaking in advocacy of the amendment offered by the gentleman from California.

Mr. FITZGERALD. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. FITZGERALD. The gentleman was in the Yosemite National Park two years ago, and there was no monopoly. How could he know the effect that did not exist when he was there?

Mr. STAFFORD. The gentleman says there was no monopoly. I beg to differ with the gentleman. There was a monopoly there in the way of transportation of passengers from the valley over to the Mariposa Grove of large trees. Those charges were so extortionate that tourists complained of the high prices exacted, not only of the charges from the valley over to the Mariposa Grove of large trees, but from El Portal, the terminus of the railroad, over to the valley. When the new service was inaugurated of taking tourists by way of the Coulterville Road to El Portal the charges were cut. It was an independent concession whereby the charges were reduced, but the department afterwards declined to grant another privilege to any automobile concern taking tourists from the valley over to the Mariposa Grove of trees. Now, not only was this the case so far as the Yosemite is concerned, but it is a similar case that was called to my attention as to the Yellowstone. As to the Yellowstone I called the attention of the committee last year when this bill was under consideration that there were two concessionaires who had the privilege of hotel and camp accommodations, and then there was another camping company, whose name I now forget.

The third company that was in business there for one year had reduced the prices decidedly, so as to accommodate the poorer class of people who would come into the park. What did the administration officials of the National Park Service do but drive this company that was granting lower prices to the public generally out of the park and refuse to give them a concession.

Mr. FITZGERALD. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. FITZGERALD. That was because the sanitary condition of the camp they maintained was so bad it was absolutely a menace to the health of the people.

Mr. STAFFORD. That was not the reason. If they wanted to correct insanitary conditions all they had to do was to call them to their attention.

Another condition in the Yosemite National Park was that they charged $5 for any automobile coming into the park, not permitting it to be used in any way whatever while in the park except to come in and go out. The charge of $5 was a tax for coming into the park. Quite a few were Ford cars with camping outfits on them, with cots on the side. Poor people from California and from even far-distant States, coming there to stay two or three days, were penalized with a $5 entrance fee into the park. This condition is going on. The present administrative officials want to make a showing, but, gentlemen, there is something fundamental here. You can not approve the policy of charging an admission price for those who are privileged to go into those parks, but that is the system that is now being inaugurated under this national-park management. They are paying, it is true, to the Government 50 per cent of the receipts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN (Mr. HAMLIN). The gentleman from Wisconsin asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. As in the case instanced by the gentleman from California in the sale of gasoline, 50 cents per gallon is being charged, not to the wealthy alone, but being charged to all users; and those who come by automobile into the Yosemite National Park are those, so far as I saw, or a majority of them, using the cheaper grade of car, costing less than $1,000. They are the ones who are paying the tax.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. JOHNSON of Washington. What does the gentleman think would be a fair price for gasoline at a mountain resort in a national park?

Mr. STAFFORD. Anyone who knows anything about the accommodations up there in the Yosemite knows it is not difficult to get commodities up there. The valley is only 16 miles from railroad communication. There is a fine macadam road leading from El Portal into the floor of the valley, without a steep grade, and articles of merchandise are shipped in there by parcel post. That road is open the entire year. The question would depend entirely on the facility with which these commodities could be brought into the park, but so far as the Yosemite is concerned there is no warrant whatever, in view of the proximity to the oil fields of California, for charging 50 cents a gallon for gasoline.

This new park service wants to drive out these independent camp-site proprietors who have been furnishing good accommodations at reasonable rates. They succeeded so far as the Yosemite was concerned in driving out one or two of those concessions. Who is paying the price? The public. Does the gentleman from Washington believe that we should penalize the tourists of the country and exact admission fee to the extent of many dollars of all those who enter the park? Does he think it is right to charge the owner of a Ford automobile coming into the park, $5 merely for entering the park and going out again?

Mr. BORLAND. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. BORLAND. Does the gentleman think we ought not to derive any revenue at all from the parks?

Mr. STAFFORD. I do not believe we should put any tax whatever or price of admission whatever upon those coming into the parks. I believe those parks should be free to all who happen to be in that neighborhood.

Mr. BORLAND. Let me ask the gentleman this question——

Mr. STAFFORD. They should not charge an admission fee to a pedestrian or an admission fee to the user of an automobile, and especially you should not when the automobiles do not destroy the roads; but these truck companies that have exclusive concession from El Portal up the valley and charge exorbitant rates tear the roads up. It is a case of favoritism only.

Mr. BORLAND. What is the logic of the gentleman's position? That we should not charge the concessionaires anything whatever? He says they are the ones who tear up the roads. Does he think the man that goes through there with an automobile ought not to pay anything toward the upkeep of the roads?

Mr. STAFFORD. He should not. The road should be open and free.

Mr. BORLAND. And yet he says the concessionaire is the man who tears up the road.

Mr. STAFFORD. If the gentleman had been up there any length of time he would agree that it was the truck cars which impair the roads.

Mr. SINNOTT. I will say that in 1915 in Crater Lake Park, in Oregon, 20 miles from where they charge 35 cents a gallon for gasoline, they charged in the park 60 cents, and on a road built by the Government.

Mr. STAFFORD. There can be instance after instance cited of this monopolistic feature of the National Park Service. There can be no question that under the old system the tourists had the benefit of reasonable charges.

The fact is that in those various camps in the Yosemite they have different grades and prices, according to the different grades of service, and you can get service as low as $12 a week. Now it is proposed to raise the price to $18 a week, so that the proprietors can afford to pay 50 per cent of it to the National Treasury. I am not in favor of that policy of calling upon the public to pay for a portion of the support of our national parks.

Mr. RAKER. Mr. Chairman——

Mr. FITZGERALD. Mr. Chairman, can we agree upon time as to this amendment?

Mr. MONDELL. There are three gentlemen here who would like time.

Mr. FITZGERALD. I ask that the debate on the pending amendment and all amendments thereto close in 25 minutes.

Mr. MONDELL. There are three gentlemen on this side who want time.

Mr. RAKER. I have already been recognized.

Mr. FITZGERALD. There are two on this side—the gentleman from California [Mr. RANDALL] and the gentleman from Kentucky [Mr. SHERLEY]. Make it 30 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that debate on the pending amendment and all amendments thereto close in 30 minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, the gentlemen who were indicated are the gentleman from Massachusetts [Mr. GILLETT], the gentleman from Wyoming [Mr. MONDELL], the gentleman from California [Mr. HAYES], the gentleman from California [Mr. RANDALL], and the gentleman from Kentucky [Mr. SHERLEY].

Mr. MONDELL. Mr. Chairman, in the nature of things, all of the privileges granted to do business in the national parks are in the nature of monopolies. It would not be wise or practicable to allow anybody and everybody to go into the national parks and do business. It would not be safe, and it would not be in the interest of the public, and it would not conduce to economy or good service.

Now, it is true that under the present management of the national parks there is, I think, too much of a tendency and a disposition to grant exclusive privileges. I have had some talks on this subject with the very able and very conscientious gentleman who has given his time and worked earnestly in the management of the parks, Mr. Mather, who is now ill by reason of the hard work and close application he has given to this service. I have suggested to him that in my opinion it was possible they were going a little too fast and a little too far in the matter of granting exclusive privileges. But there are certain classes of privileges, there are certain classes of services in the parks that must in the nature of things be monopolistic. We are just starting an automobile service in the Yellowstone Park, and that automobile service is to be rendered by a company composed of those associations who have heretofore been exercising the privilege of carrying passengers through the park. They have organized one company out of the five companies, I think it is, that have been heretofore operating. The Secretary has fixed the charges as he fixes the charges in all these cases. He determines the class of their equipment and he regulates absolutely the conditions under which the service shall be performed. For the present at least it seems to me that is the only practical way in which we can handle the automobile situation in the Yellowstone Park at this time. It would be prohibited by this amendment.

Mr. TILSON. Will the gentleman yield for a question?

Mr. MONDELL. Certainly.

Mr. TILSON. Suppose the regulation was entirely taken away and there was no regulation. What would be apt to be the condition so far as the public safety and convenience were concerned?

Mr. MONDELL. Endless confusion and infinite harm to the public, beyond all question. I think the gentleman's question answers itself. There must be regulation, there must be control; and in the nature of things, there must in some cases be exclusive service in the hands of one person or organization.

Mr. ELSTON. Will the gentleman yield for a question?

Mr. MONDELL. Certainly.

Mr. ELSTON. Is it the purpose of this amendment to provide that anybody who puts in an application upon terms submitted by the department shall be granted a permit, and that in that way it will be a free-for-all proposition, come one, come all?

Mr. MONDELL. I do not know what thought is in the mind of the gentleman who offered the amendment, but I know this is the fact, that the very proper arrangement which has been made in the Yellowstone Park relative to automobile service could not be carried on under the gentleman's amendment.

Mr. RANDALL. Why could it not be carried on?

Mr. MONDELL. Because it is in the nature of a monopoly, and the gentleman proposes there shall be no monopoly. It is a regulated monopoly. The Secretary insists that the cars shall be good, that the chauffeurs shall be men who have taken an examination, and who have been proven to be capable and safe, and it is a good service. It may be the service has in some

cases gone too far in providing for exclusive privileges, and that some of the rates and charges are too high, but that can all be remedied without breaking down the entire system.

Mr. HAYES. I have no desire to criticize the assistant to the Secretary of the Interior, Mr. Mather. I think he has spent a great deal of time and strength on the management of our parks and has done more for them than any other man who has occupied any position in connection with the Government since I have known anything about them; but I think he is making a mistake along the line of granting monopolies too generally. I wish to state that the amendment of my colleague does not contemplate any free-for-all proposition. It does not deny to the Secretary of the Interior or to the officers of the park the right to make reasonable regulations as to automobiles or anything else. It does not deny the right to make reasonable charges for entrance to the park or for any convenience that may be offered to tourists. It only strikes out what seems to me to be a very great abuse, and that is the monopoly. It may be that no action of Congress is needed to correct the abuses complained of; that can possibly be done by administrative rules. As indicating what can be done in a park in the absence of monopoly, when there is healthy competition, I want to call your attention to the five camping companies that are now operating in the Yosemite Valley. We have five camps there, all operated in competition with one another. And after a personal experience in the park and trying those camping companies, I want to say that you can not find any place where you will get better accommodations, better service, or more reasonable prices for the accommodations which are offered than you can get at the camping sites in the Yosemite Park. To be sure they are all regulated. They are obliged to conduct their camps in a sanitary way. That is proper, and this amendment does not interfere with that. It only strikes at the monopolistic tendency in connection with the parks, which sometimes permits extortionate charges to be imposed on those who visit the parks, and that is the thing I am against.

Mr. GILLETT. Mr. Chairman, I am all the time trying to find something done by this Democratic administration which I can compliment and praise, but I am sorry to say it is not very often that I succeed. But I am happy to say that in this matter of the regulation of the national parks I think the Interior Department is entitled to universal gratitude and praise. I went out a year ago and investigated nearly every one of our big national parks, and in the committee I have heard the program explained which the department is laying out, and I think it is a magnificent and wise program for the whole country. I am not surprised that the gentleman from California can find objections. I do not believe that the administration features of this program are perfect. They can not be, and I have no doubt the gentleman from California has constituents who have not been allowed to do just what they wanted to, and so the Congressman has been obliged to come here and complain. But if there are any people who ought not to complain, they are the citizens of California. They are the ones who are getting the benefit of the national expenditures on the national parks. They turned over the Yosemite to the Government, and they have been pluming themselves on their generosity; but what it meant was that they transferred the expense to the Government, and they are still reaping all the advantages. The money which is spent there by the tourists provides a constant flow of money into California. The expenditures that are made there go to California contractors, and it is the citizens of California who are near by and get the most advantages from that park. And while, of course, here and there, there may be a case where they can not do just what they would like to, I do not think it lies in their mouths to criticize. Of course, the word "monopoly" always excites discontent, but in those parks, away off in the wilderness as they are, you must have strict control, and I think the Department of the Interior is regulating them admirably.

Mr. RANDALL. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. RANDALL. Does the gentleman think it is in the interest of good administration to provide that visitors shall have only one place where they can buy gasoline, or only one place where they can take their machines, or only one place where they can buy photographs?

Mr. GILLETT. I think so. I think they are mighty lucky to get any place, and if you should do without administration or regulation, perhaps you would not have any place very long.

Mr. RANDALL. We have had for 20 years.

Mr. GILLETT. No; you have not had it 20 years. You have not had automobiles there for 20 years.

Mr. JOHNSON of Washington. Does not the gentleman think the State of California would be glad to take the park back and operate it?.

Mr. GILLETT. I would be glad to give it back to them and let them operate it themselves. I venture to say they would not take it. The Government is spending money there largely for their advantage. I do not suppose all this administration is perfect, but back there in the woods, in order to have a sanitary, well-regulated system of hotels, where persons who want to pay different prices can be sure to get appropriate accommodations, you must have at the beginning some strong control, and I think the Interior Department is very wisely furnishing it. But they are not doing it to oppress; they are doing it from a public-spirited desire to accommodate the public travel, and they are only limiting it so far as they think it is necessary for sanitation and health and comfort of the people. In the Yosemite it is not easy to get a man or a company to go and invest a large sum of money with the uncertainty that there is, unless they are going to have some satisfaction from the Government as to the prices and permanency. The Government can only give them an assurance for certain things.

The CHAIRMAN (Mr. GARNER). The time of the gentleman has expired.

Mr. RANDALL. Mr. Chairman, I notice that gentlemen who oppose this amendment touch very lightly on the word "monopoly." Reports from Yosemite Park state that 5,000 automobiles entered the Yosemite last year, and they were compelled by the new policy of the department to buy their gasoline, to get their repairs, and even to park their machines in the spot designated by this single concessionaire in the park. The business of the park has grown so that there should be competition. Now, Mr. Chairman, I want to yield a part of my time to the gentleman from California [Mr. CURRY], who was not in the House at the time the arrangement for time was made.

Mr. BUTLER. The gentleman can not yield any part of his five minutes.

Mr. SHERLEY. There is no objection to the gentleman from California using the balance of the time if he desires; but I want five minutes to close the debate.

Mr. MANN. Mr. Chairman, I did not know that any arrangement had been made with reference to time. I want five minutes on this, and I ask unanimous consent that at some time I may have five minutes.

Mr. RANDALL. Mr. Chairman, I ask unanimous consent that the balance of my time may be used by my colleague [Mr. CURRY].

The CHAIRMAN. The gentleman from California asks unanimous consent that the balance of his time may be used by his colleague [Mr. CURRY], and the gentleman from Illinois asks unanimous consent that following the address of the gentleman from California he may have five minutes. Is there objection? The Chair hears no objection.

Mr. KENT. Mr. Chairman, I ask unanimous consent to speak for three minutes after the gentleman from Illinois has concluded.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. FITZGERALD. I will not object to this, but I will to any further requests.

There was no objection.

Mr. CURRY. Mr. Chairman and gentlemen, it is possible that under the arrangement this year the conditions, so far as the ordinary man visiting the Yosemite Park is concerned, may be better than it has been in the past; but that I do not know. I know under the policy of the department the ordinary man is not made welcome in these public parks. The Government is a partner in the profits, receiving 50 per cent; and all the department seems to care about it is the payment of the money into the Treasury in Washington. So far as making it comfortable and convenient for the ordinary man, he is not welcome unless he is a man willing to spend lots of money and go to the Desmond Hotel. If he does not do that, he receives no consideration. The department tries to compel every one of the small concessionaires to take a subconcession from Desmond. Desmond says he had an arrangement with the park that they have to take such concession. This the department denies, and I believe the department. The small concessionaires came to Washington and fought against it; but the small concessionaires have 1 year and Desmond has 20 years.

Desmond charges 10 cents a gallon more for gasoline than you can get it for outside of the park. When you go in in an automobile you have to go to the Desmond garage to have your automobile repaired. The park charges $5 when you bring it into the park, and you are not permitted to use it in the park.

A friend of mine in Sacramento rented his automobile to four people who had secured employment on a bridge on the other side of the Yosemite Park. The people used the automobile to travel to their place of employment, went to the Yosemite Park, paid $5 entrance fee, and when they got within 300 yards of the other end of the park they were stopped by one of the forest rangers on a telephone message from the hotel, and were stood up and asked, "Who owns this automobile?" The gentleman who drove it said, "I own it." "Who are these people in it?" "I am taking them through to go to work." "Did they pay you for their passage?" "Yes; they did. They had to be in a certain place at a certain time." "Well, you can not go through here in this automobile; you turn around and go back." They said they would go through, and then the forester drew his revolver and made them go back; and they had to make a detour of 90 miles. When they got to the entrance of the park they were refused the return of the $5 which they had paid.

Mr. RANDALL. Desmond has a contract for exclusive service.

Mr. CURRY. Yes; he has a contract for exclusive service in the park. And they were told if they wanted to go through the park the automobile could go through and meet them on the other side, but they would have to go back to the entrance and go through in a Desmond automobile.

Mr. Mather, who has charge of the parks, is conscientious and a hard worker. He takes more interest in the parks than any man who ever had charge of them. But the policy of granting a monopoly of the concessions is not in the interest of making the parks a playground for the ordinary people.

Mr. MANN. Mr. Chairman, I am a believer in parks, a believer in having parks free. I doubt whether the Government ought to charge anything for entrance into any park. And yet we have to have park management. The present man in the Interior Department in charge of park work, Stephen T. Mather, is the best man the Government has ever had in connection with parks, in my judgment. [Applause.]

I was at one time connected with the great South Park, in Chicago, as its attorney and have some slight knowledge of the difficulties that arise in regard to park management. There never was a theater built or operated that did not offend some patron at times. There never was a restaurant or hotel which gave satisfaction to everybody who entered it. There never will be a park operated which does not bring friction with some one who goes in. Some people when they are given something, even at a nominal cost, want the whole earth turned over to them for their use.

Now, the present management of the parks is trying to make the parks serviceable to the people and make them accessible. The gentleman from California complains because you can not buy gasoline in two places. Great Cæsar! one place is enough to buy gasoline if you can buy it. You do not want to buy it from two places at once. Why limit it to 2; if you have more than 1 why not have 40? It may be that they charge too much for gasoline; they do outside the park, as every man knows who operates an automobile, or at least he thinks they do when he comes to pay the bill; but the Government regulates the price at which gasoline is sold in the parks; the Government has control. Very likely mistakes are made, but there is no mistake that the park service makes which would be so bad as the mistake of the House of Representatives in undertaking to determine the details of park management. What do we know about it? Some gentlemen have been through the parks. Those who have been treated well or whose livers were in good order think the park management is fine, while those who had some complaint or whose livers were out of order think the park management is bad. I know the park management is better now than ever before, and I am quite content to let these gentlemen operating the parks see what they can do to make the parks open to the public, accessible to the public, and for the benefit of the public. [Applause.]

Mr. KENT. Mr. Chairman, I am familiar with the situation in regard to park management, especially with regard to the Yosemite Park, or where the chief complaint from which emanates this ill-advised amendment seems to rest. I know that the national park management considers, first of all, the welfare of the public. I am certain of this from intimate knowledge of its plans and its doings. I do not doubt that mistakes have been made, and that future mistakes may be made, but this talk about monopoly and the crime of monopoly in the regulation and control of concessionaires in the parks seems to me absurd. If national authority shall assume, as it should assume, control of the sanitary situation or of the water supplies, if we are going to see to it that people are liberally and properly treated in their transportation charges and their hotel or camp charges, I should like to know how it can be done if we shall permit an unlimited number of unregulated concessionaires who will charge what they desire or what they can get, and who, even with good intentions, may be physically and financially unable to render adequate service.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. KENT. I decline to yield. I assert from personal knowledge that any charge that has been made that the park management is working first for favorite concessionaires, and secondly for the public, is absolutely false. In the interest of the public I believe that monopolies may necessarily be established. It may not be necessary to have them in all cases, but, on the other hand, in some cases there is no other plan possible, and I, with the gentleman from Illinois [Mr. MANN], agree that this present national park management is in the best of hands, and that we had better let it alone and not belie its service or disorganize its work and drag it down.

Mr. SHERLEY. Mr. Chairman, all that needs to be done to see the unwisdom of adopting the amendment offered by the gentleman from California [Mr. RANDALL] is to read it. It provides that none of these moneys shall be expended wherever a monopoly has been permitted. It does not matter whether that monopoly relates to the sale of gasoline or to the most trivial thing in connection with the park. The situation in regard to the park is somewhat peculiar. A great propaganda has been carried on in America for the development of our parks and their rapid development, particularly by the railroads and the people near to the parks, who get most of the benefit from the development, and who are the first to complain if they are called upon to bear any of the burden. It is but another illustration of the constant talk about the duty of the Government and the neglect of duty on the part of the citizen. Comparison is made with European parks, where the population is dense, and we are asked to expend great sums of money.

One of the difficulties in the past has been to get private individuals to invest sufficient money in the way of improvements in the parks, in hotels, and transportation service, unless they could have a sufficient guaranty of time to make their investment profitable. It is highly desirable that there should be sufficient inducement given to private capital to build hotels and inaugurate transportation systems that are needed, subject always to regulation by the Government, and, in order to do this, monopoly under regulation in some instances has been justified. If there have been, as there may have been, individual instances of bad judgment or of bad regulation, the remedy is not for Congress to upset the entire system by a proviso such as is offered, but to take that matter up with the departmental officials and have it remedied.

Complaint is made in regard to the payment of a charge by automobilists. I insist that there not only ought to be a charge paid by automobilists, but a charge generally to people who visit the park, and I will tell you why. We are spending this year $700,000 for the parks, and we were asked to expend a great deal more than that. If they are to be developed at all rapidly, we have got to spend considerably more. We get now in revenues $172,000, which is put back into the parks, used in the development of them, and some $4,000 which is turned into the General Treasury. There are less people visiting the Yosemite Park during the entire year than visit Rock Creek Park and the Zoo Park on a bright Sunday morning. There are less people going into the Yellowstone Park during the entire year than go on two Sundays to the Zoo Park out here. There is a great deal of talk about people visiting the parks. The number that goes there is insignificant to the whole hundred millions of people who are being asked to bear the burden that benefits but a limited few. I am willing to have the Government do much for the parks, but I do not think it is unreasonable to ask the man who goes there to pay a little something and then to use that for quicker development of the parks than they would get otherwise. Any man who goes into the Yellowstone or the Yosemite or into any of the other parks expends a sum of money that makes a few dollars tax on his entering the park insignificant to his expense in going, and it would simply result in developing these parks 20 years earlier and would be in the interest of these localities, if their absolute selfishness did not blind them to every obligation. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the Chairman announced the noes appeared to have it.

On a division (demanded by Mr. RANDALL) there were—ayes 7, noes 83.

So the amendment was rejected.

The Clerk read as follows:

Yellowstone National Park: For administration and protection, including not exceeding $600 for maintenance and repair of horse-drawn and motor-driven passenger-carrying vehicles for use of the superintendent in making inspections of the park, $5,500: *Provided*, That no part of this appropriation or the revenues of the Yellowstone National Park shall be used for payment of salaries for the protection of the park, authorized by the act of March 3, 1883, to be performed by the detail of troops.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to know just what this proviso is intended to accomplish.

Mr. FITZGERALD. The proviso is to compel the return of troops to the park for the purpose of policing it to protect it from trespassers and to protect the game. Last session of Congress a request was made for civilian rangers to take the place of troops. Congress declined to adopt the recommendation. About a month after Congress adjourned the troops were taken out, Fort Yellowstone was closed, some of the buildings desired by the management were turned over to the park officers, a number of noncommissioned officers that the park service selected were given their discharge and employed in the park service at a compensation of $1,200 a year as rangers to do the work that under the law must be done by troops.

Mr. MANN. Were not these troops needed down on the border? What do we have troops for in time of emergency or threatened war except to send them to the front? Is not that the place for troops?

Mr. FITZGERALD. Yes; but they were not needed.

Mr. MANN. What is the gentleman kicking about then?

Mr. FITZGERALD. They were not needed.

Mr. MANN. They were needed on the Mexican border.

Mr. FITZGERALD. They were not.

Mr. MANN. They certainly were needed on the Mexican border.

Mr. FITZGERALD. They were not.

Mr. MANN. We sent a lot of the National Guard down on the Mexican border. Does the gentleman want to send the National Guard down to the Mexican border and keep a few trained men watching a park to see that nobody steals the park? A more ridiculous proposition could not be submitted to a civilized assembly.

Mr. FITZGERALD. Those troops were not required in place of 125,000 militia.

Mr. MANN. The troops may not have taken the place of 125,000 National Guards, but if the Regular Army is to be believed that number of troops would have been in the place of a regiment of the National Guard.

Mr. MONDELL. Will the gentleman from New York yield?

Mr. MANN. The gentleman from New York does not have the floor; but I yield.

Mr. FITZGERALD. I yield; I can yield, too.

Mr. MONDELL. I merely desire to say to the gentleman from Illinois that as a matter of fact they did not send these troops to the border. They separated them from the service and kept them there as civilian rangers.

Mr. MANN. Well, they should have sent them to the border; that is where they belonged.

Mr. FITZGERALD. Oh, they did not.

Mr. MANN. The gentleman from New York did not know that, or he would have given the information; and I have some doubt about the gentleman from Wyoming knowing it.

Mr. FITZGERALD. We know what we are talking about, and that is why we are so good natured about it.

Mr. MANN. Because the gentleman knows nothing about it; that is why.

Mr. KING. Mr. Chairman, I move to strike out the last word. Mr. Chairman, ever since 1 o'clock yesterday afternoon and a few minutes thereafter I have been wondering what the President of the United States wanted us to do——

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the gentleman's discussion is not germane to the bill.

The CHAIRMAN. The gentleman makes the point of order——

Mr. KING. Will the gentleman withhold his point of order?

Mr. FITZGERALD. Debate must be confined to the subject matter of this bill.

Mr. MANN. Can not the President of the United States be referred to in connection with the national parks?

Mr. FITZGERALD. I know the gentleman intends to make a speech on another matter than this bill.

Mr. KING. The gentleman is entirely wrong, it is something of interest to the gentleman, and furthermore it has to do with the defense of our national parks against a foreign enemy. [Laughter.]

Mr. FITZGERALD. I have been so much misled by the introductory remarks, perhaps it is, but will the gentleman suspend? Mr. Chairman, I made the point of order, and I will withdraw it, but I desire to make this statement: This bill must get to the Senate to-night. It can not come up in the Senate if it passes to-night before Thursday, and for that reason I intend to insist that debate be confined to the bill and to be germane to the matter. There will be lots of time after this is out of the way to indulge in these random remarks of various kinds, but I hope Members will cooperate and help us pass the bill. I will not object, as I did not, to the gentleman from California, but I will hereafter.

Mr. KING. I thank the gentleman very much for his courtesy. Since yesterday I have been wondering why the President of the United States was before us asking, as he did in his message of yesterday, the following:

I merely request that you will accord me by your own vote and definite bestowal the means and the authority to safeguard in practice the right of a great people who are at peace and who are desirous of exercising none but the rights of peace to follow the pursuits of peace in quietness and good will—rights recognized time out of mind by all the civilized nations of the world.

Therefore I wanted to call the attention of the committee, at an early moment if I might, to a certain decision of one of the courts of this land which has not been overruled by the Supreme Court of the United States, and a decision upon this subject. It may help some of us in arriving at a conclusion as to just what the President of the United States asked yesterday afternoon when he addressed us at 1 p. m.

This is the case of Calvin Durand against George N. Hollins, and is to be found in Blatchford's Reports, volume 4, page 451, and is as follows:

CALVIN DURAND VS. GEORGE N. HOLLINS.

It is a defense to an action of trespass brought against an officer of the Navy of the United States, for destroying property by the bombardment, by a naval vessel of the United States, of which he was in command, of a town in a foreign country, that he caused the place to be bombarded in his capacity as such officer of the Navy, by virtue of lawful and public orders from the President of the United States and the Secretary of the Navy.

The interposition of the President to protect abroad the lives and property of citizens of the United States, is a matter resting in his discretion; and, in all cases where a public act or order rests in Executive discretion, neither he nor his authorized agent is personally civilly responsible for the consequences.

(Before Nelson, J., Southern District of New York, September 13, 1860.)

This was an action of trespass, brought to recover damages for the destruction by the defendant of property at San Juan del Norte, Nicaragua, otherwise called Greytown, on the 13th of July, 1854. The defendant, among other defenses, pleaded that he was a commander in the Navy of the United States, and, as such, commanded a vessel of war called the *Cyane*, and was bound to obey the orders of the President of the United States, and of the Secretary of the Navy; and that, by virtue of lawful and public orders of the President and Secretary, he did cause the place called Greytown, by the naval force of the United States to be bombarded and set fire to, and which are the same alleged trespasses set forth in the declaration. There was, also, a plea setting forth, in addition to the facts above stated, that the community at Greytown had forcibly usurped the possession of the place, and erected an independent government, not recognized by the United States, and had perpetrated acts of violence against the citizens of the United States and their property, and had, on demand for redress, refused it, and that the defendant, under public orders from the President and Secretary, as a commander in the Navy, and then in command of the *Cyane*, did cause the place to be bombarded and set on fire, as he lawfully might for the cause aforesaid. To these pleas the plaintiff demurred, and the defendant joined in demurrer.

William Tracy and John A. Manning, for the plaintiff.

John McKeon, district attorney, for the defendant.

Nelson, J. The principal ground of objection to the pleas, as a defense to the action, is, that neither the President nor the Secretary of the Navy had authority to give the orders relied on to the defendant, and, hence, that they afford no ground of justification.

The executive power, under the Constitution, is vested in the President of the United States (Art. II, sec. 1). He is Commander in Chief of the Army and Navy (sec. 2) and has imposed upon him the duty to "take care that the laws be faithfully executed" (sec. 3). In organizing a government under the Constitution, an executive department, called the Department of Foreign Affairs, was established, and a principal officer called the Secretary for the Department of Foreign Affairs, placed at its head, to "execute such duties as shall, from time to time, be enjoined on or intrusted to him by the President of the United States, agreeable to the Constitution, relative to correspondences, commissions, or instructions to or with public ministers or consuls from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs as the President of the United States shall assign to the said department; and, furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States shall from time to time order or instruct." (Act of Congress, of July 27, 1789, sec. 1, 1 U. S. Stat. at Large, 28.) By a subsequent act, this department has been denominated the Department of State, and the head of it the Secretary of State. There was also established another executive department, denominated the Department of the Navy, the chief officer of which is called the Secretary of the Navy, "whose duty it shall be to execute such orders as he shall receive from the President of the United States, relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the Naval Establishment of the United States." (Act of Congress of Apr. 30, 1798, sec. 1, 1 U. S. Stat. L., 553.)

As the executive head of the Nation, the President is made the only legitimate organ of the General Government to open and carry on cor-

respondence or negotiations with foreign nations in matters concerning the interests of the country or of its citizens. It is to him, also, the citizens abroad must look for protection of person and property, and for the faithful execution of the laws existing and intended for their protection. For this purpose, the whole executive power of the country is placed in his hands, under the Constitution, and the laws passed in pursuance thereof; and different departments of government have been organized, through which this power may be most conveniently executed, whether by negotiation or by force—a Department of State and a Department of the Navy.

Now, as it respects the interposition of the Executive abroad, for the protection of the lives or property of the citizen, the duty must, of necessity, rest in the discretion of the President. Acts of lawless violence, or of threatened violence to the citizen or his property, can not be anticipated and provided for; and the protection, to be effectual or of any avail, may, not unfrequently, require the most prompt and decided action. Under our system of government, the citizen abroad is as much entitled to protection as the citizen at home. The great object and duty of government is the protection of the lives, liberty, and property of the people composing it, whether abroad or at home; and any government failing in the accomplishment of the object, or the performance of the duty, is not worth preserving.

I have said, that the interposition of the President abroad, for the protection of the citizen, must necessarily rest in his discretion; and it is quite clear that, in all cases where a public act or order rests in Executive discretion, neither he nor his authorized agent is personally civilly responsible for the consequences. As was observed by Chief Justice Marshall, in Marbury v. Madison (1 Cranch, 165): "By the Constitution of the United States, the President is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character, and to his own conscience. To aid him in the performance of these duties, he is authorized to appoint certain officers, who act by his authority, and in conformity with his orders. In such cases, their acts are his acts; and, whatever opinion may be entertained of the manner in which Executive discretion may be used, still there exists, and can exist, no power to control that discretion. The subjects are political. They respect the Nation, not individual rights, and, being intrusted to the Executive, the decision of the Executive is conclusive." This is a sound principle, and governs the present case. The question whether it was the duty of the President to interpose for the protection of the citizens at Greytown against an irresponsible and marauding community that had established itself there, was a public political question, in which the Government, as well as the citizens whose interests were involved, was concerned, and which belonged to the Executive to determine; and his decision is final and conclusive, and justified the defendant in the execution of his orders given through the Secretary of the Navy.

Judgment for defendant.

In the light of this decision it appears to me that the request of the President for authority to act in the premises is superfluous and is, in effect, a request of Congress to declare war in disguise.

Mr. HAUGEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "troops," line 10, page 121, insert:

"For the establishment along the Mississippi River in the vicinity of Prairie du Chien, Wis., and McGregor, Iowa, a national park, to be known as the Mississippi Valley National Park, embracing portions of Wisconsin and Iowa and islands in the Mississippi River, $200,000.

"That it shall be the duty of the Secretary of the Interior to investigate the said proposed plan for a national park, to purchase and ascertain terms upon which said land can be secured, how much of it will be donated by the owners to the Government, the expense of acquiring by purchase any part of the land not so donated and purchased. The Secretary of the Interior is authorized to accept patented lands in the proposed site that may be donated for park purposes."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. The gentleman from New York makes a point of order, and the point of order is sustained.

Mr. HAUGEN. Will the gentleman from New York withhold the point of order?

Mr. FITZGERALD. I withhold it.

Mr. HAUGEN. Mr. Chairman, I confess that inasmuch as the amendment offered is subject to a point of order, I had grave doubt as to its adoption; but as it has great merit, and there is no possibility of having it considered in regular order, I was in hopes that the gentleman might not make the point of order against it.

As stated by the gentleman from Kentucky [Mr. SHERLEY], more people visit Rock Creek Park here in the District than any one of our national parks. The statement clearly indicates the inaccessibility of our national parks and the advisability of providing parks more centrally located. Having that in mind, I offered the amendment, which contains the provision of House bill 12122, introduced by me, a bill to establish a national park, to be known as the Mississippi Valley National Park, near Prairie du Chien, Wis., and McGregor, Iowa, to provide a suitable place on our Nation's greatest river for recreation, relaxation, and enjoyment; to set aside a historic and picturesque spot, a tract of land recognized by travelers who have visited it to be one of the richest in scenic beauty in the world; in a section where our National Government has done nothing to preserve the natural scenery, and in a section where a national park would be most accessible, far more so than any of our national parks that we have to-day. We have no national park in this vast, rich, and densely populated section, the Middle West. It would seem that the millions of people residing in that section and in the proximity of the proposed site are entitled to this small recognition along the lines suggested.

We are all familiar with our greatest river, the Mississippi River, the Father of Waters, upon the historic and picturesque banks of which the proposed park would be located. If you have been on the upper Mississippi, you will agree with the many travelers who contend that its grandeur and the scenery along its banks rival that of the Rhine, the Italian lakes, and the fjords in Norway. It is a scenic beauty properly referred to by many as the Switzerland of America.

It would seem that in view of the accessibility of this beautiful spot a recreation center should be provided here where millions of people living within a few hundred miles may go without incurring the expense of travel to foreign countries or to distant parts of our own country. Much has been said about spending money at home, see America first, a contention which I heartily concur in. Here is a splendid opportunity to encourage that movement, the sentiment of which we all favor.

We all appreciate the value of our national parks and have cheerfully appropriated for their establishment and maintenance. I do not believe that one of us would do away with any one of the parks that we now have, but all of our national parks are in the Far West and beyond the reach of all but a small percentage of our population. Would it not seem wise and proper to establish a national park more centrally located that could easily be reached by a large percentage of our population? If so, should it not be located on the upper picturesque banks of our greatest river, which flows through the center of that great section of our country, the Middle West, which in fact cuts through this great country from close to the Canadian line to the Gulf of Mexico?

We lay no claim to giant geysers, lofty mountains soaring into the sky 14,000 feet, nor canyons beyond description. We have not the scenic wilderness, the grizzly bears, lions, and mountain sheep described as fearless as the singing birds. We have no glistening glaciers, rushing water falls, nor lakes where ice floes drift in midsummer, described in our national parks as "at the very end of the world," but we do have 10,000,000 people within eight hours' ride of this proposed park. We have this magnificent body of water, the many wonderful colors of the forest changing with each season, the loveliest flowers, migratory and song birds, great numbers of fur-bearing animals, as the muskrat and beaver, and fish in great abundance. In the valleys are living springs, waterfalls, so-called pictured rocks, and sands of great variety. The ponds and channels of the islands afford opportunity for motor boating, rowing, and are well adapted for bathing beaches in the summer time. We have the steamboat lines running from the Twin Cities to the Gulf. We have miles of frontage with a number of good landings for steamboats and small craft which offer delightful trips on the river. We have the following highways, which are registered by the Iowa State Highway Commission and well marked with guideposts:

The North Iowa Pike from Sioux Falls, S. Dak., to McGregor, Iowa.
The Park Highway from Ottumwa, Iowa, to McGregor, Iowa.
The Geranium Trail from Des Moines, Iowa, to McGregor, Iowa.
The East Iowa Scenic Highway from St. Louis, Mo., to Minneapolis, Minn.
The Red Cross Highway from Milwaukee, Wis., to McGregor, Iowa.
The Burlington Way from New Orleans, La., to Duluth, Minn.

And many places of interest in that vicinity, as the Yellow River Valley, Decorah Waterfalls, Buck Creek, Volga Ridge, and Bixbys Park.

It was first thought and suggested to include 1,671.30 acres in the tract. Two islands were contemplated in the plan which are in the bottom lands of the Mississippi River. There is considerable growth of timber on that land which would be of value for park purposes. The structures are few and very inexpensive.

It would seem wise to extend the project to include what has been termed the "delta" project addition in order to have a park of recognized dignity. This tract includes 7,458.67 acres. This area forms a rough triangle inclosing the delta of the Wisconsin River.

It has also been suggested to include the Wisconsin State Park in the proposed park, which includes 1,651.08 acres. Chambers of commerce and commercial clubs throughout Wisconsin have supported this suggestion, and made assurances that their influence would be used with the Wisconsin Legislature to secure the inclusion of the Wisconsin park.

An appraisal of the value of the land referred to has been made by a board of appraisers consisting of Mr. T. J. Sullivan, real estate owner; Mr. W. F. Daubenberger, banker and merchant; Mr. J. A. Ramage, banker; and Mr. W. H. C. Elwell,

merchant. The propositions include the smallest possible areas of cultivated land which would permit the inclusion of features desirable for park purposes and to take in only relatively low-priced lands.

The appraisal gives the following data:

Under—	Acres.	Average cost per acre.	Cost.
The tract first referred to	1,671.30	$49.51	$82,755.30
The Delta Project Addition	7,458.67	18.91	141,042.23
The Wisconsin State Park	1,651.08		
Total in plan cited below	10,781.05		223,797.53

Gross area, including land and water, is about 14,200 acres.

I am informed that the following offer has been made by Mrs. Martha B. Munn, of New York City:

NEW YORK, *December 30, 1916.*

The CITIZENS' ASSOCIATION,
McGregor.

GENTLEMEN: For the purpose of promoting the establishment of a national park, if Congress shall within two years from this date secure to the United States the title of 12,000 acres of contiguous or adjacent bluff or island land and establish a national park, I will donate my land at Pikes Peak and Pictured Rocks—that is, the southerly half of lot 2, all of lot 3 and all of lot 4 in section 35, township 95 north, range 3 west—to be incorporated in the park, and will deed the same to the United States without charge.

I sincerely hope you will be successful in securing the establishment of the park.

Yours, truly, MARTHA BUELL MUNN.

The land is 125 acres, appraised at $12,500, containing important features for park purposes, and is the key to the situation.

The park would include the following-described tract: Commencing on the north end of island No. 170 the line follows the shore of Bickel Island and then crosses the river to include an island belonging to the estate of Mike Sorada, thence along the east bank of the Mississippi Bottoms below the town limits of Prairie du Chien and follows along the bench line between the bottom lands and the bluffs in a southeasterly direction until it reaches a point across the Wisconsin River opposite the eastern boundary of the Wisconsin State Park, thence south, coinciding with the eastern boundary line of the Wisconsin Park, then west and south until it approaches the village of Wyalusing. From here it follows the eastern shore of the Mississippi River, crossing to a point just north of the corporate limits of the village of Clayton. From here it goes in a northerly direction to the limits of McGregor, crossing the channel and going in a northerly direction to the point of beginning, all of said lands herein described containing approximately 10,781.05 acres, or gross area within the boundaries, including land and water, is approximately 14,200 acres.

Much interest and attention has been given to the plan through the mail and press. Resolutions and communications have come in in large numbers from individuals, clubs, organizations, and associations of various kinds. Many Senators and Representatives have manifested interest and approval. An extensive investigation has been made of the proposed park by representatives of the Government and a report is being prepared. A far-reaching and effective organization has been formed to promote this worthy project known as the Mississippi Valley National Park Association, which has prepared a pamphlet setting forth fully the many claims and the beauty of the proposed site. The pamphlet contains not only an elaborate description but many pictures as well. I regret that under the rules the beautiful illustrations can not be put in the RECORD. However, I desire to quote from the pamphlet:

THE NATIONAL PARK SITE ON THE BANKS OF THE MISSISSIPPI AT McGREGOR, IOWA.

The climax of the scenery is in the region about McGregor, the site proposed for a national park. The hills here rise abruptly nearly 500 feet above the water's edge. The sweep of the river is very broad and intercepted by hundreds of pretty wooded islands with quiet lakes and tranquil, shaded bayous among them. The Wisconsin River, Mississippi's most picturesque and interesting tributary, joins the mother stream at this point and a little to the north Yellow River breaks through the hills to pour in its swift waters.

From all the hills on the park site entrancing views of river and shore and island are to be had. Separating the bluffs are deep ravines where springs gush out of the rocks and clear, cold streams splash down through fern banks, now and then hurrying to tumble over rocky ledges in waterfalls or pausing to form quiet pools. Pictured Rocks, the most remarkable natural formation in the Mississippi Valley, is a part of one of the ravines.

Thanks to careful private ownership the park region, unlike many beauty spots in the Middle West, has escaped the destroying hand of commercialism and is densely forested with natural woods. In fact, it is still the "forest primeval," and if saved now posterity will be privileged to see at least one part of the upper Mississippi as it was in the days when the Indians of the North made it their favorite fishing and hunting rendezvous.

Historical reasons, full as much as scenic, recommend the proposed park site to the care and protection of the Government. The hills shadow the scene of the discovery of the Mississippi and overlook the place of the first settlement in the Northwest. An engagement of the War of 1812 was fought in the vicinity, and a variety of other events of fascinating interest and scarcely less historical importance were staged here.

The playground attractions of the place selected for the park are almost unlimited. Fishing is excellent and there is fine hunting in season. Several sandy beaches provide bathing facilities. The gentle flow of the river and the number and varied beauty of the lakes and winding bayous make boating delightful, whether you choose a rowboat, a canoe, a sailboat, or a launch for the purpose. You need never take the same trip twice. There is always some new way to go, and it may happen that the very last one will prove to be just a little bit the loveliest of all.

Then there are the moonlight excursions with their ne'er-to-be-forgotten joys. The colored lights and gay decorations of the big white steamer, the din of the calliope, the raucous megaphone, and the shouts of the negro roustabouts, the strains of the stringed orchestra, and the dancing on the barges, all under the enchanting spell of the moonlit river—it is a "this-worldly" experience, true enough, but in a dream-land setting that makes a big appeal to all classes.

Everything to delight the heart of a person who enjoys camping can be found on the park site. You may pitch your tent on a sun-kissed hilltop, beside a spring in the deep shade of a ravine or under the elms on the islands.

INTERESTING PLACES TO VISIT ON AND NEAR THE PARK SITE.

PIKES PEAK.

At the southern extremity of the park and dominating the landscape, Pikes Peak, most famous of the Mississippi hills, stands sentinel. The view from its summit a world traveler has declared to be "the finest water scene in America." Facing the mouth of the Wisconsin River as it does, Pikes Peak was the first land seen by white men on the discovery of the upper Mississippi and overlooked the stirring events which took place about the confluence of the Wisconsin and the Mississippi Rivers in the beginnings of history. It was a favorite vantage point of the Indians and often a battle ground.

In 1805 Lieut. Zebulon Pike, the great explorer, shelved his boat on the pebbly shore at the foot of the hill which has since borne his name, climbed to the top and planted there the first American flag raised in the Northwest.

Pikes Peak is now a favorite picnic and camp ground. It is reached by a drive of 3 miles from McGregor and by two trails from the river.

PICTURED ROCKS.

Sequestered in a valley on the north side of Pikes Peak lies Pictured Rocks. This beauty spot, a bit of the Grand Canyon or Yosemite Valley dropped down among the Mississippi hills, is reached by a 10 minutes' walk from the bank of the river. The path follows up a stream splashing with tiny waterfalls through a ravine so deep and narrow the sun only penetrates it for a few minutes at noon. Suddenly you emerge in a sunlit amphitheater formed by perpendicular cliffs of colored sand 200 feet high, varying from glistening ivory to the most brilliant orange and scarlet. More than 40 different colors have been found. They lie one above the other in horizontal, curved, zigzag, and fantastically broken lines making the whole a sand mosaic of enchanting beauty. A cave of dazzling colors and a waterfall nearly a hundred feet high are features of the scene.

Above Pictured Rocks on the trail leading to Pikes Peak is Horseshoe Falls, a miniature Minnehaha.

SCENE OF THE DISCOVERY OF THE MISSISSIPPI.

That the discovery of the upper Mississippi occurred within its borders is the park's best bid to fame.

Take a boat from Pictured Rocks over to the mouth of the Wisconsin River, drift with the current, and in the silence thrill to the picture that history has painted of that June day in 1673 when Pere Marquette and Louis Joliet were carried by the swift waters of the Wisconsin out onto the surface of the river they had been seeking for many weary months. We are told of the wonder and joy that filled them as they saw the majestic sweep of the Mississippi and the green hills of the new land and that the great priest, standing in the bow of his canoe, raised his gold cross toward Pikes Peak and with a prayer of exultant thanksgiving took possession of the river and land in the name of God and France.

RUINS OF FORT CRAWFORD.

Of all interesting places to visit in the neighborhood of the park the ruins of Fort Crawford on the banks of the river at Prairie du Chien perhaps invite the most attention. Volumes have been written of the history and romance of the life that went on about the fort between 1814 and 1840.

The first fort was built at Prairie du Chien in 1814 and called Fort Shelby. It was captured by a detachment of English and Indians in the same year. After the capture its name was changed to Fort McKaye in honor of the officer who commanded the British troops.

The Union Jack floated over Fort McKaye until 1815 when, the war being over, they evacuated it. Shortly after it was destroyed by fire. Early in 1816 troops were sent from St. Louis by the American Government to build a new fort. This was erected on the site of old Fort Shelby and named Fort Crawford. In 1826 the new fort was abandoned and a much larger Fort Crawford built farther down the river. It is the ruins of this that are still standing.

Zachary Taylor, afterwards President of the United States, commanded Fort Crawford for several years. Jefferson Davis was lieutenant under him. Much of the fighting of the Black Hawk Indian War took place around the fort and Chief Black Hawk was brought to it a captive at the close of the war. The great treaty conferences by which the tribes signed away their rights to the lands east of the Mississippi were nearly all held at Prairie du Chien during the days of the fort's activity.

The last garrison left Fort Crawford in 1856 to march to Utah under the command of Gen. Albert Sidney Johnston, later a well-known general in the Confederate Army during the Civil War.

PLACE OF ELOPEMENT OF JEFFERSON DAVIS AND ZACHARY TAYLOR'S DAUGHTER.

An oft-repeated story tells of the elopment of Jefferson Davis and Col. Zachary Taylor's daughter from Fort Crawford. The story as preserved in the river annals is that the young couple being forbidden to wed by Col. Taylor fled from the fort in the night and went in a canoe down

to the mouth of the Wisconsin where they hid in the bushes until a steamer came along going south. This they hailed and going aboard were taken to St. Louis.

Part of the officers' quarters occupied by the Taylor family is now a part of the Prairie du Chien Sanitarium and the window through which Miss Taylor is said to have made her exit the night of the elopement is shown to visitors.

BLACK HAWK'S TREE.

This is a large elm at Prairie du Chien in which tradition has it the Indian chief, Black Hawk, once hid to escape capture by the soldiers.

MILITARY CEMETERY.

The officers and soldiers of Fort Crawford killed during the Indian wars were buried on a high knoll near the fort. The Government has recently set apart the old burial spot as a military cemetery and suitably marked the graves. Distinguished names are on the tombstones.

MARQUETTE MONUMENT.

A handsome monument to Father Marquette has been erected on the grounds of St. Mary's Academy near the ruins of Fort Crawford. The monument stands on a high point and can be seen far up and down the river. The famous priest is pictured as he appeared on discovery day standing in his boat holding out the cross to the new land.

SITE OF FIRST FORT.

In 1737 Sieur Marin was sent down the Wisconsin River by the governor general of Canada "to detach the Fox and Sac Indians from the Sioux and restrain them from injuring the Illinois." There is much historical evidence to show that Marin built and maintained a fort for two years at the head of Magill's Slough just below Pikes Peak. The site of this first fort is one of the most picturesque spots in the park region.

SITE OF FIRST SETTLEMENT ON WEST BANK OF RIVER.

In mid-channel opposite McGregor in 1794 the Frenchman, Basil Girard, greeted the Spanish governor of Louisiana on board his boat and asked for a grant of land on the west side of the river. The request was favorably received and papers were made out giving him title to 7,000 Spanish acres of land on the present site of McGregor. Here Girard and his French companions with their Indian wives founded a little settlement and a fur-trading post. Lieut. Pike visited the post on his journey of exploration. After the region had passed from Spanish and French ownership into the hands of the United States the American Government confirmed the Spanish grant and the descendants of Girard were given a deed to the land, the first deed said to have been granted to land in Iowa.

ASTOR FUR-TRADING POST.

John Jacob Astor and a party of explorers visited Prairie du Chien in 1809 and established a trading post there which for many years was the mecca for Indians and trappers as far north as Canada and west to the Rocky Mountains. The ruins of some of the buildings are still to be seen. No fiction is more fascinating than the story of the life that went on about the post in early days.

DOUSMAN ESTATE.

Col. Dousman represented the Astor interests in the palmy days of the post and was the acknowledged lord of the Indian tribes for hundreds of miles through the wilderness. With the fortune he amassed he built a great estate on the banks of the Mississippi on the site of old Fort Shelby. There the Dousman family for three generations lived in splendid style. The estate is now the home of the Keewatin Academy for Boys. The arsenal of Fort Shelby is on the grounds.

OLD FRENCH TOWN AND CEMETERY.

A few remains of the French settlement founded on the east side of the river in the eighteenth century have been preserved. An interesting place to spend a half hour is the ancient cemetery with its 100-year-old graves.

OLD WISCONSIN TRAIL.

Just as the discoverers and explorers and, after them, the traders had come from the East and North over the Wisconsin River in their journey to the Mississippi and the Northwest so, when the era of settlement began, the tide of immigration flowed along its banks. A road was built down the river terminating at its confluence with the Mississippi. Over this road in the forties thousands of settlers traveled to reach Iowa and Minnesota. Though the road was long ago abandoned a portion of it still can be followed.

IOWA MILITARY TRAIL.

Following the removal of the Winnebago Indians from east of the Mississippi, Fort Atkinson was built 50 miles back from the Mississippi in Iowa. A military road was built from the river near McGregor to the fort and patrolled by the soldiers from Fort Crawford. With the coming of the settlers this military trail became the great highway from the Mississippi to western points and also the road over which the pioneers hauled their wheat to send it south on the steamboats from McGregor. The old trail is now the North Iowa Pike.

INDIAN MISSION.

From 1835 to 1840 a Government school and farm for the Winnebago Indians was conducted near the mouth of Yellow River. The old stone building has been torn down, but a wealth of interesting story lingers about the place. Many Indians are buried there and valuable relics have been found. The river drive from McGregor to the famous site is of remarkable beauty.

INDIAN MOUNDS.

Everywhere on the park site are Indian mounds, evidence that long before the advent of white men the region was the scene of a throbbing life. Scientists have declared these mounds, because of their number and character, among the most valuable in existence. A procession of them a half mile long lies along the crest of a hill on the east side of the river. Many of the animal-shaped mounds found only in Wisconsin and on the Mississippi hills in Iowa are included in the groups.

BLOODY RUN.

The Bloody Run Valley is a picturesque part of the park region. The stream was christened its sanguinary name by a famous hunter who killed many deer on its banks.

PEARL HUNTERS' CAMPS.

During the summer months the river is dotted with the boats of the pearl hunters. Pearls worth thousands of dollars have been found in clams taken from the beds in the park vicinity. The queer boats and the boiling-out camps on shore are a never-failing source of interest to strangers.

POND LILY BEDS.

And last but far from least are the water lilies, acres of them in the lakes and bayous. In July and August they bloom in wondrous beauty. There are the fragrant, delicate white lilies and the larger yellow lilies of similar species to the famous lotus lilies of the Nile, and rarely found in America.

The lilies are most beautiful early in the morning and "sunrise-lily parties" are a popular pastime.

Without reflecting upon the grandeur, beauty, or many claims of our national parks, it can be said that the proposed park has many worthy claims. It is in the center of the richest and most productive section of this country, spanned with rails of steel, its towns and farms decorated with factories, mills, and beautiful mansions, its schools in the valleys and churches on the hills, its farms tilled by industrious, prosperous, patriotic, and law-abiding farmers contributing to our Nation's food supply and wealth in greater proportion than any like area in rural or agricultural districts. It is in a section where the good people have so generously contributed to the Treasury, and, I might add, where we have become accustomed not to receive but to contribute to the Treasury; where progress, prosperity, enterprise, and happiness is in evidence everywhere, in the cities, towns, villages, and on the farm. It is in a section that is not only rich in agriculture and industries but educational institutions as well. We have cheerfully and generously contributed to the establishment and maintenance of our many national parks, and we ask in turn this small recognition for this vast stretch of country without national parks.

The proposed park has great advantage over other parks in its transportation facilities. Besides its water transportation and highways, it has the Burlington Road on the Wisconsin side and the Milwaukee Road on the Iowa side, and also the East and West Milwaukee Road crossing it. More people are within eight hours' ride of this beautiful spot than are within the same time or distance from any one of our national parks. It is within 200 miles of Chicago, Milwaukee, Des Moines, and the Twin Cities, besides a great number living in other cities, towns, and on the farm within this area. It is within 50 miles of the Minnesota and Illinois lines. The population of Iowa, Wisconsin, and States bordering on or close to the two States, Illinois, Indiana, Missouri, Kansas, Nebraska, the Dakotas, Minnesota, and Michigan, is 26,974,524, according to the estimates of the Census Bureau, and of all the States east of the Mississippi, 60,702,607. The proposed park would be more accessible to practically all living in those States, and also to many west of the River, than any of our large western national parks.

Considering its accessibility, grandeur, historic, scientific, and recreational value, its surroundings and transportation facilities, it seems proper to set aside this beautiful site and place it under the care and protection of the Government, to save it from destruction, so that posterity may be permitted to enjoy at least a part of the historic upper Mississippi River in its natural superb beauty.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Yosemite National Park, Cal.: For protection and improvement, construction and repair of bridges, fences, and trails, and improvement of roads other than toll roads, including not exceeding $800 for maintenance and repair of horse-drawn and motor-driven passenger-carrying vehicles for use of the supervisor and employees in connection with general park work, not exceeding $8,000 for a bridge at the old Sentinel Bridge site, and not exceeding $75,000 for grading in width not exceeding 20 feet El Portal-Yosemite Road; in all, $175,000: *Provided*, That the total expenditure for the installation of a hydroelectric power plant shall not exceed the sum of $150,000 appropriated therefor in the sundry civil appropriation act for the fiscal year 1917.

Mr. RANDALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN (Mr. HAMLIN). The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment by Mr. RANDALL: "Page 122, line 12, after the word 'seventeen,' insert '*Provided further*, That no part of the appropriations made herein shall be expended for any purpose in any national park in which any permit or authority to sell or dispense beer, ale, wine, or other intoxicating liquors of any kind has been issued by any officer or employee of the United States to any lessee, permittee, concessioner, or other person, firm, or corporation whatsoever.'"

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. FITZGERALD. Mr. Chairman, I ask to have a ruling on the question of order, to save time.

Mr. RANDALL. Mr. Chairman, it is very clearly a limitation on the appropriation.

Mr. FITZGERALD. Let us settle that question. I want to save time.

Mr. STAFFORD. Mr. Chairman, I make the point of order on the ground that it is legislation on an appropriation bill contrary to the rule. I make the further point of order that the amendment goes further than the form of a limitation, in that

it does not seek to limit the expenditure of this appropriation only, but it seeks to limit the appropriations for all parks, and therefore it is not germane in that particular.

The amendment goes beyond anything that has ever been attempted under the guise of a limitation. You can not, under the guise of a limitation, enact legislation. You may restrict an appropriation on a particular item, but the amendment of the gentleman from California goes further. It seeks to limit the appropriations carried in all these paragraphs of this bill.

Mr. RANDALL. It refers to the sale of liquors in all parks.

Mr. STAFFORD. In all parks. Therefore it goes beyond the scope of any decision that has ever been made in attempting to legislate for something beyond the paragraph under consideration.

If, for no other reason, Mr. Chairman, the point of order must be sustained, because under the form of the limitation you can not legislate; under a limitation as to one park you can not apply a limitation to other appropriations that have been passed or that are to come up in the future. For that reason alone the amendment, I respectfully submit, is subject to a point of order. There can be no question about it.

The CHAIRMAN. The gentleman from California [Mr. RANDALL] will be heard on the point of order.

Mr. RANDALL. Mr. Chairman, I only want to call attention to the provision in this bill respecting soldiers' homes, where there is an identical provision prohibiting the sale of liquor at the soldiers' homes under the identical language of this amendment.

Mr. STAFFORD. Oh, Mr. Chairman, the gentleman does not distinguish. There the amendment is offered to the paragraph providing for the total appropriations for all soldiers' homes; but the amendment offered by the gentleman from California seeks to apply a rule of conduct as to all the national parks to an appropriation limited only to one park.

I direct the attention of the Chair to the item referred to by the gentleman from California, found on page 92 of the bill. You will notice on lines 12 and 13 this language:

In all, National Home for Disabled Volunteer Soldiers, $3,894,900: *Provided*, That no part of the foregoing appropriations—

And so forth.

Of course the following paragraph is a limitation on that total appropriation; but the gentleman is going beyond his rights when he attempts to limit one appropriation, applying merely to one park a rule of conduct as a limitation upon all parks, and therefore the amendment is subject to a point of order.

Mr. RANDALL. If the gentleman will examine the amendment, he will find it is a limitation on the appropriations for all the national parks. It reads, "The appropriation for all purposes." It is on a par with the appropriation for the soldiers' homes—

Provided, That no part of the foregoing appropriations shall be expended for any purpose at any branch of the National Home for Disabled Volunteer Soldiers that maintains or permits to be maintained on its premises a bar, canteen, or other place where beer, wine, or other intoxicating liquors are sold.

The CHAIRMAN. The Chair is of opinion that this appropriation applies only to that particular park. The Chair thinks the gentleman's amendment is a little too broad, because to apply it to any other park in the United States would defeat the appropriation for this particular park. Therefore the Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

General Grant National Park, Cal.: For protection and improvement, construction of fences and trails, and repairing and extension of roads, $2,000.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 122, lines 18 and 19, between lines 18 and 19, insert "Lassen Volcanic National Park, Cal.: For protection and improvement, $5,000."

Mr. RAKER. Mr. Chairman and gentlemen of the committee, this is to carry out the act of Congress passed about a year and a half ago establishing this park. The purpose is to allow the amount of $5,000 provided for in that bill, the authorization. We desire to have this amount so that the park may be started on its proper improvement. Others have been allowed which are in the same position as this item. The people are very desirous of improving this park. There are roads leading to it now, and soon a State highway. There is no record as to the number of people stopping there, but nevertheless many visitors stop there. There is no record yet, because the Government has not yet taken up the actual construction of roads, hotels, and other improvements.

The committee said, when the matter was under consideration here on the floor at the last session, when the appropriation bill was considered, that it came too late, and it was promised that it would be allowed this time. I do not want to take any more of the time of the committee, but I hope the committee will allow this amendment, providing for the same amount that is authorized, carrying out the provisions as to the rest of the parks in the State of California. There is no possible reason why this appropriation should not be made for this special and particular park. I do hope the committee will see their way clear to put this amendment on the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

Mr. BORLAND. Mr. Chairman, it is only necessary to say that this park is not open. There are no visitors there. There are no improvements of any kind.

Mr. RAKER. The gentleman says there are no visitors there. As a matter of fact, I have seen them there myself. There are hundreds who go there, but the Government has not kept any record. The Government has not had charge of it, and therefore could not keep any record. I trust the gentleman will not make a statement of that kind against such legitimate legislation, when, as a matter of fact, the Government has not had a chance as yet to improve this wonderful piece of country as it ought to be improved.

Mr. BORLAND. The gentleman is quite right about it. The park is in its natural state. Nothing more has happened since the Government took it over than before the Government took it over. If any visitors went there before they are probably going there now. I can sympathize with the desire of the gentleman to have some rangers employed out there. That is all it means, to put some rangers to work on 80,000 acres of an unimproved, undeveloped park. The committee had a hearing of the park officials. They did not urge it. They did not seem to think it was imperative. The park constitutes 79,000 acres, and it is impossible with any moderate amount of money to improve it, or even to put rangers on to police it. What it would mean would be the spending of this little $5,000 on the salaries of a very few men, who could not give any adequate attention at all to the park, so it is just a question of spending the $5,000.

Mr. RAKER. The gentleman does not want to be unfair.

Mr. BORLAND. The chief attraction of this park is that it contains an active volcano, and just now the volcano is particularly active, so there is no occasion for putting any improvements on the volcano.

Mr. RAKER. The gentleman does not want to be facetious for the purpose of defeating legitimate legislation, and he does not want to say seriously that the park service have not urged this, because they have.

Mr. BORLAND. The gentleman is just this much facetious that he does not think this appropriation has been urged with any great energy.

Mr. RAKER. They have called me up since, and they say this appropriation ought to be allowed. You allow for the protection and maintenance of other parks just like this, and why should you discriminate and cut out this park here? Why should you not give them an opportunity to improve it like others?

Mr. BORLAND. As I have already stated to the gentleman, we have not entered upon any plan or arrangement for the improvement of this park. When that time comes it will take more than this little $5,000 to be paid to a few rangers out there.

Mr. LONGWORTH. Does the gentleman say there is an active volcano in that park?

Mr. BORLAND. Yes.

Mr. LONGWORTH. I would like to ask whether that volcano is a monopoly, or whether there is active competition?

Mr. BORLAND. It is a monopoly, but I am sorry to say it is not under Government control.

The CHAIRMAN. The question is on the amendment of the gentleman from California.

The amendment was rejected.

The Clerk read as follows:

The Secretary of the Interior is authorized to accept patented lands or rights of way over patented lands in the Mesa Verde National Park that may be donated for park purposes.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This paragraph, authorizing the Secretary of the Interior to accept patented lands or rights of way over patented lands, is carried in a number of places under these national parks. I assume that under this form of language it would be only temporary law. Is anybody offering to donate any lands in any of these particular parks or was it the intention

of the committee, in inserting this language in half a dozen places in the bill, to make it permanent law?

Mr. FITZGERALD. It is permanent law as to some of the parks. Authority was asked in connection with one or two others in the same language, and the committee were of the opinion that if there were patented lands in the park that persons were willing to donate or to donate rights of way over them it would be wise to accept the donation.

Mr. MANN. If we are going to do this, why not make it permanent law, so there will be no doubt about it.

Mr. FITZGERALD. This will be permanent law if adopted here.

Mr. MANN. I doubt it very much.

Mr. FITZGERALD. It is not connected with an appropriation.

Mr. MANN. I should say that it was.

Mr. FITZGERALD. There is no limit on it. A similar provision is contained in connection with some of the other parks.

Mr. MANN. I know, but there is always a controversy. Nobody can tell. Why not insert the word "hereafter" in each of these paragraphs, so there will be no question about it?

Mr. FITZGERALD. I will offer that as an amendment—to insert at the beginning of the paragraph, in line 7, page 123, the word "hereafter."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FITZGERALD: Page 123, line 7, at the beginning of the line insert the word "hereafter."

The amendment was agreed to.

Mr. FITZGERALD. So that there will be no misunderstanding or misinterpretation, I will ask that the same word be inserted at the beginning of line 24, on page 122.

Mr. STAFFORD. If the gentleman will permit it, why not insert the names of these parks in this one paragraph?

Mr. FITZGERALD. That is not necessary.

Mr. STAFFORD. So as to avoid the trouble of repetition.

Mr. FITZGERALD. I know, but the others are printed, and it can be done the other way.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FITZGERALD: Page 122, line 24, at the beginning of the line insert the word "hereafter."

The amendment was agreed to.

The Clerk read as follows:

The Secretary of the Interior is authorized to accept patented lands or rights of way over patented lands in the Rocky Mountain National Park that may be donated for park purposes.

Mr. FITZGERALD. I offer the same amendment, to insert the word "hereafter" at the beginning of line 13, page 123.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FITZGERALD: Page 123, line 13, insert at the beginning of the line the word "hereafter."

The amendment was agreed to.

The Clerk read as follows:

The Secretary of the Interior is authorized to accept patented lands or rights of way over patented lands in the Crater Lake National Park that may be donated for park purposes.

Mr. FITZGERALD. I move to insert the word "hereafter" at the beginning of line 19, page 123.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FITZGERALD: Page 123, line 19, insert at the beginning of the line the word "hereafter."

The amendment was agreed to.

Mr. RANDALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

Mr. KENT. I make a point of order on that paragraph.

The CHAIRMAN. The other gentleman from California makes a point of order on the paragraph.

Mr. MONDELL. I hope the gentleman will reserve the point of order.

Mr. FITZGERALD. It is too late. The gentleman from California [Mr. RANDALL] has offered an amendment, and been recognized for that purpose.

The CHAIRMAN. The Chair is inclined to think the gentleman is too late, because the Chair had recognized another gentleman and had said "The Clerk will report the amendment."

Mr. LENROOT. But the gentleman was on his feet before the amendment was reported.

Mr. FITZGERALD. The gentleman was not on the floor——

Mr. LENROOT. Before the amendment was reported.

Mr. FITZGERALD. But the gentleman from California [Mr. RANDALL] was recognized and offered his amendment.

The CHAIRMAN. The gentleman may have been on his feet, but the Chair recognized him as soon as he heard his voice, and that was after he had recognized the other gentleman from California [Mr. RANDALL] and had instructed the Clerk to report the amendment. The Chair thinks the gentleman was a little late in making his point of order. The Clerk will report the amendment of the gentleman from California [Mr. RANDALL].

The Clerk read as follows:

Amendment by Mr. RANDALL: Page 124, line 13, after the word "parks," insert:

"*Provided*, That no part of the foregoing appropriations for national parks shall be expended for any purpose in any national park in which any permit or authority to sell or dispense beer, ale, wine, or other intoxicating liquors of any kind has been issued by any officer or employee of the United States to any lessee, permittee, concessioner, or other person, firm, or corporation whatsoever."

Mr. STAFFORD. Mr. Chairman, I make a point of order on the amendment, first, that it is not germane to the paragraph under consideration; next, that it seeks to apply as a limitation to paragraphs that have heretofore been passed and read in the committee, and therefore it is too late to offer an amendment for that purpose.

Now, Mr. Chairman, it is obvious that if any gentleman, after a dozen paragraphs relating to national parks have been read, can at the conclusion offer a limitation that applies to all, it violates the fundamental principle of this House that you can not go back and amend a paragraph in a bill after it is once passed. I remember a ruling by one of the best parliamentarians that ever occupied the chair, the late James S. Sherman, who held that if it was permissible to go back and amend a paragraph already passed it would lead to such interminable discussion that a bill could never be concluded for consideration, especially in case anyone wanted to conduct a filibuster. The gentleman's amendment is to these paragraphs. It is not germane to the proposition to which he offers it, because that relates to turning over future receipts into the National Treasury. Furthermore, if he seeks independent of that to offer an amendment to apply to all the appropriations that have been passed, he can not do it for the reason already stated. It was permissible for the gentleman to offer at the conclusion of every paragraph the amendment which was read, because we consider the bill by paragraphs, but he waived his right. There is no reason for accommodating the gentleman in his attempt to make these national parks bone dry, so that a person can not obtain a glass of beer at the dinner table, and that is the only grant that is now permitted in the two national parks which are in wet territory.

Mr. RANDALL. Will the gentleman examine the provision on page 92, line 14, which provides that no part of the foregoing appropriation shall be available, and so forth, after the paragraph had been adopted?

Mr. STAFFORD. I am sorry the gentleman can not distinguish between the two cases. In that case there was a total appropriation and no point of order made to it. The gentleman had his rights; he is seeking to keep out the sale of liquor at the table of the hotels and the camps of these two parks, the Yosemite and the Yellowstone. He had the right when the paragraph had been read to offer his proposed amendment as a limitation, but he waived his right. Any germane amendment was in order, but the paragraph having been read and once passed he is barred. If any other rule was adopted any Member could offer an amendment to place a limitation on any paragraph relating to national-park service. We could go back and offer an amendment relating to the Yellowstone Park. The gentleman has waived his rights by declining to offer an amendment to the paragraphs to which they were applicable.

The CHAIRMAN. The Chair is not passing upon the question whether or not this amendment is germane to any other paragraph, but the Chair thinks clearly it is not germane to this particular paragraph, and he therefore sustains the point of order.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent that I may be permitted to extend my remarks in the RECORD on the revenue to the national parks.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MONDELL. Mr. Chairman, just a word on the new paragraph on page 124, lines 7 to 13. Heretofore the revenues from

a number of the national parks have been available for use in the maintenance of the parks. Under this provision for the fiscal year 1919 and thereafter these receipts will flow into the Treasury and can not be used for care, maintenance, and development of the park. My opinion is that the plan proposed is a better one than the one now in operation. The policy of using the receipts of the parks for maintenance of the parks has not worked well up to this time. The receipts have not always been used for the purposes for which they were expected to be used at the time this provision was made. Last year in Yellowstone Park an accumulation of receipts was used for a purpose contrary to the will of Congress; contrary, in my opinion, to the provisions of the law. The Army post there was abandoned and a number of soldiers were discharged from the service. The Army detachment was sent to the border, and these receipts were used for paying civilian rangers. Otherwise the service would have been cared for out of the Army appropriation. So, as a matter of fact, the park actually received no benefit from that expenditure of the accumulated receipts. It may seem to some of those interested in the parks that it is well to have the authority to use the receipts in addition to the appropriations for the maintenance of the parks. If, as a matter of fact, that system would in the long run lead to a better and more rapid development of the parks, I should be for its continuance and extension, but after full consideration I am of the opinion that it will be for the benefit of the parks in the long run to have the receipts flow into the Treasury and all expenditures appropriated for.

The CHAIRMAN. The pro forma amendment is withdrawn.

The Clerk read as follows:

For maintenance, to be used in payment of part of the salaries of the officers, professors, teachers, and other regular employees of the university, ice and stationery, the balance of which shall be paid from donations and other sources, of which sum not less than $1,500 shall be used for normal instruction, $65,000.

Mr. DALLINGER. Mr. Chairman, I move to strike out the last word for the purpose of asking the committee if this appropriation is as large as was asked for under the item for Howard University?

Mr. SHERLEY. No; this year there was asked $72,437.55, but the amount given is the same as was given for a number of years past.

Mr. DALLINGER. Why did not the committee give the amount asked for?

Mr. SHERLEY. There was a good deal of it that related to increase of salaries that would be taken care of under the general increase that applied to all departments. It was not believed at this time that we could allow all of the requests made by Howard University. We have dealt very liberally with with them.

Mr. BORLAND. With the gentleman's permission, I will say that they showed that they proposed to transfer from the rolls of the university, the joint roll that is paid by the university and the Government, certain employees who had heretofore been solely on the other roll.

Another pay roll they pay wholly out of their own revenue. They proposed to transfer some of the employees from their private pay roll to the joint pay roll of the Government and the university. We found that did not increase their facilities in that respect. There were one or two new clerks and one professor that they proposed to add. The professor was to be a professor of sociology, and it was intended that he should study conditions of negro life in the District of Columbia. We thought is was unnecessary to provide a professor of sociology to study conditions of negro life in the District of Columbia, because in many ways it is not typical of negro industrial life, and besides, it was exactly like other investigations that are going on. There is no reason why research work should be indulged in by Howard University in the District of Columbia.

Mr. DALLINGER. Mr. Chairman, I will ask the gentleman if the amount asked for was $72,500?

Mr. SHERLEY. $72,437.75.

Mr. DALLINGER. Mr. Chairman, I move to amend by striking out "$65,000" and inserting "$72,437.75."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 126, strike out "$65,000" and insert "$72,437.75."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

For the erection of shop buildings or factories and their appurtenances, $82,500; for the purchase and installation of woodworking machinery and the installation of same in the shop buildings or factories, and for other necessary equipment preparatory to manufacturing furniture and woodenware, $202,500; in all, $285,000.

Mr. SNYDER. Mr. Chairman, I make the point of order upon that section. It is new legislation.

The CHAIRMAN. The point of order is sustained.

Mr. HOWARD. Mr. Chairman, I will ask the gentleman if he will withhold the point of order for a moment? I admit that it is subject to a point of order.

Mr. SNYDER. I reserve the point of order.

Mr. HOWARD. Mr. Chairman, the proposition is this: We have in the United States prisons at Leavenworth, McNeil Island, and Atlanta something over 3,000 Federal prisoners. For several years these prisoners have been carrying on construction work for the housing of the prisoners. I do not know what the condition of progress is at Leavenworth, but I do know that in Atlanta all of this construction work will be completed about May 1, and, of course, if some legislation of some character is not put through at this session of Congress these prisoners will remain absolutely in idleness, which you gentlemen can readily understand would be most dangerous for the prisoners. Only a very small proportion of them will have any labor to perform at all. The Department of Justice and this Congress at the last session created a commission to make an investigation into what employment these prisoners could be put to, and they rendered a very exhaustive report, which perhaps a good many of you gentlemen have perused, in which they decided that at Leavenworth Penitentiary the prisoners confined would make furniture for the Government departments. At Atlanta they proposed the building of a textile mill, and that textile mill was to engage itself with the prisoners' work in making mail sacks for the Government. It is proposed by the plan which the gentleman from Kentucky [Mr. SHERLEY] will be in charge of that compensation be paid to the dependents out of the profits on a capitalization of this plant, and something would be given to the prisoners on their discharge. It is figured by the Department of Justice that about $460,000 a year will be made for the Government in the activities at Atlanta prison by the making of mail sacks. Atlanta is right in the cotton belt, where they can get cotton at the minimum price.

Mr. SNYDER. Mr. Chairman, I will say to the gentleman that, while I am somewhat concerned as to what may be done in the interest of the prisoners in those prisons, I am more concerned about people who are manufacturing these items it is proposed to make who are located in my district, and therefore I insist upon the point of order, and shall make the point of order upon the next item in reference to textile manufacturers.

Mr. SHERLEY. If the gentleman from Georgia will permit, let it go out on a point of order. I hope to have a rule making it in order in a few minutes.

Mr. HOWARD. Very well.

The CHAIRMAN. The point of order is sustained.

Mr. ANTHONY. Mr. Chairman, I will ask the gentleman from New York a question. I take it that his objection is that he does not like to see prison-made goods sold in competition with the goods of free labor?

Mr. SNYDER. That is correct.

Mr. ANTHONY. Would it not make the provision acceptable to the gentleman if a proviso were inserted that none of the appropriation should be expended in the manufacture of goods to be sold in competition with free labor?

Mr. SNYDER. I am absolutely opposed to the Government extending its activities in competitive manufacturing.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit, the purpose is not to have these goods sold outside, but it is to have them made only for the Government and sold only to the Government.

Mr. SNYDER. I appreciate that; but I am also opposed to that.

Mr. SHERLEY. While the gentleman's position may be natural, we are confronted with a case of whether we shall treat our prisoners with modern humaneness, and in order to treat them with modern humaneness we must provide some proper activities for them while they are in prison.

Mr. SNYDER. I think that should be done in some method that would not throw out of employment free labor.

Mr. SHERLEY. There is no possible method by which men can work where their work does not produce something that some free labor produces somewhere.

Mr. HOWARD. Why, we could put these 3,000 men to blowing bubbles.

Mr. SNYDER. You could give them exercise the same as we exercise our soldiers, as far as that is concerned.

Mr. GARLAND. This measure contemplates putting in machinery so that the maximum amount of labor could be secured to the State through its inmates there. Is not it just possible and equally more certain to find employment for the inmates

to take away the power-driven machinery and let them work by hand, instead of giving them the finest equipment obtainable for doing this work?

Mr. SHERLEY. I should say if we wanted to enable these men when they get out to earn their livelihood it would be well to train them in the kind of pursuits that would exist outside, and not to make them work in an antiquated, abandoned way. I will say to the gentleman that this matter has had very careful consideration, not only of the board that was appointed but is approved by the Federation of Labor, and a bill has been introduced and favorably reported by the Committee on the Judiciary, and every effort has been made to safeguard properly the free labor of the country.

Mr. GARLAND. I just wanted to explain to the gentleman that the reason I made this objection is this: Over in Pennsylvania we do not permit any power-driven machinery in our penitentiary in western Pennsylvania. We have now purchased 5,000 acres of land and they are building a great penitentiary on that to take care of the inmates and let them work in agricultural work, and they, the inmates, are putting up that building themselves. Now, why can not that be done here?

Mr. SHERLEY. They would; all these buildings would be erected by prison labor and the machinery installed by that labor.

Mr. GARLAND. But it does not so provide.

Mr. HOWARD. It is contemplated.

Mr. SNYDER. I am perfectly willing the prisoners shall go on and erect buildings to be used as a gymnasium or something of that sort, but not that the products of their labor shall come into competition with the business or manufacturing of the working people of my section of the country.

Mr. SHERLEY. I regret that any activity of the prisoners should happen to hit the concerns in the gentleman's district, but I do not think the Congress of the United States can stop in a humane effort on behalf of prisoners because of the interest of some furniture manufacturers who now sell to the Government. I am perfectly willing to concede the point of order. Let it go out and we will have the matter up subsequently.

Mr. SNYDER. I appreciate the probability it will come in again under some rule.

Mr. KELLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 128, at the top of the page insert as a new paragraph the following:

"For the purchase of land, tools, implements, equipment, and live stock with which to acquire land to conduct agricultural activities, $100,000."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. KELLEY. Mr. Chairman, it seems to me that this is one of the questions that the Federal Government should go into thoroughly and act upon in a most intelligent fashion. I am offering this amendment to purchase land for the use of the prisons of the Federal Government, because I believe that modern prison management has fully demonstrated that, all things considered, farming is best adapted for profitable and healthful employment of convict labor. Personally, I am sorry that a point of order was made against the paragraph providing for certain manufactures in Federal prisons. Even though farming is made the major occupation, some provision must be made for the employment of those who can not be trusted to work outside prison walls. Personally, I see no objection to installing a plant to manufacture mail sacks, tents, and the like, as proposed in the section which went out on a point of order. I think, however, that the Federal Government should conduct its prisons in such a manner that every man who can be trusted with his liberty may be employed outside the prison in some profitable farming activity, and only those whom it is necessary to confine within the prison should be employed as proposed in this section.

In the old days the theory upon which penal institutions were conducted had in it but little of the idea of reform and regeneration of the men. Punishment and vengeance constituted the keystone of every prison arch. As a result, the inmates frequently came out hating authority, shunned by society, and forced into further crime by necessity and harsh treatment. During the last few years in our State and in many States there has gradually crept into prison management a little twentieth century Christianity and humanity. Gradually the notion has taken root that men are not beyond reform simply because they have been convicted of an offense against the law, but, on the contrary, that it is possible to reclaim and reform a large percentage of them. This idea, I think, has come to stay, and prison industries are gradually being adjusted to this notion throughout the country. We have been working along this line in Michigan for the past few years and have achieved most gratifying results. I should like to tell the House something about what we are doing in Michigan along this line. I think perhaps the experience of our State may be of some help to the House in providing for proper employment for Federal prisoners.

A few years ago, after mature consideration, our State legislature decided to abolish contract labor in our prisons. This was done for two reasons. First, because under the contract system the inmates were hired out at a price below the wages paid for similar employment of free labor. Obviously, this practice resulted in unfair and unreasonable competition between prison products and the products of free labor. We decided, therefore, to end the contract-labor system in Michigan. In the second place, under the contract system it was impossible to carry on with the results we desired the work of reform among the men. The number of industries was, necessarily, very limited under the contract system, and there was but little room for training the men along lines for which they had special liking or were especially adapted. All were put through the same contract mill. It also happened that in some cases the particular industry in which the men had been trained had come to be exclusively a prison industry, and that it was difficult to obtain similar employment when the prisoner was released. From the standpoint of training the men for useful citizenship, as well as from the standpoint of justice toward free labor and free industries, our State came to the conclusion that the contract system, although existing in Michigan in its best form, was not such a success as warranted us in continuing it, and we therefore determined to wipe it out altogether.

Having determined to put an end to contract labor, and having become thoroughly imbued with the idea that our prisons should be, primarily, reformatories, we set about to reorganize our prison industries. The first contracts to expire were those in Jackson prison, our oldest and largest penal institution. It therefore fell to that institution very largely to work out a new system to take the place of the contract system. Fortunately for the State, the warden of Jackson prison, Capt. Nathan F. Simpson, was well equipped for this most difficult task. In the first place, while being a strict disciplinarian he was, at the same time, in full sympathy with the idea that the chief work of the prison was to rebuild the men. He had the advantage of wide experience in handling men. He had served in the Quartermaster General's Department in the Philippines during the Spanish-American War and during the Philippine insurrection, and knew how to provide, economically, for the physical needs of large bodies of men. It was largely up to Warden Simpson to provide suitable employment for the 800 men in his institution. In selecting the industries to be installed he was guided very largely by the following general principles:

First. The prison should install the greatest possible diversity of industries in order that any prison product might be but a small part of the total amount of such commodity required in consumption, and in order that the widest possible range of employment be furnished for the men.

Second. Such industries should be selected as would require the maximum amount of labor with a minimum investment of capital.

Third. Such industries should be selected as would turn out products in universal demand and which could be sold through the usual channels of trade.

Fourth. Such industries should be selected as would furnish the most healthful employment and give the widest opportunity for reform.

Capt. Simpson was brought up on a farm and was thoroughly imbued with the idea that if men could be rebuilt and regenerated anywhere it could be done in the atmosphere of the country. He therefore decided to make farming the basic industry of Jackson prison. The board of control was willing to undertake the experiment and leased several farms near by, and the warden was given a free hand to develop his plans. The results were so satisfactory that the legislature has since purchased and equipped several large farms in the vicinity of the prison, until now Warden Simpson has more than 3,000 acres of land under cultivation.

With the cultivation of this large acreage a number of important industries have come into being to meet the farm needs. The warden is thoroughly imbued with the idea that nothing should be purchased for the farm or prison which can be produced or manufactured by the inmates. It was necessary to tile-drain a part of the land purchased, and instead of buying the tile, a tile factory was established to supply the needs of the farm. The surplus tile finds a ready sale through the usual channels of trade. New dormitories had to be built, which required a considerable quantity of brick; therefore a small brick

plant was added. The tile and brick plants are both supplied with clay found on one of the prison farms. A large blacksmith shop was established for the repair of all kinds of farm machinery and for shoeing the 60 teams of horses now required on the farms. The harness shop now employs a number of men making and repairing harness for farm use. A very extensive carpenter shop is in operation employing a large number of men, making for farm and prison use all wagons, trucks, drays, wheelbarrows, furniture, boxes for shipping canned goods, hundreds of beehives for the apiary, and scores of small implements in daily demand on a great farm of this kind. The tin shop employs a large number of men making milk pails and utensils for the dairy, thousands of cans for the cannery, kitchen utensils for the prison and dormitories, eave troughs, drinking fountains, and all other tinware required on the farm or in the prison. A sawmill is maintained and is especially serviceable for winter work, where all the lumber necessary for the prison and the farms is sawed. The prison owns a herd of about 600 cattle, which supplies all the milk, cream, butter, cheese, and beef for the prison. The surplus is sold through the usual channels of trade. A large slaughtering establishment is maintained. All cattle hides and sheep hides are tanned in the prison tannery. The prison shoe shop makes all the shoes for the inmates from prison-made leather. These subsidiary industries are dependent, very largely, upon the maintenance and operation of the farms, and every year a large number of men are trained in these shops and readily find positions at good wages when they leave the prison.

It became apparent to Warden Simpson very early in his farm operations that a sufficient number of men could not be employed if the farms were operated along usual farming lines, namely, in the production of hay, grain, and live stock. The warden was at one time connected with a large canning concern in Michigan and thoroughly understands the canning business and canning trade. He came to the conclusion that by adding a canning factory to the prison industries he could undertake intensive farming on a large scale and thus give employment to a much larger number of men on the farms. The experimental cannery was such a success that it has been replaced by a modern plant, the output of which now exceeds $100,000 per year in value.

Mr. HOWARD. Will the gentleman yield?

Mr. KELLEY. In just a moment. Last year, 80 acres of string beans were canned. These string beans were worth in the cans $30,000, or $375 per acre. One hundred and fifty acres of Alaska peas were raised last year. The peas, when canned, were worth $40,000, and the vines and pods filled 12 silos with ensilage.

Mr. HOWARD. To whom did they sell?

Mr. KELLEY. They sold to everybody who wanted to buy through the usual channels of trade.

Mr. HOWARD. Did not the private canners kick about it, as the gentleman over there kicked about the furniture trade?

Mr. KELLEY. They did at first. They soon found the prison made such a high grade of canned goods that the prison product did not depress the market. The prison goods have always brought the highest market price.

Mr. MONDELL. Are they marked "prison-made goods"?

Mr. KELLEY. Yes; but that does not interfere with the sale of the goods, because of the high quality.

The plant also cans large quantities of apples, peaches, pears, cherries, pumpkins, squash, corn, sauerkraut, beets, pickles, tomatoes, and pork and beans. All of these canned goods are sold through the usual channels of trade at the highest market price and, in most cases, bear the prison label. Jobbers from various trade centers have visited the prison and have been so impressed with the cleanliness and sanitary conditions of the cannery and the excellent quality of the goods that they do not hesitate to pay the highest market price for the prison output.

The results of the system now in vogue in Jackson prison, from every point of view, are most gratifying. Work in the open air has greatly improved the health and spirit of the men. The desire on the part of the men to get out on the farms and away from the prison cells is a great aid to discipline. Any infraction of the rules stands as a bar to assignment on the farms. From a financial standpoint, the results are equally gratifying. Under the old contract system the taxpayers were annually called upon to pay about $100,000 toward the support of Jackson Prison.

The CHAIRMAN (Mr. HAMLIN). The time of the gentleman has expired.

Mr. KELLEY. May I have five minutes more?

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLEY. As I say, this tax is no longer required for the reason that the prison has been self-sustaining for the last three years. Last year the warden charged off for depreciation $25,000, spent $100,000 for improving the conditions of the men by erecting dormitories and school rooms and in improving sanitary conditions. In addition to this, $50,000 was paid to the men under the profit-sharing plan in operation at the prison. It is not the desire or the intention of the warden or the State ever to turn any of the profits of the prison back to the State. It is the intention of the State to further develop the profit-sharing plan so that the inmates may be able to contribute much more to the support of their families, who, in many cases, have become dependent upon the charity of the community. Or if an inmate has no one dependent upon him, his earnings accumulate to his credit and are drawn by himself when he leaves the prison and starts life anew.

Now, it seems to me that the Government of the United States ought to be in the very front rank in handling penal institutions. Instead of having the States set the example for successful and capable management of the prisons of the country the Federal Government ought to take the lead.

Mr. GARLAND. Will the gentleman yield?

Mr. KELLEY. I will.

Mr. GARLAND. I wanted to ask you who controlled the operations inside the prison. Is it an outside company?

Mr. KELLEY. Oh, no. No outside company has anything to do with our prisons any more except where the old contracts have not yet expired. The State operates the prison just exactly as an individual would operate it, to make money and to care for the men. It does not undersell the market, or anything like that, but sells in the market like any other producer.

Mr. GARLAND. When its products are sold outside, with the stamp on them "Prison-made goods," there is not another stamp permitted to be put on by a firm that sells them?

Mr. KELLEY. There is no trouble about the goods being sold at all.

Mr. GARLAND. I know that prison-made goods come into our State sometimes, where a business firm has put a stamp over a prison-made stamp, and hence they are sold in the market as fair-made goods.

Mr. KELLEY. In our State the prison product is so carefully prepared and is of such a high grade that the jobbers from all over the country are anxious for the product, and they often pay more for it than they pay for a similar product put up in private canneries. And so the private canneries soon came to learn that the prison product did not depress the market, but, on the other hand, it made a better market, if anything, for canned goods generally.

Mr. CRAMTON. Will the gentleman yield?

Mr. KELLEY. Yes.

Mr. CRAMTON. I will ask my colleague if it is not a fact in connection with the brickyards that are also maintained at Jackson prison that while at first a protest was made by brickmakers in Detroit concerning the sale of brick made there, that protest was withdrawn by the union men themselves after they had personally made an investigation of the conditions under which the bricks were made?

Mr. KELLEY. That is true. I do not understand that anybody is opposed to prison production simply because it is prison production. The thing complained of is, as I understand it, such methods of production and sale of prison products as result in unfair and unreasonable competition with free labor and free industries. It goes without saying, I take it, that convicts must be employed at something and that their employment should be useful and remunerative employment. It is not at all necessary that prison production should result in unfair competition. In fact, such competition is impossible in prisons conducted as reform agencies and where the prison authorities realize that only such conditions of employment should prevail as will contribute most to the reform and regeneration of the men.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. KELLEY. May I have five minutes more?

Mr. SHERLEY. I do not desire to delay the discussion, but at present there is nothing pending.

Mr. KELLEY. I have offered an amendment which is before the House, unless the gentleman makes a point of order against it.

Mr. SHERLEY. The point of order is reserved against it, and will have to be made without regard to my own personal wishes about it.

Mr. KELLEY. May I ask the gentleman why?

Mr. SHERLEY. Because at present I am in charge of the bill and have no right to permit matters out of order to go on

the bill. In the absence of the chairman I feel obligated to do that. I will say to the gentleman frankly that while the land ought to be bought, I think before we appropriate we ought to know what the land is going to cost and where it is to be bought.

Mr. KELLEY. The testimony before the Judiciary Committee indicated that the land could be bought in the vicinity of Atlanta for $25 an acre. I do not know whether it is true or not.

Mr. HOWARD. I do not know where it is.

Mr. KELLEY. A great many people have an idea that a prison farm must be located contiguous to the prison. That is not necessary at all. It may be located five or six miles away, or even farther.

Mr. ANTHONY. I will say to the gentleman that at Leavenworth they have 1,000 acres of land that is not being used in any way whatever, and near the penitentiary, although it is across the river.

Mr. KELLEY. Is it good farming land?

Mr. ANTHONY. It is the finest kind of Missouri farm land.

Mr. FARR. Mr. Chairman, I ask that the time of the gentleman from Michigan be extended for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HICKS. The gentleman from Michigan made the statement that the experiment was first tried at Jackson. Is it now extended to the other prisons of the State?

Mr. KELLEY. It is being so extended just as fast as contracts expire in the other prisons.

We have only one other prison, except a reformatory for young men. As fast as the old contracts expire this same plan is being put into effect in all our penal institutions.

Mr. HOWARD. In the gentleman's State do they work felony and misdemeanor convicts together or are they segregated?

Mr. KELLEY. We have separate institutions——

Mr. HOWARD. For junior and short-term men?

Mr. KELLEY. Yes. We do not put the young men with hardened criminals.

Mr. HOWARD. And then you have a separate and distinct organization for long-term or felony men?

Mr. KELLEY. Not necessarily long-term, but if a boy is convicted of crime he is sentenced to the reformatory for young men.

Mr. FARR. I suggest to the gentleman that he tell about the moral effect upon the prisoners.

Mr. KELLEY. I was going to answer a question propounded by the gentleman from Michigan [Mr. CRAMTON]. As I say, the objection of labor organizations to prison-made goods is not based upon the fact that the goods are made in prisons but upon the fact that they are sold, as a rule, in the market cheaper than similar goods made outside.

I am advised by those who have made a close study of the cost of production in prisons that whenever a prison is so conducted as to be self-sustaining the unit cost of production is as high as in free institutions making a like product. Any prison which sells its output at a price sufficient to pay all the expenses of the prison can not undersell the market. On the contrary, it must receive the highest market price for its output. It must be remembered in this connection that the overhead expenses connected with prison production are very great as compared with that of free production. There are the extra guards employed both night and day who must be paid. There are the old men in the prison, incapable of performing productive labor, who must be supported. There are the sick, who must be treated and for whom a hospital must be maintained. There are the lazy and the vicious, whose labor production is greatly reduced. There are those of weak mentality, who are necessarily inefficient. There are those engaged in nonproductive work about the prison who must be supported. There are the teachers, who conduct the prison schools. Jackson prison maintains a full 12-grade school, with a superintendent receiving $1,800 per year. The prison maintains a splendid library, with current magazines and yearly additions of books paid for out of prison funds. Religious services must be provided for through the employment of a prison pastor who devotes his whole time to the work of the prison. All of these expenses, not borne by free industries, greatly increase the cost of production and equalize units of cost to such an extent that the prison product under such conditions of production will have no advantage in competition over products produced by free labor.

Mr. CHIPERFIELD. Mr. Chairman, will the gentleman yield there for a question?

Mr. KELLEY. Yes.

Mr. CHIPERFIELD. Is it not true that the principal objection of union labor to prison-made goods was that they were made under the contract system instead of under the State-managed system?

Mr. KELLEY. I think so.

Mr. HOWARD. The American Federation of Labor, I will say to the gentleman, through its representative who appeared before the Committee on the Judiciary, said that that was the objection. If the goods are made for the use of the State, no matter what they are, there is no objection.

Mr. KELLEY. When we operated under the contract system we hired out the prisoners to prison contractors for 50 cents or 75 cents a day—much below the going wage outside.

Mr. CHIPERFIELD. With the use of the machinery?

Mr. KELLEY. Yes; and then the products of that labor were sold on the market cheaper than similar products could be produced on the outside. But when the State undertakes to make these goods and operates the plant, just as a private individual would operate it, and sells the goods at the highest market price, nobody should have any objection.

Mr. SNELL. Mr. Chairman, will the gentleman yield there?

Mr. KELLEY. Yes.

Mr. SNELL. Do you ever use your convicts on road making?

Mr. KELLEY. No; not to any extent, simply to provide good roads between the prison and the farms.

Mr. SNELL. We use them in New York State for that purpose, and no one objects.

Mr. KELLEY. I have no objection to using certain classes of convicts for making roads, but I think work on the farms far preferable, from every point of view, to any other kind of employment. Further, farming on a large scale includes a number of incidental occupations, such as wagon making, harness making, and the like, which furnish a great diversity of employment useful to the men when they are released.

Mr. GILLETT. Mr. Chairman, will the gentleman yield?

Mr. KELLEY. Yes.

Mr. GILLETT. Is it not very expensive to make these wagons and harness, and so forth, on so small a scale?

Mr. KELLEY. Well, I think the labor entering into these things is very profitably employed. It is a policy of our prisons never to buy anything which can reasonably be made at the prison.

Mr. HOWARD. Taking into consideration that the labor must be utilized anyhow?

Mr. KELLEY. Yes; taking into consideration the fact that the labor must be utilized anyway, and that the chief function of the prison is to train men for useful citizenship, it is highly desirable that nothing should be purchased for the prison which the prison itself can reasonably make or produce.

Of course, it is not possible to furnish employment for all convicts on the farms. There are always those who can not be trusted with so much liberty. To take care of this need Jackson Prison has installed a binding-twine plant, which makes about 12,000,000 pounds of binding twine annually. One half of this is sold through the usual channels of trade and the other half through the grange and the gleaners or direct to the farmers. It is necessary to provide employment for about one-third of the inmates within prison walls. Therefore it is necessary to supplement the farming activities with inside employment to this extent.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. GARLAND. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. GARLAND. Mr. Chairman, I hope that the amendment offered by the gentleman from Michigan [Mr. KELLEY] will be adopted. I think it is a right step for the Government to take, and even at that the Government is only following in the footsteps of some of the States. Pennsylvania, for example, has gone into that kind of work; and such work as he describes as belonging to the farm and to agriculture, such as making harness and wagons and plows and such things as are used on the farm, utilizes the kind of labor that might not be able to go out on the farm.

There has been a great cry raised in this Congress and all over the country for the last few years to send men back to the farm to till the soil and raise the products that we live on. Here are a lot of people who are in your hands. You may make of them what you choose, and there is less opposition to associating with them when they come out on the farm and are separated than when they are in a city where everybody knows their record. This is a step in the right direction, and if it were followed by the Government in every case it would go far toward the solution of that great problem of "back to the farm"—further than any other means that I know of.

Mr. HOWARD. Mr. Chairman, I want to speak a word or two about this proposition that has been submitted by the gentleman from Michigan [Mr. KELLEY]. We have heard a great deal about the magnificent prison system in operation in the gentleman's State. I think it is one of the model prison systems in operation by any of the States in the Union. But there is a great distinction between the class of men that go into Federal institutions and those that generally drift into State institutions. For instance, we have a class of what might be called the "bon ton criminals"; that is, the bankers that often are a little careless with other folk's money. They get into the penitentiary, and there are quite a lot of them. Then, we have a vicious class known as the "yeggmen" and post-office robbers and black-hand operators. Then, we have a class of petty thieves that under the State law would commit the minor misdemeanors, such as stealing a few stamps or committing depredations upon Government property.

Ever since 1896 the Government of the United States has been engaged in building this prison at Atlanta, and from that day to this has been engaged in the construction work there. I agree with the gentleman from Michigan that some of these prisoners could be used on a farm, but I have always noticed that when the Government commenced to engage in any activity and any class of people had to come into competition with anybody else an objection was always interposed, and it was suggested that you throw this competition on the farmer. "Let him compete with your Uncle Reuben; you can not hurt him." So it is suggested to throw these convicts in competition with the farmers. Do not throw them in competition with any of these manufacturing industries that by some method have a monopoly of Government contracts, but throw them on your Uncle Reuben, and let them raise potatoes or cowpeas or cotton or something else, because you can not hurt Uncle Reuben, and no one cares how much competition he has. He has been kicked and cuffed around so much by special privilege that he will not mind. That is this suggestion.

What do we propose here? I presume that practically all of the men who were interested in these questions were consulted about it, and it was suggested that we create a commission. We have got to do something with this labor. It is just as expensive for the Government to keep it in idleness as it is to utilize it, and these convicts are there. The building program, as I stated awhile ago, is about completed, and there are several hundred men in prison there without a thing to do. If this provision does not go through, or some similar provision——

Mr. SNELL. Who anywhere would object to building good roads throughout the country?

Mr. HOWARD. True; but that is not practicable. Take the State of Georgia, for instance. I got a telegram to-day from the mayor of Savannah, which reads as follows:

SAVANNAH, GA., *February 27, 1917.*

Hon. WILLIAM SCHLEY HOWARD,
House of Representatives, Washington, D. C.:

For eight months, May to December, inclusive, arrests for drunkenness were 221 against 923 same months previous year. Insanity cases were 73 against 118. At close of January there were 219 in convict camps as against 441. County commissioners will have to hire free labor to work on roads, as number of prisoners at their disposal steadily decreasing. If liquor could be absolutely excluded under National and State laws there would be further tremendous slump in crime and insanity. Prohibition laws have proved wonderful blessing, but need strengthening through Reed amendment, or similar legislation.

WALLACE J. PIERMONT, *Mayor.*

Prohibition came into effect, and we got to enforcing it, and now they have reduced their force of convicts over 50 per cent, and now they are going out and contracting for free labor. You can not work desperate convicts on the highways. The States, as a matter of fact, do not attempt to work life convicts on public highways because of the fact that they will take any chance to escape, and sometimes in escaping they commit the most atrocious assassinations.

Mr. PARKER of New York. The gentleman is very much mistaken about that, because in the State of New York they do work all kinds of criminals on the highways, and have done it successfully.

Mr. HOWARD. As a general rule—I do not know of a State with which I am acquainted that has been working life convicts on public highways, except in thickly populated sections, and not in remote sections, and I have given some little study to the subject.

Mr. CHIPERFIELD. They use them on the roads in Illinois.

Mr. PARKER of New York. They are doing it in the State of New York, I will say to the gentleman from Georgia.

Mr. HOWARD. They may be doing it successfully there, but it is risky business wherever it is done. Now, as I said awhile ago, we have got to do something with these prisoners. It is a question whether you gentlemen are willing to make sacrifices to some particular pet industry in your district and let these men be utilized in doing something practical and profitable to the Government, or whether you want them to sit down and look at one another for the period of 14 months, or until Congress reconvenes.

Mr. PARKER of New York. Will the gentleman yield to me?

Mr. HOWARD. Yes.

Mr. PARKER of New York. I wish to state that in our State roads that cost $12,000 a mile under contract are built by prison labor at an expenses of less than $4,000 a mile.

Mr. HOWARD. If the gentleman will come down into the great State of Georgia I will show him some roads that have been built by convict labor at $790 a mile, and he can run his automobile over those roads at the rate of 60 miles an hour if he so desires.

Mr. PARKER of New York. The gentleman in naming that figure is not taking into consideration the time of the convicts, as we have.

Mr. HOWARD. In a newspaper published here in Washington I saw a statement this morning, instigated by somebody, that the labor organizations were opposed to this bill. I want to say that I have got the personal indorsement of Mr. Gompers, president of the American Federation of Labor, and the indorsement of the Atlanta Federation of Trade, who are in the immediate neighborhood of this prison. They have indorsed this proposition most heartily. John Mitchell, one of the great labor union workers of this country, has indorsed this proposition. They have no objection to it. The only objection we have ever had is the one suggested by some gentlemen on this side awhile ago that these convicts were leased by private manufacturing concerns, and then that labor was used at a very low price and its products sold in competition with the products of men who had to earn larger wages for the support of their families. That was the objection to the system of the past. We had that in Georgia, to the disgrace of our State, when we used to lease these convicts by the year to lumber concerns and coal-mining companies, who used to work them 12 and 14 hours a day, rain or shine, hail or snow, and wrung the last atom of strength out of their bodies and sold it to the public at a reduced price, and came in competition with free labor. That was the objectionable feature of this despicable system, and that is the system that the people of Georgia placed their foot upon and the system that every other State has repudiated. We are making progress, and this is one great, progressive step that the Government of the United States proposes to take in a humane system, that will lead the way not only for the States of this Union to follow but for the nations of the world to follow in carrying out the true purpose of punishment, to wit, the reformation of the man who has been so penalized, and return him to society a new-made man, morally and physically. [Applause.]

Mr. FITZGERALD. I make the point of order.

Mr. CHIPERFIELD. I would like to have five minutes.

Mr. FITZGERALD. This item is not in order in connection with this paragraph. There will be a rule brought in later——

Mr. CHIPERFIELD. I do not want to intrude on the time of the House.

Mr. FITZGERALD. The gentleman can get time later, when the rule comes in.

Mr. CHIPERFIELD. I wanted to speak on this subject, but I shall not intrude at all.

Mr. FITZGERALD. The rule will be in connection with the establishment of manufactures——

Mr. CHIPERFIELD. I will say to the gentleman that I am very much interested in the subject. I am the author of the convict-labor law of Illinois, and have made a very careful study of it, and am interested in it, even though this goes out on the point of order.

Mr. FITZGERALD. I will withhold the point of order for five minutes, and after the gentleman from Illinois finishes I will make the point of order.

Mr. CHIPERFIELD. I am very sure that the House will acquit me of any intention merely to consume the time of the House, for I think I have refrained fairly well from doing that since I have been in the House. If the personal allusion will be pardoned, I was the author of the convict-labor law of Illinois, and years ago, when I was framing that law, I became very greatly interested in this problem and am extremely interested in it at the present time. I have watched with a great deal of interest and genuine delight the passage of laws for the abolition of contract system, whereby shops and power and labor of convicts were let to private contractors at a price less

than the cost to the State. That system is now nearly eliminated.

I appreciate that the point of order is good as to the item involved here, but it occurs to me, gentlemen, that we should proceed with something else in view other than merely the parliamentary question of whether or not the point of order can be interposed and sustained. I have investigated practically all the prisons of the United States and know something of this question. The modern thought regarding criminals is not punitive alone, but has in view the regeneration of the men who have violated the law with a view to their restoration to society, to the end that they may become once more useful members of organized society and take up again the duties of citizenship in a better and more useful manner than they did before. There is absolutely nothing that would bring about a better result than the suggestion that has been made in the substitute offered by the gentleman from Michigan [Mr. KELLEY]. To put these men at work on the farm under conditions similar to those with which they will be again confronted when they return to freedom is the very ideal thing to do. The system under which men work in the penitentiary and reformatory is too often an artificial system. A man formerly, under the old system, was required to make a strap of a harness, or a small part of a shoe, or the rung of a chair, or some small portion of some machine, or part of an implement, or a fragment of a piece of furniture. The result was that when he was returned to society he was no better fitted to take up the duties and burdens of life than he was when he went to the penitentiary; but instead he had been mentally dwarfed and his manual ability lessened by the system which prevailed in these institutions, and thus he was returned to society less fitted for the duties of citizenship than when he was sent there. These men so sentenced have sinned against the law; it is true that they have committed an error; almost invariably they are defective in some way or other. It is said that three-quarters of the convicts that go to the penitentiary or reformatory are men who are defective to some degree. These men should be taken and put on the farm and taught not only the usefulness of labor but the honesty of labor and its dignity and instructed to the degree that they can, if they so desire, come back once more as useful members of society.

I have seen convict after convict from penitentiaries who have been there taught the dignity and honesty and usefulness of labor, who have forsaken their life of crime and have returned to their places in the world and taken up the duties and obligations of citizenship thereafter without further mistake, to the benefit of society and to the regeneration and salvation of their souls and bodies and to the benefit of their future welfare.

It seems to me that we might well waive the point of order that has been suggested and interposed and thereby benefit the State, benefit society, and, best of all, we would benefit the man who, while he has made his mistake, has also paid the debt, and give to him a chance in life to become a useful citizen. [Applause.]

Mr. CRAMTON. I would be glad if the gentleman would give us his view as to the degree in which the use of convict labor in making roads conforms to the suggestions he has made.

Mr. CHIPERFIELD. The making of roads has every advantage except one, and that is the greater cost of making the roads by convict labor than by free labor. Convict labor, with the system of camps and guards and organization that is necessary for their care to make roads at remote places from the penitentiary, and the added care of transportation, can not make roads as cheaply as can free labor.

Mr. HOWARD. The trouble about roads is they are capitalized with three units, and when you break it up into small units the labor would not be of any benefit.

Mr. CHIPERFIELD. In other words, the overhead charges on any considerable number of camps, perhaps widely separated, would be so much as to make such a system of very doubtful value.

Mr. FESS. Will the gentleman yield?

Mr. CHIPERFIELD. Certainly.

Mr. FESS. The gentleman is not so much concerned about the making of roads as he is to give the fellow an opportunity to return to society.

Mr. CHIPERFIELD. To put the man out in the sunlight of heaven, get him away from the atmosphere which is often foul in the prison, to let him breathe the free air and stand upright in the image of God is of the utmost value to his body and soul. Let him know that he is engaged in an honest occupation, and instead of feeling that the door of opportunity is closed to him he will come to learn that the door is open and that he may pass through and once more take up the tangled threads of life and make a useful man of himself. That is the whole thought of prison reform at the present time, and to make a man and useful citizen of the convict is its highest ambition.

Mr. FITZGERALD. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SAUNDERS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. OVERMAN, Mr. BRYAN, and Mr. SMOOT as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For the erection of shop buildings or factories and their appurtenances, $129,500; for the purchase and installation of cotton textile machinery and the installation of same in the shop buildings or factories, and for other necessary equipment preparatory to manufacturing cotton textile goods, $315,500; in all, $445,000.

Mr. SNYDER. Mr. Chairman, I make a point of order to the paragraph, lines 11 to 16, page 128.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Objects miscellaneous, Department of Justice.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 128, line 23, strike out the first two words and insert in lieu thereof the words "miscellaneous objects."

Mr. MANN. Mr. Chairman, this relates to miscellaneous objects. Yesterday, or the day before, I made reference to the Bureau of Efficiency not having signed their annual report. I have a letter from Mr. Brown explaining how his real letter was lost between the President's office and the Printing Office, and I ask leave to extend my remarks by inserting it.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

UNITED STATES BUREAU OF EFFICIENCY,
Washington, February 26, 1917.

Hon. JAMES R. MANN,
Minority Leader, House of Representatives.

DEAR MR. MANN: I thank you for your complimentary reference to the Bureau of Efficiency on the floor of the House on Saturday evening. Your criticism of the bureau's report was right. I am pleased, however, to inclose a copy of the letter of transmittal which was attached to the report when it left this office. By accident the letter was detached from the report somewhere on its journey between this office and the office of the Public Printer.

With high regard, I am,
Sincerely, yours,

HERBERT D. BROWN,
Chief Bureau of Efficiency.

LETTER OF TRANSMITTAL.

DECEMBER 20, 1916.

To the PRESIDENT:

The acts of Congress approved March 4, 1915, and February 28, 1916, direct the Chief of the Bureau of Efficiency to submit to Congress through the President an annual report of the nature and progress of the work undertaken by the bureau and of the bureau's expenditures. The accompanying report covers the work of the bureau from the date of its organization as a division of the Civil Service Commission to October 31, 1916.

Very respectfully,

HERBERT D. BROWN,
Chief Bureau of Efficiency.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The amendment was agreed to.

The Clerk read as follows:

Defending suits in claims against the United States: For necessary expenses incurred in the examination of witnesses and procuring of evidence in the matter of claims against the United States and such other expenses as may be necessary in defending suits in the Court of Claims, including not exceeding $500 for law books which shall be available to keep current existing sets of United States Supreme Court reports, to be expended under the direction of the Attorney General, $17,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I was under the impression that we were getting rid of the Indian depredation claims. Possibly a lot of them have been reinstated under the act that we passed a few years ago.

Does the gentleman know how much of this appropriation is being expended?

Mr. FITZGERALD. There are over 100 cases, and in 1915 we passed an act removing one of the disabilities.

Mr. MANN. I understand.

Mr. FITZGERALD. The board has reinstated a number of cases. It would take some time to dispose of those that remain and those that were reinstated under that act. Then there is pending in the Senate a bill which eliminates the amity defense. If that should be enacted——

Mr. MANN. That will not be enacted. The gentleman need not make any appropriation upon the basis that that will be enacted.

Mr. FITZGERALD. It is not upon that basis, but it is upon the basis of the cases that were pending and that were reinstated under the act of 1915.

Mr. MANN. I just wondered whether this appropriation was being expended or whether it was for possibilities.

Mr. FITZGERALD. There are 143 cases pending, and the force employed is one lawyer, one stenographer, and one messenger, and the compensation aggregates $5,240. There is also one attorney in the field. The rest is for subsistence and travel.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Enforcement of antitrust laws: For the enforcement of antitrust laws, including not exceeding $15,000 for salaries of necessary employees at the seat of government, $200,000: *Provided, however,* That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further,* That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amend, page 131, line 11, after the word "laws," by inserting the words "and prosecutions incident to unlawful speculation in food supplies," and on page 131, line 13, strike out the figures "$200,000" and insert "$300,000."

Mr. FITZGERALD. Mr. Chairman, on that I make the point of order that it is not germane.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask the gentleman to reserve the point of order.

Mr. FITZGERALD. I will reserve the point of order for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, the purpose of that amendment, which I think the committee ought to accept, if it desires to save the Government money, is to have an investigation to be followed up by prosecutions on the part of the Attorney General of the United States in the matter of the increase in food prices, or the possible illegal combinations that may control food prices at the present time. The gentleman from Missouri [Mr. BORLAND] the night before last offered an amendment to this bill proposing an appropriation of $400,000 for the purpose of investigating the causes for the increase in the price of food. His amendment passed, and if sustained by Congress it postpones indefinitely any immediate relief to the people who are now suffering from the high cost of food supplies. Why the gentleman from Missouri changed his tactics and abandoned his plan to obtain a real investigation and prosecutions, if need be, I do not know, because the gentleman from Missouri concedes that the Attorney General of the United States has sufficient power under existing law to make necessary prosecutions. What the people of the United States want is relief from the unbearably high prices that now prevail. They want no more investigations that postpone for a year and a day. They want relief, and they want it now. The gentleman from Missouri is as familiar with that fact as is any man in this House. For a series of months the gentleman from Missouri has attempted to have passed by the House a drastic resolution that would bring to book certain of the large manipulators in food supplies in the United States——

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. BORLAND. Does the gentleman think that the poor people in his city can eat lawsuits?

Mr. MOORE of Pennsylvania. I think the poor people in my city could get along a good deal better with an immediate reduction in the cost of food without expending $400,000 to investigate the matter. My people see no relief in the investigation, which will only go on and determine something which they know as much about as the investigators will.

Mr. BORLAND. Did the gentleman oppose the investigation of the Paper Trust?

Mr. MOORE of Pennsylvania. I opposed the gentleman's motion for an appropriation of $400,000 to employ "deserving Democrats" to go off on an investigation tour while the people want food.

Mr. BORLAND. Did he oppose calling down the Paper Trust?

Mr. MOORE of Pennsylvania. If there is a Paper Trust, I would oppose it. I do not recall the matter being before the House.

Mr. BORLAND. Did he oppose the methods used to call down the Paper Trust?

Mr. MOORE of Pennsylvania. If there was any investigation to upset monopoly, I would incline to be for that investigation. I would like to know whether the Paper Trust investigation has come before the House, and I would like to know whether any committee has ever dared to bring it in. I would like also to know whether any committee of the House has yet dared to bring in a resolution to investigate the charges made by the gentleman from Texas [Mr. CALLAWAY] concerning war news? Why, the chairman of the Committee on Rules, who has been approached upon this matter, has already indicated, by appearances at least, "that Mars is very far removed from this earth." I am inclined to think the gentleman's $400,000, to be taken from the pockets of the people of this country, is very far removed from any reduction in the price of food.

Mr. BORLAND. I beg the gentleman's pardon. I took him seriously for a few minutes.

Mr. MOORE of Pennsylvania. The gentleman knows I have but five minutes, and the gentleman wants to consume my time. I want to save the Government money and to get the results on this food business quickly. I would rather give the Attorney General $100,000 extra to get results than to spend $400,000 to employ a number of investigators to follow out the suggestion of the gentleman from Missouri. What we want is results.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MONDELL. Will the gentleman withhold his point of order?

Mr. FITZGERALD. No; I made a mistake in letting the gentleman from Pennsylvania speak. I want to make some time on this bill.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out $200,000 and——

The CHAIRMAN. The Chair will state the parliamentary situation. The Chair sustains the point of order if the gentleman from New York makes it.

Mr. FITZGERALD. I make it.

The CHAIRMAN. The Chair sustains it.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to amend by striking out $200,000, page 131, line 13, and insert in lieu thereof $100,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 131, line 13, strike out $200,000 and insert $100,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, if we are going to refer business to the Attorney General, who does not seem inclined to operate under the antitrust laws of the country—having the Sherman antitrust law upon the statute books and that new and magnificent piece of legislation passed by a Democratic Congress, the Clayton antitrust law—I say if he is unable or disinclined under those two laws to assume authority to prosecute trusts or combinations that corner the food supplies and make it difficult for the people to obtain the necessaries of life at moderate cost, and we are to give the Federal Trade Commission $400,000 to go on with this food investigation, then we might as well begin to save on appropriations to the Attorney General, who does not seem to be inclined to act. I observed before that I was not in favor of wasting $400,000 employing gentlemen who come here with Democratic sponsors to pursue an investigation all over the country, which will produce no immediate results for the poor people of New York who are asking the mayor of that city to give them food. I am not in favor of sending these highly paid officials over the United States to harass business men, to make a lot of inquiries, and then come back and dump their volumes of testimony on us. They will have no power to enforce their findings, no power to bring about results, and, therefore, their efforts will be extravagant. If the gentleman refuses to consult the Attorney General, who has the power under existing law to make needed investigations and prosecutions, then, perhaps, we had better

rake away from the Attorney General a little of the money we give him for investigations that do not amount to anything. I now yield to the gentleman from New York.

Mr. PLATT. When the Clayton antitrust law was passed, was it not the purpose of that act to exempt all these trusts from prosecution by so balling up the decisions that they could escape?

Mr. MOORE of Pennsylvania. If the gentleman wants my private opinion publicly expressed, I am inclined to think that the Clayton antitrust law, which was brought in with the boast that "it had teeth in it," that it would "put malefactors in jail," and all that sort of thing, had all "the teeth" extracted before the bill was passed. There has been such a friendly relationship between the administrators of the law under the Clayton antitrust law and the so-called hitherto malefactors of great wealth as to lead to the suspicion which the gentleman from New York has indicated by his question. There seems to be no desire to prosecute anybody under the Clayton antitrust law; some parts of it have even been repealed. Indeed, I would venture a challenge to the other side that they produce, if they can, a single prosecution brought by the Attorney General of the United States against any one of the "malefactors of great wealth" or the name of a single man put in the penitentiary. The Democratic platform contended that "malefactors of great wealth" were men the Democratic Party was after, who were eventually to be put behind the barriers.

If any man will tell me whether any of the great magnates of the Beef Trust have been put behind the barriers, I would be glad to have him do it. I recollect reading somewhere of a meeting of these so-called "magnates" during the campaign in the State of Ohio, and, if my memory is not awry, a distinguished Member of this House welcomed them to the city and gave them "the glad hand." They were acclaimed as very useful citizens.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, this appropriation is provided for the purpose of enforcing the antitrust laws. I did not assume that anyone would desire to debate again the question that was disposed of Saturday relative to the investigation by the Federal Trade Commission. Perhaps there is a purpose behind this amendment not disclosed by the gentleman from Pennsylvania who represents a State which has been notorious for the number of its inhabitants who have been the defendants in the prosecutions that have been carried on under this fund. It may not be a matter therefore of surprise that the gentleman from Pennsylvania, under the plea of a desire to enforce an investigation or prosecution——

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FITZGERALD. Of these——

Mr. MOORE of Pennsylvania. Will the gentleman name any Pennsylvanian, a malefactor of great wealth, who has been put in jail?

Mr. FITZGERALD. Mr. Chairman, I decline to yield.

Mr. MOORE of Pennsylvania. I thought the gentleman would.

Mr. FITZGERALD. I decline to yield.

Mr. MOORE of Pennsylvania. I thought the gentleman would.

Mr. FITZGERALD. Mr. Chairman, I insist on order; I insist on the gentleman taking his seat. Somebody has to have some time to say something in this House besides the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Will not the gentleman yield now? I will take my seat.

The CHAIRMAN. The gentleman will be in order; the gentleman from Pennsylvania is out of order.

Mr. FITZGERALD. It is not surprising that the gentleman from Pennsylvania, as I was saying, would be anxious to curtail the amount of money available for the prosecutions of these offenses. He inquired if I would name a citizen from the State of Pennsylvania who had been included in this category of undesirable citizens.

Mr. MOORE of Pennsylvania. I did not ask the gentleman that.

Mr. FITZGERALD. I decline to yield.

The CHAIRMAN. The gentleman declines to yield, and the gentleman from Pennsylvania [Mr. MOORE] must remain in order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask——

Mr. FITZGERALD. I insist on order.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] has the floor, and no other Member can take the floor when the gentleman from New York has it, and the gentleman from New York declines to yield.

Mr. MOORE of Pennsylvania. A parliamentary inquiry.

Mr. FITZGERALD. Mr. Chairman, I ask to be protected.

The CHAIRMAN. The gentleman from Pennsylvania will state the parliamentary inquiry.

Mr. MOORE of Pennsylvania. The gentleman having declined to yield on one occasion when interrogated by the "gentleman from Pennsylvania"——

Mr. FITZGERALD. I decline to be interrupted at all.

Mr. MOORE of Pennsylvania. And the "gentleman from Pennsylvania" then again having asked the gentleman to yield, was he not in order?

The CHAIRMAN. The gentleman from New York has declined to yield at any stage of his address, so he informs the Chair.

Mr. MOORE of Pennsylvania. If he does, all right.

Mr. FITZGERALD. Mr. Chairman, I ask the Chair not to permit anybody to interrupt me.

It would be idle to single out for particular distinction any one citizen of the State of Pennsylvania who has been enumerated in this category. The number is legion, and it constitutes a considerable portion of those who have been stalwart with the gentleman and the party to which he belongs. It is one of the few places in the United States where the light has not penetrated, where an intelligent public opinion has not been developed, and where, in the light of modern progressive, advanced ideas, the old reactionary element of the Republican Party has not been relegated to oblivion. They saw the handwriting upon the wall, and those representing them and those kindly interested in them would curtail the power of the Attorney General, and would, if possible, restrict the funds available for the prosecution of that undesirable element of the public that has so long preyed upon the great masses of the people whom we on this side represent so thoroughly and so effectively. [Laughter and applause.]

Now, I hope, Mr. Chairman, that the gentleman from Pennsylvania having secured, by his amendment that was not in order, the opportunity to further discuss the question, and knowing that this money is necessary to enable the Attorney General to maintain that force of assistants that is required in order to enforce the antitrust laws and prosecute the violators, regardless of where they may be located, we will not waste any more time upon this matter. The Department of Justice has ample funds, having been given the amounts recommended by the committee, to carry on its work efficiently. It is so late in the session and it is so important that this bill should pass, that I appeal to the House to suppress all these inclinations to demagogic appeal. Let us transact the public business and discuss only the imperative questions that require discussion and consideration at this time.

Now, Mr. Chairman, I move to close debate upon the paragraph and all amendments thereto.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] moves to close debate upon this paragraph and all amendments thereto.

The motion was agreed to.

Mr. GREEN of Iowa. I will say to the gentleman that he will not make anything by that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Suits affecting withdrawn oil lands: To enable the Attorney General to represent and protect the interests of the United States in matters and suits affecting withdrawn oil lands, and for expenses in connection therewith, including salaries of necessary employees in Washington, D. C., $65,000.

Mr. MONDELL, Mr. GREEN of Iowa, and Mr. MOORE of Pennsylvania rose.

The CHAIRMAN. The Chair recognizes the gentleman from Wyoming [Mr. MONDELL], a member of the committee.

Mr. MONDELL. Mr. Chairman, the item just read provides an appropriation to enable the Attorney General to represent and protect the interests of the United States in matters and suits affecting withdrawn oil lands, and so forth. It is a very important service, and should be well provided for in an appropriation, and the committee has provided for it amply.

In connection with this matter and of Government suits for the protection of oil lands, some very interesting things have developed. The Government has for many years been maintaining a very considerable force of attorneys, who have had wide and extensive experience in the enforcement of land laws and in protecting the rights of the people of the United States in the public lands; and when we took up this important matter of suits for the protection of very valuable oil lands it would have seemed proper, and reasonable, and natural that some one of these gentlemen who, by reason of his experience, was qualified for the work should have been selected to undertake

it. On the contrary, an attorney from North Carolina—a friend, as I understand it, of a gentleman who occupies a seat in another body than this—was placed in charge. Entering the public service without any previous knowledge or information relative to land laws, the conditions under which lands are located, or oil claims are held, he was put in full and complete charge of this vastly important work, involving properties of the aggregate value of many millions of dollars.

I have no criticism to make of the present qualifications of that gentleman for the work in which he is engaged. He has had several years of experience in connection with the matter. He is, I think, a good lawyer, and, being a good lawyer, he has informed himself with regard to the law and with regard to the facts in connection with these particular suits. But in the meantime, while we have been educating this gentleman from North Carolina in this class of work, we have had a number of attorneys in the service of the Government who are already qualified for the work, aiding and assisting him in acquiring his education in these lines at public expense. While they are still drawing a salary of anywhere from $3,500 to $5,000, this gentleman is now drawing down his Government pay at the rate of more than $12,000 per annum. I believe that he is handling these suits at this time ably, that he is prosecuting them earnestly, and I believe and hope he is going to be quite successful. But it is a curious illustration of the way we do things, to keep men in the public service for years with small salaries, educating them thoroughly in regard to the work they are expected to do, and then, when we have something really important, requiring a great deal of information and large experience, we pick up a lawyer somewhere, a favorite of somebody in a back district, and give him a large salary in order that we may educate him in the particular branch of the public service in which he is employed.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. I do.

Mr. CALDWELL. Was not this precedent established by your Republican President of the United States, who went up to New York and permitted the district attorney for the southern district to resign in order that he might give him some large office?

Mr. MONDELL. Do I understand the gentleman is justifying what has been done by this administration on the ground that some other administration has been charged with doing something of the same sort?

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. SHERLEY. Mr. Chairman, I am quite sure that what the gentleman from Wyoming [Mr. MONDELL] has said he has said sincerely, and so in what I shall say I do not mean in any way to reflect in the slightest degree on him or his motives in the speech he has just made.

The most important litigation that the Government of the United States has been engaged in for a great many years, and probably the most important litigation that it will be engaged in for a great many years to come, relates to the oil lands of California. President Taft made an order withdrawing from entry these oil lands. There were some applications that had already been made. After his order there were a great many other applications made by men who were not willing to recognize the validity of that withdrawal, or at least were willing to gamble on getting a claim to these very valuable lands. Subsequently Congress expressly approved and authorized the withdrawal of those lands. The Department of Justice then undertook to bring suits for the cancellation of some of the patents that had been issued, and to conserve these lands for the Navy and for the people of the United States.

Perhaps the most powerful lobby that this country has ever seen has been very sedulously at work to break down the efforts of the Government and to get control of these lands, whose value runs into the millions of dollars. The department employed Mr. Justice, an attorney of North Carolina; not a backwoods attorney, but a man whose reputation as a very able lawyer was known by all of the lawyers of that State and by many elsewhere. Whether or not he was originally familiar with land law I do not know; but this fact I do know, that with the exception of one small litigation he has been successful in every suit that has been brought, and he has succeeded in recovering for the Government property of tremendous value, and he has had to meet and has met the most skilled counsel that money could provide for the claimants against the Government, and he is to-day engaged not only in the prosecution of these suits, but in others in which, if he is successful, he will probably recover from the Southern Pacific Railway Co. property running up into the hundreds of millions on the ground of patents having been fraudulently issued to them. He is being paid a salary that amounts now to about $13,000, and is required to pay all of his expenses other than actual traveling expenses.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. MONDELL. In addition to which he is to receive such further sum as the Attorney General may grant.

Mr. SHERLEY. The gentleman, in that particular, is mistaken. Since the hearing was had I have actually seen a letter of the Attorney General stating the terms of the existing contract between the Department of Justice and Mr. Justice, which does not provide any additional compensation.

Mr. MONDELL. I am not complaining. I understood that to be the fact.

Mr. SHERLEY. I so understood it; but I now make the statement as the result of having seen the letter from the Attorney General to Mr. Justice as to the terms of his employment, which provide as I have stated. He is doing work that is of tremendous importance to this Government. He is doing it against all the influences that great, powerful financial interests can bring to bear, and if there is one thing that is important for the Congress of the United States, it is in no way to take from the Department of Justice any of the power it may have in the prosecution of these suits and in the recovery to the Government of this land of tremendous value and conserving to the country and to the Navy oil deposits that are in value beyond computation.

I thought it was due to the House that it should appreciate what great value lies under this item, because many of the statements that have been given out by the Department of Justice—perhaps "many" is wrong—but certainly one statement which undertook to apprise the people of the country as to what is involved in the struggle that was given out to be used by all the press by some means did not appear in the press at all.

Mr. DAVIS of Texas. Mr. Chairman, I have listened with great interest to the inquiries and propositions in regard to equipping the Government with the power to defend and protect the rights of the people. I want to increase that power, and I would like to see some branch of the Attorney General's office or the Department of Justice or some other authorized branch of the Government—I do not know what—investigate a trust, a reference to which I now have in my hand, itemized in the morning Herald of the city of Washington. It is an amazing and astounding proposition to me. This is the headline:

Blame Great Britain for shortage of food.

Mr. FITZGERALD. Mr. Chairman, I am compelled to make the point or order that the gentleman's remarks are not germane to this paragraph. I notified the House when the preceding paragraph was under consideration that I would object to extraneous debate.

Mr. DAVIS of Texas. I want to say that if the British lion is on our soil it is useless to expect me to vote to keep Germany from the sea. I want to kick the lion off our soil.

Mr. FITZGERALD. I insist on the point of order, Mr. Chairman, after notice to the rest of the House.

The CHAIRMAN. The gentleman will proceed in order on the pending paragraph of the bill.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. DAVIS] may have five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Texas may proceed for five minutes. Is there objection?

Mr. FITZGERALD. I object.

Mr. DAVIS of Texas. Very well. I will be here to torment you some.

Mr. FITZGERALD. I am here to transact the public business. Go ahead.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Suits to set aside conveyances of allotted lands for removal of restrictions, allotted lands, Five Civilized Tribes: For necessary expenses incident to any suits brought at the request of the Secretary of the Interior in the eastern judicial district of Oklahoma, to be expended under the direction of the Attorney General, $30,000.

Mr. MONDELL. Mr. Chairman, the item just read provides an appropriation for suits to set aside conveyances of allotted lands for the removal of restrictions, and so forth, in connection with the Five Civilized Tribes, thereby involving the general question of the employment of attorneys. I wish to speak for just a moment with regard to the very emphatic and very truthful statement made by the gentleman from Kentucky [Mr. SHERLEY] relating to the importance of the land suits and

the importance of having them vigorously prosecuted. Of course, I said nothing, as the gentleman knows, that in any wise reflects upon Mr. Justice. I have a very high regard for him and wish him success. He is a good lawyer, and he now has these things well in hand. What I desire to emphasize was the fact that this is more or less of an accident. In fact, it is an accident, I think, that having selected a man who was entirely unfamiliar with the intricacies of the land laws and of the practices under which lands are taken and held, he should have developed into a splendid prosecutor. What if it had happened, I will say to my friend from Kentucky, that some one had been selected who did not rise to the occasion as Mr. Justice has?

Mr. SHERLEY. If the gentleman will permit, Mr. Justice may have been ignorant of that particular subject, but he was not an untried lawyer. He was perhaps the ablest lawyer of his State, and one of the ablest lawyers of the country.

Mr. MONDELL. He has proven that he is a good lawyer. There is no doubt about that. Whatever he was before he was appointed, it is evident to everybody who knows about him that he is a good lawyer. But the department has any number of lawyers who are thoroughly familiar with all these cases, who knew all about them, who could have taken hold of them instanter, vigorously, and with knowledge of what was at issue. We have been very fortunate that this gentleman who knew nothing about them has finally developed into a very able advocate of the Government's cases.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to extend my remarks in the RECORD on the naval appropriation bill which recently passed the House and is now in the Senate.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD on the naval appropriation bill. Is there objection?

There was no objection.

The Clerk read as follows:

Suits to set aside conveyances of allotted lands for removal of restrictions, allotted lands, Five Civilized Tribes: For necessary expenses incident to any suits brought at the request of the Secretary of the Interior in the eastern judicial district of Oklahoma, to be expended under the direction of the Attorney General, $30,000.

Mr. MANN. May I ask the gentleman from New York with reference to this item of the bill: What is the present status of these suits to set aside conveyances of allotted lands of the Five Civilized Tribes? The matter has been running along for a good many years.

Mr. FITZGERALD. Two or three suits have been carried to the Supreme Court of the United States and certain important questions settled which control in a number of cases. There now remain 3,600 cases undisposed of. As the result of the decisions of the United States Supreme Court, a number of cases had to be dismissed, and following those decisions many cases have been settled. The defendants have acquiesced or practically confessed the bill of the Government and are retransferring the lands that were taken from the Indians. In a number of cases, however, it will be necessary to carry the litigation to a conclusion before the defendants will surrender the lands.

Mr. MANN. I had supposed that those cases that were tried practically settled all the principles involved in these suits.

Mr. FITZGERALD. The questions of law have been largely settled, but then there are a number of cases in which the issues of fact have not been determined.

Mr. MANN. Is this item likely to run along for many more years?

Mr. FITZGERALD. There were 7,000 cases undisposed of at the beginning of the last fiscal year, and they disposed of 3,400 of them. The smaller the number remaining becomes the more difficulty there is in contesting them, because they are the cases in which the defendants most persistently assert their rights against the claims of the Government.

Mr. MANN. I suppose a large number that were disposed of were disposed of without much controversy.

Mr. FITZGERALD. Oh, yes. Originally there were more than 30,000 of those cases and the number has now been reduced to about 3,600.

The Clerk read as follows:

Enforcement of acts to regulate commerce: For expenses of representing the Government in all matters arising under the act entitled "An act to regulate commerce," approved February 4, 1887, as amended, including traveling expenses, to be expended under the direction of the Attorney General, including salaries of employees at Washington, $10,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment, on page 132, line 17, to strike out "$10,000" and insert "$9,000."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 132, line 17, by striking out "$10,000" and inserting "$9,000."

Mr. MOORE of Pennsylvania. I have heard the gentleman from New York [Mr. FITZGERALD] say he was pressing for the passage of this bill and was anxious that no time should be wasted and that there should be no unnecessary speeches on either side of the House. Since he made that statement I have observed that gentlemen on the other side of the House have not hesitated to speak when the spirit moved them so to do, provided, of course, they spoke in order. The gentleman from New York has done that on several occasions. I realize that he is right in his desire to hurry this bill through, so that there will be no delay on the part of the House and that necessary legislation may not be impeded. But this item providing for the enforcement of acts to regulate commerce brings up again the question of the distribution of the food supply of the country, a matter of very great importance to the common people, particularly to the people of New York, who, while singularly free from the charge of having in their midst any "malefactors of great wealth," are nevertheless subject to occasional raids on the mayor's office by the poor inhabitants of the city, who find the price of food supplies soaring so high——

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the gentleman is not discussing his amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I am discussing the amendment, because food supplies to be distributed must be transported over the railroads, and they enter into interstate commerce.

Mr. FITZGERALD. I ask the Chair to rule on the question.

Mr. MOORE of Pennsylvania. And I am arguing as to the appropriation herein made, because we are not getting the results for the poor people who need the supplies that we ought to get from the present administration, which is asking for this appropriation.

The CHAIRMAN. The gentleman from Pennsylvania will proceed in order.

Mr. MOORE of Pennsylvania. I will be glad to do so, Mr. Chairman. The food supplies come largely from the rural districts and are transported over the railroads into the larger centers of population, where they are consumed by the people who are fortunate enough to have the money with which to buy them.

Mr. FITZGERALD. I make the point of order, and I insist upon it.

The CHAIRMAN. What is the point of order the gentleman makes?

Mr. FITZGERALD. That the gentleman from Pennsylvania is not discussing the amendment.

The CHAIRMAN. The Chair will have to examine the paragraph.

Mr. MANN. I submit that when it comes to enforcing the interstate commerce law it involves the matter of the regulation of freight rates.

Mr. FITZGERALD. No.

Mr. MANN. Then what does it involve?

The CHAIRMAN. The Chair is inclined to think that the gentleman from Pennsylvania is probably within the rule when he is discussing the question of transportation under this provision.

Mr. FITZGERALD. The Chair has not been paying attention to what the gentleman from Pennsylvania has been saying.

The CHAIRMAN. Probably that is true.

Mr. FITZGERALD. I do not blame the Chair. [Laughter.]

The CHAIRMAN. The Chair would like to ask the gentleman from New York what this appropriation is for.

Mr. FITZGERALD. It is to pay attorneys to represent the Interstate Commerce Commission or the United States in the cases brought by the Interstate Commerce Commission against the common carriers.

Mr. MANN. To enforce freight rates.

The CHAIRMAN. The gentleman will proceed. The Chair will try to pay more attention to what he says.

Mr. MOORE of Pennsylvania. Does the Chair desire to hear me on the point of order?

The CHAIRMAN. The gentleman will proceed in order.

Mr. MOORE of Pennsylvania. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has a minute and a half.

Mr. MOORE of Pennsylvania. Was the discussion of the point of order taken out of my time?

The CHAIRMAN. It was.

Mr. MOORE of Pennsylvania. It ought not to have been.

The CHAIRMAN. The Chair thinks so, and the Chair will say that the gentleman has two and a half minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I hope there will be no more points of order until I state the case clearly for the edification of the gentleman from New York, who has "no malefactors" in his midst, especially around the jurisdiction of Tammany Hall.

But, Mr. Chairman, what I desired to say in support of my amendment is this: That if the Attorney General is receiving $10,000 now to enforce acts to regulate commerce and the enforcement of those acts has anything to do with the regulation of the food supplies that are transported over the railroads engaged in interstate commerce, he is receiving $1,000 too much, and the appropriation ought to be reduced to $9,000. That is the amendment that I have offered. I have offered it because the poor people of the city of New York have been traveling up and down the streets asking relief from a traffic congestion that is tying up the food supplies for export at the risk of increasing prices to the people of the United States. The gentleman from New York is entirely familiar with the situation because he is in favor of an embargo to prevent the shipment of food supplies abroad where now they are being sold cheaper than the poor people of the United States can obtain them at home.

Now, if the Attorney General gets $10,000 to pay the traveling expenses of these inspectors enforcing the act relating to interstate commerce, we ought to save something on this appropriation and utilize the money in some other way so that we can get results for the plain people who need cheaper food in the United States. We ought to get results from the Attorney General or curtail appropriations.

No one is more familiar with the harrowing conditions that prevail in the city of New York than is the distinguished gentleman from New York [Mr. FITZGERALD] who opposes my amendment. He is not heartily in favor of wasting $400,000 in an investigation that will result in nothing but a report two years hence. I trust the gentleman from New York, with his great big heart, throbbing for the welfare of his people, will stand with me in this effort to get immediate results for the welfare of the people who are demanding relief from the distress which now prevails.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Suits affecting title to Seminole allotted lands in Oklahoma: For necessary expenses incident to any suits brought, including the salaries of attorneys specially employed to set aside illegal conveyances of Seminole allotments, to protect the possession of Seminole allottees in their allotted lands, or in the prosecution of any criminal proceedings based on frauds perpetrated upon Seminole allottees with respect to their allotted lands, to be expended under the direction of the Attorney General, $4,500.

Mr. OLDFIELD. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to insert in the RECORD a telegram and letter from T. J. Walbert, Batesville, Ark., my home town. Mr. Walbert is a splendid business man and no doubt gives a correct statement of the business conditions at the present time. I insert this letter and telegram for the information of the House and the country.

The letter and telegram are as follows:

BATESVILLE, ARK., *February 24, 1917.*

Hon. W. A. OLDFIELD,
Washington, D. C.:

As per letter yesterday, unable to ship to eastern or northern points on account of embargo. Are advised this morning customers in Omaha, Nebr., are requesting we delay shipments as embargo is affecting their trade. Think it necessary that the Government take steps quickly as will relieve situation. If something is not done quickly, the entire business of the country will become demoralized. Unless relief is obtained within a week or 10 days this company will be compelled to close down all of its plants, thus throwing out of employment upward of 300 well-paid employees.

T. J. WALBERT.

BATESVILLE, ARK., *February 24, 1917.*

Hon. W. A. OLDFIELD,
Washington, D. C.

DEAR SIR: We this morning wired you as per inclosed copy of our telegram.

We wish to inform you that the business conditions are getting serious, and if something is not done in the very near future to relieve the restrictions or embargoes placed on shipments moving East the manufacturing concerns of the South and Southwest will have to come to a complete standstill. We ourselves at this time are making but a few shipments to the West and Northwest and Southeast. We are this morning in receipt of a letter from one of our northwestern customers, requesting us to hold up shipments.

Should there not be a change in the next few days it is possible that all of our customers will refuse to take shipments. We at this time have practically filled up our wareroom with finished products, and should the situation not be relieved within the next few days it will be necessary for us to discontinue all of our woods operations, and also close down our plant here at Batesville. Should it be necessary to do this it will throw not less than 300 men out of employment, also cause this company serious loss.

As advised in yesterday's letter, it appears to the writer that there is only one of two things to do, and that is, either Government ownership or Government control of railroads.

It is the writer's opinion that the business of the railroads—that is, the management and the service that they are rendering the public—are really getting in more unsystematic condition under the present way of operating same, and if there is not a change for the better in the near future there is no telling what the results will be.

Would advise that we are not getting our views from what we see in the newspapers, but from actual experience. In connection with the way of shipments with these said railway companies, to illustrate: Along during the holidays we ordered a rush shipment of cooperage flag from Seneca Falls, advising the parties to load quickly. This shipment was 24 days moving from Seneca Falls, N. Y., to Buffalo, via Lehigh Valley, a distance not to exceed 130 miles. By failure to deliver this shipment we lost several days' operation of our finishing plant, and were also compelled to expend quite a few dollars in rushing express shipments of cooperage flag which we secured from our friends in our line of business. And in quite numerous instances we have had rough material lie out at different railroad stations from one to three months at a time through the failure of the railroad company to furnish equipment to move this material from these points to Batesville.

We have suffered from this cause in the past enormous loss in timber, to say nothing of the loss of time we have suffered through being compelled to discontinue the operation of our plants, which necessarily worked a hardship on the employees, who are dependent upon their daily labor for their living.

We are greatly in hopes that some good may come from our telegram to you, feeling quite sure that you will make use of same, and also that other business interests will take this matter up with their Representatives, and in this manner cause a bringing about of the relief that is absolutely necessary under the present conditions.

With kind regards, we are,

Yours, very truly,

T. J. WALBERT.

The Clerk read as follows:

Federal Court Reports and Digests: For 179 copies of continuations of the Federal Reporter, as issued, estimated at 10 volumes per year, to continue sets now furnished various officials, at $2 per volume, $3,580.

Mr. SWEET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 133, add at the end of line 6 a new paragraph as follows:

"To pay for complete sets and additional volumes as issued of the Federal Reporter and Digests thereof directed to be furnished under section 229 of the act to codify, revise, and amend the laws relating to the judiciary, $97,375."

Mr. SWEET. Mr. Chairman, the present bill does not in any manner provide that sets of the Federal Reporter be sent to the various libraries in the United States where the district court of the United States is held. It simply provides for the continuation of sets which have already been sent to certain libraries where the courts are held.

Now, under section 229 of the Judicial Code I find the following:

The Attorney General is authorized to procure complete sets of the Federal Reporter, or, in his discretion, other publication containing the decisions of the circuit court of appeals, circuit courts, and district courts, and digests thereof, and also future volumes of the same as issued, and distribute a copy of each such reports and digests to each place where a circuit court of appeals or a district court is now or may hereafter regularly be held.

I call the attention of the House to the language of the section just read: "Each place where a circuit court of appeals or a district court is now or may hereafter regularly be held."

In the latter part of the section we find:

All reports and digests distributed under the provisions of this section shall be and remain the property of the United States and, before distribution, shall be plainly marked on their covers with the words "The property of the United States," and shall be transmitted by the officers receiving them to their successors in office. Not to exceed $2 per volume shall be paid for the back and current volumes of the Federal Reporter or other publication purchased under the provisions of this section, and not to exceed $5 per volume for the digest, the said money to be disbursed under the direction of the Attorney General; and the Attorney General shall include in his annual estimates submitted to Congress an estimate for the back and current volumes of such reports and digests, the distribution of which is provided for in this section.

Now, the Attorney General in his report submitted to Congress an estimate of $97,376 for completing these sets, and also placing these sets in the libraries in the various United States courts where they are not at present.

At Waterloo, Iowa, we have had sessions of the United States district court for a number of years. At present there is no library there. The Federal judge is anxious to have the Federal Reporter and Digests placed there, and he is also anxious to have the United States Reports placed there. At this time we are not asking that the United States Reports be placed there, but are simply asking that the Federal Reporter and Digests will be furnished. The same condition exists at Cedar Rapids.

Mr. BORLAND. Will the gentleman yield?

Mr. SWEET. Yes.

Mr. BORLAND. The gentleman is not asking for the official reports but for a private set of reports published by a private company in Minneapolis. The gentleman is asking that we buy some books of this publishing company; he is not asking for the official set.

Mr. SWEET. Mr. Chairman, the law already provides that this set shall be furnished to every United States court in the country, and I am simply asking now that Congress make an appropriation so that these reports may be furnished to these various libraries. Of course, it will not cost $97,376 to furnish these reports for use in the United States courts at Cedar Rapids and Waterloo, Iowa; but, if I am properly informed, there are about 170 different courts in the United States that have not been furnished with Federal Reporters, and this amendment is simply in accordance with the estimates that have been made by the department. The law already authorizes that a distribution of this kind shall be made, but of course it can not be made unless this Congress appropriates a sufficient amount of money to make the distribution.

Mr. GREEN of Iowa. Mr. Chairman, I am in sympathy with the amendment offered by my colleague [Mr. SWEET], but there are some features of this bill which will interfere with the use of these books. Upon the preceding page you will find a proviso which I intended to move to strike out but was prevented from doing by the motion of the gentleman from New York. However, I can discuss just as well in connection with this particular item. My colleague desires to add to the number of books which might be purchased under this paragraph—books which are intended for the use of prosecuting attorneys and the judges of the district courts, but when they get these books and commence to look into them for the law, and also examine some of the provisions of this bill, they will find that certain portions of the law will not go into effect. I refer particularly to the proviso on the preceding page, which is intended, I suppose, to prevent the antitrust law from being enforced against farmers. That is, if it has any purpose at all, that is its purpose. It is true that the judge or the prosecuting attorney looking at the proviso might say that this is an insult to the farmers of the country, that they neither desire to be exempted from prosecution nor is there any occasion why they should be exempted from prosecution. The farmer can not combine if he would, and he would not if he could, to hold up prices of farm products, but nevertheless in connection the paragraph relating to the enforcement of the antitrust laws we find this proviso exempting those who engage in cooperative societies for the purpose of marketing farm products. This whole proviso is absurd. There is no sort of restraint of trade in a cooperative association for the purpose of marketing farm products. We might just as well say that cooperative organizations for the purpose of selling them or selling any other kind of merchandise or produce is an association in restraint of trade. The farmers of this country have not asked for anything of the kind. They do not want it, and it ought to be stricken from the bill. Of course a farmer might, if he was so disposed, break the law in some other way than by entering into a trust or combination. If he does this, or violates the law in any respect, he should be treated the same as any other person. When we make laws we should enforce them and not create exemptions for certain classes. Nothing tends more to bring the law into disrepute than such exemptions.

Mr. BORLAND. Mr. Chairman, this item has been suggested by some Member on several occasions, and on each occasion when it was suggested the evidence has been taken with a great deal of thoroughness, and we have found that in all the principal points where the United States courts are being held there is a complete set of these United States reports and the Federal Reporter. But the plan is evidently to purchase from the private owners of the Federal Reporter system complete sets for a large number of places where we expected to start libraries of considerable magnitude. At one time a list of these places was inserted in the RECORD, where they expected to start these law libraries. The gentleman is here now asking for an appropriation of $97,000. Two years ago they asked for $77,000. Here are some of the places where they expect to put these law libraries that we are going to begin and keep up indefinitely: In Alaska—Nome, Council, Valdez, Eagle City, St. Michaels, Skagway. We are expected to start law libraries in those places. In Arizona—Globe, Phoenix, Prescott, Tombstone, Tucson. Why, we can not begin the founding of libraries in towns such as those. Before the gentleman from Iowa [Mr. SWEET] arrived here Congress had ample opportunity to appropriate for these libraries by purchasing from the West Publishing Co., and it has systematically declined to do so.

Mr. SWEET. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. SWEET. Did the committee make any investigation in regard to the size of the towns that were asking for these libraries?

Mr. BORLAND. We have investigated several.

Mr. SWEET. Let me inform the gentleman that Waterloo, Iowa, is a city of between thirty-five and forty thousand people and Cedar Rapids has over 40,000 people.

Mr. BORLAND. We have investigated several cases, I will say, and I will tell the gentleman something more. The West Publishing Co. has followed the practice for many years of furnishing a free copy of the Reporter, each volume as they were issued, to the judge of the United States court. It does that in return, prima facie or ostensibly, for his service in revising his opinions that go into that Reporter, if there are any. That has been the system for some time. The system will not be changed. The only difference would be that we would pay for the copy that heretofore they have been furnishing free.

I have not the slightest doubt but that is going on at Waterloo, Iowa, because that has been the custom. There are a number of places where United States courts are authorized to be held where, in fact, they have not yet been held or where the terms of court are infrequent or very short, and it is not at all necessary that we should engage in the practice now of starting law libraries, which would be a continuous expense. As I say, this matter is not new. Congress has had ample opportunity every since the passage of the Judicial Code to take this question up, and each time it has decided that the number of law libraries now in existence is ample for the working forces of the United States. I ask that the amendment be rejected.

Mr. TOWNER. Mr. Chairman, I move to strike out the last word. Of course, there must have been some reason why the committee should not have acted within the express command of the statutes. It says that there shall be sets of the Federal Reporter and the United States Supreme Court Reports at the places where the district courts are held in the United States. I am very glad, indeed, to have the statement made by the gentleman, because it has been a matter of curiosity to me to know why the law has not been complied with. The gentleman talks about starting libraries in the United States. There is no endeavor on the part of the Department of Justice to start libraries, except that there shall be furnished to the judges and to the United States district attorneys in every place where court is held the decisions of the district, the circuit, and the Supreme Court of the United States. That is all, and that is all the law authorizes; nothing except these and the digests are to be furnished. Now, there are 235 volumes, I believe, now issued of the decisions of the district courts of the United States that are daily in use in the court room by the judge and the district attorney. There is now a practice and custom in cities as large as Cedar Rapids, Waterloo, and other cities of that character, if a judge desires to consult the decisions of his own court or the decisions of the court of the United States he is compelled to ask the privilege of some attorney to visit his private library and there make the necessary examination. Certainly no one who has ever practiced in a court of justice would desire that the judge of that court would be compelled to go to the private library of some attorney at that bar in order to consult the authorities before he can render a decision.

Mr. Chairman, I can conceive of no reason why we should not comply with the law in this regard. It certainly is a just and a fair law, fair not only to the people of the United States, fair not only to the judge, but fair also to the clients who are to appear before the court, who do not desire that their judges and district attorneys shall be compelled to go around the town to visit the private library of members of the bar in order to examine the authorities that they desire to use in the prosecution or in the determination of cases. Now, the Department of Justice recommends this and has recommended it for years. Now, it is suggested that we should at least commence by making this appropriation for the district court decisions in the district courts of the United States where they are needed. I presume there is not a member on the floor of this House representing any district where United States court is held but will not be interested in this provision of the law. It is a thing that we all ought to be interested in. It is not only in the interest of economy but I contend that it is in the interest of the fair administration of justice. I have heard the district court judges of our State complain of the fact that they were compelled to go to private libraries of attorneys in their towns where they were holding court in order to ascertain and look up decisions of the district courts and the Supreme Court of the United States. We might just as well refuse them a copy of the statutes as to refuse them copies of the decisions.

Mr. BORLAND. No; there is a very great difference between the publication of the statutes and the publication of these reports by a private publishing concern.

Mr. TOWNER. If that is the case, the gentleman could not justify the authorization of them in any court of the United

States. If they are not necessary in all the courts, they are not necessary in any.

Mr. BORLAND. Mr. Chairman, I call for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken and the amendment was rejected.

The Clerk read as follows:

For salaries, fees, and expenses of United States marshals and their deputies, including the office expenses of United States marshals in the District of Alaska, services rendered in behalf of the United States or otherwise, services in Alaska and Oklahoma in collecting evidence for the United States when so specially directed by the Attorney General, and maintenance, repair, and operation of horse-drawn passenger-carrying vehicles used in connection with the transaction of the official business of the office of United States marshal for the District of Columbia, $1,580,000. Advances to United States marshals, in accordance with existing law, may be made from the proper appropriations, as herein provided, immediately upon the passage of this act; but no disbursements shall be made prior to July 1, 1917, by said disbursing officers from the funds thus advanced, and no disbursements shall be made therefrom to liquidate expenses for the fiscal year 1917, or prior years.

Mr. HELVERING. Mr. Chairman, I move to strike out the last word in order to ask unanimous consent to extend my remarks in the RECORD.

Mr. TREADWAY. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the requests of the gentlemen. [After a pause.] The Chair hears none.

The Clerk read as follows:

For fees of clerks, $215,000: *Provided*, That courts of the United States shall be open to seamen, without furnishing bonds or prepayment of or making deposit to secure fees or costs, for the purpose of entering and prosecuting suit or suits in their own name and for their own benefit for wages or salvage and to enforce laws made for their health and safety: *Provided further*, That for the calendar year 1917, and thereafter, the maximum personal compensation of clerks of United States district courts shall in no case exceed $3,500 per annum, and that single fees only shall be charged by United States marshals and clerks of United States district courts against the United States and against private litigants in every judicial district.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph, and confess I was somewhat surprised at the item at the top of page 135, that is true, without raising the point of order on it. I desire to call attention——

Mr. BORLAND. Did I understand the gentleman to say page 135?

Mr. MANN. I reserved a point of order on the paragraph fixing the clerks' salaries not to exceed $3,500, but I want to ask before proceeding to that in reference to the paragraph about the district attorney here in Washington. I did not desire to ask it when it came up. What is the expense of the district attorney's office now, if the gentleman knows?

Mr. BORLAND. The expense of the office now it $28,940.

Mr. MANN. Of course, this reduces it to $25,500, making a permanent law so the office can not grow.

Mr. BORLAND. I would call the attention of the gentleman to the fact that the sum carried in this paragraph did not include the district attorney's salary of $6,000, which would make a little over $33,000, or about $2,500 more than the present law.

Mr. MANN. I had supposed this was intended to be a limitation upon the district attorney, but it proposes to increase the expenses of the district attorney's office.

Mr. BORLAND. It is a readjustment of the salaries of his office as I understand it. It does not affect his salary but the amounts allowed as salaries for his assistants.

Mr. MANN. I am afraid I have to lose faith in the Committee on Appropriations if they bring in an item in the form of a limitation which is intended to very largely increase the expenses; however, I am not discussing that. What is the reason for this item with reference to fixing the salaries or compensation of clerks in United States district courts in no case to exceed $3,500 per annum? Would that cover the increased compensation that they are authorized to receive now for naturalization services?

Mr. BORLAND. No.

Mr. MANN. Why not?

Mr. BORLAND. This has reference to the double maximum. In certain western districts, at the time some of the western districts were established, the fees that were received in those districts were not sufficient to pay the ordinary salaries of the clerks, and the double maximum was established.

Mr. MANN. Seven thousand dollars?

Mr. BORLAND. Yes. Since then they have grown up to the double maximum, and now they are getting, in nearly all cases, the full $7,000, and in addition the fees from the naturalization. So that in some cases they are getting more than the United States judge of the district.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The paragraph to which the gentleman from Illinois has just referred limits the compensation of the clerks of the United States district courts to $4,500, and provides for single instead of double fees in certain States where double fees are now charged. These States are Idaho, Nevada, North Dakota, Wyoming, and California. I think the time has come, Mr. Chairman, when the people of those States should no longer be burdened with these double fees. While there will no doubt be some criticism of the action of the committee in this respect, I believe it will be welcomed by the people of these States generally, and I am very glad, indeed, that the item is in and passed, and no point of order made against it.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I am afraid I made a mistake in not making the point of order on this, in that I do not agree with what the gentleman from Wyoming said or the purpose of the committee. I quite agree with them that an action was agreed upon fixing the maximum personal compensation at $3,500 a year. Thereafter we passed an act providing for additional personal compensation in naturalization cases. Some of these are district clerks, who, as a matter of fact, I think, get more than $3,500. Maybe I am mistaken about that, but I was under that impression. Now, if we pass an act fixing the maximum personal compensation at $3,500, that is the limit they can get in any kind of a case so far as their own compensation is concerned. I am not sure whether they get any personal compensation out of the naturalization fees.

Mr. MONDELL. My recollection is, Mr. Chairman, that they do not, although they have an allowance and the basis for the allowance is modified somewhat in another paragraph of this bill, an allowance for clerk hire and for other expenses only in connection with naturalization matters. There is no personal allowance.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Cape Charles Light Vessel, Va.: For constructing and equipping a light vessel for station off Cape Charles, Va., or for general service, $130,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. Are all of these items under the Lighthouse Service provided for by law out of amounts named in the bill, or has there been any increase allowed, such as was asked for by the Department of Commerce?

Mr. FITZGERALD. All of the items of the bill are authorized by law and are within the limit of cost fixed by the law.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Inspectors, clerks, etc.: For salaries of 17 lighthouse inspectors, and of clerks and other authorized permanent employees in the district offices and depots of the Lighthouse Service, exclusive of those regularly employed in the Bureau of Lighthouses, Washington, D. C., $380,000.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20967, the sundry civil appropriation bill, and had come to no resolution thereon.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

Mr. BYRNS of Tennessee, from the Committee on Appropriations, presented a conference report on the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, for printing under the rules.

AMENDMENTS TO SUNDRY CIVIL BILL.

Mr. HENRY. Mr. Speaker, I present a privileged resolution from the Committee on Rules.

The CHAIRMAN. The gentleman from Texas presents a privileged report (No. 1577) from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House resolution 538.

Resolved, That it shall be in order to consider as amendments to the bill H. R. 20967 entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes," the following matter, the general rules of the House to the contrary notwithstanding:

Under the Department of Justice, at the beginning of page 128, as a separate paragraph, the following:

"For the erection of shop buildings or factories and their appurtenances, $82,500; for the purchase and installation of woodworking machinery and the installation of same in the shop buildings or fac-

tories, and for other necessary equipment preparatory to manufacturing furniture and woodenware, $202,500; in all, $285,000."

And on page 128, after line 10, as a new paragraph, the following:

"For the erection of shop buildings or factories and their appurtenances, $129,500; for the purchase and installation of cotton textile machinery and the installation of same in the shop buildings or factories, and for other necessary equipment preparatory to manufacturing cotton textile goods, $315,500; in all, $445,000."

Mr. HENRY. Mr. Speaker, I do not care to add anything to what is set out in the resolution. It is very plain and explains itself.

Mr. LENROOT. Mr. Speaker, I am not going to object or vote against this rule, because of the very great importance of and merit in the questions involved; but I do want to call the attention of the House to the very great danger of legislation of this character, and that it should be permitted only in very exceptional cases. As a matter of fact, here is a provision calling for the expenditure of more than half a million dollars, and after this work is all done and this money is expended, unless Congress shall afterwards legislate upon this subject, the money will be absolutely thrown away, because under existing legislation none of these factories can be utilized; and, ordinarily speaking, at least, Congress ought not to appropriate the money in advance of a law authorizing the use of the thing for which the money is appropriated.

Now, the only defense that can be made of this is that, presumably, at the next session of Congress legislation will be passed for the use of these improvements, and because it is so meritorious I am willing in this case to assume that such legislation will be enacted. But it is something that ought to be considered very carefully indeed.

Mr. HENRY. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. BENNET].

The SPEAKER. The gentleman from New York is recognized for three minutes.

Mr. BENNET. Mr. Speaker, any man that votes for this rule is hereafter foreclosed from voting against any rule on any ground.

There is a statute on the statute books—passed, I think, in 1891—which provides that convicts in Federal prisons can not do any work which requires the utilization of machinery. Now it is proposed by this rule to make in order an appropriation to restore machinery in certain buildings—the buildings not yet being erected, the machinery to be purchased—in the hope that some far-distant Congress will repeal the statute.

Now, any man that votes for this rule and hereafter criticizes any rule that comes out of the Committee on Rules is inconsistent. I am not going to talk about the merits of the proposition, as to which there may be a diversion of opinion; but this method of legislation goes beyond anything that has been attempted in this Congress. It is indulging not only in the illusions of hope, but in the delusions of hope, and therefore I shall vote against the rule.

Mr. MANN. Mr. Speaker, will the gentleman yield me five minutes?

Mr. HENRY. I yield to the gentleman from Illinois five minutes.

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. MANN. Mr. Speaker, I am not going to shift all the responsibility on the gentleman from Kentucky [Mr. SHERLEY], who introduced the rule and who has taken an active interest in this matter.

Last year Congress had before it a proposition in reference to the utilization of prisoners in the United States penitentiaries. As a result of agitation and consultation in the House a provision was passed, appointing a commission consisting of one from the Department of Justice, I believe, one from the War Department, and one from the Post Office Department, and I think some other department was represented, to make a report to Congress as to how this prison labor could be utilized in some way so that the prisoners would not be kept idle. My impression is that Gen. Crozier was the chairman of that commission. He is a man who knows a good deal about manufacturing. The Post Office Department had an able man on the commission. They employed some gentleman of standing to aid them, and made quite an elaborate report, recommending the things that are in this rule, and further recommending the legislation as to how the Government should make its purchases, and so forth, and so on.

The gentleman from Kentucky introduced a bill, a bill which had been prepared by the commission. That was referred to the Committee on the Judiciary. I said to the gentleman from Kentucky that I did not think we ought to be asked at this late day in the session of Congress to enact legislation on this subject, defining the policy of the Government in its details, but I thought it would be eminently proper for us to provide the appropriation suggested by the commission, leaving the details of the legislation to be attended to hereafter. I said that to the gentleman from Kentucky, or he said it to me; I am not sure which of us said it first. But it does not make any difference; we both agreed to the proposition. So that while the gentleman from New York [Mr. BENNET]—who, by the way, will not be in the next Congress—twits me about it, and says no man can hereafter excuse himself for voting against any rule if he should vote for this rule, he is not posted upon the subject. This is an effort to find some method of giving men sentenced to prison something to do, so that they will not go insane. I am in favor of giving them something to do.

Now, having said that much, I must have a little joke. You have to have a little laugh every day, you know. The gentleman from Kentucky [Mr. SHERLEY]—this is a very infinitesimal matter, to be sure—is certainly one of the most careful legislators and most careful men whom I have ever met, and the Committee on Rules is composed of fairly careful men. Yet the gentleman from Kentucky prepared and the Committee on Rules has reported a rule to add amendments "to the bill entitled 'An act,'" and so forth. That is all right. [Laughter.]

The SPEAKER. The question is on the adoption of the resolution.

The resolution was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20967) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20967, the sundry civil appropriation bill, with Mr. GARNER in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 20967) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert, at the beginning of page 128, as a separate paragraph the following:

"For the erection of shop buildings or factories and their appurtenances, $82,500; for the purchase and installation of woodworking machinery and the installation of same in the shop buildings or factories, and for other necessary equipment preparatory to manufacturing furniture and woodenware, $202,500; in all, $285,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert, on page 128, after line 10, as a new paragraph, the following:

"For the erection of shop buildings or factories and their appurtenances, $129,500; for the purchase and installation of cotton textile machinery and the installation of same in the shop buildings or factories, and for other necessary equipment preparatory to manufacturing cotton textile goods, $315,500; in all, $445,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KELLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SNYDER. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GARLAND. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent to print in the RECORD a telegram.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. McFADDEN. Mr. Chairman, I make the same request.

Mr. EDMONDS. And I, Mr. Chairman, make the same request.

The CHAIRMAN. Is there objection to these several requests of the gentleman from Iowa [Mr. HULL] and the gentleman from Pennsylvania [Mr. McFADDEN] and the gentleman from Pennsylvania [Mr. EDMONDS]?

There was no objection.

The Clerk read as follows:

For continuing researches in physical hydrography, relating to harbors and bars, and for tidal and current observations on the coasts of the United States, or other coasts under the jurisdiction of the United States, and payment of $1 per day for mess purposes to each vessel of the Lighthouse Service during such period as current observations are made by such vessel, $14,000.

Mr. MANN. I reserve a point of order on the paragraph. What does this payment of a dollar a day for mess purposes to vessels of the Lighthouse Service mean? What is the Lighthouse Service doing, furnishing vessels for the Coast and Geodetic Survey?

Mr. FITZGERALD. The Coast and Geodetic Survey desires to extend the number of current observations which are taken. The statement is made that the employees of the Lighthouse Service would very gladly perform the required service if there were some little inducement given, and it is proposed that each vessel be allowed $1 a day for mess purposes in return for the service rendered in taking observations. It is believed that the work is very important, and for a very small expenditure in that way a great many extra observations could be taken without the necessity of employing additional persons.

Mr. MANN. Do I understand the gentleman to say that the men on the light vessels will not do certain work which the Government tells them to do, and which ought to be done by them?

Mr. FITZGERALD. It is not a part of their duties as light keepers——

Mr. MANN. It would be, if the Secretary of Commerce should issue an order.

Mr. FITZGERALD. The departments believe that they are not very highly paid, and this little inducement would result in the work being done in a satisfactory manner.

Mr. MANN. If the work ought to be done by the men on the light vessels, and they have time to do it, all that is required to get it done is an order from the Secretary of Commerce, who has jurisdiction over both of these services.

Mr. MONDELL. The gentleman knows that this work is done by the men on the light vessels when they are off duty.

Mr. MANN. I do not know anything of the kind. They are not off duty at all.

Mr. MONDELL. Such is the fact. The gentleman did not know it before, but he knows it now, because I inform him.

Mr. MANN. No; I do not know it now. The gentleman is mistaken.

Mr. MONDELL. I did not want to seem to know more about this than the gentleman from Illinois. Therefore I put in the way I did.

Mr. MANN. The gentleman always seems to know more than other people, and very often does know more than I do. I make the point of order, on the language at the top of page 150, after the word "States," in line 1, down to and including the word "vessel," in line 4.

Mr. MONDELL. Before the gentleman makes the point of order will he allow me to read a brief paragraph from the statement that was made in the hearing with reference to this?

Mr. MANN. I reserve the point of order, always.

Mr. MONDELL. This is the statement of Superintendent Jones:

We are trying to make current observations over a period of years which will enable us to prepare a current table similar to a tide table. The best way and the cheapest way would be to ask these lightships, for example, on the Pacific coast, five of them, to make these observations half hourly 24 hours in the day. Now, those men who do this work (when they are off regular duty) have to have additional meals. We are asking under this appropriation to be permitted to pay them $1 per diem when they are actually engaged in making these half-hourly observations. If we sent one of our own vessels there it would cost $150 to $300 a day, so we can not do that. If the lightships make these observations and turn them over to us, based on the results of what they give us, we can compile this current table which will be of great value to the mariner in showing him the variations and the velocity of currents in these localities.

Mr. MANN. Mr. Chairman, I never heard anything more ridiculous than that. One would think we did not feed the men on the light vessels and that they would have to get extra meals if they performed some slight extra duty in the 24 hours. These men are on duty in a way all the while when they are on the ship. They may not be on active service all the time, but they are like sailors at sea, they are on duty all the time; and most of the time they have nothing to do. Now, the gentleman says that when they are not doing something else—and it does not say "off duty" there——

Mr. MONDELL. Oh, yes.

Mr. MANN. Oh, well, look at it again. When they are not doing something else, if they do this the gentleman says they will require more meals; hence they must be paid a dollar a day extra mess.

Mr. MONDELL. This says:

Now, those men who do this work when they are off regular duty—

Mr. MANN. That is it—off the regular duties that they have, but they are not off duty.

Mr. MONDELL. The gentleman is aware, however——

Mr. MANN. I am aware. I have been on lightships. The gentleman never saw one. They do not have them out in Wyoming. I am familiar with the work on the lightships, notwithstanding the greater knowledge of the gentleman.

Mr. MONDELL. I do not recall having seen many lightships.

Mr. MANN. I have seen a good many of them, and have been on them.

Mr. MONDELL. The gentleman knows that we give extra-duty pay for a great many of the Government services, particularly in the military service. This is in the nature of extra-duty pay, and very reasonable extra-duty pay, and an economy.

Mr. MANN. I should think that the one thing a man on a lightship would want would be something to do. The hardest thing they have to do is to kill time. If a storm comes along, they are busy.

Mr. MONDELL. I suppose a dollar's worth of food for five or six men would help kill considerably more time.

Mr. MANN. Perhaps this ought to be done. I do not know. But the Department of Commerce has been trying to raise the commutation for food—the allowance. This is an indirect way of doing it, and that is the reason it is being urged. Perhaps it ought to be done for all of them. Certainly something ought to be done, probably; but since we are likely to give them all an increase of 10 per cent in their compensation, I think probably they will enjoy that more than they would this extra food, when they have all the food they can eat now.

Mr. MONDELL. I thought the gentleman was in favor of economy. This is an economy.

Mr. MANN. This is one of those economical streaks that the gentleman from Wyoming has, which is always pretty expensive to the Treasury.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GALLAGHER, having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested.

S. 8316. An act granting a pension to Edith Blankart Funston, widow of the late Maj. Gen. Frederick Funston; and

S. 8307. An act authorizing the granting of patent to certain lands adjacent to the agricultural experimental station at Scottsbluff, Nebr., to the regents of the University of the State of Nebraska for dry land agricultural experimental purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 20414. An act for the establishment of a probation system in the United States courts except in the District of Columbia.

The message also announced that the Senate had passed with amendments the bill (H. R. 5788) entitled "An act to create two additional associate justices of the Supreme Court of the District of Columbia, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8296) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors, and further insisted upon its amendments numbered 12, 17, and 20, still in disagreement, and asked a further conference with the House of Representatives, and had appointed Mr. JOHNSON of Maine,

Mr. HUGHES, and Mr. SMOOT as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Salaries: Superintendent, $6,000; hydrographic and geodetic engineers, junior hydrographic and geodetic engineers, and aids, to be employed in the field or office, as the superintendent may direct, one of whom may be designated by the Secretary of Commerce to act as assistant superintendent: *Provided*, That officers now designated assistants shall be transferred to the positions of hydrographic and geodetic engineers, or junior hydrographic and geodetic engineers, herein submitted in lieu of assistants: Hydrographic and geodetic engineers—2 at $4,000 each, 1 $3,200, 5 at $3,000 each, 1 $2,800, 5 at $2,500 each, 12 at $2,400 each, 9 at $2,200 each, 12 at $2,000 each; junior hydrographic and geodetic engineers—16 at $1,800 each, 11 at $1,600 each, 9 at $1,400 each, 12 at $1,200 each; aids—10 at $1,100 each, 19 at $1,000 each; in all, $223,500.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I assume that this is an indirect way of increasing salaries, and it may be all right. What advantage is there in calling a man "junior hydrographic and geodetic engineer" instead of an assistant hydrographic engineer?

Mr. FITZGERALD. He is called an assistant hydrographic engineer; that is, he was called an assistant. When the Coast and Geodetic Survey was established they had a superintendent and one assistant, supposed to be an assistant superintendent, and from time to time as the survey grew, additional assistants have been allowed. It has been pointed out that these men are very highly qualified hydrographic and geodetic engineers. They have some pride and feeling about their profession and title, and we were requested to provide that instead of being known simply as an "assistant" they should be known as "geodetic and hydrographic engineers."

Mr. MANN. It is a slight change in the name.

Mr. FITZGERALD. A change in the name.

Mr. MANN. Costing the Government about $40,000 or a little less a year.

Mr. FITZGERALD. No; we have increased the force some, and there are some new vessels put into the service.

Mr. MANN. Having given a new title to certain men you can not expect them to any longer perform the cheaper service, and you have to provide additional men to do that work.

Mr. FITZGERALD. No; we have some new vessels in commission. The *Surveyor*, a very large vessel, goes into commission. There are 20 additional places, 1 at $2,800, 4 at $2,400, 4 at $2,000, 7 at $1,800, 2 at $1,600, and 2 at $1,200. The additional places aggregate $38,600. There are no increases in the compensation. They were additional places required because of the necessities of the service.

Mr. MANN. Well, we have a very active young man as Superintendent of the Coast and Geodetic Survey, and I am not going to say anything to his detriment. He is a very active man and a very good man, but I suspect that his activity has led him along the line where for the sake of euphony we will have to pay an extra sum, together with the change of name, as in this case an increase of $40,000 in the appropriation.

Mr. FITZGERALD. The increase is not because of the change of name. The estimate calls for additional places.

Mr. MANN. Oh, it is hidden, so that it would take a Philadelphia lawyer to make it out, but I have.

Mr. FITZGERALD. We do everything we can to convey information to the House, and although we can lead the horse to water, we can not make him drink.

Mr. MANN. I am not requiring the gentleman to make me drink.

Mr. FITZGERALD. No.

Mr. MANN. I had a notion that I would insist on the point of order, but I would like to hear what the gentleman from Wyoming has to say.

Mr. MONDELL. I can say that the only proper criticism of this item is that it is too small; it should be larger.

Mr. MANN. The gentleman evidently wants me to make a point of order.

Mr. MONDELL. I do not want gentlemen to make the point of order, because all through the bill the committee kept down needed increases wherever it was possible to do so without really doing substantial injury to the public service. In this case they asked for 48 new engineers. I am inclined to think that if we were not spending a good deal of money in other ways and able to extend the service as it ought to be extended, we should have granted about 40 out of the 48 that were asked for. Instead of that we gave them 20 new people. These are for the new vessels, the *Surveyor*, the *Isis*, the *Matchless*, and the *Yukon*. In addition to that, some of the men are to be used on the interior triangulation and leveling work of the department.

It is true that there is a very active young man in charge of the bureau, and I think it is a very excellent thing that there is, because, while the bureau has always been a very valuable and useful scientific bureau, for a long time it was in a way of suffering a little of what approached a condition of dry-rot, but the fresh blood did it good.

The bureau has in it a considerable number of very splendid men—scientists—men who are the best qualified for the service in which they are engaged that can be found anywhere. For one thing we should increase their pay, but we did not do that. We should give them more people for work that is essential and necessary.

Now, after considering all these matters—the necessity of providing for new ships, we must man them, we must put new officers on them. That takes about 16, as I recall, out of the 20 new men. They must be provided for if the vessels are fully equipped.

Mr. MANN. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MANN. Has not the Secretary of Commerce for a number of years been complaining and reproaching and roasting Congress because they did not have vessels enough to use the force they then had?

Mr. MONDELL. That, and more particularly that some of the vessels he had were partly held together by a rather indifferent coat of paint. I think that was the expression. We have to a certain degree provided for that unfortunate condition and remedied it.

Mr. MANN. And now when we get a vessel we find that we have not men enough to man it.

Mr. MONDELL. That seems to be the condition of affairs.

Mr. MANN. And before we did not have vessels enough to keep the men busy.

Mr. MONDELL. If you get a larger vessel, capable of doing a great deal more work, it necessarily requires more men to man it, and we have limited the number of the increase, in my opinion, to the very minimum. If the gentleman had not made the statement he did, it was my intention when I reached this item to discuss it a little for the purpose of calling attention to the rather excess of economy exercised by the committee in a number of items, this among them. There is not a man provided for here who is not needed, who should not be had, in order to carry on the necessary work of the survey, not only on the sea but on the land, because this service is doing as splendid a work upon the land as it is doing on the sea in carrying out a system of primary triangulations over the country which are exceedingly important, for all maps must be based eventually upon those primary triangulations, carrying out the only system we have in the country of precise leveling, and this work is exceedingly important work. We are not providing for that work in the way we ought to provide for it. We are providing for it in a measure to a limited extent. We are providing 20 men in this case, where about 40 are needed and 48 were asked for.

Mr. MANN. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] says that the committee did not appropriate enough money for the Coast and Geodetic Survey. We are at a time when we have to be somewhat economical in these things, when we can do without, and while doubtless the gentleman from Wyoming is extremely anxious to have primary triangulation for breakfast every morning, still I think he would be equally fat at the end of the year if he would do without it. At this time, when there ought to be economy, what has the committee done? It has increased one item from $90,000 to $115,000; another item from $225,000 to $250,000; another item from $11,720 to $14,000; another item from $80,000 to $90,000; another item from $425,320 to $487,600, though that may be called a duplication; another item from $285,000 to $320,000; another item from $184,900 to $223,500. These are not normal increases. These are not increases along the average that has been made for years. These are abnormal increases made at a time when we ought to be economical, made, possibly, because the gentleman from Wyoming has a fancy for primary triangulation; but, after all, the people who pay the taxes can do without primary triangulation and let the coast and geodetic work go along not quite so rapidly. They will not finish their work in 100 years, and it is not absolutely necessary that a large appropriation, more than ordinary, should be made this year. However, overborne as I am, I withdraw the point of order.

Mr. FITZGERALD. Mr. Chairman, this paragraph contains provision for 20 additional employees; 11 of them are to be placed on a boat which has never been in commission, a new boat, the *Surveyor;* 4 of them are to be placed on the *Isis*, a new boat which has never had its full complement of officers; 3 of them are to be placed on the *Yukon*, which is out of commission

because there are no officers to man it; and 2 on the *Matchless*, which is also short of officers. Unless the House would wish to tie these vessels up, this increase must be made, and there are no abnormal increases. The only increases in this bill in connection with this service are the increases necessary to carry on the work which the House has hitherto directed should be done.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a letter which came to me to-day upon the subject of an embargo.

The CHAIRMAN. Is there objection?

There was no objection.

The letter referred to is as follows:

BOSTON, *February 24, 1917.*

HON. JOHN JACOB ROGERS, M. C.,
Washington, D. C.

MY DEAR SIR: At a large and enthusiastic meeting the the Methuen Republican Club the following letter to you was read and adopted. We expect that you will do something to aid in solving the difficulty. It was also voted to publish the letter:

"To-day we of America are confronted with the unprecedented spectacle of a nation at peace with all mankind, except perhaps itself; its industries humming with the constant and steady activity of its machinery; all its people employed, with returns for their labor at a figure never before attained; in short, with all the desired elements of an unexampled prosperity everywhere, yet bread riots spreading like a prairie fire over the land.

"It is not for us to assign the causes, economic or artificial, of the unwarranted jumping from day to day of the cost of mere subsistence. Many have been suggested as underlying the present abnormal and seemingly unnecessary conditions. These alleged causes vary from the criminal greed which corners the supply of the necessities of life and holds them in storage until the last penny is squeezed from the suffering public while men, women, and children starve in the endeavor to meet the demand; the draining of our sustenance to keep fighting men in the pink of condition across the water, a failure of crops, the inflation of the supply of gold in this country to others less frequently urged. We do know, however, that while we have been told repeatedly that never has the Nation been as prosperous, we actually find that the purchasing power of each dollar earned is rapidly diminishing to a vanishing point, and we fear that our vaunted prosperity is but a hollow sham, except as it may prove a prosperity whose benefits are accruing in the coffers of those who do not need it. We learn to-day from the public print that authoritative sources have denied that there exists any shortage in food supplies and that there is plenty for all. We also learn that at Washington there is amazement at the sudden expressions of protest against the prevailing soaring of prices of food supplies to the prohibitory point, and an immediate request for the appropriation of money for investigation as to the reasons for such a condition. We solemnly protest that the time for investigation has long ago passed; that now is the time for action; that the condition which confronts us has faced us these many months, only becoming increasingly difficult to struggle against as the days and weeks and months went by, and that our Government should have been alive to the situation, preparing itself to apply the relief which it alone is equipped to give, or should be, in the absence of negligence of duty. We give way to no one in our devotion to our country and in our readiness to stand behind our properly constituted authorities in the upholding of American rights throughout the world, but we venture the suggestion that governmental activities are not alone confined to those of dealing with foreign relations and that there may be times when a greater and more serious harm to our Nation may result when consideration of international relations obscure the minds of our officials to the exclusion of these things which press closely upon the well-being of our people.

"Our Government should not have its head so far up in the visionary clouds of idealisms and control of world politics as to be unable to discern what is going on at its feet and realize it only when the flames of riot and destruction as the only method of protest left mount sufficiently high to penetrate the haze in which it exists. We also give way to no community in our sympathy for and our willingness to succor our afflicted brethren across the water in their terrible misfortunes, but we are sufficiently selfishly patriotic to have some belief in "America for Americans first" and suggest that if our beloved country is to have the devotion of all its people unselfishly ready to make the "grand sacrifice" its existence deserves, our governing body must be alive to those problems in its internal life, the happy solution of which will make for national unity, a real genuine undying Americanism. We offer no specific remedy for relief from the conditions under which our people are struggling for existence. We simply demand that our Government become alive to what is going on all around us and apply the proper remedy whether that remedy be the taking over of food supply, the control of food prices, an embargo, a taking over of the methods of transportation, or such other method which will bring relief to the prevailing conditions and prevent a more widespread protest by unrestrained violence, to our lasting shame and disgrace as a Nation. We do emphatically say that the conditions warrant drastic action on the part of our Government, and we add further the demand that if it shall be found that any man or set of men have made the present suffering possible through manipulation of the necessities of life, 'let no guilty man escape.'"

Yours, truly, FREDERICK W. GAY.

The Clerk read as follows:

Topographic and hydrographic draftsmen: Two at $2,400 each, 3 at $2,200 each, 3 at $2,000 each, 3 at $1,800 each, 3 at $1,600 each, 3 at $1,400 each, 3 at $1,200 each, 2 at $1,000 each, copyist draftsman, $1,000.

Mr. KITCHIN. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 152, in lines 17 and 18, strike out the words "copyist draftsman, $1,000" and insert in lieu thereof the words "two copyist draftsmen at $1,000 each."

Mr. FITZGERALD. Mr. Chairman, on that I reserve the point of order.

Mr. MANN. I reserve the point of order on the amendment.

Mr. KITCHIN. I will say to the gentleman that there are now two copyist draftsmen, but this bill provides for only one.

Mr. MANN. I withdraw the point of order.

Mr. MONDELL. Mr. Chairman, I do not clearly understand that amendment. Does the gentleman provide for two copyist draftsmen instead of one?

Mr. KITCHIN. Yes. There are two copyist draftsmen now in the office, and the bill provides for only one.

Mr. MANN. There is no change from the existing current law.

Mr. MONDELL. The gentleman from Illinois is charging us with extravagance, and we can not accept a thousand-dollar increase without inquiry.

Mr. FITZGERALD. The fact is this: There are three copyist draftsmen, one at $1,000 a year, and two, further on in the bill, at $900 a year.

Mr. KITCHIN. Two clerks.

Mr. FITZGERALD. The purpose of the gentleman from North Carolina is to transfer one of those persons, who is receiving $900 in another portion of the bill, to this portion of the bill at $1,000.

Mr. MANN. Where is the other employed?

Mr. KITCHIN. On page 153, line 10. When we reach that I shall move to strike out the word "two" and substitute "one."

Mr. MANN. Do they, as a matter of fact, violate the law over there and under that item employ copyist draftsmen?

Mr. KITCHIN. I do not know, but I will tell you the facts. In this room where the copyist draftsmen are there are two girls. One is called a copyist draftsman and the other, I understand, is called a chart corrector, but both are doing identically the same work and, I understand, they carry one of the girls at a thousand dollars as a copyist draftsman and one is carried as a clerk, in line 11, page 153, where there are two at $900 each.

Mr. MANN. Those are not clerks.

Mr. KITCHIN. Yes.

Mr. MANN. No.

Mr. KITCHIN. Under the paragraph beginning on page 153, beginning with line 7——

Mr. MANN. But those are not clerks. They are printers, electrotypers, photographers, lithographers, plate printers and their helpers, engineer, and other skilled laborers. What I wanted to know is whether the gentleman is sure he has got the right one.

Mr. KITCHIN. I know.

Mr. MANN. I want to know that the person he thinks ought to be helped will get the increase?

Mr. KITCHIN. Yes; I know that, and I will see to that.

Mr. FITZGERALD. The gentleman from North Carolina called my attention to the matter——

Mr. MANN. It is very seldom the gentleman from North Carolina ever asks for anything.

Mr. FITZGERALD (continuing). And I intended to call the attention of the committee to it, but through the very great pressure of business it escaped my mind and I left the gentleman from North Carolina somewhat in the lurch.

Mr. MANN. I am not sure but the person the gentleman from North Carolina wants to take care of may find herself out of a job.

Mr. KITCHIN. No.

Mr. MANN. Because she is not a copyist draftsman. If she is now employed as a printer or as an electrotyper, or photographer, or lithographer, or a plate printer, or a helper, or an engineer, or a skilled laborer, and you cut that out——

Mr. FITZGERALD. I am sure——

Mr. MANN. It is evident they are violating the law.

Mr. FITZGERALD. If the gentleman from North Carolina does anything here that will deprive any person now in the Government service of her place, I am sure he will make it good himself out of his private resources. [Laughter.]

Mr. KITCHIN. I will make it good. [Laughter.] I will say to the gentleman from Illinois if my amendment goes in providing two copyist draftsmen at $1,000, I will see that she gets that extra $100.

Mr. MANN. I dare say the gentleman from North Carolina, the Democratic floor leader, has not got a single person in the Government appointed as a favor to him.

Mr. KITCHIN. That is true.

Mr. MANN. I do not know whether he will have influence enough to get under this appropriation——

Mr. KITCHIN. I would doubt my influence in this matter myself if I had not already seen to it beforehand. [Laughter.]

Mr. FITZGERALD. He has taken the advice given me the other day by the gentleman from Illinois, by making his arrangements in advance of the appropriation.

Mr. KITCHIN. I will say this——

Mr. MONDELL. There is no doubt but what they need more copyist draftsmen in this office. We did not give them as much help as they asked for and such as they need, and I am very glad indeed to vote for the amendment offered by the gentleman from North Carolina.

Mr. KITCHIN. I want to say that I acknowledge my thanks and gratitude to the committee for granting this advance of $100. It is the first under this administration, and really, gentlemen, the first under the last three administrations that I have gotten. [Laughter.]

Mr. FITZGERALD. We are aiding the gentleman in putting a blot on his hitherto unblemished record. [Laughter.]

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Printers, electrotypers, photographers, lithographers, plate printers and their helpers, engineer, and other skilled laborers: 1 $2,000, 1 $1,800, 1 $1,700, 1 $1,600, 1 $1,400, 8 at $1,200 each, 2 at $1,000 each, 2 at $900 each, 5 at $700 each.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 153, lines 10 and 11, strike out "2 at $900 each," and insert "1 $900."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

In all, pay of office force, $220,670.

Mr. FITZGERALD. I desire to offer the following amendment to correct the total.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 153, line 15, strike out "$223,670" and insert in lieu thereof "$223,770."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Appropriations herein made for the Coast and Geodetic Survey shall not be available for allowance to civilian or other officers for subsistence while on duty at Washington (except as hereinbefore provided for officers of the field force ordered to Washington for short periods for consultation with the superintendent), except as now provided by law.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Before leaving the Coast and Geodetic Survey I want to say just a word in regard to the increases that have been made for that service. The gentleman from Illinois, as it is his duty as leader of the minority, has pointed out and called attention to the fact that we have made considerable increases in some of these items. Those were for a service whose work is increasing and whose responsibilities are increasing. It is a service that has been neglected in the past. It is a service that in the last few years has been improved. The Coast and Geodetic Survey is doing splendid work and, as I said a moment ago, not only on the sea but on the land. Of course the major part of its work is on the sea, mapping the coasts, making soundings and surveys, and we could appropriate very much more than we do for this service, particularly for the work of mapping the coasts, the work of soundings, the work of removing obstacles to navigation——

Mr. TILSON. Will the gentleman yield?

Mr. MONDELL. In just a moment—and we are moving with the work less rapidly than it should be carried on in the interests of our great commerce.

Mr. TILSON. I wish to ask the gentleman in regard to soundings. How far they are advancing in the new method of soundings, not alone by a plummet, which misses a great many obstacles, but by the wire-drag method?

Mr. MONDELL. They are carrying on the wire-drag work as rapidly as we appropriate for it. My own notion is that we are not appropriating for it as rapidly as we should when one considers its importance and when you recall the fact that even in the harbor of Boston they discover pinnacle rocks hitherto unknown on which at any time a vessel may be wrecked and millions of dollars and many lives lost.

Mr. TILSON. Owing to the geological formation and the sharp and jagged rocks along the Atlantic coast, a number of such obstructions to navigation have been found in waters that have heretofore been considered thoroughly sounded.

Mr. MONDELL. Now, the schooners that navigate the coast I represent here do not benefit by this appropriation. [Laughter.]

Mr. GARDNER. Do they sail over the bar? [Laughter.]

Mr. MONDELL. Sometimes. They do not profit by this work; but it is an exceedingly valuable work. It is an exceedingly important work on our west coast. We have allowed an almost disgraceful condition to exist with regard to the Alaskan coast. It is a coast where there are many pinnacle rocks. And this is a fact which is not a credit to us, that all along that coast are pinnacle rocks which bear the names of the vessels that have discovered them by striking them and going down with their cargoes, and sometimes with their human freight.

Mr. HICKS. Will the gentleman yield?

Mr. MONDELL. I yield.

Mr. HICKS. I wish to commend the gentleman, coming from the rock-bound State that he represents, for advocating this very necessary provision.

In regard to this sweeping which he mentioned a moment ago, I wonder if he knows that on the Atlantic coast the coast has been swept in only one or two places—for instance, around Nantucket and down on the North Carolina coast, and that practically all the eastern coast is unswept? And to bear that thing out a little bit further, in this pinnacle-rock matter they discovered a year or two ago near Hell Gate a great rock that was only 18 feet below the surface of the water, where great commerce on the eastern coast had been passing for years.

Mr. MONDELL. That is true. We ought in the interest of commerce and the protection of our people carry on this work more rapidly than we are carrying it on. We should have provided in this bill more than we did for the launches and vessels needed for this very class of work.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask that I may have five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. The bureau asked for some additional vessels needed for this kind of work that would be useful and valuable in case of war, and we should have provided for them, I think—and I am not criticizing the committee—as a part of the program for preparedness as well as because the boats are needed in this work. We should continue this work of sweeping our coasts that bear the pinnacle rocks until there shall no longer be danger along the sea lanes and in those regions where our commerce sails in danger of striking rocks where the charts indicate that there is an abundant depth of water.

Now, that is one of the items in the bill that, in my opinion, we should have increased more than we did. There are a number of others. There is in the office over here information valuable to navigators, some of which has been in the office for 18 years and has not yet been placed on a chart because they have not had office force enough. We increased somewhat that office force, but not enough, in my opinion, to bring that work up as rapidly as it should be done. When the gentleman from Illinois, or any other gentleman with an economical turn, views these items of increase with alarm, I want to say to them that the increases granted here, every one of them, were essential, and, as a matter of fact, we could well have granted increases along many lines where no increases were granted, and we could have still further increased the items that were somewhat increased.

Mr. WICKERSHAM. Mr. Chairman, before the matter of the appropriations for the Coast and Geodetic Survey is passed, I want to say something in the way of appreciation of the good work done by that bureau in Alaska. The coast line of Alaska is twice greater than the Atlantic coast line, the Gulf coast line, and the Pacific coast line of the United States added together. That might not be important if it were not for the fact that the naval coal fields of Alaska and our $35,000,000 Government railroad lie along these uncharted Alaskan shores. These great natural resources, so important to our national development and defense, are dangerous to approach even in times of peace. The waterway to them is not surveyed and is unsafe.

Mr. STAFFORD. When the gentleman makes that statement, I presume he includes not only the Pacific coast line of Alaska, but the Arctic coast line?

Mr. WICKERSHAM. Undoubtedly I do. But the coast line of the islands of Alaska adds, of course, very much to the total mileage of the coast line of our Territory. Alaska has more than 25,000 miles of coast line, and the Coast and Geodetic survey, if it shall continue to survey as rapidly as it has been authorized in the last few years, will be working on the uncompleted job a hundred years from now, upon the uncharted and unknown waters of our Alaskan shores. The waterways to our great Government railway are uncharted, unsurveyed, and may be filled with dangers. The harbors are deep, but these sharp pinnacle rocks exist there, and, as has been said, they are only known when some vessel strikes them, often with loss of life, and thereafter they are known by the name of the vessel which located them by wreck. The lighthouse tender *Armeria* was

lost on one of the Alaska pinnacles in May, 1912, while the revenue cutter *Tahoma* was also totally wrecked and lost on another uncharted rock, 80 miles offshore, in September, 1914. A large number of privately owned vessels have been wrecked on similar reefs and rocks along the uncharted shores of Alaska in the last few years. If Congress would appropriate as much money as we have actually lost by the sinking of Government vessels the work would be carried on much better and much more advantageously, and the loss and danger in those waters would be lessened as the surveys proceed.

This bureau has done excellent work with small appropriations in Alaska and our people appreciate it, and we beg that Congress will give them more assistance instead of less. The appropriations are not nearly what they ought to be. I would be glad to see them doubled. Of course, I know it can not be done at this time, but the increases in appropriations for the work should be frequent and more freely given.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes; of course.

Mr. TILSON. Does the gentleman know whether or not they are doing anything by the sweeping method in Alaska?

Mr. WICKERSHAM. They are; just as fast as they can get money to do it. But at the rate at which they have done that work heretofore it would take 100 years to finish it, unless the appropriations are increased.

The gentleman from Illinois [Mr. MANN] spoke of the necessity for economy in this appropriation because of the necessity for greater preparedness, but let me suggest that nothing could add more to effective preparedness on the Pacific Northwest coast than to give surveyed water lanes to the approaches to our coal mines and Government railroads that transport naval coal to the coast. It is a necessary part of the preparedness system on the Pacific coast, and we ought to adopt it. The appropriations given to this bureau ought to be much larger than they now are, because its work adds to the safety of our naval and mercantile vessels on that coast.

Mr. STAFFORD. What part of the coast line is the Coast and Geodetic Survey now surveying by the sweeping process?

Mr. WICKERSHAM. In southeastern Alaska. There they have surveyed but a small portion of the water lanes, and it will take many years of surveying at the present rate before the channels used by our vessels are safe. The Coast and Geodetic Survey has done excellent and highly valuable work along Alaskan coasts. These waters will be especially important in case of any foreign war with any Asiatic power, and without this bureau is given appropriation sufficient, the hidden dangers in Alaskan waters would offer far greater danger than an enemy's submarines. The people of Alaska are exceedingly friendly to this bureau and are anxious to have it given sufficient appropriations to do its very useful work as rapidly as the occasion demands.

The CHAIRMAN. The time of the gentleman from Alaska has expired.

Mr. GARDNER. Mr. Chairman, many of my friends tell me that they strongly advocate the arming of our merchantmen and, if necessary, their convoy by warships in order to protect our rights on the high seas. These same gentlemen just as strongly urge me not to consent to any step which can lead to war. They might just as well instruct me to go in swimming without letting myself get wet. It is absolute folly to deny that we are in danger of war if we protect our rights upon the high seas.

I could not help feeling as I heard the President speak yesterday that even now he is undecided as to our course.

Whatever history may say of the attitude of the United States during this European war, whatever it may say about Woodrow Wilson, it is quite certain that every historian of the future will absolutely acquit him of any charge of acting with unseemly haste in carrying out his strict-accountability warning.

A resolution has been offered for consideration under which it is proposed that the President shall be "authorized" to arm our merchant ships and to take such other steps as to him seem best to protect the rights of Americans on the high seas. When this resolution is considered in the House I shall move to change the word "authorize" to the word "direct." [Applause.] That is to say, I shall offer an amendment "directing" the President to arm merchant ships in place of the clause in the resolution which merely "authorizes" him to do so.

The paragraph in the proposed resolution which authorizes the President to use such other means as he sees fit to protect Americans on the high seas has been criticized for its indefiniteness and has been called a blanket clause. Personally I should like to see this clause made more definite and stronger. I should like Congress to "instruct" the President to use our warships to guard our merchantmen, and yet I realize the danger of endeavoring to be too precise. I shall, therefore, vote against striking out this blanket clause, so called, for the following reason: If Congress strikes out the blanket clause and restricts its instructions to the President solely to the matter of arming merchant vessels, the world and the President himself may very well believe that Congress is unwilling to go further.

Gentlemen must not try to becloud the question by pretending that Congress can retain control of the whole situation by forcing the President to call an extra session. I hope and expect that by slow action on the appropriation bills we can force the President to call an extra session of Congress, but in my opinion that alone will not meet the necessities of the case. Everyone knows that there is plenty of money in the Treasury to run the Government until July 1. Such being the case, it will be perfectly possible for President Wilson to refuse to call Congress together until June 1, even if we hold up the supply bills. What is the sense of pretending to ourselves that we shall be able to control the situation after March 4? From March 4 until Congress reassembles we have got to leave the whole question in the hands of the President, whether we wish to do so or not.

A few days ago I was thoroughly convinced that the President meant business. I still hope that I was correct in that view. The time has come when President Wilson is to be judged not by his expressions of devotion to humanity, not by his desire to be of service to mankind, not by his beautiful thoughts, nor yet by his still more beautiful words—in short, the time has come when President Wilson is to be judged by his deeds. The head of our Nation is about to be weighed in the cold balance of reality. May he not be found wanting! [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. The Clerk will read.

The Clerk read as follows:

Appropriations herein made for the Coast and Geodetic Survey shall not be available for allowance to civilian or other officers for subsistence while on duty at Washington (except as hereinbefore provided for officers of the field force ordered to Washington for short periods for consultation with the superintendent), except as now provided by law.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD which I made on the previous paragraph.

The CHAIRMAN (Mr. CRISP). The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Afognak (Alaska) Station: Superintendent, $1,500; foreman, $1,200; two fish-culturists, at $960 each; three apprentice fish-culturists, at $900 each; cook, $900; in all, $8,220.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the paragraph.

Mr. STAFFORD. In this paragraph and through the next 50 paragraphs almost invariably the bill carries new designations of "fish culturists" and "apprentice fish culturists" instead of "skilled laborers" and "laborers." I wish to know what is the purpose of the committee in the change of designation?

Mr. SHERLEY. These men are not laborers in the strict sense of the term. Many of them are really men of some scientific attainment who are literally fish-culturists, and it was felt that it was only fair to give them a designation in keeping with the facts. To some of them it seemed somewhat a slighting of their work and the importance of it to designate them simply as "laborers."

Mr. STAFFORD. What work do they really perform? Some of the hearings I have read indicate that they are mostly engaged in the work of labor about a fish-cultural station.

Mr. SHERLEY. They actually do labor, but a great deal of their work is work in connection with fish culture and the breeding of fish and in the study of fish life and the technical scientific work in connection with it.

Mr. STAFFORD. Well, they are not technical persons; otherwise you would not be paying them the high salary of $600 a year.

Mr. SHERLEY. Well, they are usually young men who start out in those small places, hoping to be promoted to the higher positions as superintendents of these various stations. They are not just the ordinary common laborers that we usually have in mind in speaking of "laborers."

Mr. STAFFORD. As I understand it, the only force that is engaged about these various stations is carried in these respective items.

Mr. SHERLEY. No; there are a number of laborers at different stations that are cared for out of the general appropriation for the maintenance of these stations.

Mr. FITZGERALD. For the propagation of food fishes.

Mr. SHERLEY. Yes. There is a provision that the gentleman will find later on in the bill for the propagation of food fishes, and so forth, amounting to something over $300,000.

Mr. STAFFORD. How much does the gentleman say?

Mr. SHERLEY. Three hundred and seventy-five thousand dollars, I think, this year. The gentleman will find it at the end of page 162. Out of that fund a number of ordinary laborers are paid.

Mr. STAFFORD. Are these various officials, who have been formerly described as "laborers" and "foremen," and the like, civil-service employees?

Mr. SHERLEY. Yes, sir; they are not only civil-service employees, but they stand a technical examination.

Mr. STAFFORD. I thought the purpose of the change of designation was nothing more than that which we find quite frequently a means of increasing salaries when a bill subsequently is under consideration.

Mr. SHERLEY. There were requests for increases of salaries, but the committee did not grant those requests. The reason for the change was not that at all. It was believed to be only fair that these men should be designated accurately, as we have sought to do.

Mr. MONDELL. This change of language was all in the interest of the uplift.

Mr. STAFFORD. There is no question, in my opinion, but that it is in the interest of the uplift of salary. The gentleman will realize that they can make a stronger appeal for an increase of salary if they have a technical name, such as that of "fish culturist," rather than the name of "laborer" or "foreman."

Mr. SHERLEY. I do not think they will fool the committee of which the gentleman and I are members.

Mr. STAFFORD. I do not think they would stampede the gentleman from Kentucky [Mr. SHERLEY] or the gentleman from New York [Mr. FITZGERALD], but perhaps it might be potential with the gentleman from Wyoming, who happens to be rather considerate of the welfare of these employees.

Mr. SHERLEY. Oh, no.

Mr. MONDELL. As I said to the gentleman a moment ago, this is in the interest of the uplift.

Mr. STAFFORD. I think the gentleman is called upon to make a more specific explanation of what he means by the uplift.

Mr. MONDELL. We are trying to make the labors of these worthy servants of the people easier by giving their service a more euphonious title.

Mr. STAFFORD. It is not only euphonious, but slightly misleading.

Mr. MONDELL. The young men who are taken on in the service with the expectation of securing a training that will make them fish-culturists, and good ones, feel more comfortable about their employment, I am quite sure, if they are called assistant fish-culturists than they would if they were called laborers. A boy writing home to his mother or his sweetheart in regard to his employment feels a little better about it if he can say that he is an assistant fish-culturist rather than a laborer. And these people are not laborers. Fish culture is a science, and we are training these young gentlemen in the science of fish culture, and we ought to designate them with the proper title.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The gentleman from Wisconsin withdraws the point of order. The Clerk will read.

The Clerk read as follows:

Key West (Fla.) Biological Station: Superintendent, $1,500; engineer, $1,000; laboratory aid, $900; fish-culturist, $900; two apprentice fish-culturists, at $600 each; in all, $5,500.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I notice that in last year's bill, so far as the Key West station was concerned, we made provision for the employees there for not exceeding six months. This year you are making them annual employees. What is the reason for the change?

Mr. FITZGERALD. The station there was under construction and was only open six months during that fiscal year, and, so that there would be no misunderstanding as to the rate of salary, those words "for six months" were inserted in that bill.

Mr. STAFFORD. While I am on the floor I will ask, Has there been any decided increase of salaries of these officials connected with the fish-cultural stations?

Mr. FITZGERALD. There were a great many requests——

Mr. STAFFORD. And the committee followed their almost inexorable rule in declining to grant increases?

Mr. FITZGERALD. Yes. The committee has great sympathy for the movement, but nearly all of these employees will come in for the 10 per cent increase.

Mr. AUSTIN. The committee increased its sympathy, but not the salaries!

Mr. FITZGERALD. Nearly all of these employees will come in for the 10 per cent increase.

Mr. STAFFORD. Ten and five per cent.

Mr. FITZGERALD. Most of them for 10 per cent. Most of them are under $1,200.

Mr. STAFFORD. There are some above $1,200.

Mr. FITZGERALD. The superintendents; yes. They are well paid.

Mr. STAFFORD. I suppose the gentleman now realizes that the 10 and 5 per cent increases originally suggested by the Committee on Appropriations are going to be the law as to all governmental employees.

Mr. FITZGERALD. I hope that will satisfy Government employees. I am not sure that it will.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Propagation of food fishes: For maintenance, equipment, and operations of fish-cultural stations, general propagation of food fishes and their distribution, including movement, maintenance, and repairs of cars, purchase of equipment and apparatus, contingent expenses, temporary labor, propagation, and not to exceed $10,000 for distribution of fresh-water mussels, and the necessary expenses connected therewith, $375,000.

Mr. STAFFORD. For information I wish to inquire as to where these various vessels under the Fish Commission are used—in what waters? Here we have some seven steamers which are provided for.

Mr. FITZGERALD. They are used on the Atlantic, the Pacific, the Gulf, and inland waters.

Mr. STAFFORD. What is the purpose—to distribute fry out in the ocean, or to gather it?

Mr. FITZGERALD. To gather it.

Mr. STAFFORD. Gathering the fry and then distributing it to stations or in the streams?

Mr. FITZGERALD. Some of them are on the inland waters—the rivers. For instance, they have a fish station at Louisville, where it is necessary to have a launch. At Woods Hole, Mass., there is a very extensive station. Then, they have the biological station at Beaufort, N. C. They are making very important investigations there. Then, for instance, the return of the tile fish was discovered by these boats. The tile fish was a very important food fish some years ago, and then it suddenly disappeared. As the result of studies by the Bureau of Fisheries that bureau determined that the tile fish would return at a certain time. They outfitted an expedition and induced some fishermen to equip boats to go with them, and they relocated the tile fish, which have become a very important food fish again.

Mr. STAFFORD. From the number of the officers and crews I assume that these vessels are not very large.

Mr. FITZGERALD. They are not very large boats, with the exception of the *Albatross*, which is manned by officers and crews from the Navy.

Mr. STAFFORD. Is that engaged in Alaskan waters in connection with the salmon fisheries?

Mr. FITZGERALD. No; the *Albatross* is engaged along the coast of California, Oregon, and Washington.

Mr. STAFFORD. I assume there has not been many vessels added in recent years to this fleet with the Fish Commission.

Mr. FITZGERALD. We gave them one within the last few years. These are all small boast. The bureau complained about their condition somewhat, but they are good boats.

Mr. STAFFORD. Does the gentleman know whether there are any boats on the Great Lakes? The claim has been made that owing to the number of fishermen on the Lakes the fish there are rapidly being exterminated. Have we any boats on the Great Lakes engaged in the work of increasing the fish supply there?

Mr. FITZGERALD. We have stations on the Great Lakes. For instance, in the State of New York there is Cape Vincent, and there is one at Duluth.

Mr. STAFFORD. Have we any boats similar to these engaged in the service?

Mr. FITZGERALD. They are good-sized launches. I do not know that there are any large vessels.

Mr. AUSTIN. The gentleman from Wisconsin has not asked the chairman yet whether they have taken a census of the fish.

Mr. STAFFORD. The Bureau of the Census has launched into all kinds of activities—statistics as to marriage, divorce, birth control, and I am surprised that they have not taken a census of the denizens of the deep.

Mr. FITZGERALD. I have no doubt that if the gentleman from Tennessee was Director of the Census he would have taken a census of the fish.

Mr. AUSTIN. Perhaps he would vote for an appropriation of that kind if the gentleman would bring one in.

The Clerk read as follows:

Distribution cars: The appropriation of $40,000 in the sundry civil appropriation act for the fiscal year 1917, for the purchase or construction of two steel cars for the distribution of useful food fishes, is continued available during the fiscal year 1918, together with the further sum of $15,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I assume that the appropriation carried in this item making this appropriation continued available during the fiscal year 1918 is on account of the increased cost of materials for these two steel cars for the Fish Commission.

Mr. FITZGERALD. The increased cost in materials and labor made it impossible to buy these steel cars for the amount appropriated. The amount appropriated was $40,000 for the two new cars.

Mr. STAFFORD. That is a pretty high price for a car that is virtually a skeleton car without any furnishings inside. I assume that the cars are not lavishly equipped.

Mr. FITZGERALD. They have to have certain special equipments; they have to be steel cars and they have to have tanks and quarters for the employees. This is a combination car in which facilities are provided for the transportation of the fish and the employees.

Mr. STAFFORD. How many cars are there in service under the control of the Bureau of Fisheries?

Mr. FITZGERALD. Several. This is to replace the wooden cars, because the railroads have refused to take the wooden cars on the fast trains.

Mr. STAFFORD. I was under the impression that the cars did not have a special equipment. I know in Wisconsin when the State commission sends out fish fry they do it in receptacles like milk cans, and I assumed that when the Bureau of Fisheries here assigned fry for the interior part of the country they were sent in the same way. I know that when I make an application for fish fry they always ask the name of some person to receive the consignment.

Mr. FITZGERALD. The work done by the State commissions is not at all comparable to the work done by the United States Bureau. For instance, the Bureau of Fisheries transports fry from the Atlantic coast to the Pacific coast. These cars travel all over the United States. The Bureau of Fisheries is continually attempting to introduce valuable food fishes from one section of the country into another section, where, after study, it is believed that they would thrive in waters where they hitherto have not been.

So these cars go long distances. It is very desirable that they shall be attached to fast moving trains. The cars the bureau has had heretofore have been wooden cars, and under the modern methods of making up fast trains the railroads decline to haul them as a part of the fast train. There is too much danger in putting a wooden car between heavy, modern steel cars. In order to utilize them efficiently it is necessary to have steel cars.

Mr. STAFFORD. I assume that it will be necessary to replace all of the wooden cars by steel cars.

Mr. FITZGERALD. Eventually it will. The purpose was to provide for two at the time this appropriation of $20,000 was made, with the expectation that later on other cars would be replaced with steel cars. In the meantime there was a very great increase in the cost of steel, material, and labor, which resulted in the fact that the lowest bid received was $27,000. So that in order to obtain two cars about $15,000 is necessary to be added to the original appropriation.

Mr. STAFFORD. The information furnished by the gentleman indicates that it is in line with the policy adopted by the Congress for the railway post-office cars in connection with Postal Service requiring them to be of steel so as to safeguard the lives of the mail clerks.

Mr. FITZGERALD. We ought not to expect Government employees to travel in antiquated wooden cars that are a menace to their lives.

The Clerk read as follows:

Cape Vincent, N. Y., fish hatchery: For purchase of additional land and for improvement to water supply, $5,500.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I understand that during the consideration of this measure this afternoon, while I was engaged in important work with my committee, in passing upon the personnel of the various stations, that an explanation was made by the gentleman from Wyoming [Mr. MONDELL] with reference to changing the title of "laborers" to "apprentice fish culturists," and that the gentleman explained the reasons given to the committee. I want to say that, in my opinion, while the change may be desirable, the reasons given to the Appropriation Committee are not sound nor should they have been found sufficient to have resulted in a change of the title of these positions, because the Deputy Commissioner of Fisheries stated that the young men who would be called upon to fill the positions, or who seek to take the examination, would be ashamed to be termed "laborers," and they wanted some more high-sounding title.

But let me point out to the committee that it is only a small portion of the year that these young men—college graduates or high-school graduates, or whomever they may be—are actually engaged in the somewhat dubious pursuit of fish culture. The great portion of the year they are doing mere manual service, such as painting buildings, mowing lawns, raking up driveways, sweeping out hallways, assisting in the carrying of ashes, putting in coal and other supplies, and other necessary and honorable work required on these stations, and the term "laborer" more nearly fits the work which they do at these times.

I believe, however, that while the matter of this change of title is not of great importance, it is an indication of the tendency to make this bureau a great scientific establishment, and one in which science will have more and more of the efforts of the bureau and actual fish hatching resultingly suffer. I hope this may not be true. I trust the great record of the bureau in practical fish culture and restocking streams, rivers, lakes, bays, and the ocean may be continued and even increased.

Any young man who is going into the service of the Government employ, if he is worth anything and is the sort of an employee which it is desirable to have, in my opinion, will not object to being termed a "laborer." Furthermore, this change in designation will not result, in my opinion, in getting any more efficient employees. It might, it is true, attract more high-toned youths or more members of the mollycoddle class in this branch of the service, but usually, except during a small portion of the year, the gentlemen who seek employment in this branch of the service are after the money that there is in it. During the summer season in some stations the service is filled up with gentlemen who are pursuing science, and they prefer to be known as scientific assistants, and not mere apprentices, and if you could associate with some of these gentlemen, as I have, you would soon be impressed with their superior air.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

Mr. HOWARD. Mr. Chairman, I object.

Mr. SAUNDERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words. The gentleman from Massachusetts [Mr. WALSH], as we all know, was employed in one of these fish-cultural stations only a few years ago and is conversant with conditions prevailing there. When the question was up for consideration I raised the point of order on the very first paragraph where the change in phraseology was made, seeking to get information as to whether it was an improvement over the language heretofore carried in the bill and was informed by various members of the Committee on Appropriations that it more properly characterized the work in which these people are engaged. As I understand the gentleman's statement, it is his opinion that the designations that were formerly applied to these men are more fitting to the work they perform?

Mr. WALSH. I did not make that statement.

Mr. STAFFORD. I understood that the gentleman from Massachusetts preferred to have the old designations rather than the new, and I rose to ascertain the gentleman's position.

Mr. FITZGERALD. Mr. Chairman, I do not know the conditions existing in the service when the gentleman from Massachusetts [Mr. WALSH] honored it with his assistance, but at present these young men take civil-service examinations for the position of apprentice fish culturist. After they have taken such an examination, for which they have to have some special qualifications, they receive offers of appointments as laborers in the Bureau of Fisheries. They resented in some instances the tender of a position as laborer when they supposed they were competing for a position of some scientific character. The psychological effect, in the language of the Secretary of Commerce, upon these young men under such circumstances had a

very demoralizing influence upon the service. Then, their sisters, their cousins, and their aunts, and other female relatives and admirers were somewhat perturbed that these young men were working as laborers. It was such a little thing to change their title and make them feel happy, and give them the title of the position for which they thought they were taking an examination that the committee believed it would not only be proper but a very appropriate action to recommend. Nobody deplores or resents the fact that they have to work, but the average graduate of a high school or a college does not feel particularly happy to start life in a position the title of which is laborer. If we can help to ease their minds and make their friends feel better, help them to believe that they are not occupying a menial position, I think we have done a very noble and meritorious work.

Mr. TILSON. Especially as the gentleman has not increased the appropriation.

Mr. FITZGERALD. No; it has not cost any money. Under the circumstances, I think that the committee, as it always does, acted with the utmost wisdom and deserves the commendation of the House and the country for its act.

Mr. MONDELL. I entirely approve the statement just made by the chairman of the committee, that in this very important matter the committee has acted as usual with great wisdom. There is a feature of this matter that has not been discussed, although it was just hinted at by the gentleman from New York [Mr. FITZGERALD], and that is the feature of economy. The committee in preparing this bill were anxious to do all that they could to make the pathway of the employees of the Government smooth and comfortable and agreeable without increasing their salaries. When a certain class of employees, distinguished from other employees in that while the others were asking for an increase they merely submitted to the committee a suggestion of a change of designation that did not cost a penny, naturally the committee thought that in view of that situation it certainly could do no less than give them a change of designation.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. WALSH. Do I understand the gentleman to maintain that there was a demand on the part of the employees of the service for this change presented to the committee?

Mr. MONDELL. Oh, there was a demand upon the part of the representative of the service, who is supposed to represent the men in the service. Of course, the gentleman understands the Committee on Appropriations can not hear every man in the public service. These gentlemen are represented by their representative while others asked for increases, and some were, in fact, entitled to increases. All that was asked on behalf of these young men, whom we have been informed are undergraduates who have taken the civil-service examination, was a change of designation—a change of title, if you please.

What could be cheaper than that? If you can so improve men's conditions psychologically without spending a penny of the public money, why not do it? Those were some of the motives that actuated the committee in passing upon this important matter. Seriously, we made this change, as has been stated, because these people are, in fact, fish-culturists and should be so designated.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Texas desires to present a privileged report. To enable him to do so, I move that the committee do now rise.

The motion was agreed to; accordingly the committee rose, the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20967, the sundry civil appropriation bill and had come to no resolution thereon.

LEAK INVESTIGATION.

Mr. HENRY. Mr. Speaker, I submit a privileged report on three resolutions which were referred to the Committee on Rules to make certain investigations in regard to what is known as the leak. I wish to say that the committee have unanimously agreed on this report, and I desire to ask unanimous consent that the report be printed in the RECORD for the information of the Members without reading the same. One is rather lengthy and would take probably 10 minutes, and I do not desire to delay the House.

The SPEAKER. The gentleman from Texas asks unanimous consent that the reports made by the leak-investigation committee shall be printed in the CONGRESSIONAL RECORD for the information of Members.

Mr. STAFFORD. Mr. Speaker, reserving the right to object——

Mr. MONDELL. I would like to ask the gentleman from Texas when he expects to call up these reports?

Mr. HENRY. I would like to move to lay on the table tonight. This is a unanimous report, and I desire to dispense with the reading so as to save time and go ahead with this bill. One of the reports would take about 10 minutes' time to read it.

Mr. MONDELL. Do I understand minority Members desire no time?

Mr. HENRY. No; it is a unanimous report; there is no controversy over it.

Mr. FITZGERALD. The gentleman wants to have it printed instead of having it read, and it can be called up at any time later.

The SPEAKER. The gentleman from Texas asks unanimous consent to have this report, which is a unanimous report, printed in the RECORD for the information of Members. Is there objection?

Mr. HENRY. Mr. Speaker, I would like to make the motion——

Mr. STAFFORD. Mr. Speaker, I have no objection to having it printed, but there is objection to having it considered at this time.

The SPEAKER. Is there objection to the printing in the RECORD? [After a pause.] The Chair hears none.

The report is as follows:

Mr. HENRY submitted the following:

REPORT (No. 1580) OF COMMITTEE ON RULES ON HOUSE RESOLUTION 446.

On the 15th day of January, 1917, House resolution 446 was referred to the Committee on Rules. The resolution is as follows:

"*Resolved*, That a committee of five Members be appointed by the Speaker of the House to investigate and make report as to whether any person connected with the executive or legislative branches of the Government of the United States has, since March 4, 1915, profited financially, either directly or indirectly, by the fluctuations in the stock market by reason of any advance information as to any action by the executive or legislative branches of the Government; and for such purposes it shall have power to send for persons and papers and enforce their appearance before said committee, and to administer oaths, and shall have the right to make report at any time."

The committee has fully investigated the subject matter, and reports as follows:

At the opening of the hearings held by the committee, Representative WILLIAM R. WOOD appeared and made certain statements of information which had come to his knowledge relating to advance knowledge of the President's note to the belligerent powers, which was published in the morning papers of December 21, 1916. Thereafter additional charges were presented by Thomas W. Lawson, of Boston. The committee will first take up the Lawson charges.

THE LAWSON CHARGES.

The statements of Mr. Lawson were not precise or definite. They took the form of suggestion and innuendo rather than of direct accusation. Apparently, however, the witness intended in substance to make these charges:

1. That a member of the Cabinet, a United States Senator, and a banker were together interested in a speculative stock market account, the profits of which they divided equally, the success of their speculation being promoted by advance information that a note either had been, or was to be, sent to belligerent nations, of a character likely to promote the prospects of peace in Europe. That the intermediaries in conducting the speculation were a brother of the member of the Cabinet and his partner.

2. That the beneficiaries of advance information as to the President's note "included high and low lawmakers and law administrators and others engaged in the direction of our own and other Governments."

3. That Senators and Representatives generally were speculating in the stock market.

When compelled to disclose the facts upon which he based his first charge, the names of his informants and the names of the officials and other persons therein accused, the witness stated (Rec., p. 284): "Information came to me by a man coming to some of my people, and I have even forgotten which of my people. * * * He came and stated these things flat-footedly that he had the papers and evidence and everything, which he would produce and show the accounts. * * * and I refused to meet the man in the hustle and bustle of things, and made a short cut": but the witness added that subsequently this information was confirmed by one Archibald S. White, of New York City, a reliable man. That White had said to him that the banker referred to in the charge (one Pliny Fisk) had stated to him (White) that he not only had such a joint account but other accounts as well (presumably of a similar character), and furthermore had such absolute control of the Cabinet member that he could bring him from Washington to New York, or to the telephone, at any hour of the day or night, and that Fisk in his conversation with White offered at that moment (at 1.30 in the morning) to call up the Cabinet officer to answer questions; that the Senator's identity was unknown to him except by the initial "O," but the Cabinet member was Mr. McAdoo. That the banking firm carrying this joint account was either that of Harvey Fisk & Co. or C. D. Barney & Co. That the member of the Cabinet official's family referred to was Malcolm McAdoo, a brother of the Secretary of the Treasury, and the brother's partner referred to as an intermediary, Stuart G. Gibboney, of New York City.

When forced to give names under the second charge, the witness stated that one Ruth Thomason Visconti had informed him that a newspaper man named Price and the President's Private Secretary had acted as intermediaries in giving advance information of the President's note, Price having received $5,000 and the President's Private Secretary a much larger sum for the service.

As to the third charge, the witness admitted that neither on his own knowledge, nor upon information, could he give the name of a single Senator or Representative who speculated.

THE EVIDENCE ON THE LAWSON CHARGES.

The committee has examined under oath and by aid of counsel every person named or suggested by Mr. Lawson. Not one of them supported or corroborated these charges. On the contrary, every one of them contradicted him. Furthermore, as a result of a careful examination of the customers' accounts of New York brokers, no such account as was described by the witness was disclosed or even indicated.

Not one of these charges of the witness, Lawson, therefore, was sustained by the evidence. His every statement in support of them proved to be founded either upon pure imagination or idle, irresponsible, or malicious gossip.

Mr. Archibald S. White, referred to by the witness as his authority, denied ever having made the statement attributed to him by Mr. Lawson, or any statement whatever on the subject.

Mr. Pliny Fisk denied that he had ever had the conversation with Mr. White attributed to him, or anything like it. He denied that he was or ever had been, during Secretary McAdoo's incumbency of office, interested with him in any joint account, speculative or otherwise, and the firm's books, introduced for the inspection of the committee, fully confirmed and verified his statement.

Mr. Malcolm McAdoo denied that he had ever acted as go-between or in any other capacity in connection with such an account, or that he had any knowledge thereof, or that he had had any business relations with the Secretary of any character or description whatever during the period covered by this investigation.

Mr. Stuart G. Gibbony also denied any participation in or knowledge of any such joint account. He stated that not only was he not a partner of Mr. Malcolm McAdoo, but that he was not even personally acquainted with him, and that as to the Secretary of the Treasury he had had no business relations with him of any sort or description during his incumbency in office.

J. Horace Harding, a member of the firm of C. D. Barney & Co., denied that that firm had any account in which the Secretary of the Treasury was interested, and the books of the firm corroborated and confirmed his statement. He stated further that he had not met or communicated with the Secretary of the Treasury, directly or indirectly, for a year, except that last summer he was present at dinner at the house of a mutual friend at which the Secretary and Mrs. McAdoo were present.

After diligent search and inquiry no evidence was offered, adduced, or found even indicating that Secretary McAdoo had been guilty of any improper conduct or that he is subject to criticism in any way.

Mrs. Ruth Thomason Visconti, whose name was given by the witness Lawson as authority for his statement in relation to Secretary Tumulty and William W. Price, testified that while she gave the information to Mr. Lawson substantially as narrated by him, she told him that she had no personal knowledge of the facts; that her information came from no one in official life, and that she gave the information not as evidence of the facts, but merely as suggesting a line of inquiry to be pursued in the investigation. It subsequently developed that the source of her information was a statement made by a young daughter of the newspaper man, Price, who had examined her father's bank account in his absence and had based thereon an inference which the facts did not justify. As to Secretary Tumulty, there was no evidence whatever to sustain any such charge.

THE WOOD CHARGES.

The information presented by Representative WOOD, if substantiated, would tend to establish the following propositions:

First. That information regarding the President's note was in brokers' offices in Chicago, Oshkosh, Wis., and Lafayette, Ind., about 1 or 2 o'clock on December 20, the day prior to the publication of the President's note in the newspapers.

Second. That Otto H. Kahn, of the banking firm of Kuhn, Loeb & Co., of New York City, received advance information of the President's note, told his friends regarding it, and advised them to sell stocks short.

Third. That Bernard M. Baruch, a member of the New York Stock Exchange, and speculator, with offices in New York, had information regarding the President's note as early as Saturday, December 9, and on two or three different occasions had been seen in consultation with Joseph P. Tumulty, the President's private secretary, at the Biltmore Hotel, in New York City—the obvious inference of the charge being that such advance information had been received by Mr. Baruch from Mr. Tumulty on some one or all of those occasions.

Fourth. That F. A. Connolly & Co., a brokerage house in Washington, owning a seat on the New York Stock Exchange, of which Mr. R. Wilmer Bolling, a brother of the President's wife, was a member, had dealings on the stock exchange through the New York brokerage house of E. F. Hutton & Co.—the inference being that those dealings were profitable and were guided by advance information regarding the President's note.

THE EVIDENCE ON THE WOOD CHARGES.

As to evidence in support of these charges, Representative WOOD appeared before the committee and stated that he had no first-hand knowledge of the facts and desired to place such information as he did have before the committee in executive session, but the committee required him to give it in open session of the committee.

As to these propositions, the first was clearly established on the evidence. Advance information regarding the President's note undoubtedly existed in Chicago as early as 12 o'clock (Washington time) December 20, and was sent out from Chicago to Oshkosh, Wis., Lafayette, Ind., and to other western cities shortly after its receipt in Chicago. With this matter the report will deal later.

The second proposition was not established. No evidence was offered to support it. Mr. Kahn made a sweeping denial before the committee and offered the books of his firm for inspection. No evidence could be found as a result of careful examination which indicated either that Mr. Kahn or his firm were speculating in the market at any time during the week of December 18.

As to the third proposition, Mr. WOOD laid before the committee a letter signed "A. Curtis," which contained the statement above referred to regarding Mr. Baruch and Mr. Tumulty.

The committee, however, were unable to find the author of the letter. The signature was evidently fictitious and the statements which it contained were unfounded. Both Mr. Baruch and Mr. Tumulty denied that they had ever met at the Biltmore Hotel or that they had been in conference regarding the President's note on any occasion before its publication. A careful inquiry by the committee failed to produce the slightest evidence to substantiate the charge.

While it appeared in evidence that Mr. Baruch was speculating during the week of December 18, he denied that he either had or was influenced by information in relation to the President's note, and no evidence was adduced or could be found indicating that he had any such information.

As to the fourth proposition, the following are the facts:

Mr. R. Wilmer Bolling became a member of the firm of F. A. Connolly & Co. about the 13th of October, 1916, at which time he contributed the sum of $30,000, which was used, with an equal amount contributed by another partner, William H. Robertson, toward the purchase of a seat on the New York Stock Exchange. The Connolly firm were connected with E. F. Hutton & Co., New York brokers, by private wires, over which the orders of the customers of the Connolly firm were transmitted.

From a careful examination of the books of the Connolly firm it appears that neither the firm nor any of its members profited by fluctuations in the prices of stocks during the week of December 18, and it does not appear that any customer profited in any substantial amount.

The committee has found no evidence indicating that Mr. Bolling personally was interested in any stock transaction whatever during that week or that he had any knowledge or advance information of any description in relation to the President's note.

ANONYMOUS CHARGES AND OTHER INFORMATION.

During the hearings a suggestion was received by the committee to the effect that Mr. Secretary McAdoo was, or might be, under financial obligations to Mr. Pliny Fisk or to Harvey Fisk & Sons. Although the subject matter was but remotely, if at all, connected with the committee's inquiry, Mr. Fisk, when called as a witness, testified without objection (and in accordance with a desire expressed by the Secretary so to do) regarding his financial relations with Secretary McAdoo. It thus appeared in evidence that there had been no financial dealings between the Secretary and Mr. Fisk for at least three years; that about the 1st of February four years ago, when Mr. McAdoo was notified of the President's purpose to appoint him Secretary of the Treasury, he had outstanding loans to a considerable amount, all secured by collateral and held by banks in New York City; that he deemed desirable that these loans should be taken up before he assumed office, and to that end requested Mr. Fisk, who had been associated with him in financing the Hudson or McAdoo tunnels, so called, to undertake the sale of Mr. McAdoo's collateral and the payment of his loans as speedily as could be done without serious sacrifice; that Mr. Fisk undertook the matter, advanced the funds for taking up the loans, received Mr. McAdoo's collateral, sold the same as speedily as possible, and after paying himself out of the proceeds from the sale of the collateral turned over the surplus to Secretary McAdoo. This was all accomplished and the surplus collateral turned over to Secretary McAdoo by January 15, 1914.

Suggestions from several different sources were pressed upon the committee to the effect that members of the German Embassy had had advance information of the President's note and had profited thereby in stock-market speculation. It is sufficient to say that no evidence whatever was offered to sustain this charge, and that a careful examination of the stock brokers' accounts in New York and Washington failed to reveal evidence of any such speculation.

An anonymous informant asserted that James B. Regan, of New York, was an intimate friend of Secretary Tumulty, and had received from him advance information and had thereby profited in speculation. The evidence disclosed, however, that Mr. Regan had made no profit in the stock market during the month of December. Furthermore, there is no evidence even indicating that Secretary Tumulty had any knowledge that the President had written or contemplated sending the note in question to the warring powers until some hours after Secretary Lansing's announcement at 11 o'clock; and no evidence was adduced or found indicating that Mr. Tumulty had speculated in the stock market or had been interested in such speculation.

The committee also during the hearings received from several sources (many of them anonymous) suggestions which apparently, in the minds of the informants, would be likely, if followed out, to disclose beneficiaries of advance information other than those included in the WOOD and Lawson charges. Careful investigation has been made of every reasonable suggestion received, but nothing has been developed having substantial foundation.

THE CHARGES AS TO SPECULATIONS BY SENATORS AND REPRESENTATIVES.

The committee has examined with careful scrutiny the lists of customers furnished by all the stock-exchange houses of New York and Washington and every customer's account which, by reason of its character or size, would be likely to show profits accruing to Senators or Representatives or other public officials from advance information or knowledge regarding the President's note.

And the committee report that they find no evidence tending to show that any person connected with the executive or legislative branches of the Government has since March 4, 1915, profited financially, either directly or indirectly, by the fluctuations in the stock market by reason of any advance information as to any action of the executive or legislative branches of the Government.

THE ADVANCE INFORMATION THAT WAS GIVEN OUT.

It is a fact, however, as hereinbefore stated, that advance information regarding the President's note was given to certain stock brokers during the forenoon of December 20, 1916. To this extent the charges of Representative WOOD are sustained.

The facts regarding it are these: The Secretary of State is accustomed to meet newspaper reporters at 11 o'clock on certain days to give them official information of news proper to be given out from the department. On the morning of December 20 at the usual hour Secretary Lansing stated to the newspaper reporters assembled at the State Department that he would have an important communication to give to them at 5 o'clock that afternoon, to be released for the next morning's papers; that this communication had already been sent to all belligerent nations, and that he informed them of the fact in order to prevent publication of it in garbled form if the communication, or any part of it, should come back from Europe. The Secretary stated that the communication did not contain proposals for peace or an offer of mediation. He further stated that what he had said was to be held in strict confidence, although the correspondents might, in similar confidence, inform their editors of the fact that such a communication was to be given out.

It did not appear in the evidence that any of the correspondents present at this interview with the Secretary of State gave this information to anyone except their editors and to other correspondents not present, but who appeared entitled to the information for their own papers and who received it in the same confidence imposed by the Secretary of State. The fact is established, however, that two correspondents who were not present at the interview, but learned some-

thing of it from some of those who were present, immediately gave out information as hereinafter recited to firms of stock brokers to whom they had been in the habit of communicating Washington matters likely to affect the stock market. Within an hour of the confidential statement by Secretary Lansing (to be exact, at 11.52 o'clock a. m. December 20) William W. Price, for some 20 years a reporter for the Washington Star stationed at the press room in the executive offices of the White House, sent the following telegrams (signed in assumed names) to firms of stock brokers in Chicago:

To FREDERICK C. ALDRICH (CLEMENT CURTIS & CO.):

Have information that important State Department statement regarding economic conditions of European war as affecting neutrals and intended to promote peace prospects likely to be published late this afternoon.

CHILDS.

—

To FINLEY BARREL & CO.:

Am informed that State Department contemplates making public late this afternoon important statement bearing on economic situation of the European war as affecting neutrals, object being to indirectly promote peace prospects through bringing neutrals closer together.

SPENCER.

No later at least than 1.35 o'clock p. m. of December 20, J. Fred Essary, the Washington correspondent of the Baltimore Sun, sent to E. F. Hutton & Co., stock brokers in New York City, a message stated by Mr. Essary to be substantially as follows:

"I am informed that a highly important message to all belligerents and neutrals has been issued from Washington, interpreted not as pressure on belligerents in behalf of peace but as an opportunity to put American demands on record, to be considered, if there is peace, and warning that neutral rights must not be further encroached upon. Full text to be given out to-night, and will be looked on as a move of great moment."

Just how, or exactly when, this message was sent the committee is unable definitely to determine. The message was not produced at the Hutton offices (the claim being made that it had been destroyed), and Essary testified that he kept no copy. Essary stated that he sent the message about 1 o'clock over the private wire between the Connolly offices in Washington and the Hutton offices in New York City. In the statement that it was sent over the private wire he was corroborated by the telegrapher in the Connolly offices. It appeared, however, from the evidence of the members of the Hutton firm that the Essary message had been received by them prior to 12.57 o'clock p. m., at which time they sent out to all their correspondents a message based upon the Essary message, in the following terms:

"Reports have it that the State Department will issue statement to-day intended to promote peace prospects."

Furthermore, the telegraphers in the Hutton offices, who would have received this message in usual course, if sent, and who stated that they would have remembered it on account of its peculiar and important character, testified that they received no such message on December 20.

The telegrapher of the Connolly firm testified that he sent it out over the Connolly wire at 1.35 p. m. December 20.

An inference that Mr. Essary believed he was giving accurate information would be strongly supported by the further fact that he knew (according to his own admission) that the message was to be used by the brokers as a basis of action in the stock market, and that if it were wrong it might cause heavy losses to the Hutton firm instead of the gains which would accrue if the forecast were accurate.

On the other hand, the committee examined practically every person who handled the entire note or copies thereof from the time it was given to Mr. Secretary Lansing direct from the White House by the hand of the chief usher (not being sent through the executive offices) up to 5 o'clock of December 20, when printed copies were delivered to reporters, without discovering evidence which would justify a suspicion that any one of these persons had in any way or degree violated the confidence in which they received the note. Furthermore, Mr. Essary firmly denied that he had seen a copy of the note or had any other information of any sort or description regarding it except such as was narrated to him by one of the reporters present at the interview with the Secretary of State and other reporters whose names he could not recall. He stated to the committee that, hearing that the President had sent out a message to belligerent nations, he was certain what its general nature must be because of his knowledge of general conditions of the situation and what they would influence the President to say; that the telegram was purely his own forecast, without the slightest knowledge of what the note actually contained; Mr. Essary further testified that in his opinion his message, when compared with the President's note as actually sent, corroborated his statement that he had not seen the note and that he had no real knowledge of its contents. He pointed out that while his message interpreted the note as not bringing "pressure on belligerents in behalf of peace," yet in point of fact the note obviously was intended to exert such pressure; that while his message interpreted the note as "an opportunity to put American demands on record to be considered, if there is peace," the President's note contained no such thing; and that while he forecasted the President's note as a "warning that neutral rights must not be further encroached upon," the note itself contained no such warning.

Mr. Essary further testified that in his opinion the underlying purpose of the President's note was plainly to induce the belligerent nations to state their own demands, while his own forecast contained no such thought.

Mr. Essary testified that he filed it (the message) with the telegrapher at the Connolly office about 1 o'clock on December 20.

Mr. Connolly testified that he wrote and sent this telegram, based upon rumors in his office. His testimony, however, was of such a character, and in so many important particulars demonstrated to have been false, that the committee gives no credence to it.

It appeared clearly, however, from all the evidence that Mr. Bolling personally had not the slightest knowledge regarding the Essary telegram or the fact that Mr. Essary had been furnishing information to the Connolly office to be transmitted over the private wire to Hutton & Co. The first knowledge he had that such a telegram had been sent over the Connolly wire was when he read in the newspapers of Connolly's testimony in New York and Connolly's statement that he had sent the message. Nor did Mr. Bolling have any knowledge in advance of what Connolly proposed to testify to in New York, or that any note whatever was to be issued by the President or State Department or that any reporter had sent out any information regarding the note to brokerage houses in Chicago or New York.

The committee does not believe that it would be possible to bring out additional facts bearing on this issue.

These two telegrams, Price to Clement, Curtis & Co. and Price to Finley, Barrel & Co., in Chicago, and Essary's message to E. F. Hutton & Co., in New York, constitute all the advance information of the President's note to belligerent powers sent out from Washington to brokers' offices or for stock-market purposes, either on December 20 or prior thereto.

The information given in the Price telegrams was under an arrangement of the Chicago brokerage houses with Mr. Price, whereby he was expected to give to the brokers information of events occurring in Washington likely to affect the stock market, for which he received a compensation of $25 per month from each firm.

The information furnished by Mr. Essary was without financial gain or recompense to him.

The information contained in these telegrams was sent out by the brokers receiving the same to their correspondents and in some degree given to their customers. Finley, Barrel & Co., in Chicago, sent the message received by them to their New York office, where it was seen by a prominent stock-market operator, J. L. Livermore, about 1 o'clock. Clement, Curtis & Co. sent out their information to E. F. Hutton & Co., Raymond, Rynehan & Co., and J. S. Bache & Co., in New York, as well as to correspondents in the West. The telegrams to Oshkosh, Wis., and to Lafayette, Ind., referred to in Representative WOOD'S testimony, were based upon the Price telegrams to Chicago.

At about 1 o'clock the Hutton firm sent out to their correspondents throughout the country a "flash" telegram, so called, giving the substance of their information, and some time later sent out confidentially a copy of the Essary message. At 2.05 p. m. the ticker service maintained by the Wall Street Journal sent out the following message:

"The renewed selling of the market is due to reports received by brokers' private wires from Washington to the effect that the administration will in the near future address to the belligerents some suggestions or proposals in regard to peace. Nothing definite is obtainable in administration circles."

This statement was founded upon information that came from Chicago as a result of the Price telegrams, supplemented by a vain attempt to substantiate the truth of the Price telegrams in Washington.

THE IMPORTANCE AND VALUE TO BROKERS OF ADVANCE INFORMATION.

In order properly to estimate the importance and value of this advance information to the Hutton firm and other brokerage firms who received it, it will be necessary to consider the speculative situation, especially in Wall Street, as it existed just prior to the publication of the President's note.

For some months there had existed a steadily increasing speculation, unusual in degree and extent. From every part of the country orders for the purchase of stocks had been constantly streaming into Wall Street. This speculation was chiefly in the hands of brokerage firms known as "leased-wire" houses. These concerns had branch houses or correspondents in practically every city in the country, and were connected with them by private wires. Stocks had been purchased "on margin" running into the hundreds of millions of dollars. The purchasers had paid on account of their purchases from 15 to 50 per cent of the market value of the shares, and the balance of the funds employed in the purchases had been provided by these brokerage houses largely by means of loans at the banks in New York and vicinity, the purchased shares being pledged as security. Brokers' loans throughout the city and vicinity were enormous. They exceeded in extent by millions any amounts recorded in the experience of brokers in recent years. "The public were too much in the market," as several brokers testified. The market was "overbought" and "top-heavy." Early in December some of the banks had commenced discriminating as to the collateral they would accept in their loans, and the rates for call money had become high. The loans of the leased-wire houses especially were extended far in excess of anything in their previous experience. All the brokers were apprehensive of the situation. They feared the happening of some event which might cause a sudden fall in prices, and which might result in a panic which not only would be likely to wipe out their customers' margins, but might even threaten the solvency of the brokerage houses themselves. The feeling was universally prevalent that the ending of the European war and the establishment of peace would cause a serious break in the stock market and possibly precipitate a calamity.

The situation of the firm of E. F. Hutton & Co., as disclosed in the evidence, illustrated a condition which existed in many if not most of the other "leased-wire houses." This firm was carrying 325,000 shares of "long" stock, so called, for their customers; that is, stock which they had purchased for their customers and were carrying on margin. These shares, which were of a value of some $45,000,000 or $50,000,000, were all hypothecated at various banks to secure loans of the Hutton firm aggregating some $28,000,000. Never before had the loans of this concern run over ten or twelve millions. They were therefore "extended" to the very limit. They were practically unable to purchase and carry more stocks on margin for their customers. There was a clear danger that unexpected news of peace or any other event likely to cause a sudden fall of values in the stock market might wipe out their customers' margins, and if the panic resulting was sufficiently severe might make it impossible for the firm to meet their obligations.

Advance knowledge, therefore, of any important move for peace or any other event which threatened stock-market values was most vital to this concern. It is important to understand in just what way such advance knowledge might be used. There were two ways in which they could use it. First, by informing their customers in advance of the event, which would enable the firm to get their customers to sell their stocks, whereby the brokers would be enabled to reduce their loans before public knowledge of the event might cause a break and bring on a panic. In the second place, such knowledge would enable the firm by selling "short" in advance of the break to cover their "short" sales by repurchase of the stocks at lower prices after the break had occurred. Such a use of advance knowledge would enable the firm to reap for themselves a profit amounting to hundreds of thousands and perhaps millions of dollars, according to how serious the break in prices might be. Under the terms of the contract with their customers and the usages of the stock exchange they would be enabled to make this enormous profit by the use of the shares of stock belonging to their customers and which they were holding as security for the payment of the balance of the purchase price. And the fact in the situation still more striking and important is that the brokers themselves had it within their power to make these enormous profits by the use of their customers' stock, while the customers themselves were losing by the break in the market exactly the amount in the aggregate that the brokers were profiting.

THE USAGE OF THE EXCHANGE AND CUSTOMER'S CONTRACT.

Under the terms of the contract which a customer who buys upon margin is expected to sign, and by the usages of the stock exchange, the broker has a right himself to use the customer's stock to deliver to make good his own "short sales" or to loan his customer's stock to other brokers to enable such other brokers or their customers to make delivery in accordance with their "short sales." To illustrate by concrete example: The firm of E. F. Hutton & Co. on December 20 had a right, under this contract with their customers and the usage of the stock exchange, the moment they received advance knowledge of the President's note, to sell "short" the entire 325,000 shares of stock which they were carrying for their customers and to deliver these identical shares in fulfillment of their own "short" sales. They could then on the following day, when the market had fallen off as a result of the publication of the President's note to the world, repurchase the stocks which they had sold "short" the previous day, and thereby reap the profit represented by the difference in the prices at which they had sold on the 20th and repurchased on the 21st. If the difference in price was only a single point, the profit realized would have been $325,000. If the difference happened to be as much as 10 points, the profit realized would have been $3,250,000. It is to be observed that the measure of the profit of the broker in such case would be the measure of the loss of the customers.

On December 20 there were other "leased-wire" houses carrying even larger amounts of stocks which they had purchased for their customers, the amounts ranging between 200,000 and 800,000 shares.

These figures illustrate and indeed demonstrate the enormous value to brokers of advance information of an event likely to break the market, even if this advance information be only a matter of hours.

The evidence left it uncertain whether the firm of E. F. Hutton & Co. had profited as a result of their advance information by selling "short" their customers' stock. Mr. Hutton and Mr. Ellis, the only partners who testified, denied that any profit had been so made or that they or any members of their firm had used their customers' stocks to cover their own "short" sales. The senior partner, Mr. Hutton, however, admitted that as a result of the break he had made a personal profit of some $25,000 or $30,000. Furthermore, another partner, Barrett by name, after he had received advance knowledge of the President's note, on the morning of December 20, telegraphed Clement, Curtis & Co., in Chicago, "I am selling stocks again." Barrett did not appear as a witness before the committee. During the first hearings in New York he was said to be too ill to testify. At the date of the second hearings he had so far recovered as to go South on a visit, where he was inaccessible. The committee informed the partners who were present that an inference was likely to be drawn from Barrett's telegram and his absence that he had been selling their customers' stock "short," and that he or his firm had profited largely thereby. With full knowledge of this inference and belief in the minds of the committee, no effort was made by Barrett to appear before the committee to offer any explanation of his conduct, and no adequate explanation was offered to account for his failing to appear. Furthermore, at the second hearings Mr. Hutton himself, who had been a witness and was still under subpœna, was reported to have gone to Florida, so that he could not be called upon either to explain the Barrett selling or the testimony which had in the meantime been given before the committee tending to show that his original statements were not in accordance with the facts.

The important question, however, within the scope of the resolution is not whether the Hutton firm used the stocks of their customers to cover their own "short" sales, or to what extent they profited by the advance information which they obtained in connection with selling "short" their customers' stocks (if they did so), but whether such opportunity exists which may be availed of by brokers who are thus disposed.

It is only fair to say that the making of a profit by brokers out of the use of their customers' stock in the manner above described is not approved by the better class of brokers. Some of the brokers appearing before the committee denounced such action as positively dishonest and a breach of trust. The fact remains, nevertheless, that the contract which brokers expect their customers to sign entitles them to do just such things, and there not only is no rule of the stock exchange against it but a customer contracts with a broker according to a custom and usage which permit it.

It was said before the committee that customers purchasing on margin impliedly approve the use of their stock by the brokers in connection with "short" sales when they sign a contract or purchase with knowledge of the usage or custom of the exchange, which permit it. The committee doubts, however, whether many customers realize that the contract which they sign gives the broker such a right or that he is bound by such a usage or custom of the exchange. The terms of the contract are not such as would sharply direct the customer's attention to this particular feature of the contract.

It is this right to use his customer's stock, which is given in the contract and permitted by the usage of the stock exchange, that makes "short sales" possible. Without this right "short sales" of any substantial amount could not be made, for the one who sells short—who sells something that he does not own—must deliver the shares that he has sold the day after the sale, and the usual way in which the "short" seller can make delivery is for his broker to borrow stock for delivery either from the "long" stock belonging to a customer of his own, or by borrowing such long stock from another broker to be taken from the stock of such broker's customers. One broker, both intelligent and frank, who testified before the committee, stated that without marginal purchases "short sales" would not be made, and without short sales and marginal purchases speculation in the stock market would practically come to an end.

PRECAUTION TO PREVENT POSSIBILITIES OF ADVANCE INFORMATION.

It is plainly not within the scope of the duty of this committee, as fixed by the resolution which has been referred to them, to express an opinion or a recommendation as to purchases on margin or short sales or as to stock-market speculation. But the committee feels that they should say that so long as the usage and custom of the stock exchanges of the country are such as are herein above pointed out, and so long as the contracts which brokers insist upon with their customers permit brokers to use the stock belonging to their customers for the purposes of "short" sales, all public officials—administrative and legislative alike—must spare no effort to prevent advance information of events likely to affect stock-market prices from reaching brokerage houses, to enable such of their members (if any) as may be so disposed, unfairly and unjustly to reap large possible profits from confiding and unsuspecting customers scattered throughout the country. The public who, in such large numbers and to such enormous amounts as were disclosed in the evidence before the committee, intrust their funds to brokers for stock-market speculation, are entitled to be protected against those unfair and unjust advantages which, under the existing usage of the stock exchange, advance information places in the hands of brokers and their immediate friends and associates to make assured profits out of fluctuations in the market—and this is not said even to suggest that any department through which the President's recent note passed was in any way negligent.

It is obvious that in the crisis which is now upon us many State papers and many acts of Government, administrative and legislative, are likely to have marked effect upon prices of stock-market securities. It is obviously wrong that under such circumstances state papers, as important as the recent note of the President, should be intrusted to some 30 or 40 different people during the period of time when their contents ought to be kept secret. It would be no reflection upon the many men who handled the President's recent note, and faithfully kept the confidence imposed upon them, to provide that the number handling such papers in the future shall be much restricted.

EMPLOYMENT OF NEWSPAPER MEN BY BROKERAGE HOUSES.

The evidence taken by the committee showed that several newspaper correspondents had connections with stock-brokerage houses, receiving compensation from them for certain services performed. Most of the correspondents appearing before the committee denounced this practice, and it appeared in evidence that comparatively few were receiving pay for such service, but the committee deem this matter of such importance that it is now considering a revision of the rules of the House relating to the admission of correspondents to the Press Gallery, and expects at a later time to make report to the House thereon.

Under the authority conferred upon it by the House to employ counsel, the committee secured the services of Mr. Sherman L. Whipple, of Boston; and with the aid of counsel and his assistants, and other experts employed by the committee under the authority of the House, examination has been made of the telephone and telegraph records in the city of Washington, of the books and accounts of brokers both in Washington and in New York City, and every suggestion made to the committee which appeared to have a basis from which it could be reasonably concluded that any facts and material useful to the committee for the purposes of the investigation could be obtained has been followed. The committee believes that its inquiry has developed all the facts that can be produced and that any further investigation would lead to the same conclusions as have been herein set forth.

We therefore unanimously recommend that H. Res. 446 do lie on the table. The committee has made similar recommendation with reference to H. Res. 420 and H. Res. 429, and its action in that regard is based upon this report.

House resolution 446 (H. Rept. No. 1580).

Resolved, That a committee of five Members be appointed by the Speaker of the House to investigate and make report as to whether any person connected with the executive or legislative branches of the Government of the United States has since March 4, 1915, profited financially either directly or indirectly by the fluctuations in the stock market by reason of any advance information as to any action by the executive or legislative branches of the Government; and for such purposes it shall have power to send for persons and papers and enforce their appearance before said committee, and to administer oaths, and shall have the right to make report at any time.

Mr. HENRY, from the Committee on Rules, submitted the following report: The Committee on Rules, to whom was referred H. Res. 420, having duly considered the same, beg to report it back to the House, with the recommendation that it do lie on the table.

House resolution 420 (H. Rept. No. 1581).

Resolved, That a committee of five Representatives be appointed by the Speaker of the House to investigate and make report as to whether or not anyone high in the administration of governmental affairs in the United States, or any relative of anyone high in authority in the administration of governmental affairs in the United States, profited financially, either directly or indirectly, by the fluctuation in the stock market occurring on Thursday, December 21, 1916, following the two contradictory interpretations given to the public from the office of the Secretary of State concerning the note of the President of the United States dated December 20, 1916, to the belligerent powers.

Mr. HENRY, from the Committee on Rules, submitted the following report: The Committee on Rules, to whom was referred H. Res. 429, having duly considered the same, beg to report it back to the House, with the recommendation that it do lie on the table.

House resolution 429 (H. Rept. No. 1582).

Whereas Thomas W. Lawson, of Boston, gave to the public a statement which appears in the daily newspapers under date of December 28 and 29, 1916, in which he says, amongst other things, that "If it was actually believed in Washington there was to be a real investigation of last week's leak there would not be a quorum in either the Senate or House next Monday and a shifting of bank accounts similar to those in the old sugar investigation days"; and in another statement which appears in the daily press of December 31, 1916, he says, "The good old Capitol has been wallowing in Wall Street leak grafts for 40 years, wallowing hale and hearty"; and

Whereas the statements of the aforesaid Thomas W. Lawson, and each of them, affect the dignity of this House and the integrity of its proceedings and the honesty of its Members;

Resolved, That the Speaker appoint a select committee of five Members of the House and that such committee be instructed to inquire into the charges made by the aforesaid Thomas W. Lawson, and for such purpose it shall have power to send for persons and papers and enforce their appearance before said committee, and to administer oaths, and shall have the right to make report at any time.

ASSOCIATE JUSTICES, SUPREME COURT OF THE DISTRICT OF COLUMBIA.

Mr. WEBB. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 5788, to disagree to the Senate amendments, and to ask for a conference.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to take from the Speaker's table the bill

H. R. 5788, to disagree to all Senate amendments, and ask for a conference.

Mr. STAFFORD. Reserving the right to object, what is the bill?

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 5788) to create two additional associate justices of the Supreme Court of the District of Columbia.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, will the gentleman inform the House in a general way the scope of the Senate amendments?

Mr. WEBB. Mr. Speaker, the Senate added two judges to the court of appeals in the District and we do not agree to their action, and will not agree to the amendment.

Mr. STAFFORD. We have the assurance of the gentleman he will never agree either to two or one?

Mr. WEBB. We passed a bill to create two associate justices of the Supreme Court of the District of Columbia, and the Senate added two new judges for the court of appeals.

Mr. MONDELL. Do I understand the gentleman, no district judge no matter how badly they are needed?

Mr. WEBB. I would not agree for these two, as our committee has not considered the need for them.

Mr. FITZGERALD. They also put in this bill a district judge in Tennessee.

Mr. WEBB. And we will not agree to that amendment.

Mr. STAFFORD. Was there any additional judge provided besides those indicated?

Mr. WEBB. No.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the conferees.

The Clerk read as follows:

Mr. WEBB, Mr. CARLIN, and Mr. VOLSTEAD.

FLOOD CONTROL.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move to take from the Speaker's desk the bill (H. R. 14777) and agree to the Senate amendments.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 14777) to provide for the control of the floods of the Mississippi River, the Sacramento River, Cal., and for other purposes.

The Senate amendments were read.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move the previous question——

Mr. BENNET. Mr. Speaker, it will require a quorum, I am frank to say. I am not personally opposed, but there are men on our side opposed, I think, to it.

The SPEAKER. The gentleman from Mississippi moves to agree to the Senate amendments.

Mr. HUMPHREYS of Mississippi. I move the previous question.

Mr. BENNET. I want to be very frank——

Mr. HUMPHREYS of Mississippi. The gentleman does not object to the previous question?

Mr. BENNET. I object to everything.

Mr. HUMPHREYS of Mississippi. Then I will withdraw the request.

EXTENSION OF REMARKS.

Mr. KEATING. Mr. Speaker, I desire to ask unanimous consent to extend my remarks in the RECORD on Gen. Fred. Funston.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20967, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20967, the sundry civil appropriation bill, with Mr. GARNER in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20967, which the Clerk will report by title.

The bill was reported by title.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF STANDARDS.

Testing of large scales: For investigation and testing of railroad track scales, elevator scales, and other scales used in weighing commodities for interstate shipments and to secure equipment and assistance for testing the scales used by the Government in its transactions with the public, such as post office, navy yard, and customhouse scales, and for the purpose of cooperating with the States in securing uniformity in the weights and measures laws and in the methods of inspection, including personal services in the District of Columbia and in the field, $40,000.

Mr. TILSON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Connecticut offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TILSON: Page 166, after line 19, insert a new paragraph, as follows:

"To enable the Bureau of Standards to cooperate with the War Department, the Navy Department, and the Council of National Defense in the standardization and testing of the gauges, screw threads, and standards required in manufacturing throughout the United States and particularly those used in the manufacture of munitions of war; and to calibrate and test such gauges, screw threads, and standards, including necessary equipment, office expenses, and personal services in the District of Columbia and in the field, $50,000."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on that.

Mr. TILSON. Mr. Chairman, in the marshaling of our industrial resources for the purposes of national defense, there is no other factor of such tremendous importance as that of standardization. In order that this work may be done thoroughly we should give special attention to the Bureau of Standards, which is the place in which this work should have its center. I have therefore proposed this amendment, which proposes a modest appropriation of $50,000 for making a beginning toward securing the necessary instruments and for building up and training of the personnel necessary to do this great work of standardization.

Mr. FITZGERALD. Which is absolutely unnecessary.

Mr. TILSON. I believe differently. I believe it is a most necessary work and the experience of other nations that have been tested in the supreme test of war has been quite contrary to the statement of the gentleman. I believe that we should find it of supreme importance if we were called into an emergency.

Mr. FITZGERALD. I assume that the gentleman from Connecticut believes this to be important, but the fact is that all of these gauges and tools of various character are already in use in the arsenals of the Government. And the purpose is to furnish to various manufacturing concerns duplicates. The standard has already been fixed; the character of the tool determined upon. All that is necessary is to manufacture it. The Ordnance Department, which is a very well equipped and organized bureau of the War Department, never had any desire or made any suggestion that this was essential or important. I know, of course, like all others in the Government service, if some one will suggest a new way, some new means, some new method, some new channel for money to escape from the Treasury to any person employed in the Government service, they immediately commence it.

Mr. TILSON. Will the gentleman permit me a word in my own time?

Mr. FITZGERALD. Yes. I will be glad to permit the gentleman to use his own time with a word or two.

Mr. TILSON. On subjects generally, especially those concerned with his own committee, the gentleman from New York is, as a rule, particularly well informed. I am sorry that in this matter the indications are plain from what the gentleman says that he has not entirely grasped the greatest problem with which the War and Navy Departments are just now beginning to wrestle. The new council of defense that has been called in, which, by the way, I regard as one of the most promising steps thus far taken in the direction of national defense, has just begun a very hopeful consideration of this subject. I am sure that if the gentleman had gone into the subject as some of this council are doing, and as some of the rest of us have done, he would see the importance of it.

Mr. FITZGERALD. Let me ask the gentleman a question. Does the Council of National Defense and the Bureau of Ordnance of the Navy Department and the Bureau of Ordnance of the War Department believe this is a very important matter?

Mr. TILSON. They know that the matter of standardization is a very important matter.

Mr. FITZGERALD. Do they believe this particular matter is a very important one?

Mr. TILSON. Whether they would present this particular amendment I do not know, but the purpose to be served by this amendment, I am quite sure, is in accord with what is uppermost in the minds of officers in the Ordnance Departments of both the Army and the Navy.

Mr. FITZGERALD. I am not so much interested in what is in their minds as I am in knowing whether this work is of such an important and essential character that these bureaus

and this board, or council, think it of a very imperative character.

Mr. TILSON. I make this prophecy before my time expires, that before another year comes around the gentleman from New York [Mr. FITZGERALD] will be joining hands with me in making a much larger appropriation than this for the same purpose and will be reproaching himself that we did not begin earlier to do something to start the work along the same line.

Mr. FITZGERALD. It may be so. I hope I will learn from time to time, but I have to be convinced before I move.

Mr. TILSON. That is the ground of my prophecy. I believe the gentleman is willing to learn, and when he does learn he will agree with me in this matter.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TILSON. Mr. Chairman, I ask unanimous consent that I may extend my remarks on this subject and also add as a part of my remarks a letter received from the Acting Chief of Ordnance on the subject of gauges at the Frankford Arsenal.

The CHAIRMAN. The gentleman from Connecticut [Mr. TILSON] asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. In pursuance of the leave just granted, I shall add a very brief statement on the subject of the amendment offered by me.

In order that the shells, rifles, gun mounts, aircraft, and other matériel appropriated for by Congress in following out the policy of military and naval preparedness, shall be reliable and effective, it is imperative that those made in accordance with the gauges and screw threads used at one plant under dimensions established by the standards at that plant shall be interchangeable with those made at other plants. Moreover, it is essential that all of these tools and standards be inspected and tested at some central establishment or be compared with standards emanating from some central establishment. The Bureau of Standards should be that place.

The failure of manufacturers to realize the necessity for this standardization at the beginning of the present war resulted in great delay and in huge industrial waste at a time when waste of either time or money was nothing short of disastrous. Even at this date the lack of proper standards and the establishment of proper tolerances for gauges, screw threads, and similar instruments of industrial manufacture is a major factor in causing costly delays and rejections of manufactured material. Reports of these delays and failures are frequently published in the press, and urgently suggest that provision be made at the earliest possible moment for a thorough investigation by our Government of the causes of and remedy for these difficulties by a staff of thoroughly trained technical experts. It is stated that Canada alone, which has not by any means completed the mobilization of her industries, has 50 men engaged in the inspection and testing of gauges, master standards, and the like. For these reasons it is of the utmost importance that the Bureau of Standards be at once prepared to meet promptly the demands of the Army, the Navy, and private manufacturers supplying munitions, aeroplanes, trucks, and other war materials to this Government. For this purpose the bureau should be enabled to prepare itself to cope with the situation relative to gauges and standards in this country and abroad, and to acquire apparatus and organize the force necessary to handle this important work with accuracy and dispatch.

The letter above referred to is from the Acting Chief of Ordnance, in which he quotes quite freely from a communication from the commandant of the Frankford Arsenal. The letter and the communication from Frankford Arsenal were written in connection with an estimate for a storehouse at the arsenal. An amendment providing for such a storehouse was offered (at the proper place in this bill) by the gentleman from Pennsylvania [Mr. MOORE], but went out on a point of order. However, the situation as to gauges is so well expressed in this letter and it throws such light on the subject of my amendment that it is inserted here:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, February 24, 1917.

Hon. JOHN Q. TILSON,
House of Representatives.

DEAR SIR: In compliance with your verbal request of this date, and in accordance with verbal instructions of the Secretary of War, the following information is furnished concerning the estimates submitted by this department for a proposed general storehouse at the Frankford Arsenal.

This item appears on page 532 of the Book of Estimates for 1918, under the heading "Frankford Arsenal, Philadelphia, Pa.," and reads as follows:

"For a general storehouse, $135,000."

The reasons for the submission of this estimate are given on pages 264, 265, and 266 of the printed hearings before the subcommittee of the House Appropriations Committee having charge of the sundry civil bill. In further reference to the necessity for this building the commanding officer of the Frankford Arsenal states as follows:

"I am inclosing you a blue print of the central part of the manufacturing plant, and on it you will see the proposed location for the general storehouse in proximity to the railroad track. You will see also in the upper left-hand corner the present main stock building, which is far from the railroad track and involves hauling of all materials, by wagon transportation, which are stored therein. The proposed general storehouse would be large enough to supersede at least five smaller storehouses throughout the arsenal. These smaller storehouses always involve the presence of men therein for receiving and issuing purposes, whereas the general storehouse would have a much less number of employees to provide for issuing and receiving.

"The above are substantially the reasons given to the Chief of Ordnance when I submitted this estimate. I made reference, however, to the importance of having a central tool room for the manufacture of gauges. At the time I submitted the estimate the gauge situation had not appealed to me as it does now, and in fact I did not realize the importance of it.

"The gauge situation is a big proposition. Drawings are indispensable in the manufacture of munitions of war, but gauges are the means employed in every shop to insure compliance with these drawings. Gauges are also the means employed to insure interchangeability of parts when several plants are employed on the production of the same article, whether a fuse, a projectile, or a submarine. This is the great advantage that gauges have and indispensable if we are called upon to produce the same article by utilizing several factories for the purpose. Such a course is the very one contemplated in mobilizing the industries of the country for production of munitions of war.

"But there is very little use in procuring gauges if we have, first, no place to receive and store them; second, to keep them up to date; and, third, to provide for their issue. While the Frankford Arsenal has expended over six months in preparing designs of gauges to provide for the manufacture of artillery ammunition and small-arms ammunition, and it has been the intention to largely place on this arsenal the purchase of munitions of war, it follows that adequate accommodation must be obtained, as stated above, in connection with this gauge situation.

"For the proper inspection of gauges there must be a laboratory with the finest kinds of measuring tables and instruments, such as surface plates, measuring machines, angle and lead testing devices for thread gauges, micrometers, and vernier gauges. This laboratory should be located where a uniform temperature is obtained, so that the errors of measurement due to expansion may be reduced to a minimum.

"We must also have suitable storage receptacles to provide for taking care of such valuable gauges and to provide for their prompt issue when the gauge demands it. As drawings are revised from time to time these gauges will need correction or replacement, and, consequently, there will be in charge a staff of skilled men familiar with the gauge proposition and with the articles which they are expected to gauge. This means that a small tool shop will be located near these gauges to provide for these corrections and replacements when made in small quantities.

"There is absolutely at the Frankford Arsenal to-day no place whatever for carrying out the purposes for which Congress has made appropriations for gauges.

"It has been generally accepted that the appropriation will be made for the general storehouse, and on its completion it was the intention to utilize the present main stock department building, which is an isolated building, for receiving, inspecting, issuing, and storing gauges and providing for their correction and replacement. The lack of storage room at this arsenal is one of the most serious propositions that we have to contend with, and there is no way of taking care of the gauge situation unless this appropriation is made, except by storing them in various buildings throughout the arsenal—an impossible proposition for it would mean loss of control of them, no inspection whatever, and the greatest difficulty to keep them up to date."

Respectfully,

E. B. BABBITT,
Colonel, Ordnance Department, United States Army,
Acting Chief of Ordnance.

Mr. MANN. Mr. Chairman, I would like to make an inquiry of the gentleman from New York [Mr. FITZGERALD]. I know the gentleman desires to proceed with this bill in the effort to finish it to-night. A great many Members would like to know if there is likely to be a roll call on any matter connected with the bill?

Mr. FITZGERALD. I think there will be a roll call on the bill.

Mr. MANN. Not to-night?

Mr. FITZGERALD. I hope so.

Mr. MANN. We might as well reach an understanding that there will not be any roll call to-night.

Mr. FITZGERALD. Well, I do not wish to do that. I want this bill passed to-night.

Mr. MANN. I am perfectly willing that the bill should be passed to-night without a roll call.

Mr. FITZGERALD. It can not be passed without a roll call.

Mr. MANN. Well, it can not reach the roll call that the gentleman wants to-night, in my judgment.

Mr. FITZGERALD. Well, I do not know. We can not, if a majority of the House declines to give it.

Mr. MANN. The gentleman knows there are a good many amendments to the bill.

Mr. FITZGERALD. This is the middle of the last week of the session. This bill ought to be finished to-night and sent to the Senate.

Mr. BORLAND. There is no need to have a roll call. The agreement was, when the amendment was adopted, that there should be no roll call.

Mr. FITZGERALD. The House has not adopted the amendment. There is a difference between the House and the committee.

Mr. MANN. The House has not adopted the amendment.

Mr. FITZGERALD. I have notified all gentlemen who have spoken to me that there would be a roll call to-night. Gentlemen ought to be here. I have something to do to-morrow. I have to prepare a deficiency bill. Unless we get these bills through we can not finish our work.

Mr. MANN. I understand.

Mr. FITZGERALD. If the deficiency bill is not reported to the House until Thursday, it can not be taken up until Friday or passed until Saturday. Then there would likely be an extra session.

Mr. TILSON. Mr. Chairman, what has been done regarding the point of order?

The CHAIRMAN. The gentleman from Connecticut inquires about the point of order. Does the gentleman from New York insist on the point of order?

Mr. FITZGERALD. I do.

The CHAIRMAN. The point of order is sustained.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. FITZGERALD. I stated to a number of gentlemen who inquired about this bill that I expected to complete it to-night, and that a roll call would be had when it was passed. This is the last week of the session, and three appropriation bills are still undisposed of by the House, and Members ought to know that they have to stay here and work at night.

Mr. MANN. This is the situation: I assume that the bill is not yet engrossed. If the gentleman would reach that point where he could get the previous question ordered to-night on the bill and amendments, the engrossing clerk could proceed to engross it. That is all he could do. If you would not have it engrossed until to-morrow morning and send it to the Senate, in any event you would not expedite it at all, so far as having it sent to the Senate is concerned, by getting a roll call to-night.

Mr. FITZGERALD. We may know what is going to happen. Notice has been served on me that we will probably have to have an engrossed copy of the bill. It may not be necessary if we get it through to-night.

Mr. BORLAND. Let us make hay while the sun shines, and get it through to-night.

Mr. FITZGERALD. The gentleman need not think he is going to get that $400,000 appropriation for his foolish investigation, unless the House votes it into the bill on a roll call.

Mr. BORLAND. The gentleman presented his side very fully to the House.

Mr. FITZGERALD. I am not complaining.

Mr. MANN. I think the gentleman ought to be willing to be fair on Tuesday night.

Mr. FITZGERALD. I have announced what I want to do. The responsibility of anything else happening is on the Members. It does not make very much difference to me personally whether we finish the work of the Congress or not. I will not be greatly embarrassed by staying here.

Mr. MANN. There will not be any difficulty about finishing the work of Congress. The gentleman ought to be reasonable in his treatment of the Members.

Mr. FITZGERALD. Several bills still have to pass through the House; the Military Academy bill, and the general deficiency bill, and this bill.

Mr. MANN. We have five days theoretically, and four days actually, besides the nights.

Mr. FITZGERALD. I propose to get a quorum here to-night and have a vote on this bill and pass it.

Mr. MANN. The gentleman will not pass the bill to-night. I think when the gentleman goes and gets his dinner he will feel differently about it.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of Commerce to acquire, by condemnation or otherwise, about 155,400 square feet of additional land for enlargement of the present site of the Bureau of Standards, $25,000, or so much thereof as may be necessary, the land to be acquired hereunder being described as follows: First, starting at the northwest corner of the present site of the Bureau of Standards on Idaho Avenue and running about 98 feet northeast along Idaho Avenue to Van Ness Street; thence about 908 feet due east along Van Ness Street to a point intersecting a line formed by extending the eastern boundary line of the bureau's present site; thence about 83 feet due south to the northeast corner of the present site of the Bureau of Standards; thence about 961 feet due west to the point of starting at Idaho Avenue, including about 77,600 square feet; second, starting at the point of intersection of the southern boundary of the present site of the bureau with the northern side of Tilden Street, proceeding due east about 750 feet to the southeast corner of the present site; thence due south about 153 feet along a line formed by the extension of the eastern boundary of the present site to the point of intersection of that line with the northern side of Tilden Street; thence about 768 feet in a general westerly direction following the line of the northern side of Tilden Street to the point of starting, including about 77,800 square feet.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. Where is this land that is connected with the present site of the Bureau of Standards?

Mr. FITZGERALD. There is one piece on the north side of the land going out toward Connecticut Avenue.

Mr. MANN. Connecticut Avenue runs northeasterly.

Mr. FITZGERALD. A new street has been opened. The Director of the Bureau of Standards requested that the street be opened through land adjoining the site of the Bureau of Standards. The District Commissioners decided to open the street somewhat on the north, so as to leave a strip between the street and the Bureau of Standards. On the south there is another strip between the boundary line and the street that has been opened.

Mr. MANN. There is a roadway now running from Connecticut Avenue to the Bureau of Standards.

Mr. FITZGERALD. A street has been opened a little north of the line of the Government property, so that there is a strip left in between the street and the Bureau of Standards property. It is desired to acquire that. Then on the south side there is another street to be opened, and there will be a little tract between that street and the boundary line of the present property.

Mr. MANN. Is this to acquire the land for streets, or is it intended to put buildings on the land afterwards?

Mr. FITZGERALD. It is not designed to have any buildings on that tract, on those two sides. Of course, there is a very considerable piece of property on Connecticut Avenue up to the boundary line of the Bureau of Standards. Some years ago, when additional property was acquired, members of the committee visited the bureau and determined how far the property should be brought to Connecticut Avenue. But this is on the upper and lower ends, where these pieces will be left, and it is believed that if they are built upon they will be so close to the present buildings that they might possibly interfere with the work of the bureau.

Mr. MANN. They did not think that when they acquired the site in the first instance. They did not have that fear when they first acquired the site, did they?

Mr. FITZGERALD. No. It was hoped that the street to the north would be opened along the line of the property itself.

Mr. MANN. Is it not going to be opened along that line?

Mr. FITZGERALD. No. It is to be opened a little to the north. I do not remember how many feet there are in there; perhaps 40 or 50.

Mr. MANN. What could anybody do with 40 or 50 feet there?

Mr. FITZGERALD. It is 80 feet.

Mr. MANN. And this is to acquire that 80 feet between the present site between the Bureau of Standards and where this new street is intended to be?

Mr. FITZGERALD. On the north side it will be 80 feet from the boundary to the street. On the south side the road will be in a somewhat curved direction and the property will be of varying width. It seems a desirable thing to run out the property to that extent.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

For underpinning and new piling for ferryhouse, $10,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Here is a series of items amounting to $321,000 on account of improvements to the immigration station at Ellis Island. They are always adding to Ellis Island. The immigration has stopped.

Mr. FITZGERALD. The buildings at Ellis Island are worth in excess of $10,000,000.

Mr. MANN. I should think they would have enough to take care of all the immigration coming in now; there is very little.

Mr. FITZGERALD. A good many less than there have been; but these items as explained seem to be essential, and after examination into them the committee carefully considered and recommended that they be inserted. A considerable number of pipes in the heating system have been entirely destroyed; boilers in the boiler house are 20 years old and have worn out; and the piling under the ferryhouse has all rotted away. And then other items that seem to be of a very important character are necessary for the preservation of present property.

Mr. MANN. I would like to inquire of the gentleman in connection with this matter in reference to the quarantine station. There has been recently a suggestion from the Secretary of the Treasury for an appropriation of one million and a quarter dollars to acquire the quarantine station at New York from the State of New York. I notice that it is not included in the bill, and I do not know whether it would be in order in this bill. Has the matter been taken up by the committee?

Mr. FITZGERALD. It has not been taken up by the committee. The State of New York passed an act authorizing the transfer of the quarantine station in New York to the Government for $1,400,000, and the State officials are very anxious to transfer it and get the money. The Secretary of the Treasury has made an agreement with the State under a law which authorizes him to do so, to take it over. The other day we received a communication from the Secretary of the Treasury asking that $1,400,000 be appropriated to take over the plant and $275,000 to maintain it. After the experience we had in taking over the plant at Boston about two years ago the committee, I am inclined to believe, will wish for some comprehensive detailed information as to what the Government is to get for the $1,400,000.

Mr. MANN. The arrangement with the State of New York, as I recollect it, was to be made if the Government should take the property before the 1st of July.

Mr. FITZGERALD. That is the arrangement, but they will be glad to transfer it after the 1st of July.

Mr. MANN. I apprehend that if the State of New York reached the point where it was willing to relinquish the patronage connected with the quarantine station, it would be perfectly willing to have the Government pay a large sum for the property there and the Government pay the running expenses which the State now pays. You would think that they would be willing to give the property to the Government if the Government would maintain it. They would by doing that save two or three hundred thousand dollars a year.

The Clerk read as follows:

IMMIGRATION SERVICE.

For enforcement of the laws regulating immigration of aliens into the United States, including the contract-labor laws; cost of reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; salaries and expenses of all officers, clerks, and employees appointed to enforce said laws, including per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914; enforcement of the provisions of the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States," and acts amendatory thereof; necessary supplies, including exchange of typewriting machines, alterations, and repairs, and for all other expenses authorized by said act; preventing the unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto; expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expenses of conveyance of Chinese persons to the frontier or seaboard for deportation; refunding of head tax upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Labor, $2,450,000: *Provided*, That the purchase, use, maintenance, and operation of horses and motor vehicles required in the enforcement of the immigration and Chinese exclusion laws outside of the District of Columbia may be contracted for and the cost thereof paid from the appropriation for the execution of those laws, under such terms and conditions as the Secretary of Labor may prescribe: *Provided further*, That not more than $12,000 of the sum appropriated herein may be expended in the purchase and maintenance of such motor vehicles: *Provided further*, That no part of the sum hereby appropriated shall be expended for the maintenance at any United States immigrant station of any of the privileges now disposed of after public competition as provided by the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States."

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 170, strike out lines 6, 7, and 8 and insert in lieu thereof the following: "fifth, 1917, entitled 'An act to regulate immigration of aliens to, and the residence of aliens in, the United States.'"

Mr. FITZGERALD. The immigration act that we passed the other day contains the same provision somewhat more comprehensive and we wish to describe the provisions in that act.

Mr. MANN. Mr. Chairman, it seems to me rather remarkable that with almost a total failure of immigration at the present time they should still want $2,450,000 for the Immigration Service. How many are coming in now?

Mr. FITZGERALD. More than 350,000.

Mr. MANN. Oh, no; not that many coming in now.

Mr. BENNET. At an annual rate of 250,000.

Mr. FITZGERALD. Last year over 350,000, and my recollection is that the statement is made that it is now at a rate of over 350,000.

Mr. MANN. At present I think there are none coming in.

Mr. BENNET. The gentleman is mistaken about that.

Mr. MANN. Well, a very few.

Mr. FITZGERALD. They are coming from Canada and Mexico and other places besides Europe.

Mr. MANN. Not many coming from Mexico.

Mr. FITZGERALD. There are a great number.

Mr. MANN. And not many from Canada.

Mr. FITZGERALD. The gentleman is mistaken; they are coming from both countries.

Mr. MANN. They are not coming from either place. I have taken the trouble to look it up. But suppose there were 300,000, why do they need so large an appropriation? Now, why does it require so much money to continue? Of course I know they have got to watch the Mexican border for Chinese.

Mr. FITZGERALD. One reason is because they are using the money for purposes other than were contemplated. The figures show that during the six months ending December 31, 1916, the first six months of this fiscal year, there were 231,214 immigrants who came in. At that rate there will be over 460,000 this year.

Mr. MANN. They are not coming in at that rate now.

Mr. FITZGERALD. They have been.

Mr. MANN. Oh, they were before this German trouble broke out, but they are not now.

Mr. FITZGERALD. They were not all coming from Europe.

Mr. MANN. Where do the most of the immigrants come from?

Mr. FITZGERALD. Some of this money has been utilized in the establishment of employment agencies. And not only does the department want what is recommended in this bill, but it asks for several hundred thousand dollars additional.

Mr. MANN. What are they going to do with the money?

Mr. FITZGERALD. Spend it. They opened a large number of employment agencies throughout the United States. There is a provision in the immigration law which authorizes the Department of Labor to establish a division of information, I think it is called, and by correspondence to arrange for the distribution of aliens throughout the United States. Under that authority the department established general employment agencies in a number of large cities and detailed to those agencies employees whose annual compensation aggregated $135,000.

Mr. MANN. That has nothing to do with immigration.

Mr. FITZGERALD. Once in a while an immigrant applies, but the great bulk of those who are served by these agencies are not immigrants, and there was no authority whatever to do the work that was done.

Mr. MANN. The gentleman does not explain why they need $2,450,000, and they will not explain why they need it, and they spend it with practically no immigration coming in at the present time, and not likely to be any this summer.

Mr. FITZGERALD. The situation on the Mexican border requires a very large number of additional employees. It is difficult to patrol the border. It is stated that efforts are being made by aliens to come into the United States without inspection or without submitting to the inquiries required by law, and it has been necessary to detail a very large number of inspectors there who, under normal conditions, would be on the seaboard.

Mr. MANN. But down on the Mexican border there must be fewer Chinese coming across than under normal conditions.

Mr. FITZGERALD. It is not for the Chinese. It is for the other aliens.

Mr. MANN. They have been guarding the Mexican border to catch Chinese. There can not be very many Chinese coming through the Villa camps.

Mr. FITZGERALD. Not Chinese, but Mexicans.

Mr. MANN. A few Mexicans get run over by one side or the other down there, and we feed them awhile and send them back. The Immigration Service has little to do with that.

Mr. FITZGERALD. I was under the same impression as the gentleman from Illinois. In 1916 the amount of money spent was $2,436,000. It seemed to me that with the great falling off in immigration it was possible to reduce this appropriation; but ever since we have carried $2,450,000, instead of $2,650,000 which was not expended one year, the department have been clamoring and insisting that the appropriation is grossly inadequate. Indeed, for the fiscal year 1917, if I recall correctly, the department asked for $2,650,000; and listening to the explanations made, I assure the gentleman he would be quite convinced that they need every penny they ask.

Mr. BORLAND. Mr. Chairman, I do not think the amount asked by the Immigration Service is justified. No evidence was presented before the committee that convinced me that there was any possible justification for an appropriation of $2,450,000 for this service. The truth is that two things are wrong with the Immigration Service. In the first place, they are overmanned

for the existing amount of immigration, and, in the second place, they have got an extraordinarily high pay roll. It is the highest pay roll in the Federal service. There is nothing like it anywhere else. Even assistant telephone operators are put down at $1,200 a year. I have never seen such a pay roll. Then they are not able to use all of these people under present conditions in the Immigration Service, and they have $135,000 worth of them running these employment agencies that they have no legal justification for running. They say they are run under a kind of general welfare clause of the organic law of the Department of Labor. They do not claim that this service is restricted to placing immigrants who are desiring service, but anybody, citizens or otherwise, who applies at one of these employment agencies is taken care of—is furnished with a blank. Whatever else is done for him does not appear. Now, it seems that these employment agencies are always located in towns where the State has an employment agency, and they say they cooperate with the State employment agency. The people who apply at the State agency are sent to them. That is the species of cooperation that takes place.

There ought to be a cut of at least half a million dollars in the expense of the Immigration Service, and yet on the face of the evidence we could not find any place where the amount could be cut. I take it that by another year, if the new immigration law goes into effect and there is a greatly restricted and reduced immigration to this country, these overhead charges ought to be readjusted to the smaller scope of the Immigration Service.

Mr. BENNET. Will the gentleman yield for a question?

Mr. BORLAND. Yes.

Mr. BENNET. I think the gentleman is one of those who, in order to be consistent, voted against the recent immigration bill which increased the head tax from $4 to $8.

Mr. BORLAND. Yes; I did.

Mr. BENNET. Mr. Chairman, I move to strike out the last word. I can not say that I am entirely persona grata at the Bureau of Immigration at present, but I do think that a word or two ought to be said as to what they do with this money.

In the first place, I can not entirely agree with the gentleman from Missouri [Mr. BORLAND] that the people in the Immigration Service are too highly paid. I do not think they are. One of the things that this administration possibly is entitled to credit for is the fact that they did away on Ellis Island with laborers at $50 a month and increased them to a proper wage, I think largely at the suggestion and with the the cooperation of my friends and colleagues from New York, Mr. DALE and Mr. RIORDAN. At any rate it was done, and the bureau is entitled to credit for it. The other salaries throughout the department are along what you might call the standard. There are inspectors at $900 a year and inspectors all of the way up to $2,500 a year. There are clerks at the usual salaries. Of course, Ellis Island, the place with which I used to be the most acquainted, requires a good many people. There are something like 500 employees there, and the number is not greatly affected by the rise and fall in immigration. The buildings are there and they have to be cared for, they have to be heated, they have to be cleaned, and the detention rooms have to be policed, and the addition of five or six hundred thousand immigrants, although that is a good many, does not necessarily greatly increase the force. Then, at a time like this, with comparatively slack immigration, the department carries out another very valuable provision of the law. They send these inspectors all over the country, and they inspect the jails and asylums, and they look up people who are not proper charges on the United States Treasury; and they provide for sending them home. In that way work is done during slack immigration that can not be done at other times. Just at present they have additional work along the Mexican border. I am frank to say that I do not know the exact length of the southern boundary of Arizona, New Mexico, and Texas; but it is long, and if the gentleman from Texas [Mr. DAVIS] will give me his attention he probably could tell me how long the southern boundary is. The Chairman [Mr. GARNER] informs me that it is 1,800 miles. That has to be guarded and guarded very strictly. Then lower California, curiously enough, has never had much trouble in the Mexican revolution, but it is through lower California that the Japanese immigration comes, and they also use these men to enforce the neutrality laws along the Canadian border. I think that the gentleman from Missouri [Mr. BORLAND] would have more or less difficulty in finding out where he could cut off half a million dollars from this appropriation.

Mr. BORLAND. Mr. Chairman, the gentleman has overlooked one activity, and that was calling the meeting of the immigration inspectors at the World's Fair in San Francisco in 1915.

Mr. BENNET. That was last year. I do not defend that. It sounds to me very much like a junket to give these immigration authorities a couple of months' vacation and expenses to San Francisco. There is no exposition there now. I thought the department ought to have a word or two said in its behalf, and although my present relations with it are what you might call strained, I am very glad on account of the knowledge I have of it to give some justification for this appropriation.

Mr. HAWLEY. Mr. Chairman, how many Chinese were found to be in the United States unlawfully last year?

Mr. BORLAND. Mr. Chairman, I regret that I can not give the gentleman any information.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer an amendment as a new paragraph to come after the one just passed.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 8, page 170, insert as a new paragraph the following: "For daily newspapers, magazines, books, story books, and cut-out books for the use of immigrants and their children detained at various stations, $1,000."

Mr. BORLAND. Mr. Chairman, on that I make the point of order.

Mr. BENNET. The point of order would not lie against it.

Mr. BORLAND. There is no authorization of law for that expenditure for story books, and so forth.

Mr. BENNET. I think there is in the basic act.

The CHAIRMAN. The gentleman from New York will present the law to the Chair. The burden is upon him.

Mr. BENNET. Mr. Chairman, then I ask unanimous consent that this be passed over temporarily until I can do that.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAWLEY. Mr. Chairman, I would ask the committee to put into the RECORD the number of Chinese found in the United States unlawfully during the past fiscal year, in what parts of the United States they were found, and the proportion of men and women.

Mr. BORLAND. I will say to the gentleman from Oregon that the Clerk informs me that that is to be found in the report of the Commissioner of Immigration and it is possible that we can have that for him in a short time.

The Clerk read as follows:

For refund to National Steam Navigation Co. of Greece for amount erroneously paid for hospital maintenance of Constantino and Eftilna Panagiotopoulou, American citizens, $108.75.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What is it this item proposes to do?

Mr. BENNET. I think I can tell the gentleman. Under a decision of the circuit court of appeals——

Mr. MANN. Oh, I did not ask about a decision. What does the item propose to do?

Mr. BORLAND. It shows in the hearings that these two passengers——

Mr. MANN. What two?

Mr. BORLAND. Two Americans, with good American names, to be found in lines 14 and 15.

Mr. MANN. Oh, no; that does not go. I think the gentleman ought to be willing to give a fair answer to a question. What is it that the item proposes to do?

Mr. BORLAND. It proposes to acknowledge that these two people are American citizens.

Mr. MANN. "These two people" do not mean anything to me.

Mr. BORLAND. It is perfect evidence to the gentleman that they are American citizens when he reads their names.

Mr. MANN. That does not make any difference. Who are they? The gentleman from New York offered to answer. Who are they?

Mr. BORLAND. They are Constantino and Eftilna Panagiotopoulou.

Mr. MANN. Oh! [Laughter.]

The Clerk read as follows:

For refund to the United Fruit Co. of amount erroneously paid as a penalty for nonmanifesting of two American citizens, $20.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of commending the committee on their discretion in leaving out the names of these two Americans.

The CHAIRMAN. Does the gentleman desire recognition?

Mr. BENNET. I have made my speech.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Secretary of Labor is authorized to pay not to exceed $3,741 from the unexpended balance in the appropriation "Expenses of regulating immigration" for the fiscal year 1915, for horse and motor vehicle service furnished by officers of the Immigration Service prior to April 1, 1915, when such allowances were discontinued.

Mr. MANN. I reserve a point of order on the paragraph. I think we should have some explanation. It is a claim, pure and simple. Why does it come in here?

Mr. MONDELL. They are all claims.

Mr. MANN. The gentleman says they are all claims. These others are different, being for money erroneously collected.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. MANN. I reserve the point of order, Mr. Chairman.

Mr. BORLAND. It seems that certain expenses had been incurred by the officers of the Immigration Service for horse and motor-propelled vehicles prior to the passage of the law by which we required those expenses to be specifically appropriated for. And while this might be technically called a claim, yet it is an expense that was authorized prior to the passage of the law, and would now be authorized by special appropriation under these items. It is just simply a matter of justice in clearing their account.

Mr. MANN. Well, I do not understand that it is clearing anybody's account.

Mr. BORLAND. Yes. It is a commutation for automobile maintenance that we provided in 1915 the appropriation could not be used for. The hearings state:

That is the payment of so much per diem for the hiring of an automobile——

Mr. MANN. Whom does the money go to?

Mr. BORLAND. It goes to the officials who made the expenditure.

It was held that we could not commute the service in adjusting the matter on the basis of a flat sum per diem; in fact, that we could not pay for automobile service at all, under the inhibition of law as it then existed. Since that time you have authorized us to arrange for automobile maintenance, but that does not take care of these cases, where officers in our service, in good faith, furnished automobile service during the first three months of the calendar year 1915 and before word could be gotten to them that the comptroller had decided against them.

And they had incurred certain expenses.

Mr. BENNET. In what part of the country was it?

Mr. BORLAND. This was on the border, where these automobiles are hired and employed.

Mr. BENNET. Why is not the position of the gentleman from Illinois [Mr. MANN] entirely correct that this is just simply and solely a claim?

Mr. BORLAND. I think technically the gentleman from Illinois may be correct, but inasmuch as this is simply a question of clearing the account of these men, this is the item in which the money would have been carried when it was originally authorized or would be carried if it was authorized now. It is just a question of its not having been authorized at the time the expense was incurred. I think the point of order ought not to be pressed for that reason.

Mr. BENNET. I am not going to be mean. I think the gentleman should not have pressed the point of order against me a moment or two ago. But are there not on the Private Calendar a good many bills for clearing the accounts of internal-revenue collectors, and postmasters, and officials of that sort that are on precisely the same level as this particular item?

Mr. BORLAND. Well, I will say to the gentleman that I do not and will not resist the point of order if he chooses to press it, but I am just presenting the merits of it.

Mr. BENNET. I am really trying to get the gentleman to convince me it ought not to be made, but so far he has not done so.

Mr. BORLAND. I have not attempted to argue the technical point at all.

Mr. MONDELL. Will the gentleman yield to me?

Mr. BORLAND. The matter ought to be cleared up at this time.

Mr. MONDELL. I know the gentleman from New York [Mr. BENNET], whose services the Nation is soon to lose and whose companionship we are so soon to lose with keen regret, ought not to go out of public service with the thought that he is keeping from these public officials the small sum that is due them.

Mr. MANN. Mr. Chairman, it was I who reserved the point of order. I am not going out.

Mr. MONDELL. The gentleman from Illinois, I imagine, is not going to insist on the point of order. The gentleman from New York talked as though he was.

Mr. BENNET. Oh, no.

Mr. MANN. The gentleman from New York talked as though I were.

Mr. BORLAND. I want to suggest to the gentleman from Illinois [Mr. MANN], also, that this amount is scattered among a number of different men and that it is probably divided into small amounts.

Mr. MONDELL. Many small sums.

Mr. BORLAND. And if it were divided up in the way of claims it would take more clerks, more printing, more expense in the end for the adjustment of them than to permit the amounts to be allowed at this time.

Mr. MANN. Let me see if I understand the situation. These are items for motor hire, which were incurred by the officials of the Immigration Service illegally, as the Comptroller of the Treasury afterwards thought?

Mr. BORLAND. Yes; and they were mostly on the border, where the men were not reached promptly, and some were incurred after the decision against them and before they were able to be informed of it.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

NATURALIZATION SERVICE.

For compensation, to be fixed by the Secretary of Labor, of examiners, interpreters, clerks, and stenographers, for the purpose of carrying on the work of the Bureau of Naturalization, provided for by the act approved June 29, 1906, as amended by the act approved March 4, 1913 (Stat. L., 37, p. 736), and for their actual necessary traveling expenses while absent from their official stations, including street car fare on official business at official stations, together with per diem in lieu of subsistence, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, and for such per diem together with actual necessary traveling expenses of officers and employees of the Bureau of Naturalization in Washington while absent on official duty outside of the District of Columbia; telegrams, verifications of legal papers, telephone service in offices outside of the District of Columbia; not to exceed $5,300 for rent of offices outside of the District of Columbia where suitable quarters can not be obtained in public buildings; carrying into effect section 13 of the act of June 29, 1906 (34 Stat., p. 600), as amended by the act approved June 25, 1910 (36 Stat. L., p. 765): *Provided*, That the whole amount allowed for a fiscal year to the clerk of a court and his assistants from naturalization fees and this appropriation or any similar appropriation made hereafter shall be based upon and not exceed the one-half of the gross receipts of said clerk from naturalization fees during the fiscal year immediately preceding, unless the naturalization business of the clerk of any court during the year shall be in excess of the naturalization business of the preceding year, in which event the amount allowed may be increased to an amount equal to one-half the estimated gross receipts of the said clerk from naturalization fees during the current fiscal year: *Provided further*, That payment is authorized in the sum of $272.10 for the services rendered during the month of May, 1916, by clerical assistants originally authorized by the Secretary of Labor where the disbursements for salaries were in excess of the amount lawfully allowable; and for mileage and fees to witnesses subpœnaed on behalf of the United States, the expenditures from this appropriation shall be made in the manner and under such regulations as the Secretary of Labor may prescribe, $275,000.

Mr. BENNET. Mr. Chairman, I offer an amendment.

The CHAIRMAN (Mr. ROUSE). The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 172, line 25, after the figures "$275,000," add a new paragraph, as follows:

"For promoting instruction and training in citizenship of applicants for naturalization, including personal services in the District of Columbia, attendance at educational and citizenship conventions by officers and employees of the Bureau of Naturalization and members of its field force, and other necessary expenses incidental thereto, $30,000."

Mr. BORLAND. Mr. Chairman, I make a point of order on that.

Mr. BENNET. Will the gentleman reserve his point for a moment?

Mr. BORLAND. Does the gentleman say he is persona non grata to the Immigration Service?

Mr. BENNET. Yes.

Mr. BORLAND. Then I will reserve the point of order on the gentleman's explanation.

Mr. BENNET. Of course, Mr. Chairman, the amendment is subject to a point of order. It was not suggested by myself, although I approve it. It was suggested by my colleague, Mr. SIEGEL, who will be here in a few minutes. Naturally, matters of this kind come closer to us in the large cities than to the Members from the rural districts. In the large cities we have a great many foreigners who are making a really pathetic attempt to become good American citizens. The money paid into the Treasury by immigrants in the last 12 or 14 years exceeds by over $9,000,000 the amount spent by the Government on the immigrants, and it did seem to my colleague, Mr. SIEGEL—and I think he is right about it—that we could afford to pay, in a sense, out of the immigrants' own money, this comparatively small sum to assist them in one of the most important things that is being done in their behalf.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. MOORE of Pennsylvania. I do not know whether the gentleman has given consideration to the possible infringement of this amendment upon the work of the Bureau of Education.

Mr. BENNET. I do not think it is necessarily an infringement.

Mr. MOORE of Pennsylvania. The Bureau of Naturalization has been doing work of this kind, and has been active in recent months. A question has arisen whether it has jurisdiction over educational matters, and whether this is a proper function of the Bureau of Naturalization. Some time ago a large Americanization meeting was held in Philadelphia and addressed by the President. I think that meeting was called by the Bureau of Naturalization.

Mr. MANN. During the campaign?

Mr. MOORE of Pennsylvania. Yes; during the campaign. It was held at a time when the appearance of the President at the meeting was of interest to voters and those who were seeking suffrage in the United States.

Mr. BENNET. Pennsylvania went Republican.

Mr. MOORE of Pennsylvania. Yes; Pennsylvania went Republican, and New Jersey did also. New Jersey was the President's own State, but I did not intend to refer to that. I believe New Jersey gave to his opponent the largest majority ever given for a Republican presidential ticket. We might as well make a record of it now as at any other time, because our friends on the other side are liable to forget it.

But there is a question of possible trespass or infringement here. I have no objection to the Bureau of Naturalization training these citizens for the purpose of naturalization. When they do that they are doing good work. They have encouraged meetings, and at those meetings they have endeavored to interest these immigrants in questions affecting the laws of the country. They have tried to acquaint them with the Constitution of the United States and things of that kind, essential to naturalization.

How far that ought to go I do not know. We have the Bureau of Education, which is reaching out now with a view of covering the same ground.

But I am taking the gentleman's time. I merely wanted to know if he had considered these various phases of the question in connection with the amendment he has offered.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to have read from the Clerk's desk a letter of Secretary Wilson's, of the Department of Labor, which answers the gentleman's question better than I can. I ask unanimous consent that my time be extended for three minutes for that purpose.

The CHAIRMAN. Without objection, that will be done.

There was no objection.

The Clerk read as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, December 20, 1916.

MY DEAR CONGRESSMAN: Your letter of the 18th instant, together with the inclosed copy of a set of resolutions adopted by the board of education of Lincoln, Nebr., has been received. You ask whether the department would favor the passage of a bill providing for the use of all surplus money derived from naturalization cases, above the appropriations of Congress for the administration of the Naturalization Bureau, for the uses mentioned in the resolution.

The department has requested an increase in the appropriation over that made for the present fiscal year in the legislative appropriation bill. It requested an increase in positions and compensation amounting to $14,450. This represented increases for eight positions, including a chief clerk to the bureau. It also represented increases requested in the compensation of the Commissioner of Naturalization from $4,000 to $5,000, so that the compensation of the head of the Bureau of Naturalization would equal that of the other heads of bureaus of this department. It also requested an increase from $3,250 to $4,000 in the compensation of the Deputy Commissioner of Naturalization.

When the bill was reported to the House there were allowed but two positions additional. It is regretted that the entire estimate as submitted was not included in the bill at the time it was reported by the Appropriations Committee. In the sundry civil appropriation bill an item appears which carries with it the following, in addition to the usual matter:

"For promoting instruction and training in citizenship of applicants for naturalization, including personal services in the District of Columbia, attendance at educational and citizenship conventions by officers and employees of the Bureau of Naturalization and members of its field force, and other necessary expenses incidental thereto."

An increase of $30,000 is submitted in this item over the current appropriation. This appropriation for the present year is $275,000, making a total of $305,000 requested for the fiscal year 1918.

The department appreciates this additional expression of interest which has been made by the Board of Education of Lincoln, Nebr. This city is only one of 882 cities and towns throughout the entire country which have cooperated with the Bureau of Naturalization by opening the doors of the schools, both night and day, for the special instruction of the candidates for citizenship. Aside from this special accomplishment the opportunity is present in most of these places, for the first time, for the adult foreign-born wage earner to secure the means for advancing his moral, mental, social, and political well-being.

The department is most anxious that this work shall receive the cooperation and support of the Congress in a like manner as it has of the public schools, and believes that the most practical good can be attained by securing the enactment of the estimates in the two appropriation bills before Congress.

While the department does not desire to have all of the surplus moneys which are derived from the naturalization fees appropriated solely because there is a surplus, it may in the near future submit some measure for further strengthening the cooperative work referred to in the resolution. The naturalization law is manifestly not intended to pay the current expenses of the Government, other than the expenses of the administration of that law, although at the present time such is the fact.

The exact amount of the accumulated fund at the end of the fiscal year June 30, 1916, was $420,282.18.

Respectfully, yours, W. B. WILSON, *Secretary.*

Hon. ISAAC SIEGEL,
Representative in Congress, Washington, D. C.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BORLAND. Mr. Chairman, the fact that New York and Pennsylvania and New Jersey went Republican in the last election is a very cogent argument showing the need of education in those States. It is the most powerful argument that has been presented for some time. [Laughter.]

But this appropriation bill is hardly the place to initiate a work of this importance, conceding that it is important. I shall have to insist on the point of order.

Mr. MONDELL. Mr. Chairman, I hope the gentleman will withhold his point of order for a moment. I would like to discuss this paragraph for five minutes.

Mr. BORLAND. This particular matter?

Mr. MONDELL. Yes.

Mr. BENNET. Mr. Chairman, before the gentleman proceeds, I would like to ask unanimous consent that the letter to my colleague from Secretary Wilson be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MONDELL. Will the gentleman from Missouri withhold?

Mr. BORLAND. Yes.

Mr. MONDELL. Mr. Chairman, this matter of the agitation for Federal aid in the education of aliens, particularly information in regard to duties of citizenship, is one of the finest illustrations we have had in a long time of the carefully and faithfully and widely stimulated demand for a Federal expenditure, and I say that merely as a statement of fact, without intending any criticism. I think this is a splendid work, and for one I am very glad that the Bureau of Naturalization has gone as far as it has in encouraging good citizens and municipalities and school districts to take up the work of educating aliens who are about to take their examinations for citizenship. More than 600 different municipalities and districts, as I understand it, have taken up this work, very largely at the suggestion of this bureau, and I imagine that every one of the 600 has appealed to some Member of Congress to aid in this work with an appropriation.

We do not have a great many immigrants out in our country compared with our population, aliens seeking to become American citizens, and yet I have received more appeals, I think, in regard to this item from my State than I have received in regard to any item in this bill, and those appeals have come from the very best people in the State, from the superintendent of schools of the town in which I live, the county superintendent, professors in the State university, from a number of educators, who are very much interested in this work, and who have been giving their time to the work, and who think that the Federal Government should appropriate for it. Now, it is a work with which we all sympathize; it is a work which I am glad the bureau has inaugurated; it is a work which the bureau may well continue to encourage, so far as they can with the appropriations carried in this bill. It is a work that ought to be carried on, that ought to be extended. The question is, Should Uncle Sam pay for it? and I have said to those who have written me and these very good folks who are interested in it and who show that they are good citizens by taking part in it, that I am delighted that they have taken up the work and hope they will continue it and carry it on and encourage others to take it up, but I doubt if we should ask the Federal Government to undertake to actually pay for this work of education. I hope the work will go on with such aid as the bureau can give with the authority and appropriation they now have.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. Mr. Chairman, I renew the point of order unless the gentleman from Illinois——

Mr. MANN. I would just as lief talk on the paragraph.

Mr. BORLAND. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from New York concedes the point of order, and the point of order is sustained.

Mr. MANN. Mr. Chairman, I ask unanimous consent to correct the spelling in line 7, page 172, of the word "naturalization," where there is a typographical error.

The CHAIRMAN. Without objection, the correction will be made.

Mr. MANN. Mr. Chairman, I move to strike out the last word. While the gentleman from Missouri made the point of order against the amendment offered by the gentleman from New York, the fact is the work which was proposed by the gentleman from New York, and which the Chair declared was without warrant of law by sustaining the point of order, is now being carried on by the Bureau of Naturalization. If the gentleman from Missouri was correct in making the point of order, and the gentleman from New York was correct in conceding the point of order, and the Chair was correct in deciding the point of order, then the work is being carried on in violation of law. I have no doubt the Bureau of Naturalization is doing a great deal of good work in connection with the education of men who have applied for their first papers, but, being without warrant of law and being in violation of positive law, the tendency is when anybody engages in that sort of undertaking they go too far.

Mr. MONDELL. Will the gentleman yield?

Mr. MANN. No; I will not. Last fall, during the political campaign, the Bureau of Naturalization invited those who had recently been made citizens at Chicago, those who were applying for citizenship at Chicago, to come to a great meeting to hear the President of the United States address them. They gathered in large crowds and listened to the President.

It was inevitable that men who were applying for citizenship, who had filed their first papers, who had to pass through the Bureau of Naturalization before they could get their second papers, would respond to a demand of that kind, but it was so perfectly patent that it was a political trick that while the naturalized citizens attended the meeting and listened to the President they felt so resentful of the department's action, of their attempt to use them, that they voted the Republican ticket and refused to vote for the President. [Applause on the Republican side.] The President lost many votes in Chicago by that political trick, not on the part of the President but on the part of the Bureau of Naturalization. That is what the bureau has engaged in. I hold in my hands a letter recently issued by the Bureau of Naturalization—the education division—the deputy commissioner of naturalization attempting again to prostitute the office of the Bureau of Naturalization for political purposes. I am going to read this letter if I can get the time.

UNITED STATES DEPARMENT OF LABOR,
BUREAU OF NATURALIZATION,
Washington, January 5, 1917.

GENTLEMEN: For the first time in the history of America plans are being made for the naturalized citizens and foreign-born friends of this Nation who have taken steps to become American citizens to participate as a distinct section in the inaugural parade in honor of the inauguration of President Wilson, at Washington City, the Capital of the Nation, on March 5, next. This section will be led by members of the Bureau of Naturalization, of the United States Department of Labor, marshaled by officers from the various foreign organizations.

There are, of course, thousands of American citizens who will come to Washington to witness the inauguration of President Wilson. Many hundreds will come from your city. This letter is being sent as a special invitation to your membership to march in this, the greatest of all parades in the history of the Nation.

The plans of the inaugural committee having charge of the ceremonies show that the parade at the inauguration of President Wilson on March 5, 1917, will be the largest and most imposing ever held in the history of the country. There will probably be a greater number of military organizations in the line of march and by far a larger number of civic, patriotic, commercial, and political organizations than ever before. Undoubtedly the newly naturalized citizens will be as proud of the opportunity to march in the inaugural parade as native-born citizens, and for this reason this proposal is being submitted to you. It is believed that earnest and hearty cooperation will be given to this plan for the organization of a section of new naturalized citizens and those who have taken out their first papers, and that this section will be the most important and impressive one of the entire parade.

Please acknowledge the receipt of this letter to the undersigned promptly and state what action you think your organization will take at its next meeting. Also, please present this matter at the next meeting and let me know promptly how many will come.

Very truly, yours,

RAYMOND F. CRIST,
Deputy Commissioner of Naturalization.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Here is a letter addressed to organizations of men who have filed their first papers, who have pending applications of citizenship. Those applications for citizenship must be examined and passed upon by the Bureau of Naturalization, and those men are told to walk up to the captain's office and support the Democratic Party as part of a parade at President Wilson's inaugural, or possibly they will not be permitted to become American citizens. Foreigners coming here, unacquainted to a large extent with the customs of the country and their rights in America, are disposed to give undue emphasis to the requests or demands of public officials with whom they come in contact. I say it is a disgrace to the office and a disgrace to American citizenship that the men in charge of the Bureau of Naturalization would tell, practically command, men who have applications for citizenship now pending to be passed upon by the Bureau of Naturalization, that they must organize and come to Washington to march in an inaugural parade. [Applause on the Republican side.]

Mr. AUSTIN. What right under the law has a bureau official to sign a communication of that kind officially?

Mr. MANN. Why, this is an official command. They have just the same right to do it that they have to spend this money for what they call educational purposes. Of course, this is franked matter, sent out at the expense of the Government.

Mr. MONDELL. On the letterhead of the department?

Mr. MANN. United States Department of Labor, Bureau of Naturalization, Washington. [Applause on the Republican side.]

The Clerk read as follows:

LEGISLATIVE.

Statement of appropriations: For preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the first session of the Sixty-fourth Congress, showing appropriations made, new offices created, offices the salaries of which have been omitted, increased, or reduced, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills, as required by law, $4,000, to be paid to the persons designated by the chairmen of said committees to do said work.

Mr. BORLAND. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment: On page 173, in line 5, strike out the word "first" and insert in lieu thereof the word "second."

The amendment was agreed to.

The Clerk read as follows:

Botanic Garden: For general repairs to buildings, heating apparatus, painting, glazing, repairs to footwalks and roadways, general repairs to packing sheds, storerooms, and stables, including skilled laborers and laborers at not exceeding $2 per diem, under the direction of the Joint Committee on the Library, $11,000.

Mr. MANN. I move to amend, in line 15, page 173, after the words "skilled laborers." by inserting a comma.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 173, in line 15, after the words "skilled laborers," insert a comma.

Mr. MANN. That is the same correction we made in the District bill, so that it will provide for skilled laborers, and laborers at not exceeding $2 per diem.

Mr. BORLAND. There is no objection to that.

The amendment was agreed to.

The Clerk read as follows:

The unexpended balance of the appropriation of $2,500 made in the sundry civil act for the fiscal year 1912 and reappropriated for subsequent years, for removing fence and wall around the Botanic Garden and such grading, soiling, seeding, and sodding as may be incident thereto, is reappropriated and made available for the same purposes for the fiscal year 1918.

Mr. MANN. I move to strike out the last word. There are several gentlemen in the House who have given considerable attention to the matter of the removal of the Botanic Garden. We have carried this appropriation for a good many years, because it has been designed, when the Grant monument is completed, to take down the fence.

When Mr. Smith was in charge of the Botanic Garden he always protested against taking down the fence. I think they are quite willing now to take it down, and we really ought to have amended this item so that they could take down the fence—the wall—and leave the base and put a little ordinary coping on top of that.

But I rose because there are several gentlemen here who I know are interested in this. There has been talk, instead of moving the Botanic Garden—which does not seem likely to be done right away—of extending it to the west—I think possibly up as far as Sixth Street. The name of the park on the Mall does not now come to me. A lot of the trees have been moved out, and I hope any gentleman here who happens to hear me, who has not given consideration to it, will endeavor to look at that place down there and see whether it will be possible in the future at sometime to extend the Botanic

Garden a little to the west, to take in a little more territory, so that it will not have to be moved from its present position.

Mr. BORLAND. In view of the uncertainty as to when the monument will be finished and when the fence will be taken down, it does not seem to be necessary to make any change at this time.

Mr. MANN. I think they are willing to take the fence down right away.

Mr. SMITH of Michigan. Is it proposed to condemn the buildings on the south side of Pennsylvania Avenue as far as Sixth Street for the purpose of making this extension?

Mr. MANN. Oh, no; simply to take a part of the Mall. There is no good excuse for keeping the wall around the Botanic Garden. When Mr. Smith, a great, fine old gentleman, was there he was under the impression that if they did not have a brick wall, a fence with tight gates closed at night, the children or the citizens of the town would run over and destroy the garden. But everywhere in the country, where the public maintain a beautiful flower garden or a park, it has been discovered that people do not steal the flowers or break down the shrubbery to any extent whatever. Now, the gentleman who is at present in charge of the Botanic Garden is quite willing to have that wall taken down; but he thinks, and I fully agree with him, that there ought to be a little coping there. In that case it would be necessary, when taking the wall down, to leave enough of the base on which to put a cement coping, which could be done at very little expense. I am under the impression—though I would not say it for certain—that the comptroller has held, or it is believed that he would hold, that under the authority to remove the fence they could not take down part of the fence and then use the balance of the money in putting a coping on the base that was left, close to the ground. The fence is an unsightly thing. It is not needed. There is no occasion for it. There is no reason why it should remain there at all. It ought to be removed.

The CHAIRMAN (Mr. RAUCH). The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

House Office Building: For maintenance, including miscellaneous items, and for all necessary services, $51,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I am a member of the House Office Commission, as is the gentleman from New York [Mr. FITZGERALD]. Because of that I sometimes get complaints, and properly so. The other day I received one with which, of course, I had no possible official connection. I call it to the attention of the House, in the hope that somebody who has charge of it will pay attention to it.

One of the Members of the House told me the other day that coming out of the building, or through the building, he found two small children—9, 10, or 11 years old, possibly—opening with a key the mail box at the base of one of the mail chutes, taking out the mail, of which there was a large amount, attending to it as though the children were employees of the House post office, evidently accustomed to do the work. Now, it seems to me very queer that with the number of employees we give the House postmaster he has to employ children to handle the mail that Members of Congress drop in the mail chute for delivery outside of the House Office Building, or possibly in it. I see the distinguished gentleman from Mississippi [Mr. HUMPHREYS] before me, who has charge of the patronage of the House. Perhaps he can explain to me whether a part of the patronage of the House with reference to the post office goes to babies.

Mr. FITZGERALD. Before the gentleman from Mississippi attempts to make any defense, I desire to say for both the gentleman from Illinois and myself that the post office, the postmaster, and the postal service in that building are not under the control of the House Office Building Commission.

Mr. MANN. That is true.

Mr. FITZGERALD. So that if there is any basis of criticism on account of what the gentleman has detailed we are not either responsible or subject to criticism.

Mr. MANN. We have enough to stand for without standing for that.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I shall make no attempt to defend but emulate the two members of the House Office Building Commission, and get out from under this responsibility. As chairman of the great committee on organization, I am in no wise, directly or indirectly, responsible for the manner in which the employees perform their duties.

Mr. MANN. The question is whether they are employees or not.

Mr. HUMPHREYS of Mississippi. I say this: That the statement the gentleman has made is all news to me, but it is absolutely inexcusable. The postmaster has a sufficient force employed. Of course, none of his employees is a child, but the employees are grown men; and if they are not efficient they ought to be. It is the postmaster's business to see that they are efficient. If this particular matter had been called to his attention, I have no doubt he would have instituted some inquiry and ascertained who was guilty of this neglect and subjected him to discipline.

Mr. MANN. I have no doubt that he is familiar with the facts. The gentleman who told me said that the children acted as if they were perfectly familiar with the situation and accustomed to the work; they had mail keys, handled the mail in considerable quantity, and seemed to be perfectly familiar with the duties.

Mr. HUMPHREYS of Mississippi. There is no defense that can be made by the postmaster for permitting such a thing to be done if he was cognizant of it. I say to the gentleman that I shall also call it to his attention, although it is no more my business than that of any other Member of the House.

Mr. MANN. I think it is.

Mr. HUMPHREYS of Mississippi. The gentleman, not being a member of the Democratic caucus, probably does not understand the limitation that is put about me.

Mr. GOOD. Mr. Chairman, it seems to me that the House Office Commission might well look into this matter, and possibly employ these children to take care of the House Office Building. The facts are that evidently none of the members of the House Office Commission ever go near the House Office Building; they do not have their offices there, but have them in this building. The gentleman from Illinois had to rely on hearsay testimony in regard to this matter of the children handling the mails, and knows nothing about what goes on over there. The facts are that in the toilet rooms of the House Office Building no towels have been provided this session of Congress. Things of that kind go on and we never hear of a member of the House Office Commission making complaint, because they do not seem to know anything about it.

Mr. VARE. Did my colleague make any complaint to the superintendent of the building?

Mr. GOOD. No; it is useless to make complaint. I am making the complaint now to the House Office Commission. They are the gentlemen in charge; they have the responsibility and the whole care of that building. They can not shirk their responsibility quite as easily as my friend from Mississippi has got from under his.

Mr. MANN. Mr. Chairman, I am a member of the House Office Commission. For fear somebody would take the statements of the gentleman from Iowa seriously, I reply to them, because they will appear in the RECORD. I make regular trips to the House Office Building and go through it. My office is not over there, I presume I know more about it than the gentleman from Iowa, although I will not say that I do. I do not know as much as the collective membership of the House, but when the gentleman from Iowa says that I never go near the House Office Building, it is a deliberate affront. I make regular trips through the building at considerable inconvenience, because I am a member of the commission.

Mr. MONDELL. Mr. Chairman, I have no doubt the gentleman from Illinois and all other gentlemen whose duty it is to supervise the House Office Building visit it frequently. At least I hope they do. But if they do, I can not believe that they are always entirely happy over conditions as they find them over there. I had not any notion of complaining about the conditions of the House Office Building, but inasmuch as the matter has been discussed I do not think the matter ought to be passed without somebody suggesting that there is over there a very aggravated case of bad housekeeping. I think most everyone who occupies a room in that building is aware of that fact. The elevator service at times is perfectly scandalous. [Applause.] There are a few men over there that are exceedingly faithful and splendid elevator conductors. I do not keep very close track of them, but they must work more hours a day than the union card allows, because comparatively few of the conductors seem to be doing all the work, and some of the conductors over there in the House Office Building are most conspicuous by reason of their almost continuous absence. I do not know whose appointees they are; I do not know whose patronage it is, but it seems to me that the gentlemen who have charge of the patronage ought to insist that the people who are appointed to take care of our building shall at least put in a part of their time attending to their duty. Sometimes the elevators are running. I do not know that it is intended that all of them shall run at the same time. I do not know about that, because I take it for granted that the committee in charge know

how much elevator service we should have. I take their judgment as to whether it is necessary to run all of the elevators all of the time. But even the elevators that are supposed to be running are not run in a very satisfactory way a good portion of the time. I do not intend to scold about these things, but they having been referred to, I am echoing the view of these matters of practically everyone who has an office over there. It is a case of very bad housekeeping, and a lot of people who are supposed to serve the House are serving the House a very small portion of the time and in a very indifferent way.

Mr. VARE. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. VARE. I would like to ask the gentleman if he does not think that the time of the American Congress could be probably utilized to better account if these minor details were attended to by the superintendent rather than the time of the House taken up in discussion of them?

Mr. MONDELL. It is not so small a matter, I wish to say to the gentleman. I am in Washington every day when Congress is in session, and have been for 20 years, so that I know what is happening, and if the elevators do not run and the condition of the offices are not as they ought to be, I notice it, because I am here.

Mr. ALMON. Mr. Chairman, I desire to bear testimony to the fact that the House Office Commissioners, especially the gentleman from Illinois [Mr. MANN], I know of my own observation visit the House Office Building and look after the duties of their office. Whenever I have occasion to find fault with the service in the House Office Building, I call attention of the superintendent and his accommodating assistant to it, and they always promptly remedy the service about which I have cause to complain.

Mr. DAVIS of Texas. Mr. Chairman, I will soon have served two sessions in the House Office Building. It may be that men who have such luxurious surroundings at home, who have such esthetic taste at home, it may be that people who have millions to invest in fastidious comforts at home, would find serious objection to the situation in the House Office Building. Not so with me. I step on magnificent carpets, I walk on marble, I bathe in basins with a choice as to waters, and flip the liquid soap about and have all kinds of perfume.

A MEMBER. Where do you get it? [Laughter.]

Mr. DAVIS of Texas. And I stand before magnificent mirrors and take in my physique in splendid style, and I think frequently of singing that old religious song—

This is the way I long have sought, and mourned because I found it not.

[Laughter.]

I have no objection to find about the situation in the House Office Building. If I should, I would go to the superintendent, because there is a card up there that says that any irregularities or any dissatisfaction of any kind you will please report to the superintendent. [Applause.]

Mr. MANN. Mr. Chairman, it is inevitable in the management of a large office building that there will be more or less complaints. I have had an office in a large office building in the city of Chicago for many years, and occasionally have reason to complain. Very often something comes up that needs attention. I reached the conclusion some time ago, after many talks with the superintendent of the building in reference to various complaints which have been made, that, not always, but as a rule, those who had least at home wanted the most in the House Office Building. There is not an office in the House Office Building, not one, that is not a better office than the one which I occupy in the Capitol Building, and no one has ever heard me complain about that. I can attend to the work that it is my duty to perform in my office, and it is not half as large nor as luxurious as every office in the House Office Building. I know there are complaints about the elevator service. It is not good. It is not good in the House Office Building, and it is no better in the Capitol Building. There are reasons for that which I am not going to discuss now. The gentleman from Mississippi [Mr. HUMPHREYS], who is, I believe, the chairman of the committee on patronage of the Democratic caucus, has talked with me in reference to that in the hope that some way might be found by which the elevator service in both the Office Building and the Capitol Building might be improved. I do not know whether there is any way or not under existing conditions, but it is not the fault of the gentleman from Mississippi, and it is not the fault of the gentleman from New York [Mr. FITZGERALD] nor myself. We do not have any of the patronage, I will say—at least I do not, and I do not think the gentleman from New York [Mr. FITZGERALD] has, although he can answer for himself. We are very glad to have gentlemen of the House in the House Office Building at any time lay any complaint before the House Office Commission. At the best the service will not be perfect, and at the worst it is a great deal better than the conditions were when I came here, and at the worst a great deal better than the conditions which I have now in my room in the Capitol Building.

Mr. FITZGERALD. Mr. Chairman, the House Office Building Commission consists of the Speaker of the House, the gentleman from Illinois [Mr. MANN], and myself. I do not know that the Speaker goes often to the House Office Building, and there are reasons well known why he does not. He is busy in other ways. I make a practice of going there very frequently, and if I went there much more frequently and found as much complaint as I do when I am there I probably would not be on speaking terms with many Members in the House. I have ordered elevator men to cease making wardrobes out of their elevators. I have ordered elevator men to stop smoking when they are operating their cars, and I have criticized them very severely for the condition of the cuspidors and the floors of their elevators. I have been asked by elevator men who I was to come in there and to interfere with them, and at times they have resented the intrusion of a stranger with these criticisms. I proposed at one time that we put the elevator men in both the Capitol and the House Office Building in uniforms and make them keep them neat. There was objection to that for well-known reasons. We pay them very good compensation. We ought to have the best service possible in that building. The gentleman from Iowa [Mr. GOOD] complained about the absence of towels. Enough towels have been stolen out of that building to keep it supplied for a year. A great many matters of which the Members never have knowledge come to the knowledge and attention of the members of that commission, and we continuously endeavor to bring about an improvement in the conditions. Regardless of which party controls the House, I fear we shall always have trouble, more or less, for all of the employees are political employees. Some of them never expect to do any work, and some of them are very competent, faithful, capable men.

They get the brunt of it; the others shirk as much as possible; and it is our duty to try as much as possible to get a reasonable amount of service out of them all. I think if I had the appointment of all the employees in the building myself, the service would be improved [laughter]; but that is the opinion of every other Member. The commission welcomes information from Members as to conditions which should be improved. That building is maintained for the convenience and the comfort of Members, to enable them more efficiently to discharge their duties. It should be conducted in a manner that would be most conducive to that end. The employees should conduct themselves in such a manner that would be becoming; they should perform the duties devolving upon them faithfully, and they should try to give service that would be satisfactory.

Mr. GOOD. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. GOOD. Does not the gentleman from New York feel that we would get better service, so far as the elevator operators are concerned, if we took local employees and paid them the price that is usually paid—that is, $60 a month—instead of sending out over the country and giving out these positions as patronage, and then let a Member of Congress call an elevator man into his office to address franks, as is frequently done?

Mr. FITZGERALD. That should not be done during the time he is assigned to work.

Mr. GOOD. It is; I know that.

Mr. FITZGERALD. The conditions are not ideal, and we should try to do the best we can. They started off the other way, and I do not know how we can change the situation. All we can do is to try to improve it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I have just come in, and I do not know what has happened before the two gentlemen started to speak. I heard part of the talk of the gentleman from Illinois and that of the gentleman from New York. I have some knowledge about former conditions. I was chairman of the House Office Commission while I was Speaker, and after the building was occupied it did not receive any attention from me, as I had no time to give it, and I unloaded on the commission. In the Capitol the Speaker does have the power, or did then, and controlled the elevators at that time—the lunch room was under the control, practically, of the Speaker, although the Committee on the Public Lands at one time controlled it—and I want to say that I never paid any attention either to the elevator men on the south end of the Capitol. I think the service was fairly good. I unloaded it on the Superintendent of the Capitol and did not interfere with him. We all know who he is. And I unloaded the newspaper gallery on the Superintendent of the

Capitol and the then secretary to the Speaker, Mr. Busbey, who had been a newspaper man himself, and neither one ever gave me much trouble. I said, "Never come to me unless there is something you can not solve."

The Clerk read as follows:

Watch force: Captain, $1,200; 2 lieutenants, at $900 each; 64 watchmen; in all, $49,080.

Mr. AUSTIN. Mr. Chairman, I wish to ask the chairman of the Committee on Appropriations if the purpose is to provide for an increase of salary for the employees named in this bill in line with the increases provided in the other appropriation bills?

Mr. FITZGERALD. There is a 5 and 10 per cent provision in this bill.

Mr. AUSTIN. On what page?

Mr. FITZGERALD. Section 2, page 194.

Mr. AUSTIN. I thank the gentleman.

The Clerk read as follows:

For public printing, public binding, and paper for public printing and binding, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving, for both Houses of Congress, the Supreme Court of the United States, the Supreme Court of the District of Columbia, the Court of Claims, the Library of Congress, the Smithsonian Institution, the Interstate Commerce Commission, the Federal Trade Commission, the International Bureau of American Republics, the Executive Office, and the departments; for salaries, compensation, or wages of all necessary employees additional to those herein specifically appropriated for, including the compensation of the foreman of binding and the foreman of printing; rents, fuel, gas, electric current, gas and electric fixtures; bicycles, electrical vehicles for the carriage of printing and printing supplies, and the maintenance, repair, and operation of the same, to be used only for official purposes, including the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use of the officers of the Government Printing Office when in writing ordered by the Public Printer (not exceeding $1,500); freight, expressage, telegraph and telephone service; furniture, typewriters, and carpets; traveling expenses, stationery, postage, and advertising; directories, technical books, and books of reference, not exceeding $500; adding and numbering machines, time stamps, and other machines of similar character; machinery (not exceeding $100,000); equipment, and for repairs to machinery, implements, and buildings, and for minor alterations to buildings; necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty; other necessary contingent and miscellaneous items authorized by the Public Printer; and for all the necessary materials and equipment needed in the prosecution and delivery and mailing of the work, $5,250,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 177, line 2, after the figures "$5,250,000," insert the following: "*Provided*, That from and after the date of the passage of this act the pay for compositors and bookbinders in the Government Printing Office shall be at the rate of 55 cents per hour."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, the paragraph provides, among other things, for the "salaries, compensation, or wages of all necessary employees additional to those herein specifically appropriated for," and so forth, which I assume would make the matter germane. But, apart from the question of germaneness, if that is the basis of the point of order, I would like to say that the compositors in the Government Printing Office are a very deserving and worthy branch of the public service. They have been held at the rate of 50 cents an hour since 1900. They have not had an increase in wages to correspond with increases granted to other employees. The pressmen, for instance, were long since advanced to 55 cents an hour. The Senate favored this proposition and the House favored it on the passage of the bill codifying the printing laws of the United States. The report from the House committee on that subject states:

This section contains an increase in wages for all printers and bookbinders in the Government Printing Office from 50 to 55 cents an hour, as passed by the House and favorably reported to the Senate in the last Congress. It affects 330 printers and 270 bookbinders, according to the Public Printer's estimate for 1917, and will add $75,120 to their wages per annum. This increase was recommended by the Public Printer in his annual reports for 1914 and 1915, and has been urged by other printers and bookbinders throughout the country. The wages of the printers and bookbinders at the Government Printing Office have not been increased since 1900, when they were restored to the 50-cent rate that had been paid them for many years prior to the printing act of 1895, which fixed their compensation at 40 cents an hour.

Now, the high cost of living affects printers just as it affects all other workmen.

It has been said that men in the Government service have certain advantages over other employees, but this Congress is recognizing the propriety of increasing the salaries to the lower-paid workmen. Here is a high-grade craft, whose work necessarily requires skill, who must be intelligent above the ordinary, and who ought to be treated with the same consideration that others doing what might be regarded as a corresponding class of work are treated. If the pressmen, for instance, get 55 cents an hour in the Government Printing Office, and they deserve it, why should not the compositors and the bookbinders receive that rate of pay? It would be timely and just.

This House has expressed itself upon this question, and so has the body at the other end of the Capitol. We have the opportunity now to do an act of fairness, if not of simple justice, to this high-grade body of faithful employees. I do not believe the point of order ought to be sustained. I trust the chairman of the committee will not press it. Sooner or later we must deal with this question in fairness to these men. It is idle to say that this is going to increase the expenditures of the Government $75,000. That is a mere bagatelle to some of the increases that have already been made. It is idle to say that some benefits are provided for in the matter of a graduated scale of increases. These men would not participate in that increase corresponding to those whose regular wages have been increased.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I trust the gentleman will not insist on his point of order.

Mr. FITZGERALD. Mr. Chairman, I have no discretion in the matter. The amendment changes existing law, and is not recommended by the committee. While my sympathies are with these employees, in the performance of the duty that falls upon me in charge of this bill I am compelled to insist on the point of order.

Mr. MOORE of Pennsylvania. Before the Chairman rules I would like to be heard. What is the point of order?

Mr. FITZGERALD. It changes the law.

Mr. MOORE of Pennsylvania. What is the point of order?

The CHAIRMAN. That it changes the existing law.

Mr. MOORE of Pennsylvania. Is it not in order, Mr. Chairman, to offer an amendment that is germane to a paragraph that provides for the compensation of certain classes of employees?

The CHAIRMAN. Not if it changes the statutory law. The Clerk will read.

The Clerk read as follows:

For the Treasury Department, including printing required by the Federal farm loan act, $425,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Referring to this item for the Treasury Department, including printing required by the Federal farm loan act, $425,000, I would like to know if the committee can state how much of that $425,000 is intended for the Federal Farm Loan Bureau?

Mr. FITZGERALD. For the current year the appropriations for the Treasury Department are $425,000, and the increase in the amount requested is $20,000.

Mr. MOORE of Pennsylvania. That would be for the use of the Farm Loan Bureau?

Mr. FITZGERALD. Practically intended for the Farm Loan Bureau.

Mr. MOORE of Pennsylvania. Can the gentleman indicate if the printing to be done is in the nature of blanks and stationery, or is it descriptive work?

Mr. FITZGERALD. The Farm Loan Board will print circulars, blanks, prospectuses, regulations for the banks, reports of various kinds, all the stationery; in fact, all printing that is required for a bureau of the Treasury Department.

Mr. MOORE of Pennsylvania. The Farm Loan Board has started in quite vigorously.

Mr. FITZGERALD. It is organized, but they have not yet organized any farm loan banks.

Mr. MOORE of Pennsylvania. Its members have toured the country—very good men, I understand, and faithful Democrats?

Mr. FITZGERALD. Under the act the members were required to divide the country into districts and to locate the farm loan banks, and following the course adopted by the Federal Reserve Bank Organization Committee the Farm Loan Board arranged to conduct hearings in various cities throughout the country in order that the claims of various communities might be presented for the location of Federal loan banks. It was believed that by reason of these visits it would be much more convenient to the large numbers of persons interested in the location of banks to have the commission visit the various localities and give the people an opportunity to be heard than it would be to remain in Washington and compel the representatives of various communities to come from all parts of the United States to Washington.

Mr. MOORE of Pennsylvania. That was done, of course, at the expense of the Government?

Mr. FITZGERALD. Yes; that was done last summer.

Mr. MOORE of Pennsylvania. The Navy Department is now putting out circulars more or less attractive to catch the eye of the young men whom it desires to have enlist in the Navy. Several other departments and bureaus are doing advertising with a view of attracting public attention to their work. I would like to know whether the Farm Loan Bureau is using this money, or will use this money, for the purpose of circularizing the communities with the view of competing with existing banking institutions?

Mr. FITZGERALD. I do not know. One of the positions that the Farm Loan Board proposed to establish was that of a publicity agent, and it was not allowed in the legislative bill as agreed upon by the managers on the part of the two Houses.

Mr. MOORE of Pennsylvania. Was a publicity agent asked for?

Mr. FITZGERALD. It was asked for, and I believe there was a publicity man employed. That place has been eliminated.

Mr. MOORE of Pennsylvania. And no appropriation was granted for that purpose?

Mr. MANN. Mr. Chairman, I move to strike out the last word. I had intended to say a word when we had up the printing and binding for Congress. The gentleman from Indiana [Mr. BARNHART] has a bill pending, and a similar bill has passed the Senate, for something of a revision of the printing law. I call it to the attention of the Members of the House. It is very likely it will not be possible to get it up at this session of Congress. One of the features of that bill, and one of the essential features of it, is the provision shutting off altogether, practically, the leave to print. I do not often myself make use of a leave to print——

Mr. FITZGERALD. You ask for it often enough.

Mr. MANN. Well, I have not asked for it at this session.

Mr. FITZGERALD. The gentleman will before we conclude. He always does make a half dozen requests.

Mr. MANN. I usually have a number of leaves to print to my credit, so that if some political matter comes along on which I think it is essential to print as the floor leader of my party, I may put it in the RECORD. I very seldom have done it, however, but I have usually had the leave. I had at the last session of Congress, I think, a dozen leaves to print when we ended the session, and I have not made use of one of them. I do not know whether it will be practicable to run the House of Representatives without leave to print——

Mr. FITZGERALD. We might have a special edition——

Mr. MANN. Though I do know that we woefully abuse the privilege to-day.

Mr. FITZGERALD. We might have a special publication in which those things could be printed.

Mr. MANN. This bill provides in some cases for leaves to print—always, I believe, to be inserted in the Appendix. That is a pretty good place for them. We have 435 Members. While I talk often on the floor, I seldom talk long, but I get all into the RECORD that I want to, and more, too. But sometimes it is difficult for Members to get the opportunity to speak on the floor.

I believe this bill would allow Members to extend their own speeches. We have got into the habit lately, more and worse than ever, of inserting newspaper articles, magazine articles, telegrams, and letters under leave to print.

Mr. FITZGERALD. And speeches.

Mr. MANN. And some day the legislature of a State passes a resolution with a long preamble, and one or two Senators insert it in the Senate and one or a dozen Members of the House insert the same thing in the House proceedings. There is no good reason for that.

Mr. FERRIS. I agree with what the gentleman from Illinois has said. But, as a matter of economy, is it not economical to pay for the printing of speeches of Members of Congress rather than to hold up the Congress for them to deliver them? These speeches, you know, must be unloaded.

Mr. MANN. No; they do not have to be unloaded. Congress is operating all the time, ordinarily from 12 o'clock to a reasonable hour in the afternoon, and now from 11 o'clock in the morning to 11 o'clock at night, and somebody's tongue is going all the time. It would not be possible for every Member of the House to be heard even shortly, much less at length, on all the propositions pending.

Mr. FERRIS. We would have a riot without an outlet somewhere.

Mr. MANN. I am not undertaking to decide the proposition, but simply suggest that Members should think it over a little, because undoubtedly that matter will come up for the consideration of Congress at the next session. The Senate, of course, is always very liberal in endeavoring to cut off the privileges of the House.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BARNHART. Mr. Chairman, the bill to which the gentleman from Illinois [Mr. MANN] refers is in substance a bill which has recently passed the Senate, and, as I understand it, does not curtail the possibility of extending remarks in the RECORD, except as they embrace extraneous matter. It does provide that, when requests are made for extending remarks in the RECORD by way of inserting newspaper articles and long dissertations of distinguished gentlemen here and there and everywhere, the same shall be referred to the Committee on Printing and reported out as a privileged matter for the consideration of the House as to whether or not they shall be inserted in the RECORD. In the matter of extending remarks of Members in the RECORD, I think the bill provides that such remarks extended in the RECORD shall not occupy more than two pages, which is a reasonable amount of space.

The bill further provides, as I understand it and as the committee understands it, for a large saving in this abuse of the CONGRESSIONAL RECORD. I want to call the attention of the Membership of the House to one or two abuses that have occurred in the not very distant past.

One was a special issue of the CONGRESSIONAL RECORD that contained a vast number of pages. I do not recall just how many pages, but I do recall that I inquired of the Public Printer and he reported that merely the printing of that extra edition of the CONGRESSIONAL RECORD, carrying a similarity of telegrams on a certain question that was pending at that time, cost the Government of the United States $14,800, to say nothing of the franking expense and the envelope-privilege expense, and altogether it is quite likely that that one edition of the CONGRESSIONAL RECORD, through the extension of remarks by a Member of Congress, cost something like $18,000.

In the not distant past there was another similar but less extravagant incident, and I called attention to it at the time. I do not point it out by way of criticism, because it is common. A Member of Congress, a Member of the House, asked unanimous consent to extend certain matter in the RECORD which was reprint throughout. The request was granted, and in that one insert about 37 pages of the CONGRESSIONAL RECORD were occupied by solid nonpareil type, and the cost of the composition and the paper for making that reprint was something like $4,000. And that was only a part of the requests for unanimous consent to print by the gentleman who asked it. Since that time he has come to me and said he was surprised at the enormous expense of the printing. He said, "I have not done with what I had in mind to insert in the RECORD." I made inquiry at the Government Printing Office and I find that while this has not been completed, it might ultimately cost $15,000 or $20,000. The same material could have been printed as a public document at very much less expense. But, in any event, it simply shows that the Members of Congress who avail themselves of the privilege——

Mr. HAMLIN. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. HAMLIN. Did not another matter escape the gentleman's attention? I hardly think it did, because I know the gentleman pays very close attention to these things. That is, that under leave to extend remarks a Member inserted matter covering about 100 pages of small type, and I think all of it, while it is valuable, is included in documents already in print, issued by the department; but it occupied about 100 pages of the RECORD.

Mr. BARNHART. Mr. Chairman, that is almost as common as the publication of the RECORD. At another time I recall that a Member of Congress got unanimous consent in one of the branches of this body to print report on child labor.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. The gentleman from Indiana is recognized for five minutes more.

Mr. BARNHART. I was about to say that we have had printed in the CONGRESSIONAL RECORD and made a public document certain reports on child labor, and the last I heard of that, some two or three years ago, was that already $47,000 worth of printing had been done, and that the publication was only about half printed. When finished it will comprise a wheelbarrow load of volumes, and the probability is that not one man

in a million in the United States, after he sees the extent of the publication, will take the time even to turn and look at the title-page.

Mr. SHERLEY. Was that printed in the RECORD?

Mr. BARNHART. That was printed from time to time in the RECORD, but it is finally printed as a document.

Mr. SHERLEY. The leave to print is not construed to be a continuing leave, to run through various editions of the RECORD, is it?

Mr. BARNHART. Whether it is construed to mean that or not, that is what is frequently done. A Member asks unanimous consent for leave to print certain publications on a certain matter, and he keeps on feeding it to the RECORD day after day, and you and I—at least I did not formerly do so as much as now—do not notice that it is being done, but it is done under the leave granted to print. A Member may not have them all ready to-day or to-morrow, and he will gather some more from time to time. That was the particular instance I was citing, and that occurred within the last 10 days in this House, where the Member who had already inserted 37 or 38 pages of printed matter said to me that he had considerable more, but he hesitated to put it in because he believed it was going to be too expensive. However, his intention was—and he was in perfect good faith about it—to go ahead and insert it in the RECORD.

Mr. MANN. I think I know what the gentleman refers to. The gentleman does not mean that the gentleman to whom he refers inserted day after day under the same leave to print?

Mr. BARNHART. The intention of the gentleman, as I understood it, was to insert the balance of what he had in mind under that leave to print.

Mr. MANN. I think the gentleman from Indiana is in error, because the gentleman to whom he now refers made request after request, another request and then another request, for leave to print, to include certain things.

Mr. BARNHART. The gentleman from Indiana knows nothing more than that the gentleman referred to came to him and suggested just what has been stated—that he hesitated to put in any more of it after he learned how very expensive it was to print it.

Mr. MANN. He hesitated to ask another leave to print. I think that is what he meant. I would like to ask the gentleman one question if I may without interrupting him.

Mr. BARNHART. Certainly.

Mr. MANN. My recollection of the bill to which the gentleman refers is that it provides that no speech shall be inserted in the RECORD which is not germane to the subject matter up before the House at the time the speech is made?

Mr. BARNHART. I think if the gentleman from Illinois will look at the bill, he will find that no matter shall be inserted that is not germane to the subject.

Mr. MANN. That is a little broader than a mere speech, but it includes a speech.

Mr. BARNHART. But the entire purpose of the bill—and if it does not specifically so state it can easily be amended—is to provide that extraneous matter shall be passed upon by some other authority than unanimous consent before it is inserted in the RECORD.

Mr. MANN. I shall be very glad to have something of the sort done, as far as I am concerned.

Mr. BARNHART. The bill that passed the Senate carries some other excellent provisions. It is similar to a bill that has passed this House once.

Mr. MILLER of Delaware. Is there any penalty, or a provision for any course to be taken, where in remarks extended in the RECORD, and not spoken on the floor, a Member writes in the word "applause" or other evidences of approval, as has been done in instances I know of in the present Congress? Is that taken care of?

Mr. BARNHART. Oh, I think precedent has established the right of a Member to do that, if it gives any unction to his soul.

Mr. MANN. Oh, no; not by a long shot.

Mr. BARNHART. Well, it is done.

Mr. FERRIS. Mr. Chairman, what I shall say will not be the last word on the CONGRESSIONAL RECORD, the printing of the RECORD, or what it shall contain. I am neither a member of the Committee on Printing nor a very close student of the CONGRESSIONAL RECORD; but while this question is up, I do want to say that there are 435 Members here, and there are 435 districts that they represent, and each and every Member is presumed on a good many questions that come up here to make known to his district the things for which he stands. We can not all be as active as the chairman of the Committee on Appropriations and the minority leader in the matter of addressing the House. If we did the House would never get any business transacted; it would be all talk. Some of us have to sit here content to be an audience for the rest, and it is only fair that we have an opportunity to get our views into the RECORD.

Mr. FITZGERALD. I have not talked as much as the gentleman from Oklahoma has talked in one week.

Mr. FERRIS. This is the first time I have opened my mouth in this House in a week.

Mr. FITZGERALD. But the gentleman was a continuous performer here for three months in the last session.

Mr. FERRIS. Oh, no; and I hope the gentleman will not take up my time. I want to finish these important remarks.

Mr. BARNHART. Will the gentleman yield to me?

Mr. FERRIS. I can not; I am in such a hurry to say what I have to say in the time I have. This is too important.

Mr. Chairman, in all earnestness I want to say that we ought not to begin to curtail the RECORD. If it is desired to put the extensions in the back of the RECORD, as we have already done, that is all right.

Mr. BARNHART. We are not trying to curtail speeches.

Mr. FERRIS. If we want to show that extended remarks are made in the RECORD, and not as a part of the proceedings of the House, so that they will not bear any fraud on their face, that is all right. But Members who do not participate very much in the debate have the right to inform their districts in some way of their views upon the questions coming up here, and if there is any vehicle of communication more capable of bearing that burden than the CONGRESSIONAL RECORD, I should like to know what it is. It has carried the same load for a good many years, and I suppose it can hold it up a little longer. The RECORD is read by a good many people. It is a means of publicity. It should be broadened not curtailed.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the Interior Department, including not exceeding $55,000 for the Civil Service Commission and not exceeding $25,000 for the publication of the Annual Report of the Commissioner of Education, $320,000.

Mr. BARNHART. Mr. Chairman, I move to strike out the last word. I will occupy a minute or two to say to the gentleman from Oklahoma that the printing bill that has passed this House once and almost passed again, and has passed the Senate twice, and is now lying on the Speaker's desk, does not provide the limitations suggested by the gentleman from Oklahoma and the gentleman from Illinois. There is no purpose in the bill to attempt to curtail the privilege of Members extending their remarks in the RECORD, nor to extend remarks they may have made elsewhere than on the floor of the House; but it does undertake to and would effectually stop the waste and bulkiness, the result of inserting so much extraneous matter in the RECORD, which makes the RECORD so large that the average individual will not stop to read it, because he has not time to hunt out what is worth reading. If it were possible to take the bill from the Speaker's table—and I believe we could dispose of it in an hour—we would settle matters that have caused Members considerable trouble, such as securing documents they want for their districts, and leave those they can not use to be distributed to some one who can use them. It provides that a Member may take all of his allotment from year to year in printing, without specifying how much it shall be, and distribute it in his district, and not send so much junk, which sometimes amounts to three-quarters of a million dollars, to the waste-paper pile.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. TAYLOR of Colorado. Does it provide anything in regard to an index for the CONGRESSIONAL RECORD?

Mr. BARNHART. We provide for that in the bill.

The Clerk read as follows:

For binding in classified order one set of German patents now in the Patent Office Library, $20,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. What are the German patents that are in the Patent Office?

Mr. FITZGERALD. There is in the Patent Office a complete set of German patents arranged by classification. The set is very valuable, but it is not bound. There is no way in which anyone desiring to search German patents can do so without examining over 2,100 volumes. If those reports were bound, by taking a volume under any particular classification in a very short time a complete search could be made of the German patents. They are in such shape now—in loose pamphlet form, unbound—that the Patent Office does not feel at liberty to permit them to be examined by all those who desire to do so.

Mr. MOORE of Pennsylvania. Is there any secrecy about them?

Mr. FITZGERALD. No; but they are in pamphlet form and in bundles, and the desire is to bind them in volumes.

Mr. MOORE of Pennsylvania. Are they designs or are they reports?

Mr. FITZGERALD. They are the official patent reports issued by the German Patent Office.

Mr. MOORE of Pennsylvania. Have they anything to do with the Army or the Navy?

Mr. FITZGERALD. Oh, no; they are the general Patent Office reports; they are the reports of the patent office that Germany issued in the classified form. The patents belonging to certain classes are arranged under proper headings. We have a set not arranged in that way, but it is not as valuable or useful. This set is of immense value to persons seeking information relating to possibility of patented invention under the German laws or acquiring information about any particular art.

Mr. MOORE of Pennsylvania. That is all I wanted to know. I thought possibly there might be a question of international law here.

Mr. FITZGERALD. No; we have the reports which came from the German Patent Office and are stacked in the Patent Office, tied up in bundles, and unable to be used because of the form in which they are there. If they were properly bound they would be of very great value to those seeking information.

Mr. MOORE of Pennsylvania. Our Patent Office is still on speaking terms with the German Patent Office?

Mr. FITZGERALD. We are still receiving from Germany the public documents through the international exchange conducted by the Smithsonian Institution.

Mr. WATSON of Pennsylvania. Are there not thousands of volumes of patent reports now in the Patent Office from Germany which are not bound?

Mr. FITZGERALD. I have said that there is a whole set of them, about 2,100 volumes.

Mr. WATSON of Pennsylvania. There are thousands of those reports in bundles unbound, all covered with dust. I approve of this appropriation to bind this set of reports, and the others ought to be bound to preserve them. No one can look at them because the leaves are loose and likely to be lost, and therefore, as I say, I approve of the appropriation to bind them.

Mr. FITZGERALD. This is to bind them, and the commissioner urged it forcibly, and the committee believed it a desirable thing to do.

The Clerk read as follows:

For the Department of Agriculture, including not to exceed $47,000 for the Weather Bureau, and including the annual report of the Secretary of Agriculture, as required by the act approved January 12, 1895, and in pursuance of the joint resolution No. 13, approved March 30, 1906, and also including not to exceed $200,000 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by Senators, Representatives, and Delegates in Congress, as they shall direct, $650,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I wish to inquire of the chairman of the committee whether this is the total amount allowed by the Department of Agriculture for the printing of the various activities of that department?

Mr. FITZGERALD. It is.

Mr. STAFFORD. I notice that the appropriation has been increased some $50,000 over that carried in the last year's bill.

Mr. FITZGERALD. That is correct.

Mr. STAFFORD. Is that due to the increased cost of paper or the additional activities of the bureau?

Mr. FITZGERALD. The increased cost of paper and the increased activities of the bureau and the increased number of bulletins to be printed.

Mr. STAFFORD. I suppose the gentleman refers to the farmers' bulletins that are printed?

Mr. FITZGERALD. Yes.

Mr. STAFFORD. How many will the additional appropriation authorized in the bill allow to each individual Member?

Mr. FITZGERALD. The appropriation for that purpose is increased $22,500.

Mr. STAFFORD. Will it permit of a decided increase in number?

Mr. FITZGERALD. It is intended to increase considerably the number of bulletins.

Mr. STAFFORD. As I understand it, these various items providing for authorizations to the respective departments are the appropriations under which various departments print their various publications and reports.

Mr. FITZGERALD. All of the printing for the departments comes out of the allotment made in this bill. The appropriation is made to the Public Printer, and these items are limitations upon the departments for printing for various purposes.

Mr. STAFFORD. Can the gentleman estimate how much additional appropriation is required by reason of the increased cost of paper?

Mr. FITZGERALD. No; I do not know. Paper has gone up very considerably. Everybody says the increased cost of paper necessitates an increased appropriation, and just how much of the increase is caused by the rise in paper prices I have not been able to determine in any single case.

Mr. BORLAND. There has been a reduction in the quality of paper. They are not using as good paper.

Mr. FITZGERALD. One of the ways in which that increase has been offset has been in the use of a cheaper quality of paper.

Mr. STAFFORD. Some grades of paper have increased something like 25 per cent, and higher than that in some grades.

Mr. BARNHART. Five hundred per cent in print paper.

Mr. STAFFORD. The gentleman has not increased some of these allowances.

Mr. FITZGERALD. That is true, but it would not hurt the Government if the printing for any department of the Government were materially reduced.

Mr. STAFFORD. There are different views about that. There are some who believe that the appropriations should be increased so as to permit of the information to be more generally scattered throughout the country.

The Clerk read as follows:

THE PANAMA CANAL.

For every expenditure requisite for and incident to the construction, maintenance, and operation, sanitation, and civil government of the Panama Canal and Canal Zone, including the following: Compensation of all officials and employees; foreign and domestic newspapers and periodicals; law books not exceeding $500, textbooks and books of reference; printing and binding, including printing of annual report, rents and personal services in the District of Columbia; purchase or exchange of typewriting, adding, and other machines; purchase or exchange, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles; claims for damages to vessels passing through the locks of the Panama Canal, as authorized by the Panama Canal act; claims for losses of or damages to property arising from the conduct of authorized business operations; claims for damages caused to owners of private lands or private property of any kind by reason of the grants contained in the treaty between the United States and the Republic of Panama, proclaimed February 26, 1904, or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation, and protection of the said canal or of the work of sanitation and protection therein provided for, whether such claims are compromised by agreements between the claimants and the Governor of the Panama Canal or allowed by a joint land commission; acquisition of land and land under water, as authorized in the Panama Canal act; expenses incurred in assembling, assorting, storing, repairing, and selling material, machinery, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal which are unserviceable or no longer needed, to be reimbursed from the proceeds of such sale; expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus; expenses incident to any emergency arising because of calamity by flood, fire, pestilence, or like character not foreseen or otherwise provided for herein; per diem allowance in lieu of subsistence when prescribed by the Governor of the Panama Canal, to persons engaged in field work or traveling on official business, pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, and for such other expenses not in the United States as the Governor of the Panama Canal may deem necessary to best promote the construction, maintenance and operation, sanitation, and civil government of the Panama Canal, all to be expended under the direction of the Governor of the Panama Canal and accounted for as follows:

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. This is the first paragraph relating to the Panama Canal, and I notice in the various paragraphs the amounts carried are much less than those carried in previous bills. I would like to have some statement from the chairman of the committee as to the condition of the canal at the present time, whether it is nearing completion, but particularly as to whether traffic is being impeded by the continuance of the land and rock slides?

Mr. FITZGERALD. The canal is finished, and any expenditures now being made to remove soil that has been deposited in the prism of the canal as a result of slides is charged to maintenance and operation. Some of the facilities have not yet been completed. There are some requests for appropriations for additional facilities, but the canal has been from an accounting standpoint actually completed, and that accounts for the reduction in the sums appropriated.

Mr. STAFFORD. What is the total amount that the canal has cost up to date?

Mr. FITZGERALD. Exclusive of the payments to France and Panama the total appropriations are $395,714,000. Some of that is for maintenance and operation.

Mr. STAFFORD. So the cost of the canal is greater than the original estimate made by Gen. Goethals by several millions?

Mr. FITZGERALD. The amount expended for the construction of the canal, including a number of facilities not originally contemplated, is about $372,000,000. The additional money making up the $395,000,000 is charged to operation and maintenance and sanitation.

Mr. STAFFORD. As I recall the original estimate of Gen. Goethals was $360,000,000.

Mr. FITZGERALD. Three hundred and seventy-five million dollars.

Mr. STAFFORD. So the canal proper in its construction has been completed within the original estimated cost?

Mr. FITZGERALD. Within the original estimate.

Mr. STAFFORD. And the other expenditures are chargeable to maintenance and for projects not within the original concept of the canal?

Mr. FITZGERALD. After the canal was opened all of those items were charged to construction account.

The Clerk read as follows:

For continuing the construction and equipment of the Panama Canal, including $1,000 additional compensation to the Auditor for the War Department for extra services in auditing accounts for the Panama Canal; for the completion of one dock at Cristobal (No. 6) at a total cost not exceeding $1,500,000; and toward construction by contract or in navy yards complete in every detail of two seagoing coal barges at a total cost not exceeding $800,000 each under a contract or contracts hereby authorized therefor: *Provided*, That the authority contained in the act approved July 1, 1916, for the construction of two colliers is repealed and the sum of $1,100,000 appropriated therein toward the construction of the said colliers, or so much thereof as is unexpended, is made available for use in the construction of the coal barges authorized herein, $2,755,000.

Mr. MILLER of Delaware. Mr. Chairman, I move to strike out the last word.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. MILLER of Delaware. Mr. Chairman, I want to ask the chairman of the committee a question. The paragraph says that the amount appropriated under the act of July 1, 1916, or so much thereof as is unexpended. Do I understand by that some of the money has been spent on these colliers in building them or only on the plans?

Mr. FITZGERALD. It was incorporated in the lump appropriation which included other matters, so that the unexpended balance of that appropriation may not in any way be tied up.

Mr. MILLER of Delaware. Then no money was expended in drawing up plans for these colliers which would be wasted if transferred to the barges?

Mr. FITZGERALD. No. The committee authorized the construction of colliers costing originally $1,300,000. At the request of the department the limit of cost was increased to $1,500,000, and then the committee was requested to increase the limit of cost to $1,900,000 each. Now, the canal authorities say that instead of building these two colliers, which probably could not be built for $1,900,000 each, that if they are given authority to construct two sea-going steel barges at a cost of $800,000 each that these barges can be towed by the two colliers which the canal now has and in that way adequate facilities provided for the furnishing of the coal supply for some time to come.

Mr. MILLER of Delaware. Then under the act of July 1, 1916, no money was expended on these colliers?

Mr. FITZGERALD. None whatever.

Mr. MILLER of Delaware. I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from Illinois reserved a point of order.

Mr. MANN. Mr. Chairman, I did not hear all the gentleman from New York stated to the gentleman from Delaware. Last year we provided two colliers at a cost of $650,000 each.

Mr. FITZGERALD. $1,500,000 each.

Mr. MANN. Last year in this bill we provided two colliers at $650,000 each.

Mr. FITZGERALD. At $1,500,000 each.

Mr. MANN. $1,300,000 each.

Mr. FITZGERALD. We increased the limit of cost.

Mr. MANN. That was increased in the deficiency bill.

Mr. FITZGERALD. It was in the deficiency bill. Then the request was made to increase the limit to $1,900,000 each. Now, the canal authorities state that if two steel barges are built which can be towed by the two colliers which are now in operation, it will furnish them with adequate coal-carrying capacity to furnish the canal for some time to come with coal.

Mr. MANN. It is a long ways to tow a coal barge. Are they satisfied they can tow them?

Mr. FITZGERALD. We inquired about that and they stated there would be no difficulty in towing the type of barge that was contemplated here, and that it would be much more economical and entirely satisfactory and would be about $2,200,000 less than the building of the two colliers. It was also stated, when inquiry was made as to the possibility of utilizing these barges in connection with the colliers operating with the fleet, that they could be utilized under such circumstances also.

Mr. MANN. The sundry civil bill last year carried an item of two colliers at $1,300,000 each. I suppose that was the act of July 1. That act you propose to repeal. If you increased the limit of cost to $1,500,000 subsequently, that act would be repealed.

Mr. FITZGERALD. I think not, because the authority to construct was in the sundry civil act.

Mr. MANN. I do not recall.

Mr. FITZGERALD. It was increased subsequently, and a request made to increase it further.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

For maintenance and operation of the Panama Canal, salary of the governor, $10,000; purchase, inspection, delivery, handling, and storing of material, supplies, and equipment for issue to all departments of the Panama Canal, the Panama Railroad, other branches of the United States Government, and for authorized sales, payment in lump sums of not exceeding the amounts authorized by the injury compensation act approved September 7, 1916, to alien cripples who are now a charge upon the Panama Canal by reason of injuries sustained while employed in the construction of the Panama Canal, $9,000,000, together with all moneys arising from the conduct of business operations authorized by the Panama Canal act.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What is the proposition with reference to paying these lump sums to aliens who have been injured on the canal?

Mr. FITZGERALD. It is to pay certain alien laborers who are injured a lump sum and send them back to their own country. We have some cases where some alien laborers were injured and no provision made for them, and it is desired to pay them small sums of money so that they may return to their own country.

Mr. MANN. Are they covered by the compensation act?

Mr. FITZGERALD. I think not. Aliens are not included, my recollection is, within the terms of the compensation act.

Mr. MANN. Well, we carried in the Panama Canal act authority for the President to issue orders providing for compensation of employees on the Panama Canal. Of course the recent compensation act has not taken effect down there yet, so far as any payments are concerned, but I suppose that covered alien employees as well.

Mr. MONDELL. If the gentleman will yield to me, my recollection is these are some alien employees who were injured before the passage of the compensation act.

Mr. MANN. Before the passage of any compensation act? We have had a compensation act in force for a number of years. The first was the old employees' compensation, and then special provision in the Panama Canal act. Now there is a new compensation act.

Mr. FITZGERALD. It is stated they have about 200 of those aliens who were injured before there was any authority to make compensation for them.

Mr. MANN. That was a long time ago.

Mr. FITZGERALD. Yes. They have 200 of them, and it is intended to expend about $10,000, giving them a certain sum and sending them back to their own country.

Mr. MANN. That is practically giving them money enough on which to go home and have a little left when they get home?

Mr. FITZGERALD. Yes. The statement was made that if those persons had been injured after the act went into effect authorizing compensation it would take about $90,000 to pay them what they would be entitled to under the act.

Mr. MANN. I will withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers, and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable, $700,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 188, line 6, after the word "practicable," insert the following: "And including additional compensation from May 10, 1916, to any officer of the United States Public Health Service detailed upon the Panama Canal as chief quarantine officer."

Mr. MANN. I reserve a point of order on the amendment.

Mr. FITZGERALD. Under a ruling of the comptroller it is impossible to pay the public-health officer detailed as chief quarantine officer on the Panama Canal Zone compensation fixed in the Panama Canal act for that place.

Mr. MANN. Well, why?

Mr. FITZGERALD. I will read an elaborate opinion to the gentleman.

Mr. MANN. All right. Do not these health officers receive extra compensation when they are serving outside of the United States?

Mr. FITZGERALD. They have received this extra compensation right along, and they received it for some time under the Panama Canal act; but the comptroller recently discovered that for some reason, detailed in his opinion, under another statute, as this officer was receiving $2,400 a year as public-health officer, he could not receive any additional compensation.

Mr. MANN. Well, why should he?

Mr. FITZGERALD. The law fixes it that way.

Mr. MANN. The law says he shall not receive it, and the law says he shall receive it.

Mr. FITZGERALD. He likes the law that provides he shall. Every Army and Navy officer on the canal assigned to a position in connection with the operation and maintenance of the canal receives compensation in excess of his Army and Navy pay.

Mr. MANN. Very likely. And every health officer, and there are a number of them serving outside of the confines of the United States, receives extra compensation. Now, does this health officer at Colon receive more compensation than a health officer down on the west coast?

Mr. FITZGERALD. His pay as officer of the Public Health Service is $240 a month, but as chief quarantine officer he would receive $375 a month. It is a difference of $135 a month.

Mr. MANN. He is very much interested in it.

Mr. FITZGERALD. Very much, indeed.

Mr. MANN. Is it higher pay than the health officers receive down on the west coast?

Mr. FITZGERALD. It is.

Mr. MANN. Which is a much more dangerous place than Colon, which is now quite healthy. A health officer that goes down to the yellow-fever district on the west coast——

Mr. FITZGERALD. Nobody thinks about him.

Mr. MANN. I am thinking about him.

Mr. FITZGERALD. It is evident the gentleman is thinking about him; but there is no provision made to pay him additional compensation.

Mr. MANN. There is no provision to pay this man. That is the reason the amendment is offered.

Mr. FITZGERALD. This man was caught under the provision that was enacted to prohibit the payment of two salaries when the compensation was in excess of $2,000.

Mr. MANN. This is one of the cases I warned the gentleman about when he put through a very bad provision.

Mr. FITZGERALD. I admit it.

Mr. MANN. I want to make another. We passed a law a few years ago over my protest providing that a man who got over $2,400 a year, was it?—maybe over $2,000 a year—could not get an extra salary anywhere. I said to the gentleman nobody knew whom it would hit, and we have been making exceptions to it ever since. There were a number last year by special act, and now we are doing it again.

Mr. FITZGERALD. We made some exceptions; but we found a great number of cases that were very vicious and where no exception has been made.

Mr. MANN. I never heard of any except one.

Mr. FITZGERALD. I will tell the gentleman of one, a very notorious one. There is an employee in the office of the Superintendent of Public Buildings and Grounds in Washington. His compensation is either $2,400 or $3,000 a year. The Lincoln Memorial Commission, upon the theory that this man in some way was in charge—supervising or superintending, or looking at the Lincoln Memorial in the course of erection—voted him $600 additional compensation out of the appropriation for the construction of the memorial.

The CHAIRMAN. The gentleman's time has expired.

Mr. MANN. For one man you add $600, and on the strength of that add $2,500 to another man. That is great economy.

Mr. FITZGERALD. Does the gentleman withdraw the point of order?

Mr. MANN. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In all, $13,055,000, to be immediately available and to continue available until expended: *Provided*, That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Panama Canal, including any portion of such appropriations which may be used for the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances, for the purpose of providing coal and other materials, labor, repairs, and supplies, for the construction of office buildings and quarters, and other necessary buildings, exclusive of fortifications, colliers, Dock 6 at Cristobal, coal barges, and repairs, alterations, and reboilering of steamships *Ancon* and *Cristobal*, and exclusive of the fair value of the American Legation building in Panama, and exclusive of the amount used for operating and maintaining the canal, and exclusive of the amount expended for sanitation and civil government after January 1, 1915, may be paid from or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902, and section 39 of the tariff act approved August 5, 1909.

Mr. MONDELL. Mr. Chairman, before we leave the appropriations for the Panama Canal I want to call attention to the fact that the committee in its recommendations very greatly reduced the estimates. The estimates amounted to $19,787,000 in round figures. The committee recommended $13,055,000, or a little more than $6,500,000 reduction in estimates of over $19,000,000.

Some of these reductions have already been called to the attention of the committee. They were due to the fact that we are not to construct the colliers, the construction of which was contemplated and heretofore provided for. A very considerable reduction also is due to the fact that we are not to build a new and very fine Hotel Tivoli. Quite a considerable reduction is made in an estimate for the quarters for silver employees, and so on through considerable items that are very properly dropped, in my opinion.

But over and beyond that, my opinion is that the committee in its recommendation has cut these estimates pretty closely in quite a number of cases. My idea is that there are a number of items of appropriation that the committee has failed to provide for that should have been provided for. The public service in connection with the canal will not suffer, however, by reason of any of the reductions made. Sufficient money is appropriated to run the canal, to operate the canal. The question is, How far shall we go and how fast shall we go in the matter of this or that improvement?

That question is further complicated by this very interesting question: When is a canal a canal? In other words, when is the Panama Canal finished? When do we cease to charge expenditures to the canal construction and begin to charge them to the operation and maintenance? And what items should be charged to construction and what to operation and maintenance?

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MILLER of Minnesota. I was there some years ago and then again recently. I noticed that in the last two or three years they had been building quite extensively quarters for canal employees out of reinforced concrete, very nice looking, and I recently noticed that they had changed the type of reinforced concrete to wooden construction, due, as I was informed, to the failure of appropriations. Might I inquire if the committee has considered the subject of the kind of structures to be erected down there permanently for employees? Has the committee decided to construct any more reinforced concrete buildings?

Mr. MONDELL. I do not recall that the committee has so decided, and I did not know that there was a modification in the plan of construction. As a matter of fact, my understanding was that we had practically completed quarters in concrete for all the gold employees. The question arose, Shall we provide quarters for the silver employees?

Mr. MILLER of Minnesota. I am referring to the gold employees, and by "gold employees" the world knows we mean whites.

Mr. MONDELL. My recollection is that we had practically provided for all the quarters for the gold employees in concrete.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. TREADWAY. Will the gentleman yield?

Mr. MONDELL. Mr. Chairman, I would like to have five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. I saw myself some 15 or 20 houses in process of construction, of lumber instead of reinforced concrete, and I was informed that the remainder of the buildings would be constructed of lumber.

Mr. MONDELL. My recollection is that we have appropriated for all the quarters necessary for the gold employees, with the understanding that those quarters were to be constructed of concrete. If they are now constructing some of these quarters,

temporary quarters, of lumber, that is something that was not brought to our attention.

Mr. FITZGERALD. We constructed in the gold town quarters out of concrete.

Mr. MILLER of Minnesota. Those are at Balboa, in the very center of the best reinforced concrete structures down there. In the very center of the area now occupied by those structures there are now being constructed quite a number of frame buildings. It occurred to me that there might be some danger of fire with respect to those wooden buildings.

Mr. TREADWAY. Now, Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I yield to the gentleman.

Mr. TREADWAY. The gentleman has been talking about expenditures and revenues. Has the gentleman any information about the receipts from the canal tolls?

Mr. MONDELL. I think the gentleman from New York [Mr. FITZGERALD] can supply those figures. I can give them to the gentleman in round figures, but I think the gentleman from New York has the details.

Mr. TREADWAY. It would show the net cost to the Government—the difference between the receipts and the expenditures.

Mr. MILLER of Minnesota. I was told that they are now running ahead about $2,500 a month, and had been for a year.

Mr. MONDELL. Now, the question is, How much more construction should be carried forward on the Canal Zone and charged to permanent canal work, charged against the general estimates of the cost of the canal? It is a question whether the new Hotel Tivoli, if desired, should be such a charge. If we are to build permanent quarters for the silver employees, they certainly are a part of the construction of the canal, and that is true of a number of the other structures.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. PLATT. That last time I saw the Hotel Tivoli I was told that it was being gradually eaten up by ants.

Mr. MONDELL. That is the case, and eventually it must be torn down or replaced. But I think it will be good for quite a number of years yet.

Mr. PLATT. They said it would be necessary to rebuild it in a few years.

Mr. MONDELL. The committee did not feel justified in recommending the construction of a new concrete hotel at this time.

Mr. MILLER of Minnesota. Will the gentleman inform the committee whether that new hotel at Colon—the George Washington—has been a paying proposition?

Mr. MONDELL. It has not been a paying proposition, and it is not expected that it will be a paying structure in the near future. On the other hand, the Tivoli does pay.

Mr. MILLER of Minnesota. Having some knowledge of the prices that they charge at that hotel, I should say that if they get one guest a month it would enable them to pay a very fair rate of interest on their bonds.

Mr. MONDELL. While their prices may be high, the expenses are high, and the hotel has never paid.

I think we should have allowed some of the estimates that were not allowed, because I am of the opinion that we should press the construction of the canal to completion. We have failed to provide for some items that I think are properly considered a part of the permanent canal structure.

Mr. MILLER of Minnesota. Can the gentleman inform the committee if the Hotel Tivoli is a paying proposition or not?

Mr. MONDELL. The Hotel Tivoli, as I understand, pays a little.

Mr. MILLER of Minnesota. That is a very good argument in favor of reasonable charges and magnificent service, because the Tivoli gives both.

Mr. MONDELL. I am glad to hear that. When I was at the Tivoli last the charges were fairly elevated.

Mr. MILLER of Minnesota. I beg the gentleman's pardon. They are mucho de bajo, to use a Spanish expression, as compared with the charges at the George Washington.

Mr. FITZGERALD. I will put into the RECORD the statement that the total canal tolls are $8,895,000.

Mr. TREADWAY. May I ask the chairman if he has any estimate of the cost of the removal of the recent slides?

Mr. FITZGERALD. Yes.

Mr. TREADWAY. I take it there is no part of this $13,000,000 that we are appropriating in this bill for those slides?

Mr. FITZGERALD. No.

The Clerk read as follows:

In addition to the foregoing amounts there is appropriated, out of any money hereafter received as tolls, before such money is covered into the Treasury as miscellaneous receipts, amounts necessary to refund to the parties entitled thereto amounts which heretofore or may hereafter be erroneously received as tolls and covered into the Treasury as miscellaneous receipts.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on that paragraph.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. STAFFORD. I wish to inquire how frequent are the mistakes in the way of overcharges in the matter of tolls on vessels going through the canal? I understand it is sought to give to the administrative officials the privilege of refunding some of the excess charges.

Mr. FITZGERALD. The trouble is that tolls were collected under the canal rules which are different from the rule that is now the legal rule in the United States, and they have to refund the excess payments.

Mr. STAFFORD. I do not understand the gentleman.

Mr. FITZGERALD. I am not surprised at that.

Mr. STAFFORD. I am surprised, because I always understand the gentleman in his elucidation of any item in the bill.

Mr. FITZGERALD. The canal rules provided for a certain method of measurement and collection of tolls. That method of measurement, adopted by the canal authorities, was different from the method of measurement which is the legal measurement in the United States under the regulations of the Commissioner of Navigation. Ships starting from the United States intending to go through the canal pay the tolls before they leave the United States port. They do not pay them at the canal. A ship leaving New York for some place requiring it to go through the canal pays the tolls at the port of New York. Tolls have been paid under the canal rules which are in excess of what they were legally entitled to collect, and they want authority to refund the amount of the overcharge.

Mr. STAFFORD. As I understand, the commission has not changed the basis of measurement that was adopted some years ago.

Mr. FITZGERALD. It has not. It has been hoping that Congress would legalize that method of measurement and enable us to collect from foreign ships on same basis as from American ships. Under the system by which the tolls are now legally collected American ships are discriminated against.

Mr. STAFFORD. Do I understand that there is a different basis of toll charges applicable to vessels of American registry than to those of foreign registry?

Mr. FITZGERALD. Under the rules of measurement in force in the United States some types of vessels do not have counted in their cargo capacity certain deck spaces, and the cargo carried on those deck spaces is not charged for under the rules legally in force in the United States. Certain types of vessels have been built with a view to avoiding as much as possible the Suez Canal tolls. When they pass through the Panama Canal their deck space is excluded from the measurement, so that certain ships built abroad carry a part of their cargo without having to pay tolls, while ships built in the United States and under American regulations are charged for practically all of their cargo space.

Mr. MANN. That has nothing to do with this item, however.

Mr. FITZGERALD. No.

Mr. SHERLEY. If the gentleman from New York will permit me, I think I can clear the matter up. They collected tolls at Panama under a construction of the act which was subsequently changed. The result was that from the opening of the canal, in August, 1914, to January 15, 1915, these excess tolls were charged, and they owe a refund for a certain portion of the tolls collected during that period. Now, any subsequent change that might be made here as to the collection of tolls that did not come to the immediate knowledge of the canal officials might result temporarily in tolls being collected again that were not warranted under the law, and this provision is to permit the repayment of the sums due to various companies because of excess tolls charged under a mistake as to the law authorizing those charges.

Mr. STAFFORD. I should like to obtain the gentleman's view as to the statement made by the gentleman from New York [Mr. FITZGERALD] that ships of American registry under the system of toll charges are discriminated against over those of foreign registry.

Mr. SHERLEY. That is aside from this matter. I have never gone fully into the question that the gentleman now raises. It is my understanding, however, that certain ships are so constructed as to permit the carrying of a quantity of cargo above decks, which would not be figured into the tonnage capacity of the vessel, and that thereby those ships have an advantage over other ships not so constructed, and the canal authorities have for some years urged legislation looking to

making legal the canal system of toll charges first put into effect, which would result in charging on the actual rather than a theoretical tonnage capacity.

Mr. STAFFORD. Whether they be ships of foreign or American registry.

Mr. SHERLEY. That is not important, except it may be the fact that there are more ships of foreign registry so built as to enable them to get an undue advantage, but there is no discrimination in toll charges because of the registry of the ship.

Mr. STAFFORD. Reverting to the matter in the paragraph at hand, are these claims adjudicated so that the amounts are all known?

Mr. SHERLEY. The amounts are known; they amount to about $300,000, and most of them occurred between the period of the opening of the canal in August, 1914, up to February, 1915.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of a point of order.

Mr. AUSTIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

At the end of line 17, page 191, insert:

"That in measuring vessels and determining the tolls to be paid thereon at the Panama Canal, the measurement shall be made and tonnage determined in all cases by the Panama Canal rules as they now exist, or as they may be changed from time to time; and the tonnage arrived at by those rules shall be the tonnage to which shall be applied the rate fixed by the President for the purpose of determining the tolls to be collected, and shall be the tonnage to which shall be applied the maximum and minimum rates now fixed by law or hereafter to be fixed for the purpose of determining the maximum and minimum tolls which may be charged.

"SEC. 2. That all laws and parts of laws, rules, and regulations in conflict with this act be, and the same are hereby, repealed."

Mr. MANN. I reserve a point of order on the amendment.

Mr. FITZGERALD. Does the gentleman from Illinois intend to insist upon his point of order?

Mr. MANN. I do not know what the amendment is.

Mr. FITZGERALD. It is the Adamson bill affecting the tolls on the canal.

Mr. MANN. I shall insist on it, at the request of the gentleman from Washington [Mr. HUMPHREY], who is not able to be here to-night.

Mr. FITZGERALD. Mr. Chairman, then I ask for a ruling.

Mr. AUSTIN. Will not the gentleman reserve it?

Mr. FITZGERALD. I will withhold it for five minutes. I would like to see the provision adopted, but if the gentleman from Illinois is going to insist upon the point of order, there is no use taking the time.

Mr. AUSTIN. Mr. Chairman, I read during the past year an interview with Gen. Goethals, in which he made the statement that under the existing administration of the Panama Canal a discrimination was made against American vessels in favor of foreign vessels which are using the Panama Canal. He submitted, as I understand, this matter to the Secretary of War, who made a recommendation for a correction of the injustice, and recommended to Congress that a bill be passed, which I now submit as an amendment to the measure under consideration. It is known as the Adamson bill and is now on the Union Calendar, with a favorable report from the Committee on Interstate and Foreign Commerce.

Originally we gave preference—free use of the canal—to American coastwise vessels using the Panama Canal, built at the expense of the American people, costing about $400,000,000. Upon the recommendation of President Wilson the majority party in Congress repealed the free-toll provision. Now we find from the report of Gen. Goethals that we not only lose the free use of the canal for American coastwise vessels, but in the administration of the present law there is actually a discrimination against our own vessels, and that foreign vessels using our canal in competition as carriers with American vessels have a preference over our vessels. As a result the War Department asks for this legislation. If we are legislating for the interests of America and American vessels, what excuse can we have for not correcting this injustice to every American vessel that uses the Panama Canal? Why should an American Congress delay or hesitate to follow this recommendation, which is fair and just and honorable to our own people? Why should we build a canal, tax ourselves to build, fortify, and maintain it, and then have no advantage, but actually a disadvantage over our foreign competitors? Here is an opportunity to write a correction into the law at this session of Congress, and it is of such vital importance that there should be absolutely no delay.

The gentleman having the bill in charge [Mr. FITZGERALD] says that he believes the Adamson bill, which I offer as an amendment, should become a law. How can there be any question in the mind of any patriotic American, any American lawmaker, any Member of this body, as to where our duty lies in this matter? We should all be for America first, last, and all of the time. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I ask for a ruling.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill if consideration has been given or any provision made for the construction of roads on the Panama Canal Zone or in the Panama Republic to assist in the defense of the Panama Canal?

Mr. FITZGERALD. Consideration was given to the item to which the gentleman refers, but no recommendation was made in this bill.

Mr. MILLER of Minnesota. Am I correctly informed that the committee is not in a position now where they think it advisable to construct any such roads?

Mr. FITZGERALD. The committee is not willing at this time to provide that it should be done. There was some difference of opinion.

Mr. MILLER of Minnesota. Mr. Chairman and gentlemen of the committee, I would like to address myself to this subject for a very few minutes, and I would like the attention of the gentleman in charge of the bill. I know it is ordinarily the custom for one who suddenly becomes acquainted with a set of facts to become enthusiastic and to act or advise or propose without due consideration, and perhaps not very much sense.

In order that I may be perhaps relieved of that charge in connection with what I am about to say upon this subject, I hope I may be permitted to say that I have followed with more than ordinary interest the question of the defense of the Panama Canal from the time we debated whether we should defend it or not up to the present time. As other Members of Congress have, so have I, gone over the various fortifications of the canal. On horseback I have ridden over the trails of the Panama Canal Zone viewing the features necessarily important in connection with the defense of the canal. I have had the privilege of visiting the fortifications that are now constructed and, with military experts, I looked over the proposed changes to perfect the fortifications of the canal, and were I not convinced that something of a new nature is absolutely necessary, I would not take the time of this committee at this hour to discuss the subject. I do not imagine for a moment that anybody is going to adopt any radical change, but I do think that we ought to urge upon the committee in charge of the fortifications and appropriations that we should give some heed to the latest military scientific opinion upon the subject of the defense of the canal.

We have built the canal primarily, I believe I am justified in saying, for military purposes. With its existence we say in one sense we double our fleet. At all events, we make it available for united effort upon the Pacific or on the Atlantic. If, however, it is to be of any value to us, the canal itself must be there and under our flag. If the canal is put out of commission or passes into the hands of the enemy or anybody else, we have lost any advantage it could possibly be, and the fact that we have a railroad upon it will no doubt prove to our disadvantage should that eventuality occur.

The defense of the Panama Canal Zone—and I know what I am saying—is viewed by military experts of our Government as the most difficult feature of the entire defense of the United States. They have been able to work out nearly all of the other military problems of this country somewhat to their satisfaction, but up to this hour they are not able to state how they can, with the forces now at their disposal, adequately defend the canal should it suddenly be attacked. I happened to be along with the Committee on Interstate and Foreign Commerce, although I was not a member of that committee, when it made its historic trip to the Canal Zone in 1911 for the purpose of making mature and complete investigations of conditions there, having elaborate hearings that they might have information upon which to frame permanent legislation for the government of the canal. I believe it was there first suggested by Gen. Goethals that the best defense of the canal rested in the jungle that was there. I have been informed that Gen. Goethals is not the author originally of that theory. At all events, he is an indorser of it, and a most responsible indorser. I have been informed—I do not know how reliably, and gentlemen are here who can controvert it if I am not correct—that it has been the opinion of the committees of Congress that the opinion there suggested is probably correct. I recall with equal distinctness when I heard Gen. Goethals make that statement——

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. SIMS. Mr. Chairman, it is quite late to have an academic discussion of the fortifications of the Canal Zone.

The CHAIRMAN. Is there objection?

Mr. SIMS. I object. There is nothing before the House on this question.

Mr. MILLER of Minnesota. Do I understand the gentleman to object to the discussion of this subject?

Mr. SIMS. Not to a discussion of the subject generally, but we can not legislate on it here to-night, and what is the use?

Mr. MILLER of Minnesota. The committee can legislate if it sees fit.

Mr. SIMS. I withdraw my objection on account of my esteem for the gentleman.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. Mr. Chairman, I recall that at the same hearing a very distinguished Army officer stated with reluctance, nevertheless with firmness, that he differed with the military opinion of Gen. Goethals. However, it has been adopted that the jungle would be considered a means of defense. That was erroneous in the opinion of a great many military men at the time it was adopted. It is a thousand times more erroneous now, and why? An enemy seeking to take or injure the canal can perform their object long before they ever get to it. High-powered guns, now used by all of the armies of the world, would be able to destroy the locks of the canal long before the men who are discharging these guns ever reach the Canal Zone.

Mr. KELLEY. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. KELLEY. How does the gentleman think the canal would be likely to be attacked, by land or sea?

Mr. MILLER of Minnesota. It is absolutely safe from attack by sea. The only problem is to protect it from a land attack, and we do not need to worry at all about keeping back the fleets of the world. We do need to have deep concern about keeping from the Canal Zone not a handful or a dozen men, but an expeditionary force of fifteen or twenty or twenty-five thousand men who can land at convenient places on either coast and march to the Canal Zone.

Gentlemen have said, after having read Escamalia's account of an early attempt to pass through the jungle of the Canal Zone region, that an expeditionary force can not go through; that, should they try it, mosquitoes and malaria would work havoc, and that they would be the greatest aid that we could have. Some gentlemen did not believe in that, and a year ago they tried it out. An army of the United States, 2,000 strong—quite an expeditionary force, with Artillery, with Cavalry, with Infantry—made 40 miles in four days through the jungle, and the worst part of the jungle at that.

Mr. MONDELL. That was after the trails had been cut.

Mr. MILLER of Minnesota. It was not. The gentleman is mistaken about that. They utilized some of the old trails, but in most instances they had to enlarge, and in some cases they had to make new ones. They of course did not go over the old trails altogether. There are some old trails there which anybody can travel from one coast to the other.

Mr. MONDELL. They have cut some new trails.

Mr. MILLER of Minnesota. They did both at the time they made the expeditionary attack. It seems to me plain, as has been emphasized by military men over and over again, that we must have the capacity in the Canal Zone of rapid concentration of our troops, rapid mobilization, to keep back an enemy should he land and attempt the overland method of reaching the Canal Zone. To do this we absolutely must have a system of roads leading from the zone out into a certain section of the Panama Republic, perhaps to the coast.

I do not know and do not pretend to express an opinion as to whether the best kind of a road is a wagon road built in conjunction with the Republic of Panama to partly develop the splendid resources of that undeveloped country, or whether we should construct along the coast, on the western and eastern side, railroads for the transportation of ordnance and troops to keep back an attack. But one thing is certain: There must be abandoned the idea that we can sit huddled up and the jungle will keep off a foe. Why, a traveler to the Gatun Locks—and we might as well speak out in meeting, because we can not deceive the world if we try—will see in the far distance on a hilltop a clearing. He asks, "Why is that clearing; what is it for?" And he is secretly told there are some rifle pits, trenches, to keep an enemy from blowing up the Gatun Locks. Good God, an enemy would blow up the locks 3 or 5 miles away before he ever reached the rifle pits, far beyond any capacity of armed forces in the rifle pits.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FITZGERALD. Mr. Chairman, there is nothing pending just now, and I do not wish to precipitate a discussion of these matters at this time under existing circumstances. I wish to make a very brief statement, so that there will be no misunderstanding of the position of the committee. I hope there will not be a prolonged discussion.

Mr. Chairman, the Committee on Appropriations has not been indifferent to the question of the defense of the Panama Canal. After the Congress decided that the canal should be fortified the committee practically acquiesced in everything recommended by the military authorities, with perhaps two exceptions. One is the appropriation of nearly $700,000 for the construction of military roads. About a year ago it was recommended that a system of military roads be constructed so that our mobile forces could be moved to certain distances either side of the center of the prism or the canal to meet a possible approaching enemy. It was stated at the outset that the open savannahs on the Pacific side afforded a great menace because of the ease of the transportation of troops and that the jungle in the rest of the Canal Zone was a protection.

Now, it is submitted that the open savannahs are an advantage in that they enable us to move our troops rapidly and the jungle is no protection because troops can move rapidly through them. I am familiar with the expeditionary force that is supposed or did actually move 40 miles in four days through the jungle. They were assisted in the first place by a force of natives expert in the handling of machetes, who could cut a trail with an expedition that the American troops can not and no other troops can do. Again, after a certain body of men went over one of the trails, they became so soft that a new trail had to be cut for the next portion of this expedition of 2,000 men, and my information is gained from men who were in the expedition. As to the necessity of protecting the canal by this system from a land attack, there is a difference of opinion among military experts. It seems to be agreed that the character of our defenses is such that no possible naval force would ever be able to reduce them, but if the canal is to be taken, it will be taken in one of two ways, either by a land expedition or by starvation of the canal population. The best and latest military opinion is that no military power will ever waste the time to take the canal by land expedition, that so long as the American fleet is not cooped up or is free, that no power, however great, can dare risk a military expedition against the Canal Zone. But whenever the American fleet is either destroyed or cooped up in some place, it will not be necessary to send a military expedition, because the canal can not hold out more than six months. We have already provided provisions for six months for the canal population, and the population of Colon and Panama, and if the communication between the United States and the Canal Zone are discontinued for a period of six months, the people there will be starved out, and it will require no great military force to compel them to surrender. They must give in to anyone who goes there and is ready to feed them. If our fleet be destroyed, or our fleet is so cooped up as to become inoperative, the best expert military opinion is that no military nation will waste its time sending a military force to the Panama Canal which will be of no particular value when it does it; it will not send a great force of men to take something that we can not utilize, because we have no fleet.

They will do what will be of some particular military advantage. They would send a military expedition to the United States itself if they thought it were possible to utilize it advantageously.

With such conflicting views, and with the possibility and the feasibility and the practicability of those views that have been pressed, the committee has been reluctant to recommend at this time the expenditure of about $700,000 for military roads. I am free to admit that in providing for the defenses of many of our outlying possessions during the past six or seven years I have voted appropriations for various purposes which did not commend themselves to my judgment, but after the matter had been thrashed out I did what I supposed most men would do under the circumstances—acquiesced in the urgings of the military authorities.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. May I have just a minute more?

The CHAIRMAN. The gentleman asks unanimous consent to proceed for one minute more. Is there objection?

There was no objection.

Mr. FITZGERALD. I have no doubt the policy of the Committee on Appropriations and the policy of the Congress will be from time to time to vote such moneys for military purposes, both at Panama and the Hawaiian Islands, and the Philippines, as the best military opinion may insist is essential. We have already appropriated for the defenses of the Panama Canal in excess of $19,000,000, and we carry several millions in this bill. When the discussion first arose as to the defense of the canal, $12,000,000, if I recall correctly, was the amount stated to be required. Although we have spent $19,000,000 for the defense of the canal, if the recommendations of the War Department are carried out, within two or three years we will appropriate about $14,000,000 to accommodate the troops it is said will be necessary in the Canal Zone. There is a difference of opinion as to the absolute necessity for such provision. But, in the long run, my experience has been that after the military authorities have had an opportunity to revise and review and finally conclude the plan deemed best, Congress upon the recommendation of the Committee on Appropriations acquiesces in that military view, and I know of nothing else that as sensible men we can do.

Mr. FERRIS. How long has the Panama Canal been opened and in use?

Mr. FITZGERALD. It was opened, I think, in 1914.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that he may have one minute more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the gentleman from New York may have one minute more. Is there objection?

There was no objection.

Mr. FERRIS. Opened in 1914?

Mr. FITZGERALD. Opened in 1914.

Mr. FERRIS. About three years?

Mr. FITZGERALD. About three years.

Mr. FERRIS. How much has been expended, all told, roughly, for fortifications?

Mr. FITZGERALD. Nineteen millions of dollars.

Mr. FERRIS. And what is the current expense, the annual current expense, of keeping the fortifications there?

Mr. FITZGERALD. I do not recall those figures.

Mr. FERRIS. Roughly, how much is it?

Mr. FITZGERALD. I can not state. I do not remember.

Mr. FERRIS. What per cent of the time since the canal was opened has it been closed due to slides and other difficulties? What I am trying to get at is just how practical it is.

Mr. FITZGERALD. The canal is practical. The slides that took place were anticipated. There was a certain amount of material it was known would eventually go into the prism of the canal. It has been calculated pretty accurately about how much is likely to go in again, and it is believed there will be some interruptions from time to time of the traffic. But there will be, so far as possible to predict, based upon the best engineering and other scientific information, no blocking of the canal of a very serious character.

Mr. FERRIS. Has there been any actual computation made as to just what per cent of the time it has been out of commission?

Mr. FITZGERALD. They know exactly the time it has been closed, but I do not recall those figures.

I wish to add, Mr. Chairman, that what I have said accounts for the fact that the committee has not at this time recommended the appropriation that would be required for the extensive system of military roads that was recommended.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I regret to take the time of the House at this late hour for a discussion. [Cries of "Vote!" "Vote!"] Nevertheless, I propose to do it if the gentlemen will listen.

This is a very important subject, this matter of the fortification of the Panama Canal and its protection, and it is a subject that will grow increasingly important as the bills pile up. When we were discussing the question of the fortification of the canal I was one of those opposed to the canal being fortified. As the time has passed and the fortification work has gone on, and we have heard from the naval and military experts with regard to the matter, my conviction has grown stronger and stronger and stronger that we made a great mistake when we put the first gun on the Panama Canal and that we will live to regret that mistake. In my opinion the canal would be best fortified and best protected if there was not a gun on it. But I accepted in good faith, as a Member of the House, the decision of the House and of the American people that the canal should be fortified, and I have worked with the committee in good faith looking to the carrying out of the plan of the fortification proposed by the military authorities. As the gentleman from New York [Mr. FITZGERALD] has stated, we have allowed practically every estimate that has been made, save, and alone, the estimate for the building of roads from the canal to the coast on either side, and we have withheld that appropriation because we have not been certain whether those roads would be more advantageous to us in getting to the coast than they would be to the enemy in getting to us. As a nonmilitary man, as I look at it, it is just about an even question. We have appropriated for the fortification of the Panama Canal, including the appropriation carried in this bill, nearly $25,000,000. I said when we were discussing the question that it would cost $50,000,000 to fortify the canal and build barracks and quarters.

Everyone thought that was a very extravagant estimate. The present estimate, it is true, is only $40,000,000, as stated by the gentleman from New York, but I have no doubt that by the time we are able to say that our plans down there are completed we shall have expended $50,000,000. We will then be maintaining on the canal a force of from 25,000 to 27,000 men. That will involve an annual outlay for the protection of the canal of about $32,000,000. Thirty-two million dollars is the price we shall pay every 12 months for the privilege of holding the canal as a fortified base, and after all is said and done, as the gentleman from New York has told you, we will only hold the canal so long as we are masters of the Caribbean and of the Pacific end of the canal, for whenever we lose control of the sea an expeditionary force of no very large numbers can take the canal. Possibly that will not be attempted, but an expeditionary force of any considerable size can take the canal, and if that is not attempted, as the gentleman has told you, the canal can be starved out in six months. So that, after all, this enormous expenditure for fortifications and for barracks and quarters, the beginning of an annual toll of enormous proportions, is only for the purpose of holding the canal six months after we have lost control of the sea. We must keep control of the sea.

The CHAIRMAN. The time of the gentleman from Wyoming has expired. The Clerk will read.

The Clerk read as follows:

For maintenance and repair of searchlights and electric light and power equipment for fortifications, and for tools, electrical and other supplies, and appliances to be used in their operation, $7,500.

Mr. NORTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from North Dakota moves to strike out the last word.

Mr. NORTON. Mr. Chairman, I ask that I may continue for five minutes.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to proceed for five minutes. Is there objection?

Mr. FITZGERALD. I hope the gentleman will not press his request at this hour.

Mr. NORTON. As I said, I do not desire to take up much time. I just desire to continue for five minutes. I have not taken up much time on the bill.

Mr. FITZGERALD. The gentleman is not discussing anything that is in the bill.

Mr. NORTON. I am discussing this very proposition.

Mr. FITZGERALD. Mr. Chairman, I shall have to object.

The CHAIRMAN. The gentleman from New York objects. The Clerk will read.

The Clerk read as follows:

For the construction and development of an aeronautic station on the Canal Zone, $250,000.

For the purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, $468,000.

Mr. NORTON. Mr. Chairman, I should like to ask the chairman of the committee a question.

The CHAIRMAN. The gentleman from North Dakota moves to strike out the last word.

Mr. NORTON. May I inquire of the chairman Is it not directly opposite to the action of the Appropriations Committee that the President has ordered that the employees of the Panama Canal be given free rent, free light, and free heat, or is that with the approval of the gentleman's committee?

Mr. FITZGERALD. I do not know that the President requires the approval of the Committee on Appropriations for what is done by him. Some years ago it was proposed to construct certain quarters for the gold employees on the Canal Zone. The committee were requested to report an appropriation of about $2,000,000 to construct concrete quarters. The understanding was that a charge would be made for the quarters and for light. That charge was made. Some time ago the President, under an opinion rendered by the Attorney General that

he had the power to do so, suspended the order under which those charges were made.

Mr. NORTON. The President made this order just last June.

Mr. FITZGERALD. It went into effect the 1st of July, and although I have not seen the opinion, I understand that it is the opinion of the Attorney General that he had the power to do so, that it was within his discretion. It may be unfortunate perhaps, but under the Constitution the President does not have to obtain the consent of the Committee on Appropriations in order to exercise the discretion reposed in him under the law.

Mr. NORTON. Does the gentleman think, in view of the salaries paid to employees down there, that they should have free rent, light, and heat, and have their gardens attended to for them free?

Mr. FITZGERALD. My opinion is that the employees ought to pay the very reasonable charges for the quarters with which they were furnished.

Mr. NORTON. I am glad to hear the gentleman take that position.

Mr. FITZGERALD. They are better quarters than most of the employees ever occupied before. The charge was simply sufficient to cover the cost of maintaining the quarters and collecting the refuse from them—$14 to $18 a month gold. A single room in Panama costs $5 a week gold. But the President, for reasons within his knowledge and not within mine, exercised his discretion and suspended the operation of the order.

The Clerk read as follows:

SEC. 2. That to provide during the fiscal year 1918 for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate per annum less than $1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than $1,800 per annum and not less than $1,200 per annum, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to the employees (except employees of the Panama Canal on the Canal Zone) who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. MOORE of Pennsylvania offers the following amendment:
Page 194, line 25, after the word "salary," insert the words "or wages."
Page 195, line 2, after the word "salary," insert the words "or wages."

Mr. MOORE of Pennsylvania. Mr. Chairman, this section provides for a horizontal increase in the wages of employees who receive salaries. It is intended to benefit those who receive $1,200 or less per annum by giving them an advance of 10 per cent, or those who receive up to $1,800 per annum by giving them an advance of 5 per cent. I presume these various amendments to increase the pay of employees here in the District of Columbia and elsewhere are intended to benefit those low-paid employees of the Government who are now seriously affected by the high cost of living. And I assume that those who ought to be benefited most of all are the wage earners, who may, legally speaking, be in a different class from the salary earners. This paragraph provides increases only for those employees who receive salaries, and I offer an amendment suggesting that the language be added so that it shall cover those who receive wages as well. The wage earner is the one to be helped by this amendment. I am confident that the intent of Congress is to benefit the wage earner. The "salary" earner is specifically provided for, but the "wage earner" may be left out——

Mr. MANN. Do not all employees of the Government, under the language ordinarily used, receive "salaries"?

Mr. MOORE of Pennsylvania. No; there are those who work by the hour and those who work by the day. I have in mind now a special class of Government employees who receive so much per hour for their work. They are not salaried employees in the sense that this language would imply.

Mr. SHERLEY. The comptroller has held to the contrary.

Mr. MANN. Are they not salaried employees in the sense that we use the term? If the gentleman's amendment goes in, will it not be a distinction made by Congress in this appropriation bill which is not made in any of the other appropriation bills, thereby indicating that we are drawing a distinction between a clerk who draws a salary and a mechanic who is paid wages, when in fact we make no such distinction?

Mr. MOORE of Pennsylvania. I think what Congress wants to do is to increase the pay of the wage earners, not alone the salaried men, as we understand salaried men. I can see no harm in stating this specifically in this bill.

Mr. FITZGERALD. There is this objection. The legislative and several other bills have been passed in this form, and the Comptroller of the Treasury has already decided in certain cases that the term "salary" includes the employees who get wages instead of salary. So that there might be no misunderstanding, I took the matter up with the comptroller, who informed me that under this language persons employed under this bill would receive the 5 and 10 per cent increase. I do not wish the House to adopt an amendment which might indicate to the comptroller that the word "wages" had to be in the paragraph or that class of employees would not obtain the increase. The adoption of this amendment would only tend to jeopardize the employees in other acts where the word "wages" would not be used.

Mr. MOORE of Pennsylvania. Let me get the gentleman's point. The gentleman thinks that it might prejudice wage earners in other bills. Is that the thought? Let me ask the gentleman this: The printers, for whom I offered an amendment a little while ago, are wage earners; they are not salaried men. Would they be covered by the language used in the bill?

Mr. FITZGERALD. The comptroller holds that they are salaried men, and he is the law officer who determines that question.

Mr. MOORE of Pennsylvania. The gentleman knows that it is important to have the status of the men fixed. I am willing to accept the gentleman's statement, that the department has ruled that the wage earner is a salaried man.

Mr. MANN. I want to ask the gentleman from New York a question. This paragraph provides that this section shall only apply to the employees—except employees of the Panama Canal on the Canal Zone—who are appropriated for in this act specifically. That means that they do or do not get the increase?

Mr. FITZGERALD. It is intended that they shall not. The law provides that they shall receive not more than 25 per cent in excess of the compensation paid for the same service in the United States, and the law has been construed to mean that they must receive 25 per cent additional.

Mr. MANN. I supposed when I read it that probably it was the intention of the committee not to give them the increase, but it seems to me the language compels them to get the increase. It says:

That this section shall only apply to the employees—

I leave out the parentheses—

who are appropriated for in this act specifically and under lump sums, or whose employment is authorized herein—except employees of the Panama Canal on the Canal Zone.

That takes them in; whoever else gets the increase, they must get it. You have put the parenthesis in the middle. If you put it in where it belongs, it makes the exception. This limitation which you make only applies to those who are appropriated for specifically in this lump sum, but you except from the limitation the employees of the Panama Canal.

Mr. FITZGERALD. We except them from the clause providing for the employees of the Panama Canal.

Mr. MANN. You first provide that every employee shall receive an increase.

Mr. FITZGERALD. The gentleman means that the exception should be transposed?

Mr. KEATING. Will the gentleman from New York allow me to suggest an amendment? To strike out the words in the parenthesis and insert, after the word "herein," "but shall not apply to employees of the Panama Canal on the Canal Zone."

Mr. MANN. That will do.

Mr. FITZGERALD. I move to strike out——

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to say that the explanation made by the gentleman from New York being satisfactory, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, I move to strike out, on page 195, line 5, after the word "employees," the words "except employees of the Panama Canal on the Canal Zone," and insert, after the word "herein," in line 8, the words "but shall not include employees of the Panama Canal on the Canal Zone."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 195, line 5, after the word "employees," strike out "except employees of the Panama Canal on the Canal Zone," and on the same page, line 8, after the word "herein," insert the words "but shall not include employees of the Panama Canal on the Canal Zone."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. That all sums appropriated by this act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year 1918, and all laws or parts of laws to the extent they are in conflict with the provisions of this act are repealed.

Mr. FITZGERALD. Mr. Chairman, I ask to take up the provision on page 57, which was passed over.

Mr. MANN. The reclamation provision?

Mr. FITZGERALD. Yes. I offer the following amendment.

The Clerk read as follows:

Page 57, line 14, after the word "eleven," insert "$500,000 to be available until expended."

Mr. FITZGERALD. I will insert in the RECORD a letter from the Secretary of Labor explaining the necessity for the appropriation at this time.

The CHAIRMAN. The gentleman from New York asks unanimous consent to insert the letter that he speaks of. Is there objection.

There was no objection.

The letter is as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, February 26, 1917.

MY DEAR CONGRESSMAN: Referring to our conversation yesterday relative to the appropriation now in the sundry civil bill for the United States Employees Compensation Commission, I desire to call your attention to the following figures:

The number of injuries to Government employees reported to this department since September 7, 1916, is 3,896. Of this number 2,500 formal claims have been made for compensation. The average amount of money paid last year was $88.06 per claim. At this rate, with 2,500 claims on hand, it will require to pay them $220,150. This does not include medical, surgical, and hospital services and supplies as provided by the act. These services and supplies would probably require $120,000 more. In other words, there are now in our hands as claims against the $500,000 appropriated and to be continued at least $340,000. This does not include the Post Office Department, the Panama Canal, the Alaskan Engineering Commission, and the Coast Guard, all of which heretofore maintained a separate fund and paid their own injured employees, but which will now come under the purview of the Workmen's Compensation Commission when organized.

If I felt that the $500,000 which you propose to continue would be sufficient to carry the claims through until the convening of the next Congress in December, I would not bring it to your attention at this time; but the figures I have presented, based on the claims already filed with this department, make it apparent that the amount of money carried in the appropriation would not meet the claims beyond the end of the present fiscal year. I therefore have the honor of suggesting that in addition to the current appropriation, an appropriation of $500,000 be made for this purpose for the fiscal year 1918.

In view of the fact that the compensation commission has not as yet been organized, I feel confident that the $50,000 appropriated for administrative purposes will at least be sufficient to carry on the work of the commission until the first regular session of the next Congress convenes.

Respectfully, yours, W. B. WILSON, *Secretary.*

Hon. JOHN J. FITZGERALD,
Chairman Committee on Appropriations,
House of Representatives, Washington, D. C.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, on page 69, to the paragraph referring to the memorial to Ericsson, I offer the following amendment:

The Clerk read as follows:

Page 59, line 6, after the sum "$35,000," insert a semicolon and the following: "And in addition to the foregoing amount the commission is authorized to accept and to expend such sums as may be donated for the memorial."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I also offer the following amendment:

The Clerk read as follows:

Page 115, line 25, after the word "charges," insert the words "and receipts from disposal of power or power possibilities."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, also the following amendment:

The Clerk read as follows:

On page 116, in line 4, after the word "operation," insert:
Provided, That the net receipts from the operation of power plants shall be credited to the construction account to reduce the final amount due, and shall not be used to reduce the annual payments for construction, maintenance, and operation.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20967, the sundry civil appropriation bill, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded upon any amendment?

Mr. FITZGERALD. Mr. Speaker, I ask for a separate vote on the amendment appropriating $400,000 for the investigation of the—will o' the wisp. [Laughter.]

The SPEAKER. The gentleman from New York demands a separate vote upon the Borland amendment. Is a separate vote demanded on any others? [After a pause.] If not, the Chair will put them in gross. The question is on agreeing to the amendments except the Borland amendment.

The amendments were agreed to.

HOUR OF MEETING TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourn to-day it adjourn to meet to-morrow at 11 o'clock a. m.

The SPEAKER. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, under pressure from so many sources I am going to ask unanimous consent that the House vote on the Borland amendment and the final passage of the bill to-morrow morning immediately after the reading of the Journal.

The SPEAKER. The gentleman from New York asks unanimous consent that the vote upon the Borland amendment and the bill to final passage be taken immediately after the reading of the Journal to-morrow morning. Is there objection?

There was no objection.

FLOOD-CONTROL BILL.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move to take from the Speaker's table the bill (H. R. 14777) providing for the control of floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes, with Senate amendments thereto, and agree to the Senate amendments.

The motion was agreed to.

The SPEAKER. The Clerk will report the Senate amendments.

The Clerk read the Senate amendments.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move the previous question on the Senate amendments.

Mr. TREADWAY. Mr. Speaker, I would like to ask why there is such great haste to pass this bill? It has been before Congress for a year, and now why pass it at a quarter after 11 o'clock at night?

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

On motion of Mr. HUMPHREYS of Mississippi, a motion to reconsider the vote by which the Senate amendments were agreed to was laid on the table.

RETIREMENT OF JUDGES.

Mr. HENRY. Mr. Speaker, I offer the following privileged report from the Committee on Rules, which I send to the desk and ask to have read.

Mr. MANN. What is that?

Mr. HENRY. It is on the retirement of judges. I do not intend to press it to-night, but I want to present the report and take it up in the morning.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 434 (H. Rept. No. 1584).

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 706; that the first reading of the bill be dispensed with, and that there shall be one hour of general debate, to be divided equally between those favoring and those opposing the measure. At the expiration of said one hour of general debate the bill shall be considered under the five-minute rule, and the Committee of the Whole House on the state of the Union shall report the measure to the House, whereupon the previous question shall be considered as ordered upon the bill and all amendments, to final passage without intervening motions, except one motion to recommit.

Mr. MANN. Mr. Speaker, I ask unanimous consent that if this resolution shall be agreed to the House shall not proceed to go into the Committee of the Whole upon it until the sundry civil bill is disposed of to-morrow morning.

Mr. GARRETT. Mr. Speaker, let us see what other business this will displace.

Mr. FITZGERALD. That is what I am interested in.

Mr. GARRETT. That is all right. There is no objection to that. I think the gentleman from Texas better not press that to-night.

Mr. HENRY. I feel that I should, and I move the previous question.

Mr. GARRETT. Mr. Speaker, there is another rule from the Committee on Rules that is coming to-morrow.

Mr. STAFFORD. Well, it is not here.

The SPEAKER. The Chair gives notice that if this rule is agreed to that he will recognize the gentleman from New York [Mr. FITZGERALD] to pass the sundry civil, notwithstanding the word "immediately" in the rule.

Mr. HENRY. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Texas moves the previous question.

Mr. KEATING. Mr. Speaker, I make the point of order of no quorum present.

The SPEAKER. The gentleman makes the point of order of no quorum. The Chair will count. [After counting.] One hundred and forty-three gentlemen are present——

Mr. FITZGERALD. Mr. Speaker, was the House dividing?

The SPEAKER. Yes; it was dividing on the previous question.

Mr. STAFFORD. The ayes had not been put.

The SPEAKER. That is correct; the House was not dividing.

Mr. FITZGERALD. Mr. Speaker, the rule has been presented and is pending, and I move that the House do now adjourn.

Mr. SHERLEY. Mr. Speaker, pending that, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. Will this rule be the order of business when the House meets to-morrow?

The SPEAKER. After the sundry civil bill is disposed of. The Chair just notified the House that, notwithstanding the word "immediately" in this rule, he thought he ought to recognize the gentleman from New York to have his bill acted on first.

Mr. MANN. That is the unanimous-consent agreement.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9553. An act to provide a civil government for Porto Rico, and for other purposes;

H. R. 8229. An act to establish a national military park at the battle field of Guilford Courthouse; and

H. R. 18453. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 18 minutes p. m.) the House, under its previous order, adjourned to meet to-morrow, Wednesday, February 28, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting estimate of appropriations for the service of the United States Military Academy for the years 1917 and 1918 (H. Doc. No. 2092); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of the Federal Trade Commission, transmitting lists of documents and files of papers which are not needed or useful in the transaction of the current business of the commission and have no permanent value or historical interest (H. Doc. No. 2093); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of harbor at and channel from the town of Rainier, Oreg., to deep water in Columbia River (H. Doc. No. 2094); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

4. A letter from the Secretary of War, transmitting certain papers in connection with the personal injuries sustained by Francis Nicholson, San Francisco, Cal., upon the discharge of the evening gun at the Presidio of San Francisco, October 4, 1916 (H. Doc. No. 2095); to the Committee on Claims and ordered to be printed, with illustration.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of channel from the main ship channel of the Columbia River through Bakers Bay to the docks at Ilwaco, Wash. (H. Doc. No. 2096); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

6. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce submitting an estimate of appropriation for the service of the fiscal year ending June 30, 1918 (H. Doc. No. 2097); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Treasury, transmitting copy of a communication from the president of the Board of Commissioners of the District of Columbia submitting an estimate deficiency in the appropriation for writs of lunacy, District of Columbia, for the fiscal year 1917 (H. Doc. No. 2098); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 16173) to protect the hungry, the naked, the sick, and the dead in the District of Columbia from extortion, and for other purposes, reported the same without amendment, accompanied by a report (No. 1571), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes, reported the same with amendments, accompanied by a report (No. 1575), which said bill and report were referred to the House Calendar.

Mr. HENRY, from the Committee on Rules, to which was referred the resolution (H. Res. 514) providing for the consideration of H. R. 6915, reported the same without amendment, accompanied by a report (No. 1579), which said bill and report were referred to the House Calendar.

Mr. MOSS, from the Committee on Mines and Mining, to which was referred the bill (H. R. 10830) to provide for the uniform selection and purchase of fuel to be used in the United States, reported the same without amendment, accompanied by a report (No. 1572), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLARK of Florida, from the Committee on the Library, to which was referred the resolution (H. Res. 536) authorizing the Clerk of the House of Representatives to deliver the portrait of Gov. Howell Cobb to Mary Ann Lamar Erwin, of Athens, Ga., reported the same without amendment, accompanied by a report (No. 1578), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House as follows:

Mr. McKENZIE, from the Committee on Military Affairs, to which was referred the bill (H. R. 19112) for the relief of William M. Carroll, reported the same without amendment, accompanied by a report (No. 1569), which said bill and report were referred to the Private Calendar.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (S. 3509) to authorize the Secretary of the Interior to issue a deed to the persons hereinafter named for part of a lot in the District of Columbia, reported the same without amendment, accompanied by a report (No. 1570), which said bill and report were referred to the Private Calendar.

Mr. WISE, from the Committee on Military Affairs, to which was referred the bill (S. 1362) for the relief of Lester A.

Rockwell, reported the same without amendment, accompanied by a report (No. 1573), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 747) for the relief of Wilbur F. Lawton, reported the same without amendment, accompanied by a report (No. 1574), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 21054) providing a system of national defense based upon universal liability to military training and service, and for other purposes; to the Committee on Military Affairs.

By Mr. BARKLEY: Resolution (H. Res. 539) providing for the consideration of the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia; to the Committee on Rules.

Also, resolution (H. Res. 540) providing for the consideration of the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia; to the Committee on Rules.

By Mr. GRAY of New Jersey: Joint resolution (H. J. Res. 383) to purchase bronze memorial tablet bearing Abraham Lincoln's Gettysburg address, to be placed in the Cabin Memorial Building; to the Committee on the Library.

By Mr. BRITTEN: Joint resolution (H. J. Res. 384) fixing the time for the next meeting of Congress; to the Committee on the Judiciary.

By Mr. MOON: Joint resolution (H. J. Res. 385) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Memorial of the Legislature of the State of Pennsylvania favoring volunteer retired bill; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: Memorial of the Legislature of the State of Colorado, praying for a hearing and careful consideration by the new Tariff Commission of the interests of the tungsten mining products of Colorado; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FOSTER: A bill (H. R. 21055) granting an increase of pension to W. T. Westmoreland; to the Committee on Invalid Pensions.

By Mr. HUSTED: A bill (H. R. 21056) for the relief of the dependent parents of Fred Ward, civilian employee of the Government, who was killed while in the discharge of his duties at the United States naval magazine at Iona Island, N. Y.; to the Committee on Claims.

By Mr. RAUCH: A bill (H. R. 21057) for the relief of Abraham Beachey; to the Committee on Military Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 21058) granting an increase of pension to William J. Smalley; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of United German Societies of the City of New York, desiring a referendum vote in the event of war; to the Committee of Foreign Affairs.

By Mr. ALLEN: Memorial adopted by U. S. Grant Camp No. 100, Sons of Veterans, in defense of the honor and dignity of the United States; to the Committee on Foreign Affairs.

By Mr. AYRES: Petition of sundry citizens of Spring Valley, county of McPherson, Kans., against war with Germany; to the Committee on Foreign Affairs.

By Mr. BACHARACH: Petition of sundry citizens of the State of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BROWNING: Petitions of sundry citizens and church organizations of the State of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. CANNON: Petitions of sundry citizens and organizations of the State of Illinois, favoring national prohibition; to the Committee on the Judiciary.

By Mr. CAREW: Petition of legislative committee, National Grange, protesting against the Underwood oleomargarine amendment to the revenue bill; to the Committee on Ways and Means.

By Mr. CARY: Petition of Fred Schaeffer, secretary Beer Drivers' Union of Milwaukee, Wis., urging referendum and bone-dry amendments to the District prohibition bills; to the Committee on the District of Columbia.

Also, petition of Peter Emmerich, secretary Brewers' Union, No. 9, Milwaukee, Wis., urging referendum and bone-dry amendments to the District prohibition bills; to the Committee on the District of Columbia.

Also, petition of Frank J. Weber, secretary Federated Trades' Council of Milwaukee, Wis., urging passage of referendum amendment to the District of Columbia prohibition bill; to the Committee on the District of Columbia.

Also, petition of Charles Nickilaus, secretary Beer Bottlers, No. 213, Milwaukee, Wis., urging passage of referendum and bone-dry amendments to District of Columbia prohibition bill; to the Committee on the District of Columbia.

Also, memorials adopted at meeting of the Antiwar League at the Raleigh Hotel relative to the high cost of living; to the Committee on Interstate and Foreign Commerce.

Also, petition of Vicksburg (Miss.) Board of Trade and Mississippi Bankers' Association, relative to amending the Federal reserve act; to the Committee on Banking and Currency.

By Mr. COOPER of West Virginia: Petition of Bluefield Christian Church, Methodist Episcopal Church South, Bland Street Methodist Episcopal Church South, Young Men's Christian Association, Session Presbyterian Church, and Calvary Baptist Church, Bluefield, W. Va., numbering over 4,000 people, urging Congress to pass the national constitutional amendment providing for prohibition; to the Committee on the Judiciary.

By Mr. DALE of Vermont: Petitions of citizens of Orleans, Williamstown, and Barnard, all in the State of Vermont, favoring national constitutional prohibition; to the Committee on the Judiciary.

By Mr. DARROW: Petition of Pennsylvania Association of Union Volunteer Officers of the Civil War, favoring passage of House bill 386; to the Committee on Military Affairs.

By Mr. DOOLING: Memorial of Public Service Commission Association Rifle Club, favoring the establishment by the Federal Government of a suitable rifle range near New York City available for the use of civilian rifle clubs; to the Committee on Military Affairs.

By Mr. ESCH: Petition of sundry citizens of La Crosse County, Wis., protesting against a declaration of war without a referendum vote of all the people; to the Committee on Foreign Affairs.

By Mr. FOCHT: Petitions of residents of Washington, D. C., favoring the Sterling amendment; to the Committee on the Judiciary.

By Mr. FULLER: Petition of the food embargo committee of the city of New York, for the Fitzgerald bill for an embargo on food products; to the Committee on Interstate and Foreign Commerce.

Also, petition of several citizens of De Kalb, Ill., against being involved in the European war; to the Committee on Foreign Affairs.

Also, petition of the Inland Daily Press Association, for adequate preparedness and for universal military training and service; to the Committee on Military Affairs.

Also, petition of the Farmers' National Congress of the United States of America, protesting against the oleomargarine amendment to the revenue bill; to the Committee on Ways and Means.

Also, petition of members of St. Paul's Lutheran Church, Rockford, Ill., in favor of keeping out of the European war; to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of the State of New York, for the protection of American vessels and other American property throughout the world; to the Committee on Foreign Affairs.

Also, petition of the University Club, of the city of New York, for defensive preparedness and universal military training and service; to the Committee on Military Affairs.

Also, petition of the Illinois State Society, for increase of salaries of Government employees as proposed in the House provision; to the Committee on Appropriations.

Also, petition of citizens of Oglesby, Ill., for prohibitory bills; to the Committee on the Judiciary.

Also, petition of the District of Columbia Referendum Association, for a referendum on the District prohibitory bills; to the Committee on the District of Columbia.

Also, petition of the Rockford (Ill.) Chamber of Commerce, for the Webb bill, to permit combinations in the export trade; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLIVAN: Petition of a member of the Massachusetts Branch of the League to Enforce Peace, relative to

the adoption of the league's proposals by the United States; to the Committee on Foreign Affairs.

Also, memorial adopted by the national executive committee at the Murray Hill Hotel, New York City, protesting against Chapters VI and VII of Senate bill 8148; to the Committee on the Judiciary.

Also, petition of sundry citizens of Boston, Brookline, Winthrop, and Cambridge, Mass., protesting against mail-exclusion bills and prohibition legislation; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Roxbury and Boston, Mass., favoring a referendum vote before Congress declares war; to the Committee on Foreign Affairs.

By Mr. GRAHAM: Petition of 44 people of Delaware County, Pa., favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GRIFFIN: Petition of Vicksburg (Miss.) Board of Trade and Mississippi Bankers' Association, relative to amending Federal reserve act; to the Committee on Banking and Currency.

Also, petitions of John J. Spielberger, of Brooklyn, and Cigar Makers' International Union of America, opposing prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Mary E. Elmore, Brooklyn, N. Y., favoring universal military training; to the Committee on Military Affairs.

Also, petition of Thomas D. Green, president Hotel Association of New York City, opposing prohibition for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of sundry organizations of New York, favoring the referendum and bone-dry amendments to the District of Columbia prohibition bill; to the Committee on the District of Columbia.

Also, petition of the State president of the Retail Liquor Dealers' Association, New York City, favoring the bone-dry and referendum amendments to the District of Columbia prohibition bill; to the Committee on the District of Columbia.

Also, petition of Rudolph Blank, Bath Beach, Brooklyn, N. Y., opposing the District of Columbia prohibition bill; to the Committee on the District of Columbia.

Also, petition of District of Columbia Referendum Association, Washington, D. C., favoring a referendum vote on the District prohibition bill; to the committee on the District of Columbia.

Also, petition of George L. Mitchell, jr., Brooklyn, N. Y., opposing the District of Columbia prohibition bill; to the Committee on the District of Columbia.

Also, memorial adopted by Public Service Commission Association Rifle Club, favoring the immediate establishment by the Federal Government of a rifle range near the city of New York to be available for the use of civilian rifle clubs; to the Committee on Military Affairs.

Also, petition of the Wine and Spirit Importers' Society of the United States, protesting against the passage of House joint resolution 84; to the Committee on the Judiciary.

By Mr. GUERNSEY: Petition of sundry citizens of Bangor, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HARRISON of Mississippi: Memorials of sundry publications in favor of legislation favoring the exclusion from the United States mails of liquor, liquor advertising, and solicitation except when addressed to licensed liquor dealers; to the Committee on the Post Office and Post Roads.

By Mr. HICKS: Petition of sundry citizens of Southampton, Baldwin, and Springfield Gardens, N. Y., favoring a prohibition amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of John J. Sheehan, August Kraatz, A. M. Eick, Ed. J. Rafford, Charles P. P. Bierne, and W. J. Matz, of Martins Ferry, Ohio, opposing prohibition in District of Columbia; to the Committee on the District of Columbia.

By Mr. KIESS of Pennsylvania: Resolutions from Christian Endeavor Society, Woman's Christian Temperance Union, Unity Lutheran Sunday School, Church of Christ Sunday School, all of Avis, Pa., and First Baptist Church of Mansfield, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LAFEAN: Memorial of First Presbyterian Church of Meadville, Pa., favoring Alaskan and Hawaiian prohibition bills; to the Committee on Insular Affairs.

By Mr. LEWIS: Petition of Advance Hustler, Ora McDaniel, editor, Advance, Ind.; Chestertown Transcript, Collins and Bowers, editors, Chestertown, Md.; the New Era, J. E. Raine, Towson, Md.; Denton Journal, Melvin & Johnson, Denton, Md.; Maryland (Md.) Journal, M. L. Hunter, Baltimore, Md.; Salisbury Advertiser, J. B. White, Salisbury, Md.; Mount Democrat, H. A. Rasche, editor and manager, Oakland, Md.; Baltimore Southern Methodist, Carlton D. Harris, editor and business manager, Baltimore, Md.; the Laurel Democrat, T. M. Baldwin, editor, Laurel, Md.; Union News, Towson, Md.; Calvert Gazette, George W. Dowell, Prince Frederick, Md.; the Hancock News, George C. Huber, Hancock, Md.; the Carroll Record, B. B. Englar, editor, Taneytown, Md.; the People, C. C. Halloway, Snow Hill, Md.; Maryland Templar, H. Keen, Snow Hill, Md.; Maryland Tribune, E. D. C. Hegeman, Salisbury, Md.; the Times, Westminster, Md.; the Midland Journal, Ewing Bros., publishers, Rising Sun, Md.; the Brunswick Blade, J. H. Rinker, editor, Brunswick, Md.; and Marylander and Herald, Theo. R. Walker, manager, Princess Anne, Md., favoring the exclusion of liquor advertising and solicitation from the United States mails except when addressed to licensed liquor dealers; to the Committee on the Post Office and Post Roads.

Also, petition of the Methodist Protestant, of Baltimore; Valley Register, of Middletown; Wicomico News, of Salisbury; the Brunswick Times, of Brunswick; Baltimore Catholic Review, of Baltimore; Royal Service, of Baltimore; University Gazette, of Baltimore; Democrat and News, of Cambridge; the Times, of Boonsboro; and St. John's Collegian, of Annapolis, all in the State of Maryland, favoring exclusion of liquor advertising and solicitation from the United States mails, except to liquor dealers; to the Committee on the Post Office and Post Roads.

Also, petitions of Berlin Advance, of Berlin; Journal of Home Economics, of Baltimore; White Ribbon Herald, of Ashton; Civil Whig, of Elkton; Baltimore County Record, of Hampstead; the Oxford Press, of Oxford; The Methodist, of Baltimore; Hampstead Enterprise, of Hampstead; Hurlock Advance, of Hurlock; the Aegis, of Belair; and the Advance Hustler, of Advance, all in the State of Maryland, favoring exclusion of liquor advertising and solicitation from the United States mails except when addressed to licensed liquor dealers; to the Committee on the Post Office and Post Roads.

Also, resolution of sundry citizens of Brunswick, Md., favoring a referendum vote of all the people in the event of war being declared; to the Committe on Foreign Affairs.

By Mr. LINTHICUM: Petitions of sundry citizens of Baltimore, Md., favoring passage of bill for compulsory military and naval training; to the Committee on Military Affairs.

Also, memorial of the Old Town Merchants and Manufacturers' Association, of Baltimore, Md., relative to prohibiting malicious perversions of facts in newspapers, etc.; to the Committee on the Judiciary.

Also, petition of the social service committee of Baltimore yearly meeting of Friends, against legislation to curtail individual liberty; to the Committee on the Judiciary.

Also, petitions of P. S. Strother, George T. Duffin, and Samuel R. Anderson, of Baltimore, Md., favoring passage of House bill 17292, for the regulation of salaries of the custodian employees of the United States Treasury Department; to the Committee on Expenditures in the Treasury Department.

Also, petition of George T. Melvin, Annapolis, Md., relative to United States in war with Germany; to the Committee on Foreign Affairs.

Also, petitions of the Baltimore County Game and Fish Protective Association and Alice W. Ball, of Baltimore, Md., favoring passage of the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petitions of A. H. Colmary & Co., C. D. Heller, and Walter P. Summers, of Baltimore, Md., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LOUD: Petition of Thomas H. Davies and four members of the committee of the local Socialist Party of Bay City, Mich., in favor of embargo on foodstuffs and munitions of war, and protesting against war; to the Committee on Interstate and Foreign Commerce.

By Mr. McGILLICUDDY: Petitions of the Baptist Church, Bryant Pond, and Leeds Baptist Church, of Leeds, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PETERS: Petition of Woman's Christian Temperance Union and 400 people of the First Baptist Church of Fairfield, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PRATT: Petition of Baptist Church, Erin, N. Y., by Mr. C. J. Jackson, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Kennedy Corners Union, Ithaca, N. Y., by Mary E. Bundy, president, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Noble Conley, E. W. Morse, Rev. K. F. Richardson, and sundry other members of the Methodist Epis-

copal Church, of Watkins, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of "Beecher Central White Ribboners," of Elmira, N. Y., by Mrs. Hannah A. Faucett, favoring national prohibition and other temperance measures; to the Committee on the Judiciary.

By Mr. RAINEY: Petition of 270 citizens of Ohio, favoring Rainey mixed-flour law; to the Committee on Ways and Means.

Also, petition of Henry Love and 24 other citizens of Athens, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of T. V. Brannon and 18 other citizens of Beardstown, Ill., against the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of J. F. Kyler and 14 other citizens of Kirkwood, Ill., favoring migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. REILLY: Petitions of sundry citizens of Markesan and Waupun, Wis., favoring prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Two Rivers, Wis., protesting against war; to the Committee on Foreign Affairs.

By Mr. ROGERS: Petition of 15 people of the Ayer Woman's Christian Temperance Union, Ayer, and 200 people of the First Unitarian Parish Church, Ayer, Mass., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. ROWE: Memorial of Equal Rights Association of Kentucky relative to suffrage for women; to the Committee on the Judiciary.

Also, petition of the Commercial Exchange of Philadelphia, Pa., approving the President's action in regard to Germany; to the Committee on Foreign Affairs.

Also, petition of Jacob C. Klinck, Brooklyn, N. Y., favoring the Borland-Gallinger daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Miss Mary W. Pastone, the Manor, Albemarle Park, Asheville, N. C., favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of W. M. Wadsworth, eastern representative of the Paramount Knitting Co., New York City, favoring the migratory-bird treaty act, also any legislation for universal military training; to the Committee on Foreign Affairs.

Also, petition of the Robert Graves Co., New York City, protesting against House bill 20573; to the Committee on Ways and Means.

Also, petition of Claflin, Thayer & Co., New York City, opposing the passage of House bill 17606, to limit the power of the Federal Reserve Board; to the Committee on Banking and Currency.

Also, petition of Ocean Parkway Methodist Episcopal Church, Brooklyn, N. Y., protesting against a wet referendum amendment to the District prohibition bill and favoring national prohibition; to the Committee on the District of Columbia.

By Mr. SHERLEY: Petition of sundry citizens of Louisville, Ky., pledging their support to the President on any action he may take in the present crisis; to the Committee on Foreign Affairs.

By Mr. SHOUSE: Petition of 30 people of the Embroidery Club, Stafford, and 115 people of the Coldwater Methodist Episcopal Church, Coldwater, Kans., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. SNELL: Petition of the engineers, firemen, conductors, and trainmen of New York State, emphatically protesting against and disapproving House bill 20752 and Senate bill 8201, and requesting all legislators to vote against the same or any other bills containing similar provisions, by W. C. Whish, legislative representative, Brotherhood of Locomotive Engineers; J. E. Gray, legislative representative, Order of Railway Conductors; Thomas E. Ryan, legislative representative, Brotherhood of Locomotive Firemen and Engineers; John Fitzgibbons, legislative representative, Brotherhood of Railway Trainmen; to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: Resolution adopted by the Norman County (Minn.) Rod and Gun Club, favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of 23 citizens of Polk and Norman Counties, Minn., favoring national prohibition, the bone-dry amendment, and against a referendum to the District prohibition bill; to the Committee on the Judiciary.

By Mr. TAYLOR of Colorado: Petition of citizens of Palisade, Colo., protesting against provision of the revenue bill imposing tax on corporations on excess profits; to the Committee on Ways and Means.

By Mr. TREADWAY: Petition of sundry citizens of the State of Massachusetts, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WARD: Petition signed by officers of Methodist Episcopal and Friends' Church at Plattekill, N. Y., favoring the passage of prohibition measures; to the Committee on the Judiciary.

By Mr. WINGO: Petitions of sundry citizens and organizations of Arkansas, favoring national prohibition; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *February 28, 1917.*

(Legislative day of Tuesday, February 27, 1917.)

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

The VICE PRESIDENT. The pending question is on the amendment of the committee on page 15 of the bill.

Mr. SMOOT. Mr. President, there are very few Senators in the Chamber, and we want to vote immediately, if possible, on the pending oleomargarine amendment. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Lodge	Sheppard
Bankhead	Gronna	McCumber	Simmons
Bryan	Hardwick	Martin, Va.	Smith, Ga.
Chamberlain	Hollis	Martine, N. J.	Smoot
Chilton	James	Myers	Sterling
Clapp	Johnson, S. Dak.	Nelson	Sutherland
Culberson	Jones	Norris	Thomas
Cummins	Kenyon	Overman	Underwood
Curtis	La Follette	Page	Wadsworth
Dillingham	Lane	Penrose	Weeks
Fernald	Lea, Tenn.	Shafroth	Works

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. HUSTING, Mr. KIRBY, Mr. POMERENE, Mr. SHIELDS, Mr. THOMPSON, and Mr. VARDAMAN answered to their names when called.

Mr. TOWNSEND entered the Chamber and answered to his name.

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from Oklahoma [Mr. GORE] through illness. I ask that this announcement may stand for the day.

Mr. HOLLIS. I have been requested to announce that the Senator from Delaware [Mr. SAULSBURY] is detained on official business.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present. The pending question is the committee amendment on page 15.

Mr. UNDERWOOD. Mr. President, there is a very small attendance here, and I should like to have a full Senate, but as far as I am concerned I am perfectly willing to let the vote be taken now and take the record vote when the bill gets into the Senate to-night.

Mr. STERLING. I send to the desk telegrams relative to the oleomargarine amendment, which I should like to have read.

The VICE PRESIDENT. Is there objection?

Mr. UNDERWOOD. What is the request?

The VICE PRESIDENT. The request is that certain telegrams about oleomargarine be read. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

PIERRE, S. DAK., *February 28, 1917.*

Hon. THOMAS STERLING,
Washington, D. C.:

The legislature to-day passed the following resolution:

"*Be it resolved*, That the secretary of state be, and is hereby, instructed to telegraph to the Representatives of the State of South Dakota in the United States Senate and House of Representatives a protest on behalf of the Fifteenth Session of the Legislature of the State of South Dakota against the removal of the duty on oleomargarine."

FRANK M. ROOD,
Secretary of State.

YANKTON, S. DAK., *February 27, 1917.*

Senator THOMAS STERLING,
Washington, D. C.:

The dairy industry, one of the most important in South Dakota, will be vitally injured by the passage of the oleomargarine clause in Under-

wood amendment. We believe we voice the sentiment of every farmer, dairy, and creamery in the State in requesting you to use your influence to prevent its passage.

J. A. DANFORTH.
KEATING CREAMERY.
J. J. NISSEN.
PLATTE CREAMERY.
M. H. HOLMAN.
J. K. VANCAMP.
M. M. BENNETTE.

Mr. GRONNA. I have 15 or 16 telegrams from citizens of my State bearing on this question. I ask that one of them be read and that all of them be noted in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none.

MOTT, N. DAK., *February 27, 1917.*

A. J. GRONNA,
Washington, D. C.:

Underwood amendment to international revenue bill removing tax on oleomargarine against interest of butter producers of Northwest. North Dakota getting nicely started in dairying; needs encouragement. North Dakota enters protest against this bill.

V. H. CRANE.

Telegrams from F. B. Stevenson, G. Kasper, the Equity Exchange, the White City Barber Shop, the Mott Supply Co., the German State Bank, A. B. Stohoski, Fietzage Bros., the First National Bank, J. B. Smith, the Mott Drug Co., F. T. Rucker, and from the First State Bank, all of Mott, N. Dak.

Telegrams from the Farmers Cooperative Creamery Association, of Maddock, N. Dak., and from Palmer Medhus, C. O. Running, and the Scofield Implement Co., all of Minot, N. Dak.

Mr. McCUMBER. I desire to state that I have a vast number of like messages from the State, but inasmuch as the one my colleague has read indicates the sentiment of the State I really do not think it is necessary to have the others placed in the RECORD.

Mr. JOHNSON of South Dakota. I have received a large number of telegrams from my State touching the same question. My colleague from South Dakota [Mr. STERLING] has presented some coming from the same places, and as there are so many and the time is so short I do not feel that it will be necessary for me to present them, as they cover the same object.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WORKS. Out of order, I ask leave to submit an amendment intended to be proposed by me to the sundry civil appropriation bill (H. R. 20967) to appropriate $80,158.73 to repay money advanced by the Yosemite Valley Railroad Co. on behalf of the Government to construct a wagon road in Yosemite Park.

The VICE PRESIDENT. The amendment will be referred to the Committee on Appropriations and printed.

Mr. PENROSE. Out of order likewise, I desire to submit an amendment to the sundry civil appropriation (H. R. 20967), so called, to appropriate $135,000 for a general storehouse, War Department, for reference to the Committee on Appropriations.

The VICE PRESIDENT. The amendment will be referred to the Committee on Appropriations

LANDS AT PORT ANGELES, STATE OF WASHINGTON.

Mr. MYERS. Out of order, I ask leave to report back from the Committee on Public Lands, with amendments, the bill (S. 3585) providing for the disposal of certain lands at Port Angeles, State of Washington, and I submit a report (No. 1125) thereon. I call the attention of the Senator from Washington [Mr. JONES] to this report.

Mr. JONES. I will say that the bill consists of about half a dozen lines, and a similar bill has passed the Senate heretofore.

Mr. SMOOT. I shall not object now, but I shall object to any more morning business injected at this time. I think we had better go on with the bill before the Senate.

Mr. JONES. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 1, line 9, before the word "ten," to strike out the word "and," and after the word "ten," in the same line, to insert "sixteen and seventeen," so as to make the bill read:

Be it enacted, etc., That all lots in block 32, in the city of Port Angeles, State of Washington, now reserved for Government purposes under an act entitled "An act providing for the reappraisement and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes," approved March 16, 1912, except lots 1, 8, 9, 10, 16, and 17, shall be disposed of under and pursuant to the provisions of said act of March 16, 1912, and the Secretary of the Interior is hereby directed to proceed at once to carry out the provisions of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House:

S. 8227. An act granting the consent of Congress to the city of Fort Atkinson, in Jefferson County, Wis., for the construction of a bridge across the Rock River;

S. 8295. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 20451. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

The VICE PRESIDENT. The question is on the amendment of the committee on page 15.

Mr. UNDERWOOD. Mr. President, I should be very glad to have an understanding that this amendment shall be voted on at 12 o'clock, when there will be a full Senate here.

Mr. SMOOT. I doubt very much whether, under the unanimous-consent agreement, that can be granted at this time. I think we had best follow what the Senator suggested, and take a vote on the amendment at this time, if no Senator desires to speak, and then the Senator can reserve the right to vote upon it in the Senate.

Mr. UNDERWOOD. I wish to discuss the amendment for a few minutes.

Mr. President, there is a very active opposition to the pending amendment, growing out of the fact that a great industry in this country is affected, and, on the other hand, there is a strong advocacy of the amendment because another industry is affected. But I do not think the decision in this case should be determined by the benefit or detriment to any special interest.

I do not advocate this amendment because it may be helpful to those who may be in the business of making oleomargarine, nor do I advocate it because it may possibly affect the creamery industry of this country. As I stated some days ago, I opposed the present law when it was enacted because I believed it was an effort to use the taxing power of this country to build up one industry at the expense of another, but primarily because it was an effort to put up the price of a food product in this country. For decades past we have had cheap food in America. That day seems to have passed. We find, with all the great agricultural development of this country at our command, that in some of the great cities of America food products are selling for a higher price to-day than they are selling for in the cities of Germany, where they are excluded from the markets of the world and do not have the agricultural resources to supply their own people with sufficient food products. Under these circumstances there is unquestionably something wrong. Something is lacking in our system of distribution; some injury is being done to the masses of the American people by reason of our laws or lack of laws.

We have laws on the statute books that prohibit unlawful combinations in restraint of trade, and we have applied them to many articles that are not necessities of life. I do not know of any commodity to which the antitrust laws of this country ought to be applied more strictly than to the food products. If we are to allow combinations in restraint of trade for the purpose of pyramiding the food prices of America, we might as well recognize that the law does not reign in our land.

Centuries ago in England laws were enacted to prevent men from making a corner on food products that came into the towns and villages of old England. To-day in this country the prices of food products are pyramiding upward and it is without any justification from the law of supply and demand, because we find in foreign countries, where there is a less supply and a greater demand, that food products are cheaper than they are in many portions of our own country.

Here is an industry—the creamery industry—of this country, where the leading unit in the industry, the Elgin dairy interests, have been convicted of having violated the antitrust provisions of the Sherman law, a decree found against them, and yet, notwithstanding the courts have found that they are a trust, through some subterfuge they are continuing to do busi-

ness and to fix the price of butter for all the people of the United States.

On the other hand, we find that the law of the United States is taxing a competitor of this trust. It is taxing it for what purpose? Not for the purpose of raising revenue, because if that were the case there would be no question about the adoption of this amendment. This amendment will undoubtedly produce more revenue with less burdensome taxation than the law as it stands on the statute books to-day. No; the purpose of the present law is to raise the price of the product of a competitor of the butter interest of this country and to restrict its sale. That is all the law is intended for. An industry of this country is producing a food product; they have competition from another food product, and the law on the statute books was intended to kill that competition.

In the early days of this controversy it was contended that oleomargarine was not a clean, pure-food product. To-day there is no question about it. It is inspected by the Government; it does not carry disease germs; it must be pure; it must be wholesome, or the Government of the United States would not allow it to go into the homes of this country. On the other hand, we find from the reports of the Government officials, from the leading authorities in this country, that a great deal of butter that is produced in this country is unclean and unwholesome. I do not mean that to apply to the entire industry, for I know and you know that there is a great deal of clean, pure butter being sold in America to-day.

Mr. PAGE. Mr. President, I think, if I may be allowed, that I suggested to the Senator from Alabama the other day that the report from which he read from some department was a good many years old. He said he would look it up and see. Has he found that any report adverse to butter has been made by any department of the Government during the last five years?

Mr. UNDERWOOD. In my speech of the 20th instant I called the attention of the Senate to the statements of those in charge of the Government bureaus in touch with the conditions in the dairy industry, made before the Committee on Rules of the House of Representatives during their investigation of the sanitary condition of dairies, on April 11, 1916, and to the statements of these same officials made before the Committee on Agriculture on December 6 and 7, 1916, and to a statement issued by the Department of Agriculture released for publication by the papers February 12, 1917, bringing the matter up to date, and while not so amplified as the report of 1912, yet they sustain the same proposition.

I am not contending, and would not have anyone think for a minute that I am contending, that all the dairy interests and butter interests in this country are being carried on in an unhealthful and unclean manner. I merely presented the reports of Government officials to show that a very considerable percentage of the product of that industry had this objectionable feature.

That may not be an argument directly for the adoption of this amendment to the pending bill, but it is a very strong argument that, if we are going to have meat inspection, hog inspection, oleomargarine inspection, and drug inspection by the Government under our pure-food laws to protect the health and the lives of the people of the United States, the day and the hour have come when we should have a butter and creamery inspection in this country, and I can not understand why there should be any objection to an honest inspection to protect the health of the community on the part of those engaged in the legitimate business of making an honest dairy food product.

Mr. PAGE. Mr. President, I ask the Senator in all candor if it is not true that in making oleomargarine the milk of the cow is used? If so, and if there is any such thing as tuberculosis in milk, it must impregnate the oleomargarine as it does the butter. If there is any claim that pure butter from the clean creameries of our country is used in making oleomargarine, I have good reason to question it.

Mr. UNDERWOOD. The Senator would be eminently right if there was no inspection, but the difference is—and that is just the point I am trying to call to his attention—that where cream or milk is used in manufacturing oleomargarine it is inspected; it has to go through Government inspection, like the other products that go into that commodity. It must be known to be pure and clean before it can be used, but that is not so in the case of the creameries.

The Senator will see, by reference to "Service and regulatory announcement of the Bureau of Animal Industry 111," that "milk and cream used in the preparation of oleomargarine should be pasteurized, and the butter used for this purpose should be made only from pasteurized products"; and by reference to announcement 114 that "the proprietors and operators shall also give to the bureau advance information of the sources of supplies of butter intended for use in preparing oleomargarine, so that the matter of pasteurization can be investigated in case of doubt."

There is no such safety in the case of butter.

Mr. PAGE. Mr. President, I think I must demur to that statement. It is true that we have a State inspection, the most critical kind of State inspection, in all important dairy States in this country, as I understand.

Mr. UNDERWOOD. Well, I am not talking about State inspection; I am talking about Federal Government inspection. I have no doubt that in some States in the Union there is an inspection. The Senator from Vermont thought I was attempting to reflect upon his State the other day, which I disclaimed then, as I disclaim now. I do not know anything about the conditions there, and I accept his statement in reference to them as eminently correct.

Mr. PAGE. But Mr. President, when the statement is made that 61 per cent of the butter of this country is impure and vile, and the Senator from Alabama stands up here and gives credence to that statement by quoting it generally as his opinion, it must be that he stands sponsor for it; and in that he is doing great wrong to a pure industry of this country.

Mr. POMERENE. Mr. President——

Mr. UNDERWOOD. I will yield to the Senator in a moment, as soon as I answer the Senator from Vermont. I will say to the Senator from Vermont that in 1912 Secretary Wilson was at the head of the Department of Agriculture of this country. He held his commission from the Republican Party and not from my party. He was the premier of all the Secretaries of Agriculture this country has ever had. He stood first and foremost on the list. If there has ever been a man in the office of Secretary of Agriculture who was known throughout this country as the friend of the farmer and the advocate of the great agricultural interests of this country, it was Secretary Wilson. It is not my report, it is not my statement, but what I put in the RECORD was what came from the report of Secretary Wilson, the head of the Department of Agriculture during the Taft administration; and I think on that strong authority, not knowing the facts myself, I am entitled to stand. Now I yield to the Senator from Ohio.

Mr. PAGE. And in relying upon that authority the Senator is willing to stand up here in the Senate of the United States and charge impurity and vileness to the product of one of the largest industries of this country, a product which is not entitled to that kind of a brand.

Mr. UNDERWOOD. Well, I will say to the Senator that is his opinion, and I have no doubt he is honest in his opinion, because he is looking at it from his own local surroundings. I am charging it because the Government of the United States has said so.

Mr. PAGE. Many years ago.

Mr. UNDERWOOD. No; to-day. I have just shown that reports from Government officials having charge of such matters, made as late as 10 days ago, show that the conditions complained of in 1912 are practically unimproved to-day. I do not say that 61 per cent of the butter inspected was bad; no; but the Secretary of Agriculture said so; and the people of this country are entitled to know that this condition exists.

Mr. POMERENE. Mr. President——

Mr. UNDERWOOD. I yield to the Senator.

Mr. POMERENE. As shedding some light on the controversy in question, I desire to state that, so far as the State of Ohio is concerned, we have a food and dairy commissioner, who is very careful about the inspection of all the dairies. In addition to that, in every considerable town the board of health have milk inspectors, who are constantly on guard to prevent any possible impurities in the product of any of the dairies.

Mr. UNDERWOOD. I have no doubt that there are good inspection laws; and, of course, so far as each local community is concerned, each thinks its own inspection is correct and good. But in this connection I wish to call attention to the testimony of Dr. A. D. Melvin, Chief of the Bureau of Animal Industry, Department of Agriculture, in hearings before the Committee on Rules of House resolution 137, as late as April 11, 1916. On page 14, he stated that from his observation he did not think the local inspection laws were sufficient to protect the consumers against the danger of diseased and filthy creamery products. He stated that there are State inspection laws, but he did not know of a single State that has a comprehensive State inspection system. This evidence was given by him in connection with his evidence referred to by me in a former address to the Senate on this subject, page 13, where he testified, in answer to questions from Mr. POU, that he thought a large percentage of the

dairy products that are consumed by the American people are unfit for food. On page 20 he stated:

They are making attempts at pasteurization, but a great deal of this is imperfectly done, and even the pasteurization should be supervised. I do not think there is complete and systematic inspection of all dairies and creameries in any State.

I think I mentioned also the statements of Dr. B. H. Rawl, Chief of the Dairy Division, at this same hearing, April 11, 1916. He was asked, on page 33, "whether he knew anything about the filthy condition in which cream is delivered to the creameries." To which he replied:

There is cream of all sorts and kinds going to the creameries. It is from the best to the worst, and it seems to me that the consideration of dirty cream might resolve itself into two divisions that are rather distinct; at first the danger to public health that may arise from dirty cream, and second, deterioration, which would reduce the selling price of butter made from it (p. 35). We have made examination of a number of pasteurizing plants where the milk carried as many bacteria after the pasteurization as before. The pasteurization was inefficient; * * * so we feel that when pasteurization is required it must be inspected in order to make sure that it is efficient.

At these same hearings Prof. G. L. McKay, secretary of the American Association of Creamery Butter Manufacturers, Chicago, Ill., introduced a letter from Dr. H. A. Harding, of the University of Illinois, College of Agriculture and Agricultural Experiment Station, dated April 6, 1916, in which Prof. McKay was advised by this eminent scientist (p. 44):

Careful studies have shown that raw cream very commonly carries the germs of bovine tuberculosis and occassionally may carry the germs of typhoid fever, scarlet fever, diphtheria, septic sore throat, and less frequently the germs of a number of other minor diseases.

Prof. McKay also introduced a letter from Dr. H. L. Russell, of the University of Wisconsin, College of Agricultural Experiment Station, dated April 6, 1916 (p. 45), in which this distinguished scientist, in one of the leading dairy States of the Union, advised the secretary of the American Association of Creamery Butter Manufacturers that—

If the milk contained tubercle bacilli, it is quite certain that they would be found in the butter, and that they would not be destroyed by the ordinary process of butter making.

Prof. T. L. Haecker, head of the dairy department of the University of Minnesota, is quoted as saying:

The butter produced in St. Paul and Minneapolis is not fit to eat. It comes from the centralizers of those cities, and these centralizers are a menace to the dairy industry. I have never been able to tolerate a condition where a few men outstretch their hands and say, "We will give you such and such a price for your milk and cream. You can either take our offer or let the stuff rot on your hands." Men and women who will pasteurize skimmed milk for their hogs and neglect to pasteurize milk, butter, and ice cream for their children deserve to be classified with the hogs. If they understood what we, who are said to occupy the higher places, understand concerning the dangers of raw dairy products, Congress would pass laws overnight forbidding the manufacture of butter, except pasteurized butter, for interstate commerce, and all the milk of the country would have to be pasteurized before its consumption. Take one centralizer, for instance, in St. Paul. I happen to know that at this place cream of all ages is used. Sometimes it is one day old, sometimes five days, and sometimes older. It often takes a long trip, generally in cans not free from germs. Then it is all dumped into one big lot and the butter made from that.

Prof. J. H. Frandsen, of the University of Nebraska, another great dairy State, speaking to the National Association of Creamery Butter Manufacturers at Minneapolis in November, as reported in Chicago Dairy Produce, says (p. 10):

Creamery men all over the country have suffered serious losses due to their inability to make a good quality of butter from a large percentage of the cream received by them daily. * * * The prevailing practice in buying butter fat is to pay a uniform price, regardless of quality. * * * The inevitable result has been a lower quality. * * * When cream is purchased, as is the case to-day in too many of our creameries, a rank injustice is done the producer of the clean and most wholesome cream.

An article from the Northwest Dairyman is published in Chicago Dairy Produce, November 7, 1916 (p. 18), in which it is said:

Cream is delivered varying all the way from that which would grade No. 1 sweet down to "stuff" so poor that it ought to be rejected entirely and given no grading. * * * This class of cream of all gradings is weighed up, sampled, and tested and then emptied, good, bad, and indifferent, into the same vats and churned in the same churning, with the result that the one who has delivered throughout the month nothing but sour, lumpy cream, which should not have been received at all, received at the end of the month the same price per pound for butter fat as the man who has delivered always No. 1 sweet cream.

From the foregoing authorities it will be seen that not only the creamery conditions have not materially improved but that the practice of the big centralizing creameries, whereby they buy all kinds of cream, paying the same price for all grades, necessarily reduces the price of all; and if you will read the dairy papers of the country you will find that these big centralizers are rapidly destroying the cooperative creamery industry and furnishing to the country a large quantity of food unfit for use, as is pointed out by the Department of Agriculture.

The State of Michigan has adopted what is known as a State butter brand law, and seems to have appointed a commission for carrying this law into effect, of which commission Mr. H. D. Wendt appears to be the secretary. In order to show that I have spoken in the utmost good faith, I quote from this secretary of the State Butter Brand Commission of the great dairy State of Michigan. In a letter to Chicago Dairy Produce, August 3, 1916, which was published without any criticism from that great dairy journal, he says:

We can not refrain from commenting on an article appearing in the Chicago Dairy Produce, under date of July 25, written by Dr. G. L. McKay, secretary for the American Association of Creamery Butter Manufacturers, in which public expression is given to the association's decision to establish a permanent chemical and bacteriological laboratory in which to test the butter manufactured by its members. "Where a certain number of samples are tested weekly for a creamery and the butter shows up all right and the creamery meets the required sanitary standard fixed by the association, they can use a label on their butter stating that it has been tested chemically and bacteriologically, guaranteeing the purity of same." * * * "We herewith beg the privilege of offering the following suggestion relative to the composition of the proposed guaranty of purity label: All of the cream from which this butter was made, due to much of it being received in an insanitary and highly fermented condition, has been renovated and neutralized by the addition of lime, soda ash, Wyandotte washing powder, boracic acid, peroxide, saltpeter, and other harmless (?) cleansers and preservatives. * * *"

I regret, Mr. President, to be obliged to advise the Senate and the American people of the character of table fat which is being furnished them by those who oppose such an amendment of the oleomargarine law as will promote a freer and more honest distribution of this well-inspected, cheap, wholesome, clean, disease-free table fat.

Notwithstanding the terrible indictment brought against them in 1912 and the overwhelming evidence of the truth of this indictment brought forth in the House of Representatives as late as April 11, 1916, and repeated in another hearing in December, 1916, and again repeated in Farmer's Bulletin 781 in February, 1917, all they ask is that oleomargarine shall not lawfully be made in such manner as to please the eye and taste of consumers. The avowed purpose of their opposition is to keep this food product out of the market in order that they may obtain higher prices for their frequently impure product.

Then, too, Mr. President, since it has been clearly demonstrated by the highest authority that the fraudulent substitution of oleomargarine for butter is done by butter dealers, who buy the white product of certain manufacturers, illicitly color it, and sell it for butter, one can hardly escape the conviction that the Dairy Trust desires to retain the present fraud-inviting oleomargarine law in order to deprive the general public of any opportunity of procuring legitimate oleomargarine, colored to please the eye and taste, and so give the butter trade the opportunity of increasing these frauds greatly to their profit.

Mr. LANE. Mr. President, if the Senator will allow me to interrupt him, it seems to me he has sort of proven his case out of court.

Mr. UNDERWOOD. I am sorry, if I have.

Mr. LANE. In this way, if the Senator will allow the suggestion: If 65 per cent of this butter is impure——

Mr. UNDERWOOD. The Secretary of Agriculture said 61 per cent, to be accurate.

Mr. LANE. Well, 61 per cent or 51 per cent. That may be true, for I have seen a lot of butter that convinced me that there is some ground for the statement; but, at any rate, assuming it to be true, the quality of oleomargarine which many insist I eat unconsciously, and which gets by me without my detection, is composed of 25 per cent butter. Twenty-five per cent of it is composed of this villainous compound known as butter——

Mr. UNDERWOOD. No——

Mr. LANE. The stuff which has not been inspected, and then the oleomargarine is churned in milk. Butter does not carry tubercular germs to the extent that milk does; but the oleomargarine is churned then in a compound of dirt and tubercular bacilli; and then they take butter, revamped butter, if you please, to the amount of 25 per cent, to help the tallow and lard along, and call it oleomargarine.

Mr. UNDERWOOD. I delight to associate with my friend from Oregon, because one of the charming attributes of his nature is his imagination. He ought to have been a poet and not a United States Senator. His statement that butter does not carry tuberculer germs to the extent that cream does is exactly in contradiction of the facts. Let me call his attention to the statement of Prof. H. A. Harding, of the University of Illinois, speaking at the Minneapolis convention of butter makers, as reported in the Chicago Dairy Produce of November 28, 1916, which says (p. 28):

The germ life in the butter is simply the result of the germ life in the cream. * * * It has been demonstrated beyond any room for doubt that the action of the centrifugal separator tends to concentrate the germs of bovine tuberculosis in the cream so that they pass over

into the butter. Careful studies have shown that they will remain alive in butter for three months or more under storage conditions. Butter made from raw cream is open to a very serious indictment from the standpoint of public health.

I have already stated this morning, and will state again, that oleomargarine and all the products that go into it are inspected before they are used. There is clean butter, clean milk, and clean dairy products in the United States, and the Government inspector sees that the butter and the milk that are used in the manufacture of oleomargarine are clean; but there is no Government inspection of the creameries of this country.

I have not the time to go into it now, but I can show the Senators reports from your creamery and dairy journals of the country complaining about the manufacture of worked-over butter and of the dairy interests. I had a statement in my hand the other day—I do not have it here—that I did not put in the RECORD, but I can show it to anybody, made by the gentleman who represents the creamery interests here in Washington to-day, the man who has been interested more than anybody else in making a fight against this bill, in which he himself points out the impurities in some of the butter establishments in this country and the lack of care in the way butter is manufactured in the creameries of this country.

Now, more than that, I know this: In my own State we have a dairy inspection. Our people contended for a long time that it was a good dairy inspection. It may be very much improved now in my community. Yet I know, Mr. President, that a year ago we had a bad epidemic of typhoid fever in the city in which I reside, and one of the experts of the Bureau of Public Health went there to examine conditions. He traced every bit of it back to the dairy interests of that community. I know of one case where the cream and milk from those dairies was made into ice cream and shipped 100 miles from the city in which I reside, and in that little community in which the ice cream was sold eight cases of typhoid fever broke out. Now, I know that is a fact, and I can sustain it. What is the use in telling me that this is an absolutely clean, pure-food product on all occasions, when I know myself it is not and when the Government reports say it is not?

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. UNDERWOOD. I yield.

Mr. NELSON. I want to say to the Senator, in reference to this matter of ice cream, that the trouble does not come from the cream that they use but from the fact that they use so many other substitutes, cornstarch and everything else, that they inject into the ice cream. Further, I want to say in reference to the creameries—though I do not want to trespass too much upon the indulgence of the Senator—that the State of Minnesota stands at the head of the butter-manufacturing States of this Union in the quality of its butter. I do not know of a single instance where the Internal-Revenue Department has found fault with any creameries in Minnesota except on one point in a few isolated cases. They have adopted what they call a moisture test, 16 per cent, and in a very few instances they have discovered that that moisture test was exceeded. Outside of that there has been no criticism of the creameries in Minnesota, or, so far as I know, in the Northwest, as to impurities, or as to their methods of manufacture.

I want to call attention further to the injustice that has been perpetrated by the Internal-Revenue Department in some cases. Where, by accident, out of a shipment of, say, 30 or 40 kegs of butter, they have found a half dozen that have exceeded the moisture test, they have immediately charged the manufacturers with being manufacturers of adulterated butter and not only have compelled them to pay the 10 cents extra tax but have held that they were manufacturers of adulterated butter, engaged in that business, when, as a matter of fact, they were not. Over that matter and nothing else has there been any controversy between the creameries in our State and the Internal-Revenue Department; and I have been surprised at the hostile spirit that has been manifested in the Internal-Revenue Department in reference to that.

Now, the Senator can call time on me whenever he sees fit.

Mr. UNDERWOOD. Oh, I am glad to have the Senator from Minnesota interrupt me. I am only asking for light on this subject. All I want is the truth; and if the Senator can throw any real light on the subject, I am glad to have him do so.

Mr. NELSON. When the butter is being churned, and the cream coagulates and forms into butter and buttermilk, the great problem is to separate the buttermilk from the butter. If any part of that buttermilk remains in the butter it is apt to become rancid and sour in the course of time. Now, to separate the buttermilk from it, they wash the butter in cold water. They put cold water into it to get the buttermilk out of it. That can not be called an adulteration. They do not put the water into it for the purpose of adulterating it, but simply for the purpose of squeezing, as you might say, the buttermilk out of the butter, and making it so that it will keep successfully.

The charge that I understood the Senator to intimate a moment ago, that our creameries were guilty of insanitary methods in the manufacture of butter, I utterly deny.

Mr. UNDERWOOD. Mr. President, I am delighted to hear what the Senator from Minnesota has said, and I am charmed to hear the good reports that he gives from the State of Minnesota, where I lived for many years myself, and am always glad to hear good things about it. Of course, I have no knowledge whatever of conditions in Minnesota.

Now, I am not so much concerned about the dairy people putting a surplus amount of water in their butter. Of course it is wrong if they do it intentionally; it is to commit a fraud on the consumer, because they try to sell him that much water instead of that much butter. But, then, that is not serious. That does not kill him. That just affects his pocketbook, because he finds himself buying water instead of buying butter. But I am not making this charge myself. As I say, the people who are in the business have themselves called attention in your dairy journals to the conditions in many of the creameries of this country; and it was the report of the greatest Secretary of Agriculture you have ever had that said that 61 per cent of this product inspected was impure.

Being pressed on this point, I will call attention to a few more authoritative statements that are relevant. In the February, 1917, Farmers' Bulletin 781, United States Department of Agriculture (p. 6), it is said:

> Centrifugal separators have come into general use. In the process of separating the cream from the milk the rapid revolutions of the shaft and disks of the machine deposit at the base of the shaft dirt, hair, manure, and other impurities, and, mingled with this mass, great numbers of bacteria, including at times the germs of tuberculosis.

A butter maker, writing in the Chicago Dairy Produce, with no word of protest, November 28, 1916, says:

> Every creamery operator knows the methods of treating old, dirty cream. * * * Every creamery operator knows, too, that neutralized and treated cream does not make butter fit for food; but we all know at the same time that most butter made in the West and Middle West is of this character, and is sold as a "pure product"; and in order to get by with it many firms mark it "pasteurized."

And in 1915 one of the leading dairy magazines of the country declared:

> Ninety per cent of the hand separators in daily use throughout the country receive improper care, and on many farms the cream is allowed to accumulate from 3 to 10 days, exposed to all sorts of contamination, without proper methods of cooling, before it is hauled to the creamery. The result is inevitable—a poor grade of butter, for which is received a correspondingly poor price. Last year 63 per cent of the butter made in Minnesota was classed as seconds and thirds, and butter of these grades is not considered of high enough quality to satisfy the taste of the average consumer.

This is the butter the poor must eat, and to protect which the production of a pleasing, palatable, wholesome "U. S. inspected and passed" substitute must be prohibited at the behest of the Butter Trust.

With these conditions recognized and admitted, the Butter Trust has proposed no remedial national legislation. On the contrary, so secure have they felt in their immunity from regulation and their unfair advantage in trade that they have expended all their effort in maintaining the destructive laws which practically excludes a healthy, clean, cheap, competing product. Not only have they advocated no Federal inspection for creameries or made other provision for the protection of consumers, but they have proposed a law, both in the House of Representatives and the Senate, which would complete their monopoly by the utter destruction of an industry which offers the only officially inspected table fat our people can buy. They therefore propose the anomaly of this Government by law penalizing a product made and packed under the supervision of its own officers.

On February 22, 1916, the Chicago Dairy Produce, a magazine which has persistently opposed all efforts at relief to the oleomargarine industry and the enlargement of this food supply, says:

> The poor-cream question has received the usual amount of attention at the various conventions during the past winter, but we have failed to hear any plan suggested or adopted or any kind of action taken that gives promise of any change for the better for this year. All alike seem to recognize the seriousness of the situation and the necessity for doing something, but that is as far as it ever gets. We go on and on in the same old way. As it is impossible for anything to stand still, and as we must progress or go backward, it seems we are following the latter course, for our butter product is gradually growing poorer and poorer each year. To those who are in a position to note this gradual change for the worse, and who see nothing of a decisive nature being done to remedy the condition, the situation is indeed alarming. They are asking themselves where will this all end. That there must be an end all will agree. Conditions can not go on and on as they are now. There must be a change of some kind toward progress, and

whatever it is that will cause this change must be something of a serious nature, because no small thing will bring it about.

The Senator says that, so far as ice cream was concerned, disease was not distributed by reason of the milk or cream in the ice cream, but by reason of the other products. Now, they may put starch in it. Did anybody ever hear of starch carrying a typhoid-fever germ? They may put sugar in it. Did anybody ever hear of sugar carrying a typhoid-fever germ? They may put vanilla or some other flavor in it. Did anybody ever hear of vanilla carrying a typhoid-fever germ? No. In this case that I speak of—and it was no longer than a year ago; it is not a matter of ancient history—the Government of the United States traced it right back to the dairy, and found that there had been typhoid fever among the men who attended that dairy.

Mr. PAGE. Mr. President, this was in the State of Alabama?

Mr. UNDERWOOD. Yes; it was. And the same thing has occurred in many other States, as you will see if you look at the reports. I am trying to let the people of the United States know the truth about this situation. I am not trying to say that I am an angel, with white wings, and that nothing happens in my State, but that it only happens in other people's States. I am calling attention to the facts.

Mr. DILLINGHAM rose.

Mr. UNDERWOOD. Does the Senator from Vermont desire to interrupt me?

Mr. DILLINGHAM. I should like to inquire of the Senator as to the purpose of the argument he is now making, in which he says he wants to have the people informed of what he claims to be the facts regarding dairy products and the uncleanly methods employed in making them. I should like to ask him whether he is arguing that the use and sale of those products should be discontinued in favor of the oleomargarine product, and if the purpose of this amendment and of the argument which the Senator is making is to induce the people to decrease the amount of their purchases of butter as butter and to increase the sale of the competing product?

Mr. UNDERWOOD. I will answer the Senator as to my purpose. I eat butter, and I want to be assured that I am going to get a wholesome product. I buy butter, and when it comes into my household I want to know that my family are going to be protected against a diseased product. The purpose of my statement is twofold. One is that I should like the people of the United States to realize that in certain cases—not in every case by any means, but in certain cases, as is shown by the reports of the officials of the Government of the United States—in butter and cream and milk, an impure product is going into their homes, with the hope that it may ultimately arouse a public sentiment that will demand that this dairy interest be inspected as other food products in this country are inspected under your pure-food laws. As a matter of fact, the pure-food laws of this country inspect and pass on almost every agricultural commodity that goes into your home and that goes on your table except the dairy products, and they were exempted.

Now, I can not see any reason in the world why the man who is in the honest, legitimate dairy business, such as I have no doubt the constituency of my friend from Vermont is, should object to inspection. I have no doubt, from the statements made by the Senators from Vermont, that they have good laws to protect them, and they have good creamery interests, because I take at par the statements they have made about them. But if that is so, if that is true in reference to your State—and I take it that it is true—why should you object to an inspection under the pure-food laws of the country?

Mr. DILLINGHAM. Mr. President, there is no measure pending here for such an inspection as that. The Senator's amendment does not call for such an inspection.

Mr. UNDERWOOD. No; but this is a very good time to call to the attention of the country the fact that there is no law on the subject on the statute books.

Mr. DILLINGHAM. May I ask the Senator another question?

Mr. UNDERWOOD. I have not finished answering the entire statement, but I will yield, of course.

Mr. DILLINGHAM. Now, if this all be true—if, as the Senator contends, the dairy product of America is to a large extent infected in some form or other—why is it that the manufacturers of the competing product are so anxious to make it an imitation of butter and have it sold as such? And why is it that they are anxious to have the tax of 10 cents a pound taken off from it when it is made in imitation of butter and colored?

Mr. UNDERWOOD. Well, I must say, I do not know any of the manufacturers. I may have met a manufacturer of oleomargarine at some time. I think 12 or 15 years ago, when I was on a committee of the House to investigate this question, I went into some of their plants; but since that time, to my knowledge, I do not know of ever having met a manufacturer of oleomargarine or anybody directly connected with it, so I can not tell what moves them. I am not moved in this question by their interest. I have no constituency that makes oleomargarine that I know of. I may have them, but I do not know of them. I am interested in the matter from an entirely different angle; but I controvert the question asked by my good friend from Vermont. I do not agree with him. He asks me why these manufacturers of oleomargarine want to make oleomargarine look like butter. They do not. Butter is white most of the year. If they wanted to make it look like butter, they would leave it white most of the year.

Mr. DILLINGHAM. But, if the Senator will allow me, the agents, the representatives of the Chicago packers, testified that unless it was made to look like butter they could not sell it.

Mr. UNDERWOOD. Yes; unless it was made yellow they could not sell it. Now, that is the real fact. If it looked like butter, it would look white most of the time. No; they want to make it yellow because people are in the habit of eating a yellow table fat. Now, that is the reason.

Mr. DILLINGHAM. Well, they want to have it look like what is called butter, do they not?

Mr. UNDERWOOD. No; they want to make it yellow—not like butter. The butterman does not want to make his product look like butter. No; he wants to disguise it by coloring it yellow. This is what he is after, and that is true. Now, that is the whole contention here. That is really the very point. It has been contended here by some that the purpose of preventing oleomargarine from being colored yellow was to protect the consumer and let him know what he was eating, but that is not the fact. There is only one method that will in any way reach and protect the consumer, and that may not be perfect, but it is nearer perfect than anything that is on the statute books, and that is embodied in the restrictions that are contained in this amendment now pending before the Senate.

The purpose of this color line is not primarily to protect against fraud. It is that the people of this country and of the world have been trained for generations past to have yellow butter on their tables and to have yellow oleomargarine on their tables. They want to eat it that way. There are a few people who are not particular about this, but the majority are. The law to prevent oleomargarine from being colored has but one purpose, and that is to prevent people from buying it so that they will have to buy butter in its place, and the demand for butter for that reason will increase its price.

If the butter interests of this country were suffering, if they were getting an unreasonably low price, with some they might have a standing, but everybody knows that the butter interests of this country are prosperous, and were prospering when they got 35 cents a pound. Everybody knows that to-day in Washington butter is selling for 50 cents a pound, and I am told that some butter is sold as high as 80 cents a pound. That takes it entirely out of the class where the poor man could buy, where he has the opportunity to buy it. What objection is there if he wants to eat colored oleomargarine? Let him eat it. It does not hurt him; it does not injure him. If this amendment becomes a law, every pound of it that is sold to him must be put in a separate package marked "margarine," with the Government stamp on it, and the dealer who breaks it or has it in his possession after breaking will be guilty of a crime against the Government.

Now, let us see what other nations are doing. This is not the only country where oleomargarine is made. In England where oleomargarine is made and allowed to be sold as a food product in competition with butter the law permits artificial coloration of margarine, but requires retailers to use a wrapper marked "margarine" for retail sale. That is just exactly what this amendment proposes. Here is one great country of the world with creamery interests as large as they are in this country, yet they allow it to be colored so that a man who wants it colored can have it on his table. They require the package to carry the mark of what is in it. Holland permits the artificial coloration of oleomargarine, but requires that the wrapper shall contain the name "margarine," so that the consumer may know what he buys.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). Does the Senator from Alabama yield to the Senator from Washington?

Mr. UNDERWOOD. I do.

Mr. POINDEXTER. Does the Senator from Alabama approve that law of England which he has just read?

Mr. UNDERWOOD. The amendment of the committee proposes it.

Mr. POINDEXTER. It proposes to require that all oleomargarine shall be marked as oleomargarine.

Mr. UNDERWOOD. Yes. That is the amendment which is now pending before the Senate.

Mr. POINDEXTER. Whether colored or not?

Mr. UNDERWOOD. Yes; whether colored or not, that it shall be put in a package marked "margarine" instead of "oleomargarine." We change the name so that it can be used in the foreign trade. It is marked "margarine" and the package sealed with a Government stamp, and it is made unlawful to sell it after that stamp is broken. That is the pending amendment.

Mr. POINDEXTER. It could not be used except after the stamp is broken.

Mr. UNDERWOOD. It can be used, but it can not be sold. This insures that the purchaser know what he is buying.

Mr. POINDEXTER. When a man goes into a restaurant or hotel and buys a meal, and, along with it, what is supposed to be butter—it might be oleomargarine—and so the fraud would be committed notwithstanding the mark on the package.

Mr. UNDERWOOD. Of course there is that chance. Or a friend might invite you to dinner and he will have oleomargarine on the table instead of butter and you will have to eat it. But, of course, that fraud is committed to-day. There is nothing to prevent the man who has bought a tub of white oleomargarine from carrying it into the rear of his kitchen, putting 10 cents worth of vegetable-coloring matter in it, paddling it around a few minutes, and serving it as butter. There is nothing to prevent that to-day.

The law of Belgium permits the artificial coloring of oleomargarine, but requires that it shall be properly marked showing what is in the container.

France prohibits the coloration of oleomargarine, but does not permit its sale in stores selling butter. It requires retail dealers to display their signs and properly mark their packages.

Germany permits artificial coloration of oleomargarine, but requires it to be sold in packages showing what it is.

Norway and Sweden permit the artificial coloration of oleomargarine, but require it to be sold as margarine.

Denmark permits the artificial coloration of margarine, but requires it to be sold as margarine. There are more dairy products produced in Denmark in proportion to the population than anywhere else in the world, and at the same time there is a greater consumption of oleomargarine there than anywhere else in the world. What do we find? In these great dairy countries of Europe we find that every one of them permits oleomargarine to be colored, except France. That is the one exception. Every one of them permits it to be colored and sold colored except France, but they do require what this amendment requires, that it shall be sold as oleomargarine and not as butter.

My reference to the uncleanliness of some butter is not a reflection on that industry but is merely to answer the arguments that have been made that oleomargarine is not a proper food product. One of my good friends in the Senate the other day, in an eloquent and learned address upon this subject, stated that a man ought not to put anything in his stomach that would not spoil; that if it did not spoil it would not be digestible. I think he overlooked the fact entirely that good clean water does not spoil.

Mr. LANE. I should like to correct my friend there.

Mr. UNDERWOOD. I am delighted to be corrected.

Mr. LANE. I do not think I said anything in a general way about digestibility of different food not eaten in a fresh state, anything which would not spoil. There are many things, such as dried foods, which will not spoil which are digestible. In a way, however, it must be capable of being spoiled before it can be digested.

Mr. UNDERWOOD. I listened to the Senator's remarks.

Mr. LANE. I want the record to show that what I said was that any article of food, such as butter or flesh, if it lay out in the sun for a week or in a filthy cabin for two weeks or a month and will not spoil has some material in it of such a character that it is not digestible and therefore not fit for food, and that is true.

Mr. UNDERWOOD. I understood my friend that way, but I think his argument was made in his enthusiasm for butter, and not with reference to the digestive organs of the human system.

Mr. LANE. Right there just a moment.

Mr. UNDERWOOD. Certainly.

Mr. LANE. Water does not digest in the stomach or anywhere else; it dilutes. You can put a pitcher full of ice water into a man's stomach and it will not change more than two or three degrees in temperature before it goes right into the intestines and out into circulation. It does not need digestion, nor does whisky.

Mr. UNDERWOOD. Of course I have no knowledge myself about the digestive qualities of whisky, but I do know you can drink water without spoiling or giving you indigestion. But my friend's argument, I think, will not stand the analysis of logic and real consideration. My friend does not want anything to go into the human system that you can lay aside or hang up in the woodshed and that will not spoil. Half the world to-day is living on potatoes. They last longer than almost any other food product; they last for months. I suppose if my friend was going on a journey across the desert, where things were likely to spoil, he would carry his pockets full of creamery butter instead of his haversack full of potatoes that he could cook from time to time and sustain human life.

Mr. LANE. In regard to that I will say that I have crossed the desert and camped out for months at a time, and I would not care for either of them; neither would anybody except an ass. In the first place butter spoils in two hours; potatoes wither up and dry. One had better take bacon and beans.

Mr. UNDERWOOD. That is a good illustration. My friend would not have oleomargarine in his house because it will not spoil, and I suppose he would reject a delightful Smithfield ham from his larder for the same reason, and not allow it to be used in his family because it could be carried along in the pantry six or eight months without spoiling.

Mr. LANE. That ham has been preserved the same as your oleomargarine. It has been preserved by the chemical action of the creosote in its smoking. Smoke creosote is one of the nicest and most lasting of all preservatives, and in small quantities it is healthful. A little further process makes carbolic acid, and it will eat a hole in your stomach, but the tallow and stearin of which oleomargarine is made stands up unblushing in the dirtiest and filthiest hole you can find. After you wash it with a washrag and a piece of soap it looks fresh; it is preserved through processes which render it indigestible. That is what I said.

Mr. UNDERWOOD. Is my friend through?

Mr. LANE. I am in your time now.

Mr. UNDERWOOD. My good friend is a splendid theorist, but his theory will not work. The food products most of the world wants and has been for hundreds and thousands of years trying to get are those that will keep, and more than that, the greatest scientists in this country have stated that in some respects oleomargarine is a better food product than butter. They deny the very proposition that my friend asserts, because some of those learned in his profession have stated that, while butter is an excellent food product to build up the health of patients if pure and good, yet you may eat too much of it, and if you do it gives you indigestion. When you consume too much of it the stomach can not stand it. But that is not true of oleomargarine. They can feed it to patients without injury to the stomach. Therefore, in wasting diseases, especially, they try to build up patients with oleomargarine. It is safer to do it with oleomargarine than it is with butter. I am not learned in the medical profession. I only repeat to my friend some of the things I have read from authoritative sources, some of which were quoted by me a few days ago when I addressed the Senate on this bill.

Mr. LANE. The Senator is quite right; if one overloads the stomach with butter, it will make him sick. If you place a compound in it which is made of oleomargarine, and so forth, butter and the rest tallow, a composition of tallow and lard, the stomach will digest the butter and the rest will pass through the alimentary canal undigested. It is just as easy and sensible to swallow quicksilver or a dime or a nickel, as children do substances, which you can recover.

Mr. UNDERWOOD. My friend's statements in reference to this project are really remarkable in view of the world's history. I find from statistics that the production and consumption of oleomargarine in Germany for the year 1915 amounted to 550,000,000 pounds, in England to 375,000,000 pounds, in Holland to 220,000,000 pounds, in Denmark to 69,000,000 pounds, in France to 40,000,000 pounds, in Belgium to 24,000,000 pounds, in Newfoundland to 3,000,000 pounds, in Norway to 56,000,000 pounds, in Sweden to 44,000,000 pounds, in Austria-Hungary to 33,000,000 pounds, and in the United States to 140,000,000 pounds, making a total consumption by these enlightened countries of the world of 1,500,000,000 pounds of oleomargarine.

Mr. President, before we vote on this amendment I want the record to clearly show, no matter how it goes it is going to come back here. You can not tax the food of the people of this country for special interests. You can not build up trusts and monopolies in this country on the food prices of the Ameri-

can people and say it is going to down and stay down. You are not going to do it. The people of this country are entitled to an honest, clean food product. They are entitled to fair competition in the markets of the United States for the food that they buy.

You are maintaining on the statute books of this country a law in restraint of trade, a law to drive one food product of the country out of competition with another. You might just as well put a tax of 10 per cent on the apples of the country to drive them out of the market to give a wider field for the consumption of peaches or bananas as to levy a tax on oleomargarine to make a greater demand for butter and send up the price to the American people.

The reason I propose this, and oppose these taxes, as I have all other taxes levied for special interests, is that it is an effort to use the great taxing power of this Government—the greatest that was granted to it by the States of the Union; the power that carries with it the force to destroy anything that stands in its way—to use that power to destroy a food product, to tax a food product, in order that a special interest may exact higher prices from the American people. In the end it will not stand.

You may read from that desk, as I have been reading this morning, hundreds of telegrams from special dairy interests protesting against taking away from them the power that they have under an unjust law to make the price of the product of their own factories pyramid at the expense of the American people; you may think that you must answer that demand or that the American people will repudiate you; but I will say to the United States Senate that you may have organized dairy interests, while the consumers of this country are not organized, and that you may bow the suppliant knee to the organized trust, no matter at what price it may put the food products of this country; but I tell you there is an organization coming in the United States, and those who stand for special interests may as well take notice of it now, and the day of that organization is not far distant. That organization is the great consuming mass of the American people. They are no longer going to submit to having food kept from their mouths and the meat from the stomachs of their children by unjust laws that are intended to make wealth for great special interests that have been convicted under the antitrust laws of this country.

If it is the desire of the United States Senate to continue this system, to continue on the statute books taxation for special interests, they can do it; they have the power to do it; but they may as well take notice that this thing can not last forever. When the people of this country are rioting in the streets of the Empire City of America, crying for bread, and the special interests under the laws and the protection of this Government are controlling the railroad tracks and the cars that would move food to relieve their necessities, the Government of the United States stands supine, inactive, unable to come to their relief, because certain special interests hold the right of way. Go on, vote to-day to continue your special tax to special interests, refuse to relieve the congested condition of the great railroads of this country because they have got to carry munitions of war to the battle field and can not stop long enough to carry food to the crying thousands, and an organization will come in this country that will make this Capitol resound with the cry of the American people demanding justice, demanding right, demanding that the yoke of these great interests be taken from their shoulders.

Mr. LANE. Mr. President, I wish to indorse the latter part of the address which has just been made by the Senator from Alabama. I am in entire sympathy with it. I believe that the railroads of this country should be used for the purpose of carrying food to the people of this country who are crying for bread, and that the entire system for the supply of food for the people should not be tied up by the hands of anyone, nor should the markets be denuded of the food of the American people in order that it may be shipped out of the country to others who are engaged in war with one another and would be with us if it profited them to do so. Our duty lies at home. The masses of people who will raise their voices and come here, as the Senator says, to demand at our hands justice will not, however, come crying for tallow nor for lard nor for reprocessed butter, but they will be crying for bread.

If the Senator had read carefully the remarks which I made the other day, he would have found that I said that I had no prejudice either for or against these two great so-called trusts. I have an idea that one is the Oil and Beef-Packing Trust, and the other is the trust which perhaps has been formed by some organizations in the West which manufactures or handles butter. The protest I made was merely against allowing oleomargarine to masquerade as butter.

Butter is a simple combination of an easily digestible, nutritious, and very tasteful fat or oil, whereas, on the other hand, we have oleomargarine, a combination, a mixture of lard, suet, and scraps of beef scraped off the blocks in different butcher shops throughout the United States, and then put through a process which renders it of a certain consistency, after which it is churned in milk. Imagine the fraud, the sneaking, contemptible dodge that is worked off on the person who wants to spread a bit of butter on his bread. It is churned in fresh milk to give it the flavor, if you please, of butter, so that it will taste of the better food.

It was testified to here the other day by the Senator from New York [Mr. WADSWORTH] that it would keep indefinitely in the dirtiest cabin that he ever put up in or ever slept in or stayed in for a week or two, whereas butter, under such conditions, would spoil in 48 hours; that this mixture would hold and stay as fresh seemingly as it was in the beginning for an indefinite time. It is a composition, if you please, which is now being made by a mixture of milk and cream in certain grades, and in the better grades, which are sold to the higher-priced trade, it is mixed with butter itself—processed butter, I assume—and then sold to people as butter. That is what I object to. The people have a right to eat butter, if they pay for butter. No one has a right to work off on them a composition made of tallow and lard and cottonseed oil, all of which have to be processed and worked over by mechanical and chemical means in order to make it fool the eye and palate. It then has to be colored, in addition to that, so that it will look like butter. It is not a fair transaction; it is a fraud. If the Agricultural Department, or any other branch of the Government, permits it to be done, they ought to be called to time. It ought to be made known that this article is oleomargarine. If anybody wants to eat it and thinks it has food value, let him eat all he wants to; but deny the right to any firm, corporation, or trust, on the other hand, to work it off on to people for what it is not, and make it so that it fools not only the eye but the palate, and later along fools the digestive tract.

Oleomargarine has stearin in it, and must have to make the lard hard enough to hold its form. Without stearin lard would not stay out in the sun and last any longer than butter; and anyhow who wants lard spread on his bread? Anybody who ever ate lard knows that one soon cloys upon it. It is not a tasteful food, and that is the reason the people do not eat it. As I have said, lard would not stand up and remain in a butter pat or in any kind of a package if it were subjected to any degree of heat without melting away if it did not have in it stearin, that portion of the fat of the tallow and suets which give it consistency and which keep it from melting and spoiling. As I said the other day, that element makes it among the best shoe greases that has ever been discovered; but they also make it one of the least nutritious articles of food. The alimentary canal does not digest it without laboring to do so. At the bodily temperature the digestive apparatus will not digest over one-half of it; in fact, it will digest not over 50 per cent of it, and the other 40 or 50 per cent goes down through the alimentary canal undigested. Yet we hear an eloquent plea being made in behalf of such a product. Nobody will eat it from choice. A man can eat tallow if he is starving; in fact, under such circumstances he would eat almost anything; but he ought to be allowed to know what he is eating and what its food value is.

Of late, as I understand, they have been mixing more and more butter with the oleomargarine and more and more milk and more and more cream, until they fool sometimes even the elect, and the product is perhaps more digestible than it was in the past; but it nevertheless contains stearin enough to hold it in form, and to that extent it is not digestible. There is no chemist on earth who can refute that statement successfully.

I hold here a volume entitled:

"Studies in History, Economics, and Public Law," edited by the faculty of political science of Columbia University. Volume LXIX. No. 2. Whole No., 165.

"The Butter Industry in the United States," an economic study of butter and oleomargarine by Edward Wiest, Ph. D., instructor of economics, University of Vermont.

New York: The Columbia University Press; Longmans, Green & Co., agents. London: P. S. King & Son (Ltd.), 1916.

That is a very impressive title and a long one and the work ought to contain material of value. Let us see what is said about this product. The writer says that in the earlier days oleomargarine was made from cottonseed oil and neutral lard, and that in some instances they used the necks of dead horses from New Jersey, extracting the fat of horses which had been killed or died of disease. They have quit that now, I hope. In justice to them let us allow that they have reformed in that respect. In the earlier days they used all kinds of fats, not good,

clean, high-priced fats, but those fats which they could pick up around butcher shops, packing houses, and elsewhere. Later along I notice in the tables in this volume that the poorer quality of oleomargarine is made of oleo oil, which is a mixture of fats from butcher shops and from the large packing plants in Chicago, and neutral lard, cottonseed oil, milk, salt, and coloring matter. The second medium high grade of oleomargarine is made of oleo oil, neutral lard, cream, milk, and salt. In this grade nearly one-half is cream and milk. In the separation of the cream from the milk the heavier particles, constituents of the milk, go to the bottom, as their specific gravity is greater, and down with those particles go the dirt, the mucus, if you please, the cheese, and the tubercular germs. The top of it is skimmed off into the cream from which is made butter. The claim that it is a cleaner food and a more healthful one, for the reason that it has less tubercular germs in it is not founded in fact, in view of the fact that they use about one fourth of this milk in which to churn up this identical mess, not from any reason or desire on their part either to secure a healthful food nor an unhealthful food, for they care nothing about that, but in order to sell a cheaper article under a disguise of butter, a masquerading article, for about twice what it is worth, or about three times as much as it would be worth if the people knew what they were buying. Milk and cream are added for the purpose of boosting along and fixing the price of something which is not butter and which the people will not knowingly eat. It is a fraud. I do not know that taxing it will cure it. I have no care whether they tax it or not, but in the interest of simple, common justice the manufacturers of this product should be required to make the people know just exactly what they are buying and what they are selling to them.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from North Dakota?

Mr. LANE. I yield to the Senator.

Mr. McCUMBER. Let me ask the Senator if it is not true that taxing the colored product has kept 90 per cent of the product uncolored? The uncolored product can not defraud anyone, and to that extent the taxing of the colored product is a complete success.

Mr. LANE. That may be. I confess that I do not know. I have not studied it; I have not followed up that trail, and I know not who they are or how successful their affairs are or whether I have had the product palmed off on me or not. I have always thought not, for the reason that I do not eat much butter; but, at any rate, it seems to me that the Government of a people which would allow its citizenry to be defrauded in that manner is not doing its duty. Its duty is to stop this fraud. I do not care whether it affects the Butter Trust, the Butcher Trust, the Packing-House Trust, or the Cottonseed-Oil Trust, which is interested in the manufacture of oleomargarine. I was told by an oil salesman the other day that the majority of the factories of cottonseed oil are owned and the product controlled by the Standard Oil Co. or its subsidiary companies. On the other hand, we go against the great packing combinations, and we all know what they do to the farmer and to the stock raiser and what they do to the consumer of meat products. It is those things upon which we must act against, or the mob, to which reference has been made, will come marching here just as soon as they get hungry enough. People are going hungry now right in this town, as well as in New York and in Philadelphia, and if we kill a few more women who come with their babies in their arms seeking food, we will have no war with Germany nor with any other country; we will have to settle down to the task here and use our own forces here to shoot our own citizens. This is one of the frauds they should be protected against.

The coloring of this product is a fraud and a crime against the people, and if such condition is not remedied there will soon be things to attend to at home and right here, not, however, for the reason which my friend the Senator from Alabama suggests. They will not be fighting for tallow or lard or bogus food; they will be fighting for pure food, good, sweet, clean food. This is one of the things that needs our attention. Begin at the root, heed the cry of the people who demand a fair value for their money and a fair value in food, and we will not have that trouble.

Mr. McCUMBER. Mr. President, will the Senator give me a little information along this line?

Mr. LANE. I yield.

Mr. McCUMBER. There has been a great deal of talk here about the danger of transmitting bovine tuberculosis to human beings. I want to ask the Senator, because I have heard that statement denied, whether or not it is possible to infect the human system with bovine tuberculosis. I know a number of physicians deny it, and say there is no such case on record. The Senator may be an expert along that line, and I should like to have his opinion.

Mr. LANE. That is very kind, Mr. President. I am not an expert on that line, however. I do not think that question is entirely settled; but I have seen so many cases of tuberculosis in children who were fed upon milk, babies who could not nurse their mothers, that I, being a physician, have become pretty thoroughly convinced that the human being does acquire tuberculosis, especially in the case of children, from drinking infected milk, or milk from tubercular cows. That, however, can be remedied. That is one of our duties—to remedy it by testing these cattle and excluding that sort of milk from human use and keeping it out of the butter; and then we will have no danger and no trouble there.

In order to give this article a smooth appearance—and it has not all been stated here—a little glycerin is added. That is to give it a glossy appearance, like real nice, good, shiny butter. Who wants to eat glycerin? Glycerin is the result of an alkaline boiled with fats, and is skimmed off the soap kettle in the making of soap. They are separated, the one from the other—the soap from the glycerin—and the glycerin is one of the residuums of it, and it is a direct irritant to any mucous membrane. I can put a drop of it in your eye, and you will hunt a doctor to get it washed out. If you do not, you will have to go and wash it out yourself. That is not a suitable thing to put in a man's stomach. Why do they use glycerin? Because glycerin is one of the resultants of the mixture which they make up in rendering the lard and the tallow, the mixture of the fatty elements and the cottonseed oil—which has itself to be processed before it can be used—with alkalies. No man on earth would use cottonseed oil unless it was clarified and purified. He could not do it. The taste of it is unpleasant and nauseating, if you please.

I will not pursue the subject further. My main contention—and I want the Senator from Alabama to listen to me, if I can get his attention—is not in regard to the tax. It is based on the fact of masquerading, the masquerading under false colors of an article which is not butter; and be butter bad as it may or good as it can, it has a right to a fair representation on its own merits. Its merits are fixed in the public mind, and I think not unwisely. The people themselves know by their own palate and the personal evidence of what tastes good to them; and usually what does taste good to them, without being processed, is good for them.

Mr. UNDERWOOD. Mr. President, if the Senator will allow me a minute. I thought I made myself clear. We may differ as to the best way to keep one product from masquerading as another. I am in thorough accord with the proposition that butter should be sold as butter and oleomargarine as oleomargarine. I have merely offered a method that I think will result in preventing oleomargarine from masquerading as butter, and one that most of the countries of Europe have adopted. Now, I think it is right. I may be wrong; but I am sure that the mere coloring or not coloring of oleomargarine does not prevent fraud, because that has been demonstrated.

Mr. LANE. Why, it does not. I will call the Senator's attention to the fact that you do not begin your fraud with the coloring. That is the ending of the fraud. The first fraud which you perpetrate upon the people is when you churn it in milk to make it taste and smell like butter. Your next fraud is when you put processed, revamped butter, with the butyric acid taken out, spoiled butter, in there as a loader to the extent of 25 per cent; and that is a crime. That is grand larceny, or petty larceny, whichever you want to call it. Then you add insult to those injuries when you go and color it so that it looks like butter; and you do more harm by churning it in milk in order to get it to taste like butter.

Mr. UNDERWOOD. If the Senator will yield, the only mistake he is making about this question is the fact.

Mr. LANE. What is that?

Mr. UNDERWOOD. The fact is that they require them to use clean butter and clean milk in rechurning. Now, you have a right to mix your food product with any food you want to if you do it in a cleanly way. There is no fraud committed there. Of course, if bad milk or bad butter could be used in the manufacture of oleomargarine, you would be right; but the department say they do not allow it to be done. Now, I have no information personally in regard to it. I am only standing on what the Government itself says.

Mr. LANE. In answer to that I would say let us concede that pure butter is put into it. What is it put in for? As a filler, as a substitute; as a filler to make it taste more like an article which it is not. It is a doctored, a doped article. It is lard, and so forth, then, we will say, mixed with butter;

and is that to be called a good and a digestible article? You can digest lard, but who wants to eat it? Who wants to eat it in place of butter? You do not. I am quite sure the Senator from Alabama would not eat it. I know I would not, and very few people would wittingly. Of course starving people might eat it. Then, you have to use this stearin always to hold it in shape, for neither the cream nor the milk nor the butter nor the lard has a consistency which will allow it to keep in a dirty cabin or on a camping trip across country in the desert any longer than lard would keep, or butter, for that matter—good or bad butter, good or bad lard.

Mr. MARTINE of New Jersey. Mr. President, I ask the indulgence of the Senate for a few moments.

Mr. President and Senators, in a few days I shall say good-by to you.

Mr. BRANDEGEE. Mr. President, I make the point of order that there is no quorum present.

The PRESIDING OFFICER. Does the Senator from New Jersey yield?

Mr. BRANDEGEE. He does not have to yield. I raise the point of order that there is no quorum present.

The PRESIDING OFFICER. The Chair does not think the Senator can be taken off the floor without his consent.

Mr. BRANDEGEE. But this is a point of order.

Mr. PENROSE. This is an important utterance, and there ought to be a quorum here.

Mr. MARTINE of New Jersey. I yield to the Senator.

The PRESIDING OFFICER. The Senator from Connecticut suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gronna	McLean	Shields
Beckham	Harding	Martin, Va.	Simmons
Borah	Hardwick	Martine, N. J.	Smith, Ga.
Brady	Hitchcock	Myers	Smith, Md.
Brandegee	Hollis	Nelson	Smoot
Broussard	Hughes	Norris	Sterling
Bryan	Husting	O'Gorman	Sutherland
Catron	James	Owen	Swanson
Chamberlain	Johnson, S. Dak.	Page	Thomas
Chilton	Jones	Penrose	Thompson
Clapp	Kenyon	Poindexter	Tillman
Culberson	Kern	Pomerene	Underwood
Cummins	Kirby	Ransdell	Wadsworth
Curtis	Lane	Reed	Walsh
Dillingham	Lea, Tenn.	Robinson	Warren
du Pont	Lee, Md.	Saulsbury	Watson
Fall	Lippitt	Shafroth	Weeks
Fernald	Lodge	Sheppard	Williams
Fletcher	McCumber	Sherman	Works

Mr. CURTIS. I have been requested to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER], on account of illness. This announcement may stand for the day.

The PRESIDING OFFICER. Seventy-six Senators have answered to their names. There is a quorum present.

Mr. MARTINE of New Jersey. Mr. President and Senators, in a few days I shall say good-by to you—farewell, but you will not be forgotten. Henceforth I shall come to this Chamber only as a visitor through your kindness and your courtesy. I have been defeated in my ambition to succeed myself as a Senator from the State of New Jersey, though through a process in which I firmly believe—a process that in my humble way in my State I helped to install—the election of United States Senators by the vote of the people. I believe in it, and I bow in all graciousness to the people's fiat.

I frankly say I regret to leave this association. I regret to leave you, Senators. Pleasant memories will ever come to me of your fellowship and your kindness, both in Democratic and Republican ranks.

My action here in this great body has been open and above-board. My every vote has been the result of conscientious judgment and deliberate thought. I have no excuse, apology, equivocation, or retraction for any vote I have cast in the Senate. I would cast them all over again under similar circumstances had I the opportunity. I have cast no vote with a view to selfish ends or personal benefit. As a Senator of the United States I feel that I have had an eye single and alone to the welfare of my country, my State, and the advancement of the principles of the great Democratic Party.

In some instances I have been criticized for not voting with my party. Such votes were not on party questions or party principles. In each such instance my vote and action have been prompted from high and lofty convictions and as my conscience and my judgment bade me. Since I alone would be held responsible for the results of my votes, I must rely alone upon my conscience and judgment to guide my action.

I thank God that as each year has elapsed in my life hate and prejudice have lessened their hold on me; partisan ties bind less firmly; to me my country is first, until to-day, I thank heaven, I can see a Christian in every creed under God's sun, and I can see a patriot and a statesman in every country on God's footstool.

I yield to no man in my fealty and love to the principles of the Democratic Party; and it does not lie in the mouth of any man to criticize my course toward my party, even though I have not always voted with the majority of its members here. Since I was 18 years old I have contended for my party's cause. But once since my majority have I failed to vote at the primaries in my State, and also since my majority I have never failed to vote at any election, National, State, or local.

Mr. President, I was a Democrat at a time when it tried men's souls in New Jersey to stand by it; yes, when many of my critics were worshiping all sorts of false gods and idols, on every side. I love the principles of the Democratic Party, and so long as my strength may hold out I shall press them before the people.

I sincerely regret that during my term I might not have done more to beautify this the Capital of our country. I trust in the near future we may see the various bureaus and departments housed in buildings of the Government, lining Pennsylvania Avenue. This I urge both as a matter of economy and for the beautification of the city.

Mr. President, how quickly the six years have passed since first I came to this august body! When first I entered the portals of this Chamber a most profound atmosphere seemed to prevail; a sort of stifled, oppressed feeling came over me; but as I got my bearings this discomfiture rapidly passed away. It was explained to me afterwards by one who has since passed away that this was owing to the presence of greatness in the Chamber. Involuntarily I exclaimed, "Oh, God!" The distinguished Senator from Ohio, Mr. Burton, was addressing the Senate in deep sepulchral tones, telling of the shortcomings of the Democratic Party and also enlarging on the wrongs of the river and harbor measure, and as the Senator rattled off the names of river after river in jest and scorn, and with freedom and glibness that a babe would cry, "Mamma, Mamma," I noted he never once mentioned the River Jordan. In view of his jest and ridicule of God's waterways, I have wondered, could he have had doubts and misgivings of ever crossing that sacred stream.

As I peered through the dim religious light that that day pervaded this historic Chamber thoughts came to me that the deliberations were a sort of religious function. But alas, how soon all such thoughts were dissipated after I was squarely settled in my seat!

Mr. President, before I became a Member of this body I had grown to believe that above each senatorial head was a little "halo," in the glow of which one might read, in letters of living light, the words "Infallible," "Infallible." But, Mr. President, in the light of six years' experience with you, listening to your words of wisdom, your quips and your jests, I am now profoundly impressed with the thought that you are wonderfully human after all. But seriously, Mr. President, and without question, this United States Senate is the "greatest deliberative body" in the world; at least, we think so. I do not now believe, nor have I ever believed, that all the wisdom was on our side of this Chamber; but may I be pardoned if I say that I feel most of it is on the Democratic side, for we hold a majority of the Members? You see it is largely a question of majority.

Mr. President, I have been further greatly impressed with the fact that this body is a splendid school in which to imbibe knowledge and learning, and if our constituencies might be induced to let us remain in this presence a little longer there might be hope for many of us in the realms of knowledge and wisdom.

Another thought comes to me. I know of no assembly so well calculated to destroy a man's egotism as this Chamber, though I am one who believes that a reasonable amount of egotism is necessary in the make-up of a man in order that he shall maintain his self-respect.

Mr. President, may I here say that I have led a fairly respectable and orderly life in my community and State? I felt that I had, yes, I know I have had the respect of my friends and neighbors, as a man with honesty of purposes and convictions, with courage to stand for what I believe to be right. But, lo! Mr. President, since my occupancy of this high and honorable office, the highest in the gift of the splendid State of New Jersey, I have read in cold type, from unbridled pens, that I was an "accident," a "joke," a "mountebank," a "buffoon," a "disgrace to the United States Senate." These were the actual printed words. But, Mr. President, they have never

dared say that JAMES E. MARTINE was a moral coward or a pretender. I feel that a fit answer to these villainous and cowardly attacks is the fact that in the senatorial primaries of New Jersey, burdened and unfairly handicapped as I was, I carried them by 28,000 plurality. And further, a great comfort and satisfaction to me is the splendid treatment, the courtesy and consideration, I have received at the hands of my colleagues of both parties in the United States Senate. The past six years will ever be a bright and happy memory to me. Not one unkind thought do I treasure. If ungenerous word have I spoken, forgive me, for it was not of my heart. I am happy in the thought that—

The greatest greatness there is
That the world can bring to you
Is the glory of being right
And the splendor of being true.

Senators, I have tried to be right—I know I have been true.

Mr. President, I take this opportunity to publicly express my thanks to the officers of the Senate for their kindness and courtesy extended to me. To our most efficient clerks and reporters I proffer my praise and thanks for their laborious, painstaking, and trying labors. To our bright and ever-alert band of pages I extend my sincere wishes for their prosperity and welfare in all their undertakings. I shall remember each of them most pleasantly and kindly.

The perpetuity of this splendid Union of States and the progress and stability of American liberties is my prayer, and to this end I urge against sectional legislation and sumptuary laws.

Mr. President, again I say I regret to part, for I love the association with you. I love the thought that in my humble way, with you, I have done somthing to advance the glory of my country and the well-being of my fellow man.

Senators, I crave your friendship and your good will. To me it will be a rare and rich treasure through my life. May I not have it?

Let me live, O Mighty Master,
Such a life as men should know,
Tasting triumph and disaster,
Joy, and not too much of woe;
Let me fight and love and laugh,
And when life's strife is over
Let Friendship be my epitaph.

Mr. KENYON. Mr. President, every man in this Chamber feels a personal loss, I am sure, at the departure of the Senator from New Jersey. The most needful thing in public life to-day is courage. Sometimes it seems the rarest. He has it in abundance and does not hesitate to use it. No one ever saw him flinch in the performance of any public duty. Hypocrisy never had a dwelling place in his soul. Brave as a lion he has a heart as tender as a woman's. Just a few days ago a Senator spoke in the cloakroom of seeing the Senator from New Jersey on F Street helping a poor old colored woman with a basket of clothes, and directing her in his characteristic way how to go. It was like the Senator from New Jersey. No suffering mortal would ever appeal to him in vain, no needy one ever be turned from his door.

Men to him are truly brothers, and he is a real lover of mankind. Jovial in disposition he has brought into this Chamber the sunshine of good cheer. Patriotic and able, with a fighting spirit when aroused, he has fought here the good fight for the people of this country. He has kept the faith with them. We all trust that he may frequently leave the narrow confines and the mosquito-laden air of New Jersey and come down here to mingle with his comrades in this body.

He leaves the Senate with the well wishes and the affectionate regard of all its Members. May the good Father permit him to remain long upon the earth, for the earth is a better place because such men as JIM MARTINE live.

May he go on in the mission of serving humanity, making more cheerful those around him, inspiring hope in the despondent, joy in the sorrowful, happiness in all who come in contact with him.

Whatever he may be doing in the future, and wherever he may be, we know his power, his influence, his heart will always be arrayed upon the side of those of our body politic whom he so frequently and affectionately terms "the underdog."

Mr. LODGE. Mr. President, I wish to call attention to one or two small amendments which I desire to offer to the revenue bill; but I can not begin, after what has occurred, without saying how cordially I join in the expression of the Senator from Iowa [Mr. KENYON], and that I am sure the Senator from New Jersey [Mr. MARTINE] takes with him the affectionate regards of all his colleagues on both sides of the Chamber.

Mr. President, under the unanimous consent in its working, it appears that we shall have no opportunity to discuss amendments. All the time, practically, has been given to the oleomargarine amendment, but there are many others of great importance and which ought not to be voted on without explanation.

I have two amendments—three, in fact—that I desire to offer myself, and which I desire now to explain very briefly.

I also wish to call attention to an amendment which is to be offered by the Senator from Oregon [Mr. CHAMBERLAIN], an amendment in regard to the fisheries, which is of a most serious and grave interest to the New England fisheries in its effect. It is an amendment that ought never to be put on any bill without the Senate having heard both sides of the question, and it is not apparent to me how we are to have any opportunity to discuss it. It involves our foreign relations; it involves the welfare, almost the existence, of the New England fisheries, and it ought not to go on this or any other bill without full discussion by the Senate.

The first amendment which I desire to offer is to section 203. I will furnish the Secretary with this copy of the bill, in which the amendments are carefully arranged. I propose to strike out of section 203, beginning with line 24—I think, on the whole, I will let the Secretary, if he will, read the two amendments, and then I will make a statement in regard to them.

The SECRETARY. Section 203 begins at the foot of page 4 of the printed bill. It is proposed to strike out, after the numeral "203," the following words:

That the tax herein imposed upon corporations and partnerships shall be computed upon the basis of the net income shown by their income-tax returns under Title I of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, or under this title.

And to insert the following words:

That the tax herein imposed upon corporations and partnerships shall be computed upon the basis of the income subject to the normal tax as shown by their income-tax returns under title 1 of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, or under this title, and that for the purpose of computing said tax corporations and partnerships shall be allowed a credit as provided by section 5, subdivision 3, title 1, for their profit derived from dividends.

Mr. LODGE. I will ask the Secretary to read the second amendment in a moment. Of that amendment I wish briefly to explain the purpose. The section as it stands provides that the tax imposed upon corporations and partnerships shall be computed upon the basis of the net income shown by their income-tax returns. If we look at the income-tax law of September 8, 1916, we find that the term "net income" in the case of individuals means gross income less the eight deductions allowed in section 5a, but before deducting credits allowed in section 5b and 5c. Subdivision b allows, for the purpose of the normal tax, a credit for dividends received by the individual from corporations which are themselves subject to the normal tax. The original income-tax law of 1913 was so construed by the Treasury Department that members of a partnership were deprived of any credit for dividends received by the partnership. This injustice was cured by the law of 1916 by an express provision contained in section 18, allowing individual partners a credit for their proportionate share of the profits derived from such dividends.

What I ask by this amendment is that Congress should not reject the principle in the case of the excess profits tax which it has adopted in the case of the income tax, and that is why I have proposed that the words "net income," which are included in the bill, be amended so as to read "income subject to the normal tax." The effect of this would be to allow partnerships for the purpose of this act the same credit for dividends that they are allowed under the income-tax law.

This amendment, however, goes somewhat further: I have only described a part of it. It provides also to allow corporations as well as partnerships a credit for dividends received.

I think, Mr. President, that this is certainly just in principle, as it would be an undue hardship upon so-called holding corporations to impose an excess profits tax of 8 per cent upon earnings which have already been subjected to that tax in the hands of the subsidiary corporation.

Now, I will ask the Secretary to be kind enough to read the second amendment to section 204.

The SECRETARY. The second amendment proposed to section 204 is, on page 5, line 25, after the word "title," to strike out the words "and the tax imposed by this title shall not attach to incomes of partnerships or corporations derived exclusively from agriculture or from personal services" and in lieu insert "and the tax imposed by this title shall not attach to such part of the income of any partnership or corporation as is derived from agriculture or from personal or professional services."

Mr. LODGE. The main difference, Mr. President, is that I have included in the exemption professional as well as personal service and income derived from agriculture. There are many small partnerships and corporations where the business is built up by the professional exertions of the persons forming the partnership or corporation. A large part of the income, for instance, in engineering affairs comes from the ability and professional attainments of the partners. I do not think that those services ought to be taxed any more than personal services. It seems to me professional services ought also to be exempt as much as agriculture and personal services.

Mr. President, the purpose of both of these amendments is to lighten in some degree hardships of the excess profits tax and the injustice that that tax, as provided for in the bill, carries with it.

Those have been pointed out very thoroughly and in detail by my colleague [Mr. WEEKS], and I am not going to go into those details again; but it is enough to say that I believe the tax is false economically in principle, for it is putting a direct burden on enterprise.

It sounds very easy and conclusive to say that 8 per cent is an ample return from any business. Mr. President, a trust which can get for the trust property from 4½ to 5 per cent is investing very well; but a trustee invests for the preservation of capital. So he takes the least possible risk, and therefore he must be content with a very low rate of interest. But if men are to be encouraged to enter upon the businesses in which there is risk—mining, patents, a hundred different things will occur to Senators, building up a business in a new place—a man must have a return proportionate to his risk; otherwise he will not take it.

When we put this burden on excess profits we are putting burdens on the men who have taken the risks in business and who have largely built up the prosperity of this country. It is saying in effect to them, "If you are successful you are to be burdened in proportion to the risk you take instead of being rewarded for taking the risk."

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Connecticut?

Mr. LODGE. With pleasure.

Mr. BRANDEGEE. An illustration of what the Senator is saying is the risk that a shipping corporation takes to-day in sending its vessels on the water. They are liable to lose the whole value.

Mr. LODGE. Certainly; and we are burdening just such people as that. Take an illustration which I have seen in the towns of New England, and I have no doubt it exists elsewhere. A town in order to draw business will offer to a firm or a corporation a period of freedom from taxation if they will establish the business in the town, the object being, of course, to encourage the development of the business and the growth of the towns. This tax, which superficially looks so fair, is in reality an absolute discouragement to business enterprises and to men who are willing to enter upon new undertakings, who do it because they hope for profits sufficient to cover the years when they are making nothing and when they are carried on only by the hope of ultimate success. It is with a view of reducing the hardships and injuries which this excess profits tax, in my judgment, is going to cause that I have introduced these two amendments.

Mr. President, I have also introduced an amendment which I wish to bring to the attention of the Senate before it is voted upon, and I will ask the Secretary if he will have the kindness to read it. It is to go at the end of the bill.

The SECRETARY. Add at the end of the bill the following proviso:

Provided, That the highest rate of duty prescribed by the act entitled "An act to reduce tariff duties and to provide revenue for the Government," approved October 3, 1913, shall be assessed upon all articles of merchandise imported from foreign countries and entered for consumption in the United States which have not been produced or manufactured in accordance with the provisions set forth in the act entitled "An act to prevent interstate commerce in the products of child labor, and for other purposes," approved September 1, 1916.

Mr. LODGE. Mr. President, we have passed what are known as child-labor laws, which have had my very cordial support. I thoroughly believe in them; but, of course, in doing that we have taken away rightfully a form of labor which is widely employed in other countries. We prevent, and properly, our own people from using child labor. Are we ready to admit the products of child labor into this country without making discrimination against them? I think we ought to put the foreign product into which child labor enters at the same disadvantage which is justly imposed on the product of child labor in our own country. If we do not, we give a distinct benefit and a distinct encouragement to the employment of child labor abroad.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Connecticut?

Mr. LODGE. I do.

Mr. BRANDEGEE. Will the Senator from Massachusetts inform me about that? Could we do that under our treaties with foreign nations?

Mr. LODGE. Certainly.

Mr. BRANDEGEE. Why?

Mr. LODGE. What is to prevent us doing it?

Mr. BRANDEGEE. I thought we could not discriminate against the goods of foreign nations.

Mr. LODGE. We can discriminate if the discrimination applies to all the world. The favored-nation clause only provides that we shall not give one nation a discrimination as against another nation.

Mr. BRANDEGEE. Oh, yes; I agree, if it is against the whole world.

Mr. LODGE. This is against the whole world.

Mr. BRANDEGEE. Is it against Asia and China?

Mr. LODGE. It is just as if we should say we would not admit anything to this country—as we have said it in the past on tariff bills—which was the result of prison labor.

Mr. BRANDEGEE. I think there would be a large amount of goods excluded from this country if every child in Asia were prevented from working on any goods that were to come into this country.

Mr. LODGE. Mr. President, that prospect does not appall me. I only want in a small way, if I can, to put our manufacturers on an equal plane with other manufacturers, or to put other manufacturers on an equal plane with ours, and to impose on them the same difficulties.

I do not believe, Mr. President, that the amendment needs any very extended argument, for I think Senators generally will understand its purpose. I have ventured to take up so much time as I have in order to explain these amendments, which I shall move at the proper time, when we reach the period to vote on the bill and amendments.

Mr. WADSWORTH and Mr. McCUMBER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. WADSWORTH. Mr. President, I was about to make a request for unanimous consent, thinking the junior Senator from Wisconsin [Mr. HUSTING] was in the Chamber. I would not, however, desire to press it unless he were here.

Mr. SMITH of Georgia. Mr. President, I believe we had agreed to first vote on the margarine amendment. Why not vote on that amendment now?

Mr. HUSTING entered the Chamber.

The PRESIDING OFFICER. The junior Senator from Wisconsin is now present.

Mr. WADSWORTH. I yield to the Senator from Georgia, if he desires to make a request.

Mr. SMITH of Georgia. No. I was only calling the attention of the Senate to the fact that we had agreed to vote first on the margarine amendment; and, as the discussion seemed to be over with reference to that amendment, that it might be well to vote upon it before the discussion again starts.

Mr. WADSWORTH. Mr. President, the matter which I have in mind is of such grave emergency that I think I shall make an effort to secure a consideration of it at this time.

Mr. SMITH of Georgia. I understand from the colleague of the Senator from New York what he desires, and I do not interpose any objection.

DIVERSIONS OF WATER FROM NIAGARA RIVER.

Mr. WADSWORTH. I ask unanimous consent that the consideration of the revenue bill, so called, may be temporarily laid aside for the purpose of taking up the joint resolution (S. J. Res. 218) which I introduced upon yesterday relating to the diversions of water from the Niagara River.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York?

Mr. REED. Mr. President——

Mr. HUSTING. I object to the taking up of the joint resolution unless——

Mr. REED. I shall not object and have not objected; I did not rise for that purpose; but I did rise to ask whether or not a motion of that kind would displace the regular order of business?

Mr. WADSWORTH. My understanding of the situation is this: I have made no motion, but I have asked unanimous consent that the revenue bill be temporarily laid aside. The unanimous-consent agreement specifically provides that if that

bill is temporarily laid aside it is within the power of any Senator to call it up again.

The PRESIDING OFFICER. Does the Senator from Wisconsin object to the consideration of the joint resolution for which the Senator from New York asks consideration?

Mr. HUSTING. I object to the consideration of the joint resolution at this time unless some amendments, which I have prepared to offer to it, be accepted and incorporated in the joint resolution.

Mr. WADSWORTH. I do not understand how the amendments can come to the knowledge of the Senate unless the joint resolution, which I introduced yesterday, is brought before the Senate and the amendments are offered and read.

Mr. HUSTING. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUSTING. In the event the pending bill is momentarily laid aside, and I be given an opportunity tentatively to submit some amendments to the joint resolution, in the event the amendments are not accepted, can I then request that the joint resolution be referred to the proper committee?

The PRESIDING OFFICER. The Chair understands that, under the unanimous-consent agreement under which the Senate is now operating, a Senator at any time is privileged by an objection to bring back the unfinished business before the Senate.

Mr. HUSTING. With that understanding, I will not object to taking up the joint resolution, so that I may have an opportunity to present some amendments to it.

The PRESIDING OFFICER. Is there objection?

Mr. JONES. Mr. President, I do not want to interfere with the passage of the measure which is desired by the Senator from New York [Mr. WADSWORTH], but we have an idea as to the kind of amendments which will be offered to the joint resolution. They are amendments which will require days and days of discussion. I therefore think it would be simply a waste of the time of the Senate to-day upon this proposition to now take up the joint resolution. I merely make that suggestion. I am not going to object to the consideration of the joint resolution, but that is the situation which confronts the Senate on this important measure.

The PRESIDING OFFICER. The Chair hears no objection to the consideration of the joint resolution.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 218) extending the time within which the "Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River" shall remain in effect.

The PRESIDING OFFICER. The joint resolution has been heretofore read at length.

Mr. HUSTING. Mr. President, I desire to present two amendments to be inserted at the end of the joint resolution, and I ask to have them read.

The PRESIDING OFFICER. The first amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. After the date "1900," at the end of the joint resolution, it is proposed to insert:

After the words "nineteen hundred and eighteen," at the end of the joint resolution, add the following: "*Provided*, That all permittees under this joint resolution shall pay into the Treasury of the United States at half-yearly intervals designated by the Secretary of War a clear yearly rental of $15,000; and in addition thereto for each electrical horsepower, generated and used and sold or disposed of, over 10,000 horsepower and up to 20,000 horsepower, the sum of $1 per annum; for each electrical horsepower, generated and used and sold or disposed of, over 20,000 horsepower and under 30,000 horsepower, the sum of 75 cents per annum, and for each electrical horsepower, generated and used and sold or disposed of, over 30,000 horsepower, the sum of 50 cents per annum: *Provided further*, That power and authority is hereby conferred upon the Secretary of War to establish, fix, and prescribe maximum rates which may be charged by the permittees under this joint resolution to the public for the sale of light, heat, power, or any other service: *And provided further*, That failure to pay the rentals herein provided for at the time and in the manner fixed by the Secretary of War, or the charging of any rate for light, heat, power, or any other service greater than the maximum fixed therefor by the Secretary of War shall amount to a revocation of the permit, and all rights thereunder shall ipso facto become void and of no effect.

Mr. SMOOT. Mr. President, that being the first amendment, I desire to ask the Senator from New York if he is willing to accept it?

Mr. WADSWORTH. It is quite impossible for me to accept the amendment.

Mr. SMOOT. Then, Mr. President, there is no necessity of spending any more time on the matter.

Mr. THOMAS. Mr. President, let the next amendment be read, so that we may understand what it is.

Mr. HUSTING. I ask for the reading of the next amendment which I propose.

Mr. BORAH. Let us have the other amendment before the Senate, merely to see how bad the amendments are.

The PRESIDING OFFICER. The Secretary will state the next amendment proposed by the Senator from Wisconsin.

The SECRETARY. At the end of the joint resolution it is proposed to insert the following:

Provided further, That whenever in the opinion of the President of the United States, evidenced by a written order addressed to the holder of any franchise, permit, or lease hereunder that the safety of the country demands, the United States hereby reserves the right to enter upon and take possession of any power plant developed under a permit, lease, or franchise held under the provisions of this joint resolution for the purpose of the manufacture of nitrates, explosives, or for any other purpose concerning the safety of the country and retain possession, management, and control thereof for such length of time as may appear to the President to be necessary to accomplish the said purposes, and then to restore possession and control to the party or parties entitled thereto: *Provided*, That the United States shall pay to the party or parties entitled thereto such fair and just compensation for the use of said property, calculated upon the basis of a normal, fair, and moderate profit in time of peace, as may be agreed upon between the permittee and the Secretary of War: *Provided further*, That such fair and just compensation shall not be in excess of a sum which will hold the party or parties entitled to such compensation harmless of any loss or damage or damages by reason of such taking over, holding, using, and the restoring of the said properties in substantially the same condition as at the time of the taking thereof to the party or parties entitled thereto.

Mr. WADSWORTH. Mr. President, just one brief word in relation to the second amendment proposed by the Senator from Wisconsin, which has just been read. I can not but believe that the amendment is offered under a misunderstanding of the facts. This amendment would give the Government the right to take over the power companies for the purpose of manufacturing nitrate. The power companies at Niagara Falls do not manufacture anything except electrical power. They sell that power to the industries gathered around the city, which have been built up as the result of the existence of the power. If it is desired that the Federal Government shall have the right to take over any facilities which may exist for the manufacture of nitrates or of other products which are necessary for the conduct of the national defense, the power should be placed in the hands of the President or of the Secretary of War to take over the industries, but not the power plants. So the second amendment, Mr. President, is meaningless; it will accomplish nothing for the Government.

Mr. SHAFROTH. Mr. President, I should like to state to the Senator from New York that this is just what we are having in the West all the time. He can, therefore, see the injustice which would be perpetrated upon his people, as we see the same injustice perpetrated upon ours. It is an attempt upon the part of the Federal Government to fasten a leasing system upon waters that do not belong to it and over which it has no jurisdiction except to prevent obstruction to navigation.

Mr. SMOOT. I ask that the revenue bill be laid before the Senate.

The PRESIDING OFFICER. Objection being made by the Senator from Utah——

Mr. SAULSBURY. May I ask the Senator from Utah to withhold that request for a moment? I should like to take about two minutes on this matter.

Mr. SMOOT. I will yield two minutes, but I do not want to yield any longer than that.

Mr. SAULSBURY. Mr. President, I want to appeal to the Senator from Wisconsin under the circumstances which confront us not to insist on the amendments he has suggested. The reason I inject myself into this matter is that I am chairman of the subcommittee having under consideration a bill which has passed the House of Representatives and which was referred to the Foreign Relations Committee, which attempts to deal with this whole subject. I ask the Senator from Wisconsin not to insist on presenting the amendments, and let us have action on the joint resolution, for this reason: It is exceedingly important, particularly to the eastern part of the country, that the power now used at Niagara shall be continued to those industries operating there. The power companies at Niagara are being deprived of a great amount of power which has heretofore been sent across from the Canadian power plants, that power having been commandeered by the Canadian Government, or the Ontario Government, for their own purposes. If this joint resolution is not adopted, the only result will be that our own people in this country will not be able to continue the manufacture of a great many things which are very essential, not only to their welfare but to many manufacturing institutions of which I have knowledge all over the East. Among others, I happen to know that the pulp and paper industry is very largely dependent upon getting certain supplies from the Niagara power companies.

Let me suggest, if I may, Mr. President, that if the Senator from New York will agree to make this extension run to the 1st day of next January, and the Senator from Wisconsin will

also agree that the joint resolution may extend the time within which this power may be used by the existing companies until the 1st of January, we may have time—we will have time, certainly, if we have an extra session, but we may have time even at the regular session beginning in December next—to call this matter up for consideration in the Congress.

I make the suggestion only because I think it is so important to so many people and to so many manufacturing concerns that this power shall not, because of the inaction of Congress, in the meantime, be allowed to run to waste when it is so much needed. May I ask the Senator from New York if he will accept such a suggestion as that, if the Senator from Wisconsin will agree to it?

Mr. WADSWORTH. Mr. President, in view of this great emergency, which is national in its character, I will accept an amendment so that the new permits shall expire January 1, 1918.

Mr. SAULSBURY. May I ask the Senator from Wisconsin whether he will agree to that?

Mr. HUSTING. Mr. President, I do not want to answer that question without at least putting myself right before the Senate. Senators are asking me to agree to something evidently on the presumption that those asking for additional water rights are going to refuse to do something entirely reasonable and just and something which they should do. So far as the first amendment I have offered is concerned, it merely exacts of these power companies what their competitors are paying on the opposite shore for the use of practically the same water, for it is mingled together. They are paying the Ontario government, and not only that, but Americans are paying the Ontario government for the privilege which they are now asking of the American Government, and for which they claim any charge to be unreasonable. So I say that I am proceeding upon the assumption that Americans will be willing to accept a franchise at the hands of the American Government at least upon terms which are the minimum that they have got to give to a foreign nation.

Mr. SAULSBURY. Will the Senator permit me to interrupt him?

Mr. HUSTING. Secondly, in answer to the statement of the Senator from New York [Mr. WADSWORTH] that the provisions of the second amendment in regard to the taking of this power in case of war are meaningless, I want to say that if the power given to these plants on the American side is taken by the Government, it will have no trouble in getting the facilities for manufacturing ammunition, because the Government has to have such facilities in order to manufacture it, and it can proceed to do so upon proper terms. So that the power is the key to the situation, notwithstanding the fact that the companies are selling that power to other factories.

For that reason, assuming that Americans who are coming here and asking for water privileges from the United States are willing to deal with their own country as fairly as they are willing to deal with a foreign nation, I propose to have them yield to the just demands of the Government, rather than to have the Government yield to the unjust demands of the men who are asking for the privilege. Consequently, I object to the consideration of the joint resolution, unless the amendments I have proposed can be made part of it.

Mr. WADSWORTH. I ask that the joint resolution be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. SAULSBURY. Mr. President, while the matter concerning the Niagara power plants is fresh in the minds of Senators, I desire to say one more word, so that my position may be understood by the Senator from Wisconsin.

I do not think it makes the slightest difference at this time whether the possible users of the power at Niagara are willing to pay the fees provided by the proposed amendment of the Senator from Wisconsin or whether they are willing to pay ten times the amount. The difficulty we are under is this: We have run into the same snag that all power bills have run into in this body and in the other House, and we are practically unable to get anywhere. It is a matter of such very great importance, in my judgment, that this power, which is running to waste, should be used at least for a short time, that I urged the Senator from Wisconsin to agree to the suggestion made by me. So far as his amendments are concerned, I am neither advocating nor opposing them. I am not undertaking to deal with their merits.

Mr. SMOOT. I ask that the revenue bill be laid before the Senate.

Mr. SHAFROTH. Mr. President, just a word while we are on this subject.

The VICE PRESIDENT. The revenue bill is before the Senate.

Mr. SMOOT. There was unanimous consent that it be temporarily laid aside.

The VICE PRESIDENT. Yes; but upon the objection of the Senator from Utah it has been before the Senate ever since the objection was made, under the unanimous-consent agreement.

Mr. SHAFROTH. Mr. President, I want to say in relation to the matter that has been before the Senate that the distinction between the Government of Canada and that of the Province of Ontario is the distinction we have been trying to draw between the Government of the United States and the States in attempting to regulate and control waters in the Western country. The contracts which have been made by the Canadian power companies are not contracts with the Canadian Government but with the Province of Ontario, just exactly as any contract with relation to water powers should be made with a State instead of with the Nation. We do not think it wise that the Nation should ever attempt to undertake the leasing system, but the State can do so with propriety, because it owns the water, and the revenue it receives is in place of the taxes it is prevented from receiving, if the lease is by the Federal Government. The same thing is true with reference to the Province of Ontario as against the Dominion of Canada. It can do so, and the State of New York can do so; but I object absolutely to the National Government having any control with relation to these waters.

Mr. HUSTING. Mr. President, may I ask the Senator from Colorado a question?

Mr. SHAFROTH. Certainly.

Mr. HUSTING. The Senator, as I understand, contends that the United States has not any jurisdiction or control over this matter?

Mr. SHAFROTH. It has a negative power; it has the power to prevent obstruction in navigable streams.

Mr. HUSTING. If it only has a negative power, what is this joint resolution here for?

Mr. SHAFROTH. I do not know why it should be here, except that there has been usurpation on the part of the Federal Government, as there has been all the time with relation to our western waters.

Mr. WATSON. Mr. President, I object to further debate on this proposition, and ask that the regular order be taken up.

The VICE PRESIDENT. It is before the Senate.

Mr. WATSON. Then why do we not have a vote on the oleomargarine amendment, which is the amendment now pending?

THE COAST GUARD (S. DOC. NO. 716, PT. 2).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury calling attention to an estimate submitted in the sum of $250,000 to enable the Coast Guard to bring its telephone system of coastal communication to a high state of efficiency, which was referred to the Committee on Appropriations and ordered to be printed.

PUBLIC BUILDINGS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting information relative to certain public-building propositions regarded by the department as imperative, which, with the accompanying paper, was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

DESTRUCTION OF FUR SEALS (S. DOC. NO. 726).

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, in response to resolution of August 5, 1916, a report relative to certain alleged illegal killing of fur seals in the Pribilof Islands, which, with the accompanying papers, was referred to the Committee on Foreign Relations and ordered to be printed.

SAND DUNES OF NORTHERN INDIANA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of September 7, 1916, certain information relative to the sand-dune region of northern Indiana, which, with the accompanying papers, was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendments of the Senate to the bill (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 5788) to create two additional associate justices of the Supreme Court of the District of Columbia, requests a conference with the Senate on the dis-

agreeing votes of the two Houses thereon, and had appointed Mr. WEBB, Mr. CARLIN, and Mr. VOLSTEAD managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. VARDAMAN. I ask to have printed in the RECORD a memorial signed by a large number of citizens of Okolona, Miss., protesting against the Underwood oleomargarine amendment to the pending revenue bill.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

To Hon. JOHN SHARP WILLIAMS and JAMES K. VARDAMAN, United States Senators; and Hon. EZEKIEL CANDLER and T. U. SISSON, Congressmen:

We, the undersigned, interested in the dairy business, having been forced into a change of farming methods by the ravages of the boll weevil, and just now getting to the point where we can realize something from our efforts and investment, feel that our very existence as dairymen is threatened by the amendment to the revenue bill offered by Senator UNDERWOOD, of Alabama, providing for a reduction of the tax on colored oleomargarine from 10 cents to 2 cents per pound. This is intended only for the purpose of enabling the oleo manufacturers to sell their product as an imitation of butter and in competition with butter other than on its merits. The tax on uncolored oleo is very small, and if this product is sold only on its merits there is no reason why the tax on colored oleo should be reduced.

Mississippi farmers are rapidly going into the dairying industry, and we feel that our salvation depends largely upon proper encouragement of this business and allied industries.

We appeal to our Senators and Representatives to examine carefully this matter before voting for this Underwood amendment, and, if you can consistently do so, to cast your vote for what we feel to be the interest of not only ourselves but what we consider to be honest and fair dealing with the public at large.

Respectfully submitted.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Ridgway and Williamsport, in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Lancaster County, Pa., praying for the enactment of legislation to found the Government on Christianity, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented petitions of Local Branch 48, Catholic Mutual Benefit Association, of Grand Rapids; of the congregation of the First Reformed Church of Zeeland; and of sundry citizens of Bay and Saginaw Counties, all in the State of Michigan, praying that the United States remain at peace, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Trades and Labor Council, of Battle Creek, Mich., praying for the passage of the so-called absent-voters bill, which was referred to the Committee on the Judiciary.

Mr. SMITH of Maryland presented petitions of sundry citizens of Maryland, praying for national prohibition, which were ordered to lie on the table.

Mr. LODGE. I present resolutions adopted by the Chamber of Commerce, of Boston, Mass., approving the action of the President in severing relations with Germany and urging the maintenance of American rights, which I ask may be printed in the RECORD and be referred to the Committee on Foreign Relations.

There being no objections, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

BOSTON CHAMBER OF COMMERCE, *February 21, 1917.*

At the meeting of the board of directors of the Boston Chamber of Commerce, held to-day, the following preamble and resolution were unanimously adopted:

"Whereas the German Imperial Government has forbidden to our people the exercise 'of their peaceful and legitimate errands on the high seas'; and

"Whereas in consequence the President of the United States has severed diplomatic relations with Germany: Therefore be it

"*Resolved by the board of directors of the Boston Chamber of Commerce:*

"First. That they commend the President for his uncompromising stand in severing diplomatic relations.

"Second. That they rely upon the President to protect American citizens and American ships in their acknowledged rights on the high seas.

"Third. That they urge upon the President the necessity of making immediate preparations against the contingencies of war.

"Fourth. That while they desire peace, they are mindful of the motto of this Commonwealth, and pledge to the President their loyal support in any action that he may take to maintain the rights of the American people."

A true copy.

Attest:

JAMES A. MCKIBBEN, *Secretary.*

Mr. CHAMBERLAIN. I present a joint memorial of the Legislature of Oregon, which I ask to have printed in the RECORD and referred to the Committee on Appropriations.

There being no objection, the joint memorial was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

House joint memorial 11.

Memorial to the Congress of the United States of America, petitioning the United States Government to appropriate sufficient funds for the purpose of laying out, constructing, and building suitable "Peace memorial halls" at Gettysbug and Chickamauga.

To the Senate and House of Representatives of the Congress of the United States of America:

We, your memorialists, the Senate and House of Representatives of the State of Oregon, jointly concurring, respectfully represent that—

Whereas on the second day of July, 1913, at the great fraternal reunion of the Blue and the Grey at Gettysburg 12,000 ex-Confederates assembled there adopted a series of resolutions in which they asserted in the strongest possible terms their devotion to the Union and the flag, and mentioned a desire for a "Peace memorial" which should stand for American brotherhood; and

Whereas on July 3, 1913, Col. Andrew Cowan, a prominent ex-Federal Army officer, and president of the Society of the Army of the Potomac, in speaking to a vast audience in the "big tent," strongly advocated the "Peace memorial," which had been suggested by the Confederate resolutions; and soon after the end of the Gettysburg meeting an organization was effected, called the "Gettysburg Peace Memorial Association," which in its membership was composed of ex-Federal and ex-Confederate soldiers in about equal numbers and was supposed to embrace the most prominent living members of each army; and

Whereas the avowed object of this association was to secure an appropriation from the United States Congress for the purpose of building such memorial; and

Whereas a bill for that purpose was introduced by Mr. Sherley, Representative from the Louisville, Ky., district, but the Congress has never acted upon it, and hence the Gettysburg Peace Memorial Association has failed of its purpose; and

Whereas the "Gettysburg-Chickamauga Peace Memorial Halls Association" has been organized, composed of representative members of the Sons of the American Revolution, the Grand Army of the Republic, the United Confederate Veterans, the Relief Corps, the Ladies of the Grand Army of the Republic, the Daughters of the American Revolution, the Daughters of the Confederacy, the Sons of the United States Veterans, the Sons of the Confederate Veterans, the Spanish-American War Veterans, the Loyal Legion, the Boy Scouts, and last, though by no means least, the Congress of Mothers and Parent Teachers Association, one person from each of said organizations, and one patriotic gentleman not belonging to any of the organizations named; and

Whereas the declared object of this association is to build two memorial halls, one at Gettysburg and the other upon the Chickamauga battle field, the one field contested by the Army of the Potomac and the Army of Northern Virginia; the other by the Army of the Cumberland and the Army of the Tennessee; the one battle having been fought upon the northern and the other upon southern soil; and

Whereas it is intended that these halls shall typify or symbolize the fact of peace and fraternity between the sections which were once at war, and shall forever represent one country and one flag, that they shall be used for such patriotic assemblages as may from time to time find it necessary or convenient to meet at one or the other place; and

Whereas part of the funds for building these memorial halls it is proposed to raise by popular subscriptions, principally through the public schools of the country, as it is felt that by permitting the children and youth of the country to participate in the work will bring to them a patriotic devotion to our reunited country in greater measure than it could be done in any other way: Therefore be it

Resolved by the Senate and House of Representatives of the State of Oregon (jointly concurring), That we do hereby most respectfully urge and request that the Congress of the United States of America immediately appropriate a sufficient sum for the construction and building of suitable "Peace memorial halls" at Gettysburg and Chickamauga; be it further

Resolved, That upon the adoption of this memorial by the senate the chief clerk of the senate be, and he hereby is, instructed to transmit a copy of the same to each member of the Oregon delegation in Congress.

STATE OF OREGON,
SENATE CHAMBER.

I, J. W. Cochran, chief clerk of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify—

That I have carefully compared the annexed copy of house joint memorial 11, Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the house February 17, 1917, and concurred in by the senate February 17, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In witness whereof, I have hereunto set my hand this 19th day of February, 1917.

J. W. COCHRAN,
Chief Clerk Senate,
Twenty-ninth Legislative Assembly of the State of Oregon.

ARMY APPROPRIATIONS.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 20783) making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes, reported it with amendments and submitted a report (No. 1126) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PENROSE:

A bill (S. 8323) to permit the redistillation of whisky in bond on distillery premises; to the Committee on Finance.

By Mr. CHAMBERLAIN:

A bill (S. 8324) granting an increase of pension to Leslie C. Davis (with accompanying papers); and

A bill (S. 8325) granting an increase of pension to George F. Lasher (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. NEWLANDS submitted an amendment proposing to appropriate $14,040 for the Commission on Fine Arts, intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on the Library and ordered to be printed.

Mr. SHEPPARD submitted an amendment proposing to appropriate $15,000 for oyster survey in the State of Texas and $15,000 for improving the fish hatchery at San Marcos, Tex., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. HUGHES submitted an amendment providing that during the fiscal year 1918 all civilian employees in the Naval Establishment included on the lump-sum rolls only those persons who are carried thereon at the close of the fiscal year ending June 30, 1917, shall receive increased compensation at the rate of 10 per cent per annum to such employees who receive salaries or wages in such employments at a rate per annum of less than $1,200, intended to be proposed by him to the naval appropriation bill (H. R. 20632), which was ordered to lie on the table and be printed.

He also submitted an amendment authorizing the President to appoint Acting Asst. Surg. Elwin Carlton Taylor, United States Navy, to the grade of passed assistant surgeon, United States Navy, as an additional number, etc., intended to be proposed by him to the naval appropriation bill (H. R. 20632), which was ordered to lie on the table and be printed.

He also submitted an amendment providing that all civilian employees in the Naval Establishment included on the lump-sum rolls only those persons carried thereon at the close of the fiscal year ending June 30, 1917, shall receive increased compensation at the rate of 10 per cent per annum to such employees who receive salaries or wages in such employments at a rate per annum of less than $1,200, etc., intended to be proposed by him to the naval appropriation bill (H. R. 20632), which was ordered to lie on the table and be printed.

He also submitted an amendment authorizing the President to place Albert Hamilton, formerly a first lieutenant, United States Marine Corps, on the retired list of the Navy, etc., intended to be proposed by him to the naval appropriation bill (H. R. 20632), which was ordered to lie on the table and be printed.

He also submitted an amendment authorizing the President to appoint William Henry Armstrong a captain in the Porto Rican Regiment at the rank and place he occupied at the time of his termination of service, intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was ordered to lie on the table and be printed.

Mr. SWANSON submitted an amendment proposing to extend the limit of time for beginning the erection of the George Washington Memorial Building to March 4, 1919, intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment authorizing the President to cause the name of Capt. E. R. Warner McCabe, Eighth Cavalry, United States Army, to appear upon the lineal list of the captains of the Cavalry next below that of W. S. Martin, etc., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. SMOOT submitted an amendment to reimburse the official reporters of the proceedings and debates of the Senate for expenses incurred from July 1, 1916, to March 4, 1917, for clerk hire and other clerical services, $3,300, intended to be proposed by him to the general deficiency appropriation bill (H. R. 21069), which was referred to the Committee on Appropriations.

Mr. O'GORMAN submitted an amendment authorizing the Secretary of the Treasury to reissue Treasury drafts upon return to the Treasury Department of certain outstanding drafts amounting to not to exceed $7,407.09 by H. Amy & Co., Adrian Iselin & Co., Baring Bros. & Co., etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. ASHURST submitted an amendment providing that the net receipts from the operation of power plants shall be credited to the construction account to reduce the final amount due, and shall not be used to reduce the annual payments for construction, maintenance, and operation intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NEWLANDS submitted an amendment proposing to appropriate $20,000 for the Joint Congressional Committee on Interstate Commerce intended to be proposed by him to the general deficiency appropriation bill (H. R. 21069), which was referred to the Committee on Interstate Commerce and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. HUGHES submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 20079), which was ordered to lie on the table and be printed.

ARMED MERCHANT SHIPS.

Mr. McCUMBER. I submit an amendment in the nature of a substitute for Senate bill 8322, authorizing the President to supply merchant ships with defensive arms and to employ such instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas, and for other purposes, which I ask may be printed and lie on the table.

The VICE PRESIDENT. Without objection, that action will be taken.

ADDITIONAL JUDGES.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5788) to create two additional associate justices of the Supreme Court of the District of Columbia, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. OVERMAN. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. OVERMAN, Mr. CHILTON, and Mr. CLARK conferees on the part of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on February 27, 1917, approved and signed the following acts:

S. 40. An act to authorize agricultural entries on surplus coal lands in Indian reservations;

S. 1068. An act relating to desert-land entries;

S. 1792. An act for the relief of settlers on unsurveyed railroad lands;

S. 1878. An act making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code; and

S. 8252. An act to authorize the change of name of the steamer *Charles L. Hutchinson* to *Fayette Brown*.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 20967) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 8229. An act to establish a national military park at the battle field of Guilford Courthouse;

H. R. 9533. An act to provide a civil government for Porto Rico, and for other purposes;

H. R. 14777. An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes;

H. R. 18453. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for ful-

filling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918; and

H. R. 20414. An act for the establishment of a probation system in the United States courts except in the District of Columbia.

RESTORATION OF ANNUITIES TO SIOUX INDIANS—CONFERENCE REPORT.

Mr. CLAPP submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 135) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the bill, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"That jurisdiction be, and hereby is, conferred upon the Court of Claims to hear, determine, and render final judgment for any balance that may be found due the Medawakanton and Wahpakoota Bands of Sioux Indians, otherwise known as Santee Sioux Indians, with right of appeal as in other cases, for any annuities that may be ascertained to be due to the said bands of Indians under and by virtue of the treaties between said bands and the United States, dated September 29, 1837 (7 Stat. L., p. 538), and August 5, 1851 (10 Stat. L., p. 954), as if the forfeiture of the annuities of said bands approved February 16, 1863, had not been passed: *Provided*, That the court in rendering judgment shall ascertain and include therein the amount of accrued annuities under the treaty of September 29, 1837, up to the date of rendition of judgment, and shall determine and include the present value of the same, not including interest, and the capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty; and to ascertain and set off against any amount found due under said treaties all moneys paid to said Indians or expended on their account by the Government of the United States since the treaties were abrogated by the act of February 16, 1863: *Provided*, That the treaty of April 28, 1868, shall not be a bar to recovery, but all equities and benefits received thereunder by the Santee Sioux Indians shall be taken into consideration in the determination of the amount of recovery. Upon the rendition of such judgment and in conformity therewith the Secretary of the Interior is hereby directed to ascertain and determine which of said Indians now living took part in said outbreak and to prepare a roll of the persons entitled to share in said judgment by placing thereon the names of all living members of said bands residing in the United States at the time of the passage of this act, excluding therefrom only the names of those found to have personally participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita to the persons borne on the said roll.

"Proceedings shall be commenced by petition verified by or under authority of one of the attorneys who have been heretofore employed by said bands of Indians to prosecute their claims under a contract which has been heretofore approved by the Commissioner of Indian Affairs and the Secretary of the Interior as provided by law, upon information and belief as to the existence of the facts stated in said petition, and no other verification shall be necessary. Upon final determination of the cause the Court of Claims shall decree such fees as the court shall find to be reasonable upon a quantum meruit for services performed or to be performed, to be paid to the attorney or attorneys so employed by the said band of Indians and their associates, and the same shall be paid by the Secretary of the Treasury out of the proceeds of the fund arising from said judgment in favor of said bands of Indians when an appropriation therefor shall have been made by Congress: *Provided*, That in no case shall the fees decreed by the court amount in the aggregate to more than 10 per cent of the amount of the judgment recovered, and in no event shall the aggregate amount exceed $50,000."

And the House agree to the same.

HENRY L. ASHURST,
H. L. MYERS,
MOSES E. CLAPP,
Managers on the part of the Senate.

C. D. CARTER,
CARL HAYDEN,
P. D. NORTON,
Managers on the part of the House.

Mr. CLAPP. I ask that the conference report lie on the table for the present.

The VICE PRESIDENT. Without objection, that action will be taken.

HOUSE BILL REFERRED.

H. R. 20967. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

Mr. UNDERWOOD. Mr. President, I will ask for the yeas and nays on the oleomargarine amendment.

Mr. JONES. Mr. President, there are one or two Senators absent who asked me to call for a quorum, so that they might be present when this matter was voted upon. Therefore I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Norris	Simmons
Bankhead	Hollis	O'Gorman	Smith, Md.
Beckham	Hughes	Oliver	Smoot
Borah	Husting	Page	Sterling
Brady	James	Penrose	Sutherland
Catron	Johnson, S. Dak.	Pittman	Swanson
Chamberlain	Jones	Poindexter	Thomas
Clark	Kenyon	Pomerene	Thompson
Culberson	Kirby	Ransdell	Underwood
Cummins	Lane	Reed	Wadsworth
Curtis	Lea, Tenn.	Robinson	Walsh
Dillingham	Lewis	Saulsbury	Warren
Fernald	Lippitt	Shafroth	Watson
Fletcher	McCumber	Sheppard	Weeks
Gronna	Martin, Va.	Sherman	Williams
Harding	Nelson	Shields	

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. There is a quorum present. The question is on agreeing to the so-called oleomargarine amendment, on which a request has been made for a yea-and-nay vote. Is the request seconded?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. On this question I understand that he would vote as I shall vote. I therefore vote "nay."

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT] and therefore withhold my vote.

Mr. STERLING (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. I am unable to obtain a transfer. Not knowing how he would vote, I withhold my vote.

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN], who is absent on official business, and I therefore withhold my vote.

The roll call was concluded.

Mr. STERLING. I transfer my pair with the junior Senator from South Carolina [Mr. SMITH] to the senior Senator from California [Mr. WORKS] and vote "nay."

Mr. O'GORMAN (after having voted in the affirmative). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER], which I transfer to the junior Senator from Arizona [Mr. SMITH], and will allow my vote to stand.

Mr. CURTIS. I have been requested to announce that the Senator from West Virginia [Mr. GOFF] is paired with the Senator from South Carolina [Mr. TILLMAN].

Mr. LEA of Tennessee. I have been requested to announce that the Senator from California [Mr. PHELAN] is detained from the Senate on official business.

The result was announced—yeas 21, nays 59, as follows:

YEAS—21.

Bankhead	Hardwick	Robinson	Vardaman
Beckham	Hughes	Sheppard	Wadsworth
Broussard	James	Shields	Williams
Bryan	Martine, N. J.	Smith, Ga.	
Culberson	O'Gorman	Thomas	
Fall	Ransdell	Underwood	

NAYS—59.

Ashurst	Chamberlain	Dillingham	Hitchcock
Borah	Clapp	du Pont	Hollis
Brady	Clark	Fernald	Husting
Brandegee	Cummins	Gronna	Johnson, S. Dak.
Catron	Curtis	Harding	Jones

Kenyon	McCumber	Pittman	Sterling
Kern	McLean	Poindexter	Stone
Kirby	Martin, Va.	Pomerene	Sutherland
La Follette	Myers	Reed	Swanson
Lane	Nelson	Shafroth	Thompson
Lea, Tenn.	Norris	Sherman	Townsend
Lee, Md.	Oliver	Simmons	Walsh
Lewis	Owen	Smith, Md.	Watson
Lippitt	Page	Smith, Mich.	Wecks
Lodge	Penrose	Smoot	

NOT VOTING—16.

Chilton	Goff	Overman	Smith, S. C.
Colt	Gore	Phelan	Tillman
Fletcher	Johnson, Me.	Saulsbury	Warren
Gallinger	Newlands	Smith, Ariz.	Works

So the amendment of the committee was rejected.

Mr. CLAPP. Mr. President, I have here some matter that I desired to insert in the RECORD prior to the vote. Owing to the press of time under the unanimous-consent agreement, I was unable to do so. I ask now that it may be printed in the RECORD.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

CLIFTON, TEX., *February 21, 1917.*

Hon. C. A. CULBERSON,
Hon. MORRIS SHEPPARD,
Senate Chamber, Washington, D. C.:

Please use your influence against the Underwood amendment (H. R. 20573) permitting oleomargarine to be colored in imitation of butter. This will be a serious blow to the dairy industry of the country. The great farming interest of Texas is being aroused and encouraged in dairying. It should be encouraged, because it means better farming and better living.

J. W. BUTLER,
President Texas Bankers' Association.

—

Senator UNDERWOOD'S own State:

ALABAMA LIVE STOCK ASSOCIATION.

Resolutions adopted at the 1916 annual meeting, Montgomery, Ala., to protect the dairy interests against the fraudulent sale of oleomargarine as the product of the dairy and to protect the unsuspecting consumers of dairy products.

Resolved, That the Alabama Live Stock Association, realizing the importance of the development of the dairy industry to the State and Nation, favors such Federal legislation as may be necessary to fully protect the dairy interests against the fraudulent sale of oleomargarine as the product of the dairy and to protect the interests of unsuspecting consumers of dairy products, and indorses the amendments to the present law which the National Dairy Council propose to introduce at this session of Congress.

Resolved further, That a copy of this resolution be sent to the Alabama Representatives in Congress and to the officers of the National Dairy Council.

Officers of the Alabama Live Stock Association: President, Dr. C. A. Cary, Auburn; vice president, beef cattle, N. J. Bell; vice president, dairy cattle, D. H. Marbury; vice president, horses and mules, L. F. Session; vice president, swine, Judge C. E. Thomas; vice president, sheep, Yancey Swearingen; vice president, poultry, Mrs. M. M. Burr; treasurer, J. S. Kernachan, Sheffield; secretary, Geo. S. Templeton, Auburn.

The Alabama Live Stock Association has a division for each class of live stock, and the above resolution originated in the dairy division, and was adopted by the meeting at large. Copies were mailed to all Alabama Senators and Congressmen by the secretary at the time.

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Advance copy of editorial in the Southern Ruralist, Atlanta, Ga., March 1, 1917, by the editor, Dr. H. E. Stockbridge, president of the Farmers' National Congress.

[Editorial in Southern Ruralist, of Atlanta, Ga., March 1, 1917, in opposition to the Underwood oleomargarine amendment.]

LIKE JOCKO AND PUSS.

It is an old legislative trick of the advocates of a questionable measure to attach the same as an amendment to a pending and imperative regular appropriation bill. The objections to such a course are many and serious. No opportunity is offered the opponents of such propositions for public hearings. The result is legislation obtained without public knowledge; of course, utterly at variance with democratic principles. Another serious objection is the hasty and, therefore, ill-considered action, leaving great opportunity for error and injustice to become statute law.

The present session of Congress has seen an unusual amount of effort at securing this form of star-chamber legislation, which could have never been enacted by the usual open, fair, and public means. To one such measure now pending in the Senate we wish to call special attention. We refer to the Underwood amendment to the emergency appropriation bill for Army and Navy. This amendment refers to margarine tax. It provides for supplanting the present tax of 10 cents per pound on colored and one-fourth cent tax on uncolored oleo by a flat tax of 2 cents on margarine, colored and uncolored alike.

Let us get the circumstances well in mind. The foreign relations of our Government are in a most critical condition. There is daily possibility and serious probability of our country being involved in the cataclysm of European war. For protection against this imminent contingency an emergency bill is passed by the House of Representatives of "increased appropriations for the Army and Navy and the extension of fortifications." This bill goes to the Senate, and the Senator from Alabama attaches an amendment changing the tax on oleo. Our whole program of national preparedness must be delayed and jeopardized while Senators debate the vital issue of the rate of tax on artificial and spurious butter.

Such a situation is almost unbelievable. Were the matter not so serious one would almost suppose that some legislative humorist was merely attempting to perpetrate a huge though untimely joke. No possible contortion of facts can disclose the merest shadowy pretense of connection between national emergency defense and the method of taxing margarine. The only possible excuse for this action is the chance of forcing by unfair means a result hopelessly impossible by regular and legitimate methods.

It is important to fully understand what the passage of this nefarious amendment really accomplishes. It removes all restrictions against the coloring of margarine and allows manufacturers to color their spurious product at will. The inevitable result of this law is clearly established by past conditions in this country when essentially the same law was in effect, and by the experience of every foreign country. Oleomargarine has never anywhere been colored in imitation of butter except for the purpose of deceiving and defrauding the consumer.

This pending amendment has been intentionally misrepresented by its advocates, and inadvertently by the press, as an effort "to reduce the 10-cent tax on oleomargarine to 2 cents." Here are the real facts: Only 2¼ per cent of all the oleo sold in this country last year paid the 10-cent tax; 97¾ per cent was uncolored and paid the one-fourth cent tax. On the same basis of production 97¾ per cent of the product would pay the increased tax of 1¾ cents per pound under the Underwood amendment. The effect would inevitably be to increase the cost to the consumer to this extent. The specious argument that the measure lowers the price of the poor man's butter is thus disposed of. The tax is really increased 700 per cent on 97¾ per cent of the product and reduced on but 2¼ per cent. We must in this connection not forget that with restrictions on color removed or loosened the inevitable result would be that the "poor man's butter" would sell at approximate butter prices.

In this connection a recently established fact is important. It has heretofore been supposed that there was little real difference in food value between real butter and the imitation. It has been a common misapprehension that "fat is fat." Recent careful investigations at the Connecticut and Wisconsin Experiment Stations have clearly proved that butter has a very decidedly greater food value than other animal or vegetable fats. In other words, it is now known that butter "not only yields energy and heat like other fats, but contains something more vital than other fats—a principle which, like proteids, supplies the elements necessary for growth and life itself." This fact probably explains the serious effect of the lack of butter in Germany, where milk is now reserved for use of infants and invalids.

The agricultural significance of this proposal is evidenced by the fact that the Grange, Farmers' Union, Farmers' National Congress, and every important State and National farmers' organization have repeatedly gone on record against any similar change in the oleomargarine law. Among organizations actively opposed to such legislation is the Alabama State Live Stock Association, the most active organization of farmers in the State, which Senator UNDERWOOD in this case certainly misrepresents.

Here, as in all previous efforts in this direction, the interest of southerners is sought under the utterly false assertion that margarine manufacture requires large quantities of a southern product—cottonseed oil. The Ruralist has repeatedly exposed the source and falsity of such claims. It is the use of cottonseed oil in other packing-house products which really interests southern oil men. This accounts for their servility to the packing-house interests. Again southerners are playing "Puss" to the packers' "Jocko."

Mr. SIMMONS. Mr. President, I shall at present, at least, offer no further amendments to the bill on behalf of the committee.

Mr. SMOOT. Mr. President, some of the committee amendments have not been agreed to.

Mr. SIMMONS. I stated that on behalf of the committee I would not offer the amendments at this time, at least.

Mr. SMOOT. Well, Mr. President, I want to call the Senator's attention to the fact that there are some very important amendments to the bill offered by the committee, and there is a part of the bill that ought to be discussed now. It seems to me the proper way to do would be to dispose of those committee amendments at this time.

Mr. SIMMONS. But I am not offering those on behalf of the committee at this time. I may not offer them at all. At this time I am not offering them on behalf of the committee.

Mr. SMOOT. Does the Senator mean to say——

Mr. SIMMONS. I have no objection to any discussion of them. Any other Senator can offer them if he desires to do so.

Mr. SMOOT. Does the Senator mean to say that he will offer committee amendments only after 8 o'clock, at a time when no discussion will be in order?

Mr. SIMMONS. No; I do not mean to say anything of that sort. I shall offer no further committee amendments at this time. Of course, I understand that the amendments that are embraced in the bill as printed will probably be offered, if they are offered at all, before 8 o'clock.

Mr. SMOOT. Of course, the only amendments that I desire to discuss at all are the committee amendments.

Mr. SIMMONS. The Senator can offer them himself if he desires, and discuss them.

Mr. SMOOT. No; I am opposed to the amendments, and I certainly would not offer them.

Mr. SIMMONS. Mr. President, I shall not offer them at this time for the committee.

Mr. NORRIS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). The amendment will be stated.

The SECRETARY. It is proposed to amend the bill by adding, at the end thereof, a new title, as follows:

TITLE VI.

SEC. 600. On the first Monday in December, 1917, and annually thereafter, the Secretary of the Treasury shall transmit to Congress a state-

ment giving a detailed estimate of the revenue of the Government for the ensuing fiscal year to be derived under then existing laws, other than this title, from all sources except from borrowed money.

SEC. 601. Whenever the appropriations for any fiscal year, made before the 1st day of November in any fiscal year, are in excess of the revenues for such fiscal year as estimated in the statement provided for in section 600 of this title, there shall, in addition to all taxes under then existing laws, be levied, assessed, collected, and paid upon the entire net income received from all sources in the calendar year in which such fiscal year begins, by every individual citizen or resident of the United States and by every corporation, joint-stock company or association, or insurance company organized in the United States, no matter how created or organized, but not including partnerships, a tax of one-fourth of 1 per cent of such income if such excess of appropriations over estimated revenues is $25,000,000 or less; of one-half of 1 per cent of such income if such excess is more than $25,000,000 but not more than $50,000,000; of three-fourths of 1 per cent of such income if such excess is more than $50,000,000 but not more than $75,000,000; and of 1 per cent of such income if such excess is more than $75,000,000. All the provisions of Title I of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, are made to apply to the taxes imposed by this section. In the case of individuals, corporations, joint-stock companies or associations, or insurance companies making returns of income for the purposes of the taxes imposed by such act no additional return shall be necessary as to such income, and the tax imposed by this section shall be assessed and collected upon such returns.

SEC. 602. Whenever appropriations for any fiscal year are in excess of the estimated revenues for such fiscal year it shall be the duty of the President, on or before the first Monday in December in the fiscal year for which such appropriations are made, to issue his proclamation, stating (a) the amount of such excess and (b) the rate of tax required by section 601 of this title to be imposed, and thereupon the tax imposed by section 601 of this title shall be levied, assessed, collected, and paid as hereinbefore provided.

SEC. 603. Whenever the revenues for any fiscal year, as estimated in the statement provided for in section 600 of this title, are in excess of the appropriations for such fiscal year, the normal income tax upon the net income of individuals and the income tax upon the net income of corporations, joint-stock companies or associations, and insurance companies, required by the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, to be levied, assessed, collected, and paid upon such net income received in the calendar year in which such fiscal year begins shall be 1¾ per cent instead of 2 per cent if such excess of estimated revenues over appropriations is more than $25,000,000 but not more than $50,000,000; 1½ per cent instead of 2 per cent if such excess is more than $50,000,000 but not more than $75,000,000; 1¼ per cent instead of 2 per cent if such excess is more than $75,000,000 but not more than $100,000,000; and 1 per cent instead of 2 per cent if such excess is more than $100,000,000.

All the provisions of Title I of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, are made to apply to the tax imposed by this section. In the case of individuals, corporations, joint-stock companies or associations, or insurance companies making returns of income for the purpose of the tax imposed by such act, no additional return shall be necessary as to such income and the tax imposed by this section shall be assessed and collected upon such returns.

SEC. 604. That whenever such estimated revenues are in excess of such appropriations by more than $25,000,000 it shall be the duty of the President, on or before the first Monday in December in the fiscal year for which such appropriations are made, to issue his proclamation, stating (a) the amount of such excess and (b) the tax required by section 603 of this title to be levied, assessed, collected, and paid upon the net income received in the calendar year in which such proclamation is issued instead of the tax under such act of September 8, 1916, and thereupon the tax imposed by section 603 of this title shall be levied, assessed, collected, and paid as herein provided.

SEC. 605. In ascertaining the amount of appropriations for any fiscal year, for the purposes of this title, there shall be deducted an amount equal to the estimated amount to be derived from the sale of bonds, the sale of which during such fiscal year only is specifically authorized, and the proceeds of which are specifically required to be used only for the purpose of meeting expenditures authorized by the appropriations for such year. There shall be deducted also from such estimated revenues all such amounts as may be set aside by law or by any lawful order of the President or the Secretary of the Treasury as a sinking fund to meet the interest or principal of any bonded indebtedness of the United States.

Mr. NORRIS. Mr. President, I am not going to detain the Senate very long in explanation of this amendment. Those who have followed the reading of the amendment will probably need no further explanation of it.

In brief, it provides that the Secretary of the Treasury shall every year issue an official estimate of the income under the existing revenue laws. Then, when Congress convenes and makes appropriations, if those appropriations exceed the estimated income of the Government from the laws then in force by $25,000,000 or less, then it shall be the duty of the President to issue his proclamation, and the income tax provided for by law, which everybody has to return between January 1 and March 1 for the calendar year preceding, shall be automatically increased by one-fourth of 1 per cent—that is, the normal income tax. If the appropriations of Congress exceed the revenues by more than $25,000,000 but less than $50,000,000, then the increase of the income tax which automatically takes place is one-half of 1 per cent. If the appropriations of Congress exceed the income by $75,000,000, then the increase of the income tax for the calendar year beginning during that fiscal year is increased three-fourths of 1 per cent; and if the appropriations exceed the revenues of the Government by $100,000,000 or more, then the normal income tax is increased by 1 per cent.

The amendment also provides for a reduction of the normal income tax in case Congress has been economical and the appropriations are less than the income of the Government. The normal income tax, as you all know, being 2 per cent, if the appropriations of Congress are $25,000,000 less than the income of the Government, then the normal income tax is decreased by one-quarter of 1 per cent, making it 1¾ per cent. If the appropriations of Congress are fifty millions less than the income of the Government, then the normal income tax is decreased one-half of 1 per cent; if seventy-five millions, then three-fourths of 1 per cent; and if one hundred millions or more, then the normal income tax is decreased 1 per cent, and it becomes 1 per cent for that year instead of 2 per cent.

Mr. President, it seems to me that the provisions of this amendment offer to the country and to Congress a premium for economy. If Congress appropriates more money than the income of the Government lawfully levied under existing law, then there is no way to operate the Government except by issuing bonds or going in debt. If Congress is economical and saves money, then automatically the taxes go down. If it is extravagant, automatically the tax goes up.

It seems to me that this would be an insurance against so-called "pork-barrel" legislation. The Member of Congress who goes home having obtained some local appropriation of Federal funds for some locality, for the digging out of some useless harbor or ditch, can not go before his people and claim great credit for it, because it will at once be known that if that kind of an appropriation, together with others, increases the expenditures of the Government beyond the income the people are going to pay additional taxes on their incomes; and, on the other hand, if Congress is economical, and makes appropriations that are less than the income of the Government, the taxes automatically go down.

It is in the nature of a budget system. It is a step in that direction. We will have an official statement from the Treasury of the United States telling us what the income is going to be. That is, or should be, our guiding star. If we appropriate more money than that income, we are automatically increasing the taxes of the people. We do that indirectly now, of course; but, as has been so often said, people do not find it out and do not realize it until it is too late. But here comes an automatic provision of law that as soon as Congress adjourns, on the 1st of November or before, the President issues his proclamation setting forth what the income tax is going to be for that calendar year, the returns of which must be made between the 1st of January and the 1st of March of the next calendar year. Everybody in the United States at once knows whether the appropriations of Congress have been within the revenues of the Congress or whether our expenditures are more or less than our income.

That is all there is in this amendment—nothing more and nothing less. It gives a premium for economy. The action of the law is automatic. Personally I can not see any objection to it, and I sincerely trust that the Senator from North Carolina will permit the amendment to go on the bill. It is a step I think toward the budget system, which everybody agrees would be a good thing. At least it will put up a signboard where all the people of the country can read whether we have had an extravagant or economical Congress, whether we have had one that stayed within the income of the Government or had gone beyond it, and we give credit to that Congress for lowering the taxes of the people or raising them, as the case may be, whether they are economical or extravagant.

Mr. BRADY. Mr. President——

Mr. NORRIS. I yield to the Senator from Idaho.

Mr. BRADY. I notice on the first page that the amendment uses the language "but not including partnerships." What is the purpose of that exception?

Mr. NORRIS. I will explain that to the Senator. I am very much obliged to him for asking the question. In drawing this amendment I have followed the existing law. I will state to the Senator why I used, in line 10, page 2, the words "but not including partnerships." I have excluded partnerships because partnerships are excluded in the law in the same way that I exclude them here. They are taxed otherwise. In other words, if I did not do that this amendment would not coincide with the act of September 8, 1916, to which I make reference all the way through. I have a copy here of the income-tax law. I think the Senator and everybody else will agree at once that it would be unwise to undertake to change that law or even to bring into debate a change of the law of that kind.

Mr. BRADY. The Senator's object, then, is to follow the existing law?

Mr. NORRIS. I follow the existing law with the exception that I provide machinery by which the tax in the existing law

on persons and the corporations tax may be raised and lowered automatically, according to the appropriations of the Government.

Mr. BRADY. May I ask the Senator another question relative to the merits of the amendment? I have favored all laws that have been passed in the way of income-tax laws since I have been in the Senate, but it seems to me that this reaches rather far. The Senator, who always presents a matter in a very forceful and intelligent manner, has not been able to convince me by his argument that it would not place us in a position where Congress might create extravagance rather than prevent extravagance, and we are all very desirous of preventing it.

I notice the amendment says that this excess tax shall be paid by individual citizens, by every corporation, joint-stock company or association, or insurance company organized in the United States, no matter how created. Would it not be possible for Congress to be controlled by those who do not pay any individual income tax, and if so controlled, might it not be very possible that in future years, the great mass of citizens of the United States not having any particular interest in the increase or decrease of the budget, Members of Congress would be induced to increase and might see fit to increase the budget simply for the reason that the great number of their constituents would not have to pay any of the bills?

Mr. NORRIS. I will be glad to answer the Senator in my own way. In the first place, let me say to the Senator if this amendment is not agreed to the same objection to the existing law stands along the line he has suggested. Suppose we do not adopt this amendment, there is a possibility now that the people who do not pay any tax will control Congress. That is not changed by this amendment. The people who are taxed are no different under this amendment than without it. There is no change in the taxation of anybody by this amendment, except as to the amount. The Senator must admit that in a large number of corporations the influence of the individuals who do pay an income tax, aggregating millions if this amendment were agreed to, would always be for economy in appropriations.

Mr. BRADY. There is no question about that.

Mr. NORRIS. I did not think best to include anybody else because that would change the existing law about the income tax. I want to make as little change as possible.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. If the Senator from Idaho is satisfied, I am ready to yield to the Senator from Iowa.

Mr. KENYON. I was going to make this suggestion: The class of people who would pay the income tax would have no power to reduce appropriations; they form a small percentage of the people; but, the great mass of the people being the other way, the amendment of the Senator might work exactly opposite from what he expects. As long as the few are going to pay to make up the appropriations, a good many might think it is all right to go ahead with the appropriations now. If all had to pay their part of the taxes, then they would commence to investigate and see where their money is going, and these outrageous appropriations would be curtailed.

Mr. NORRIS. That might be.

Mr. KENYON. I am not opposing the Senator's proposition, if I can understand it.

Mr. NORRIS. I do not reach everybody in this amendment. I reach, however, everybody who pays an income tax under the existing law. As I said to the Senator from Idaho, suppose we do not adopt this amendment, the objection the Senator makes applies, then, to everybody. You can not tax them any more, and you can not tax them any less; it is perfectly stationary, and you have no influence for or against extravagance. But if you adopt this amendment you at least have all the influence of the thousands and thousands of people who do pay an income tax. It includes the Senator himself; it includes all of us who are here; it includes everybody, whether directly as an individual or through the instrumentalities of a corporation. That means millions of people who pay taxes, and we get their influence in favor of economy.

The objection the Senator makes to this amendment does not seem to me to be good, because it exists now, and I only lessen that objection by adding this amendment to it. I give some influence to millions of people and no one will deny their power. I put them in a position where they will be interested in economy on the part of the Government, and where they are going to be told every year by a proclamation of the President of the United States whether their Congress has been economical or not.

Mr. BRADY. But does not the Senator think that that information should be conveyed to every citizen of the United States?

Mr. NORRIS. It is.

Mr. BRADY. Whether a taxpayer or not a taxpayer?

Mr. NORRIS. That is done by this amendment.

Mr. BRADY. Whether he is a large taxpayer or whether he is a small taxpayer?

Mr. NORRIS. It is conveyed by a proclamation of the President.

Mr. BRADY. But that proclamation only affects the men who pay an income tax or a corporation tax. It does not affect the large majority of people who do not pay an income tax. What we desire to do, and what in my judgment we should do, is in some way to bring to the knowledge of every individual in the Nation the extravagance being practiced by Congress.

Mr. NORRIS. We will bring that knowledge to everybody, whether he pays a tax or not, although it may not affect him financially. I think the Senator from Idaho and the Senator from Iowa, in the intimation at least contained in their questions, go on this theory, "Let us not have anybody looking after Congress." I do not expect by this amendment to cover all the evils of congressional legislation. It is not intended to cover everything; but they object to it and say, "We would rather have nothing than to have the combined influence of every individual who is interested in a corporation and who pays an income tax, and every individual who pays a normal income tax, in favor of economy." If, in other words, we do not have this amendment we are in a much worse predicament, it seems to me, than the amendment would put us in.

The amendment does not reach everything, as I said, and it may not go far enough, but at least it is a step in a direction toward publicity of extravagance and economy in legislation.

Mr. BRADY. My only objection is that it does not go far enough. I believe if the amendment is going to be adopted it should include every individual who pays a tax, whether it be large or small, or whether the tax be derived from incomes or by direct taxation.

Mr. NORRIS. How could the Senator make it apply to an internal-revenue tax, for instance?

Mr. BRADY. You may not make it apply to internal-revenue taxes by name, but you can make it apply to every individual in the United States who pays a tax.

Mr. NORRIS. How would you make it apply to them?

Mr. BRADY. By having it so arranged that it will include everyone taxed. There is no question that when we make an appropriation we increase the taxes on every human being who pays taxes, whether it be a corporation or an individual who pays an income tax or the average man who has a moderate tax to pay on his home.

Mr. NORRIS. Of course, the Federal Government does not levy a tax on land or anything of that kind. If, for instance, the Senator wished to include the internal-revenue tax, I would not have any objection to it if he could draft an amendment that would cover it, but how would you do it? Take oleomargarine. We have been discussing that for several days. There is a certain tax on oleomargarine. We might include that tax; but we would have to run through the entire schedule of taxation by the Government, and that would be a bill twenty-five times longer and larger than the one we have before us. We know that would bring in here a debate that would last until July. But there is a bill before the Senate now that deals with a particular law. All through it has reference to a particular law, and that particular law provides for certain income taxes. I have said in this amendment that we will automatically increase or lower those taxes accordingly as Congress may be extravagant or economical.

Mr. BRADY. Permit me to interrupt the Senator right at that point.

Mr. NORRIS. Certainly.

Mr. BRADY. That is the very explanation I desired the Senator to make. If his amendment has in view the fact that we are only dealing with incomes at the present moment, with the short time allowed us to discuss this phase of the question, as we have to vote to-night, that is a satisfactory explanation; but at the same time it seems to me if we are going to pass this legislation, if not at the present time at some future time we should pass a law that would cause the taxes on every individual in the United States to be raised or lowered according to the appropriations of Congress.

Mr. NORRIS. That would be a very good thing.

Mr. BRADY. Then we would have every voter in the United States and every taxpayer in the United States interested in what we are doing. In this instance only a very small per

cent of the taxpayers are interested, and we are asking them to stand as guardians over the 90 per cent who are not included in this measure. It seems to me we are giving them a rather big job that we ought to assume ourselves.

Mr. NORRIS. What the Senator says in a great measure is true, but when I offered this amendment I offered it not as a complete remedy for everything but as one step. It is not logical, it seems to me, for a Senator to say because it does not go far enough and increase everybody's taxes and lower everybody's taxes as Congress is extravagant or economical, therefore we should go on in the same old way. In theory it would be the best thing in the world if we could adopt an amendment that would do what the Senator from Idaho said; and I am not saying that such an amendment could not be drafted; but it would have to affect everybody who pays internal-revenue taxes, it would have to probably affect the tariff schedules from one end to the other, and then would come a debate at once between the believers in different doctrines of the tariff as to whether it was a tax or whether it was not, and whether it ought to be increased or decreased, so that we would be up against an endless proposition. We could not expect to get that on this bill. We could not ask the Senator from North Carolina to consider it in conference because it would be an overwhelming burden. It would be a greater labor and take more time than the revision of the entire tariff schedules.

I have confined it to the people who pay an income tax and to corporations that pay an income tax, because the law that we are amending, to which the bill pertains and makes reference, applies only to that class of people and to that statute. Therefore, let me say to the Senator from Idaho, while I agree fully with him that what he suggests it would be desirable to accomplish and would be a good thing and would be the complete step, this is one step, he must admit, and one step in the right direction.

If we do not have this amendment, then all the people who are affected by the amendment have no more interest in extravagance and economy than any other citizens; but the moment we adopt it we have an army of people, thousands of them, millions of them, whose taxes are going to be directly affected in such a way that they can see it. We will have a proclamation of the President of the United States upon the adjournment of Congress, and that proclamation will say whether or not there is going to be in the returns that must be made for the next calendar year an increase or decrease of the income tax of corporations and individuals. That will go to everybody. If Congress has been extravagant and the income tax has been increased, you will have, first of all, this army of people complaining all over the United States, condemning Congress for its extravagance. You will have the proclamation of the President of the United States, issued officially, that will be read by everybody, whether they pay taxes or not. It will come directly to their notice. They will know whether they have had an extravagant Congress or an economical Congress, and will therefore be influenced that much more than they are now, because it will be brought directly home to them. It will be in the platforms of men who are candidates for the House and for the Senate. Their records will be shown as to whether they had assisted in bringing on the extravagance or whether they had assisted in bringing on economy, whether they had increased or lowered the taxes.

Mr. BRADY. May I say to the Senator that, while I think the amendment does not go far enough and cover enough ground to make it really beneficial, yet I think its adoption would have a powerful influence in reducing the expenses of the Government and avoiding the extravagance of Congress in appropriations.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska [Mr. NORRIS].

Mr. NORRIS. I will ask the Senator from North Carolina if he will not be willing to take this amendment into conference. I know there have not been many Senators here to hear the debate, and I dislike to have a roll call and have it voted on by those who were not here but who would come in and be inclined to follow the committee.

Mr. SIMMONS. I regret very much that I can not comply with the request of the Senator from Nebraska. I hope, Mr. President, that the amendment will not prevail.

Mr. NORRIS. I ask for the yeas and nays on it.

Mr. KENYON. I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Hughes	Overman	Smith, Ga.
Borah	Husting	Page	Smith, Md.
Brady	James	Penrose	Smoot
Catron	Johnson, S. Dak.	Poindexter	Thomas
Chamberlain	Jones	Pomerene	Tillman
Chilton	Kenyon	Ransdell	Townsend
Cummins	Lane	Reed	Underwood
Curtis	Lee, Md.	Robinson	Vardaman
du Pont	McCumber	Saulsbury	Walsh
Fernald	Martine, N. J.	Shafroth	Watson
Fletcher	Nelson	Sheppard	Weeks
Gronna	Norris	Sherman	
Hardwick	O'Gorman	Shields	
Hitchcock	Oliver	Simmons	

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. There is a quorum present. The question is on agreeing to the amendment of the Senator from Nebraska.

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. CURTIS (when his name was called). I have a pair with the Senator from Georgia [Mr. HARDWICK] and withhold my vote.

The roll call was concluded.

Mr. O'GORMAN. I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. In his absence I withhold my vote.

Mr. MYERS. Has the Senator from Connecticut [Mr. McLEAN] voted?

The PRESIDING OFFICER. He has not.

Mr. MYERS. I have a pair with that Senator, and in his absence I withhold my vote.

Mr. HOLLIS. Has the junior Senator from New York [Mr. WADSWORTH] voted?

The PRESIDING OFFICER. He has not.

Mr. HOLLIS. I have a pair with that Senator and withhold my vote.

Mr. VARDAMAN. I desire to inquire if the junior Senator from Idaho [Mr. BRADY] has voted?

The PRESIDING OFFICER. He has not.

Mr. VARDAMAN. I have a pair with that Senator and withhold my vote.

Mr. CLARK. Has the senior Senator from Missouri [Mr. STONE] voted?

The PRESIDING OFFICER. He has not.

Mr. CLARK. I have a general pair with the senior Senator from Missouri, and withhold my vote.

Mr. STERLING. I have a pair with the Senator from South Carolina [Mr. SMITH] and therefore withhold my vote.

Mr. GRONNA. I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. I will transfer that pair to the Senator from California [Mr. WORKS] and vote "yea."

Mr. CATRON. I am paired with the Senator from Oklahoma [Mr. OWEN]. If I were at liberty to vote, I would vote "yea."

Mr. HOLLIS. I transfer my pair with the Senator from New York [Mr. WADSWORTH] to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. STONE. I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Indiana [Mr. KERN] and vote "nay."

The result was announced—yeas 11, nays 52, as follows:

YEAS—11.

Borah	Jones	Lane	Townsend
Clapp	Kenyon	Norris	Watson
Gronna	La Follette	Poindexter	

NAYS—52.

Beckham	Hollis	Page	Smith, Md.
Brandegee	Hughes	Penrose	Smith, Mich.
Bryan	Husting	Pittman	Smoot
Chamberlain	James	Pomerene	Stone
Chilton	Johnson, S. Dak.	Ransdell	Sutherland
Culberson	Lea, Tenn.	Reed	Swanson
Dillingham	Lee, Md.	Robinson	Thomas
du Pont	Lippitt	Shafroth	Thompson
Fernald	Lodge	Sheppard	Tillman
Fletcher	McCumber	Sherman	Underwood
Harding	Martin, Va.	Shields	Walsh
Hardwick	Nelson	Simmons	Weeks
Hitchcock	Oliver	Smith, Ga.	Williams

NOT VOTING—33.

Ashurst	Clark	Gallinger	Kirby
Bankhead	Colt	Goff	Lewis
Brady	Cummins	Gore	McLean
Broussard	Curtis	Johnson, Me.	Martine, N. J.
Catron	Fall	Kern	Myers

Newlands	Phelan	Sterling	Works
O'Gorman	Saulsbury	Vardaman	
Overman	Smith, Ariz.	Wadsworth	
Owen	Smith, S. C.	Warren	

So Mr. NORRIS's amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I have introduced a number of amendments to the pending bill. If I may have the attention of the chairman of the committee, I will say that the amendments which I have had printed, with notice that I intended to offer them to this bill, are 11 in number; but they are related one to the other in such a way that I intend to ask unanimous consent that they be considered and voted upon en bloc. That will expedite the business of the Senate; and all the amendments really should be considered and voted upon together, I think, if that is agreeable to the Senator from North Carolina and to other Senators.

Mr. SIMMONS. That is perfectly agreeable to me.

Mr. LA FOLLETTE. I will send the amendments to the Secretary's desk and ask that they be read.

The PRESIDING OFFICER. The Secretary will read the proposed amendments.

The Secretary proceeded to read the amendments, but was interrupted by—

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). The Senator from Connecticut will state it.

Mr. BRANDEGEE. I desire to understand whether or not unanimous consent has been obtained that the amendments which are now being stated shall be voted upon en bloc? I did not hear the question put.

The PRESIDING OFFICER. The consent of the chairman of the committee, the Senator from North Carolina [Mr. SIMMONS] was granted to the request, but the Chair does not know whether or not unanimous consent was granted by the Senate.

Mr. BRANDEGEE. I understood the Senator from Wisconsin [Mr. LA FOLLETTE] to ask unanimous consent that these amendments, inasmuch as they were interrelated, should be voted upon en bloc. I may, however, be mistaken about that.

The PRESIDING OFFICER. The present occupant of the chair does not know whether or not the question was put to the Senate.

Mr. BRANDEGEE. I may be mistaken, but I understood the Senator from Wisconsin to ask unanimous consent that the amendments be voted upon en bloc. I did not, however, hear the Chair put the question on the request. I thought it was wise to understand what had been done, one way or the other.

The PRESIDING OFFICER. Is there objection to considering the amendments all together?

Mr. BRANDEGEE. Not only considering them all together, but voting upon them en bloc.

The PRESIDING OFFICER. And voting upon all of them together?

Mr. OLIVER. Mr. President, inasmuch as the Senator from Wisconsin [Mr. LA FOLLETTE], who offered the amendments, is not now present, I think it might be well to suspend action on the request until he returns.

Mr. BRANDEGEE. The Senator from Wisconsin is now on the floor. I was inquiring whether the Senator from Wisconsin had asked unanimous consent for action upon all these amendments en bloc, and whether or not unanimous consent had been granted to the request? I did not hear the Chair put the request.

Mr. LA FOLLETTE. The request has not been formally put.

Mr. BRANDEGEE. I simply wanted to get the situation cleared up and to understand exactly what it was.

Mr. LA FOLLETTE. I preferred to defer the request until after the amendments were read, because I thought Senators would then be in a better position to judge as to whether or not they wanted to grant the request.

Mr. BRANDEGEE. Very well.

Mr. SIMMONS. Did I understand the Senator to say that he understood the unanimous consent had been granted?

Mr. LA FOLLETTE. No; I did not say that. I addressed myself especially to the Senator from North Carolina, to learn whether or not he would interpose an objection to the amendments being considered en bloc. I suppose, Mr. President, voting upon these amendments is really a matter of form anyway, as is the voting upon all amendments to this bill; but as the amendments are interrelated, I think they should all be voted upon together. I, perhaps, ought to offer them as a substitute to the pending bill, in connection with parts of the bill which are retained, but I have not done so. I will, therefore, prefer the request that they be voted on en bloc. I know that other Senators have amendments which they will desire to offer, and it will expedite the consideration of all amendments if the 11 amendments which I offer can be disposed of at one time.

Mr. JONES. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. JONES. Would not the Senator from Wisconsin have the right to offer all these amendments as one amendment, if he saw fit to do so?

The PRESIDING OFFICER. The Senator from Wisconsin asks unanimous consent to do so.

Mr. LA FOLLETTE. I have asked unanimous consent to do so.

Mr. JONES. But can the Senator from Wisconsin not do that without unanimous consent? Can he not offer them as one amendment if he desires to do so?

Mr. LA FOLLETTE. Mr. President, I prefer, first, to have the amendments read, and then I shall prefer the request.

The Secretary resumed and concluded the reading of the amendments proposed by Mr. LA FOLLETTE, which are as follows:

Add, after line 21, page 2 of the bill, a new section, to be numbered section 2, and to read as follows:

"SEC. 2. That section 1 of the act entitled 'An act to increase the revenue, and for other purposes,' approved September 8, 1916, be, and the same is hereby, amended to read as follows:

"'SEC. 1. (a) That there shall be levied, assessed, collected, and paid annually upon the entire net income received in the preceding calendar year from all sources by every individual a citizen or resident of the United States a tax of 1 per cent upon the amount of such income if the income does not exceed $10,000; 2 per cent upon the amount of such income if the income exceeds $10,000 and does not exceed $20,000; 3 per cent upon the amount of such income if the income exceeds $20,000 and does not exceed $30,000; 4 per cent upon the amount of such income if the income exceeds $30,000 and does not exceed $75,000; 7 per cent upon the amount of such income if the income exceeds $40,000 and does not exceed $50,000; 6 per cent upon the amount of such income if the income exceeds $50,000 and does not exceed $75,000; 7 per cent upon the amount of such income if the income exceeds $75,000 and does not exceed $100,000; 8 per cent upon the amount of such income if the income exceeds $100,000 and does not exceed $150,000; 9 per cent upon the amount of such income if the income exceeds $150,000 and does not exceed $200,000; 10 per cent upon the amount of such income if the income exceeds $200,000 and does not exceed $250,000; 11 per cent upon the amount of such income if the income exceeds $250,000 and does not exceed $300,000; 12 per cent upon the amount of such income if the income exceeds $300,000 and does not exceed $400,000; 13 per cent upon the amount of such income if the income exceeds $400,000 and does not exceed $500,000; 14 per cent upon the amount of such income if the income exceeds $500,000 and does not exceed $600,000; 15 per cent upon the amount of such income if the income exceeds $600,000 and does not exceed $700,000; 16 per cent upon the amount of such income if the income exceeds $700,000 and does not exceed $800,000; 17 per cent upon the amount of such income if the income exceeds $800,000 and does not exceed $900,000; 18 per cent upon the amount of such income if the income exceeds $900,000 and does not exceed $1,000,000; 19 per cent upon the amount of such income if the income exceeds $1,000,000 and does not exceed $2,000,000; 20 per cent upon the amount of such income if the income exceeds $2,000,000 and does not exceed $3,000,000; 21 per cent upon the amount of such income if the income exceeds $3,000,000 and does not exceed $4,000,000; 22 per cent upon the amount of such income if the income exceeds $4,000,000 and does not exceed $5,000,000; 23 per cent upon the amount of such income if the income exceeds $5,000,000 and does not exceed $6,000,000; 24 per cent upon the amount of such income if the income exceeds $6,000,000 and does not exceed $7,000,000; 25 per cent upon the amount of such income if the income exceeds $7,000,000.

"'(b) A like tax shall be levied, assessed, collected, and paid annually upon the entire net income received in the preceding calendar year from all sources within the United States by every individual a nonresident alien, including interest on bonds, notes, or other interest-bearing obligations of residents, corporate or otherwise.

"'(c) For the purpose of the income tax there shall be included an income the income derived from dividends on the capital stock or from the net earnings of any corporation, joint-stock company or association, or insurance company, except that in the case of nonresident aliens such income derived from the sources without the United States shall not be included.

"'(d) The foregoing tax rates shall apply to the entire net income, except as hereinafter provided, received by every taxable person in the calendar year 1917 and in each calendar year thereafter.'"

Add a new section to the bill, to be inserted before title 11, page 2, and which section shall read as follows:

"SEC. 3. That section 5 of the act entitled 'An act to increase the revenue, and for other purposes,' approved September 8, 1916, be, and the same is hereby, amended by striking out clauses (b) and (c) of said section."

Add a new section to the bill to be inserted before title 11, page 2, and which section shall read as follows:

"SEC. 4. That section 7, paragraph (a), of the act entitled 'An act to increase the revenue, and for other purposes,' approved September 8, 1916, be, and the same is hereby, amended to read as follows:

"'SEC. 7. (a) That for the purpose of the normal tax only, there shall be allowed as an exemption in the nature of a deduction from the amount of the net income of each of said persons, ascertained as provided herein, the sum of $3,000, plus $1,000 additional if the person making the return be a head of a family or a married man with a wife living with him, or plus the sum of $1,000 additional if the person making the return be a married woman with a husband living with her; but in no event shall this additional exemption of $1,000 be deducted by both a husband and a wife: *Provided*, That only one deduction of $4,000 shall be made from the aggregate income of both husband and wife when living together: *Provided further*, That guardians or trustees shall be allowed to make this personal exemption as to income derived from the property of which such guardian or trustee has charge in favor of each ward or cestui que trust: *Provided further*, That in no event shall a ward or cestui que trust be allowed a greater personal exemption than $3,000, or, if married, $4,000, as provided in this paragraph, from the amount of net income received from all

sources. There shall also be allowed an exemption from the amount of the net income of estates of deceased persons during the period of administration or settlement, and of trust or other estates the income of which is not distributed annually or regularly under the provisions of paragraph (b), section 2, the sum of $3,000, including such deductions are are allowed under section 5: *Provided further*, That the above exemption shall apply only to incomes the net annual amount of which does not exceed $10,000.'"

Strike out all of section 300, beginning with line 24, page 7, down to and including line 2, page 9, of the bill and insert:

"SEC. 201. That the income tax (hereinafter in this title referred to as to the tax) on individuals provided for in section 1 of this act shall be levied, assessed, collected, and paid upon the value of the net estate, to be determined as provided in section 203, upon the transfer of the net estate of every decedent dying after the passage of this act, whether a resident or nonresident of the United States."

Add, on page 9, after line 7, of said bill, a new section to read as follows:

"SEC. 302. That section 4 of the act entitled 'An act to increase the revenue, and for other purposes,' approved September 8, 1916, be, and the same is hereby, amended to read as follows:

"'SEC. 4. The following income shall be exempt from the provisions of this title:

"'The proceeds of life insurance policies paid to individual beneficiaries upon the death of the insured; the amount received by the insured, as a return of premium or premiums paid by him under life insurance, endowment, or annuity contracts, either during the term or at the maturity of the term mentioned in the contract or upon the surrender of the contract; interest upon the obligations of a State or any political subdivision thereof or upon the obligations of the United States or its possessions or securities issued under the provisions of the Federal farm-loan act of July 17, 1916; the compensation of the present President of the United States during the term for which he has been elected, and the judges of the Supreme and inferior courts of the United States now in office, and the compensation of all officers and employees of a State, or any political subdivision thereof, except when such compensation is paid by the United States Government.'"

Add on page 9, after line 7, of said bill, a new section to read as follows:

"SEC. 303. That section 203 of the act entitled 'An act to increase the revenue, and for other purposes,' approved September 8, 1916, be, and the same is hereby, amended to read as follows:

"'SEC. 203. That for the purpose of the tax the value of the net estate shall be determined—

"'(a) In the case of a resident, by deducting from the value of the gross estate—

"'Such amounts for funeral expenses, administration expenses, claims against the estate, unpaid mortgages, losses incurred during the settlement of the estate arising from fires, storms, shipwreck, or other casualty, and from theft, when such losses are not compensated for by insurance or otherwise, support during the settlement of the estate of those dependent upon the decedent, and such other charges against the estate, as are allowed by the laws of the jurisdiction, whether within or without the United States, under which the estate is being administered; and

"'(b) In the case of a nonresident, by deducting from the value of that part of his gross estate which at the time of his death is situated in the United States that proportion of the deductions specified in paragraph (1) of subdivision (a) of this section which the value of such part bears to the value of his entire gross estate, wherever situated. But no deductions shall be allowed in the case of a nonresident unless the executor includes in the return required to be filed under section 205 the value at the time of his death of that part of the gross estate of the nonresident not situated in the United States.

"'(c) If the net value of an estate after making the deductions allowed under clauses (a) and (b) of this section does not exceed $50,000, such estate shall be exempt from the tax provided for in section 201, if left to a widow or minor children.'"

Strike out section 400, beginning on page 9, line 9, and ending on page 11, line 4.

On page 15 of said bill, after line 2, add a new section to be known as section 29, and to read as follows:

"SEC. 29. Amend paragraph (b) of section 14 of the act entitled 'An act to increase the revenue, and for other purposes,' approved September 8, 1916, to read as follows:

"'(b) When the assessment shall be made, as provided in this title, the returns, together with any corrections thereof which may have been made by the commissioner, shall be filed in the office of the Commissioner of Internal Revenue and shall constitute public records and be open to inspection as such: *Provided*, That the proper officers of any State imposing a general income tax may, upon the request of the governor thereof, have access to said returns or to an abstract thereof, showing the name and income of each such corporation, joint-stock company or association, or insurance company, at such times and in such manner as the Secretary of the Treasury may perscribe.'"

On page 15 of said bill, after line 2, add a new section to be known as section 30, and to read as follows:

"SEC. 30. Amend section 3167 of the Revised Statutes of the United States, as amended by section 16 of the act entitled 'An act to increase the revenue, and for other purposes,' approved September 8, 1916, by adding thereto a new paragraph to read as follows:

"'*Provided*, That there shall be open to public inspection at the office of the collectors of internal revenue a list or lists, setting forth the net amount of taxable incomes and taxes paid thereon by every individual in their respective districts, and that copies of such lists shall likewise be open to public inspection at the office of the Commissioner of Internal Revenue at Washington, D. C.'"

Amend by adding a new section, to be inserted after line 2, page 15, of the bill, to read as follows:

"SEC. 31. That paragraph (b) of section 8 of an act entitled 'An act to increase the revenue, and for other purposes,' approved September 8, 1916, be, and the same is hereby, amended to read as follows:

"'(b) On or before the 1st day of March, 1917, and on the 1st day of March in each year thereafter, a true and accurate return under oath shall be made by each person of lawful age, except as hereinafter provided, having a gross income of $3,000 or over for the taxable year to the collector of internal revenue for the district in which such person has his legal residence or principal place of business, or if there be no legal residence or place of business in the United States, then with the collector of internal revenue at Baltimore, Md., in such form as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, setting forth specifically the gross amount of income from all separate sources, and from the total thereof deducting the aggregate items of allowances herein authorized: *Provided*, That the Commissioner of Internal Revenue shall have authority to grant a reasonable extension of time, in meritorious cases, for filing returns of income by persons residing or traveling abroad who are required to make and file returns of income and who are unable to file said returns on or before March 1 of each year: *Provided further*, That the aforesaid return may be made by an agent when by reason of illness, absence, or nonresidence the person liable for said return is unable to make and render the same, the agent assuming the responsibility of making the return and incurring penalties provided for erroneous, false, or fraudulent return.'"

Amend by adding a new section to be inserted after line 2, page 15 of the bill, to read as follows:

"SEC. 32. That paragraph 3 of section 12 (a) of the act entitled 'An act to increase the revenue, and for other purposes,' approved September 8, 1916, be, and the same is hereby, amended to read as follows:

"'Third. The amount of interest paid within the year on its current indebtedness, such as short-term notes, payable within a period not exceeding three years from the date of issue, and the like, but not interest paid on bonds and similar forms of long-term indebtedness: *Provided*, That in the case of bonds or other indebtedness, which have been issued with a guaranty that the interest payable thereon shall be free from taxation, no deduction for the payment of the tax herein imposed, or any other tax paid pursuant to such guaranty, shall be allowed; and in the case of a bank, banking association, loan or trust company, interest paid within the year on deposits or on moneys received for investment and secured by interest-bearing certificates of indebtedness issued by such bank, banking association, loan or trust company.'"

And paragraph (b) 3, of section 12 of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, be, and the same is hereby, amended to read as follows:

"Third. The amount of interest paid within the year on its current indebtedness, such as short-term notes, payable within a period not exceeding three years from the date of issue, and the like, incurred in the maintenance and operation of its business and property within the United States, but not interest paid on bonds and similar forms of long-term indebtedness: *Provided*, That in the case of bonds or other indebtedness which have been issued with a guaranty that the interest payable thereon shall be free from taxation, no deduction for the payment of the tax herein imposed or any other tax paid pursuant to such guaranty shall be allowed; and in case of a bank, banking association, loan or trust company, or branch thereof, interest paid within the year on deposits by or on moneys received for investment from either citizens or residents of the United States and secured by interest-bearing certificates of indebtedness issued by such bank, banking association, loan or trust company, or branch thereof."

After the reading of the amendment,

Mr. LA FOLLETTE. Mr. President——

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Husting	Oliver	Smoot
Brandegee	James	Page	Sterling
Catron	Johnson, S. Dak.	Penrose	Sutherland
Chamberlain	Jones	Poindexter	Swanson
Chilton	Kenyon	Pomerene	Thomas
Clapp	Kirby	Ransdell	Thompson
Clark	La Follette	Robinson	Tillman
Culberson	Lane	Saulsbury	Townsend
Cummins	Lea, Tenn	Shafroth	Vardaman
Curtis	Lewis	Sheppard	Wadsworth
Dillingham	Lippitt	Shields	Watson
Fernald	Lodge	Simmons	Weeks
Gronna	Martine, N. J.	Smith, Ga.	Williams
Harding	Norris	Smith, Md.	Works
Hughes	O'Gorman	Smith, Mich.	

Mr. ROBINSON. I desire to announce that the Senator from Virginia [Mr. MARTIN], the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from North Carolina [Mr. OVERMAN], the Senator from Alabama [Mr. UNDERWOOD], and the Senator from Wyoming [Mr. WARREN] are absent from the Chamber on the business of the Senate.

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. A quorum is present.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent that the amendments which I have offered be voted upon en bloc. I do not see the Senator from Nebraska [Mr. NORRIS] present. He requested a separate vote upon the amendment requiring publicity in income-tax returns, and I will except that from the request which I make.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Wisconsin? The Chair hears none.

Mr. LA FOLLETTE. Mr. President, in just a word I can state the substance of these amendments and their purpose, and I do that before proceeding to criticize the pending bill.

These amendments are drawn with the design of securing enough revenue without resorting to the excess profits tax—the tax upon business, which will be passed on to the consumers, and, in the last analysis, be a consumption tax; and also to do away with the authorization to issue $100,000,000 new bonds and to sell $222,000,000 Panama Canal bonds.

These amendments do not touch that portion of the bill authorizing an issue of bonds to meet the Spanish-American War bonds, which will be due in 1918, or the authorization to issue $500,000,000 short-term certificates of indebtedness to meet im-

mediate and pressing Treasury needs pending the time when the additional taxes provided herein shall be collected.

These amendments in themselves furnish a means by which all of the needed revenue can be secured. They not only change features of the pending bill, but also sections of the existing law which are not touched in the pending bill. These amendments, embodying as they do a complete scheme for raising revenue without the tax on business and the bond issue, should be voted on en bloc.

First, Mr. President, the amendments propose a revision of the income-tax rates on individuals so as to afford an additional revenue of $100,000,000.

Second, the amendments discontinue the exemption from taxation of income derived from dividends of corporations, estimated to produce additional revenue of $100,000,000.

These amendments revise the estate tax, the tax upon inheritances, and if adopted would produce an additional $100,000,000 in revenue.

They discontinue the exemption of interest paid on bonds from payment of the tax on the net income of corporations, estimated to produce additional revenues of from twenty millions to one hundred millions.

They provide for publicity of income-tax returns and to compel the making of returns of gross income in all cases where income is in excess of $3,000, which changes in administration are estimated to produce additional revenue of $250,000,000, making in all a total of from $570,000,000 to $650,000,000 additional revenue.

Mr. President, I regret that no member of the majority of the Committee on Finance, which formulated this bill in secret session—that majority which gave the Republican representatives on that committee, of which I am a member, no opportunity to be heard—will even now, at this late stage in the consideration of this bill, accord to a member of that committee any hearing.

I am glad to see that since I started that sentence there have come upon the floor two members of the committee.

Mr. THOMAS. Mr. President, I wish to apologize to the Senator for my absence. I was called out of the Chamber by a gentleman who wanted to see me on business.

Mr. LA FOLLETTE. I have no doubt, Mr. President, that other members of the committee will indulge me with their presence here; because, sir, I am making no factious opposition to this bill. This is the first moment of time that I have asked for any attention from the Senate upon this bill.

Mr. ROBINSON. Mr. President, will the Senator permit an interruption?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. LA FOLLETTE. Surely.

Mr. ROBINSON. The Senator has stated that he proposes to raise, I believe, $300,000,000 additional revenue by increases upon the income tax relating to individuals and by an increase of the corporation tax and the inheritance tax. How does the Senator arrive at the amount which would be obtained by his amendments?

Mr. LA FOLLETTE. Well, Mr. President, I can not state my entire argument here in just a sentence.

Mr. ROBINSON. No; I understand that.

Mr. LA FOLLETTE. If the Senator would do me the very great honor to listen to me for a little period of time, I think he will arrive at an understanding of my position.

Mr. ROBINSON. But, Mr. President, I am listening to the Senator, and have been from the time he started his remarks.

Mr. LA FOLLETTE. I have been speaking only about a minute.

Mr. ROBINSON. If the Senator does not care to be questioned, very well. I merely wanted to ask the Senator whether the statement that he made in that connection was based upon an estimate from the Treasury?

Mr. LA FOLLETTE. No; it is not based upon an estimate from the Treasury.

Mr. ROBINSON. Does the Senator care to say where he gets his estimates?

Mr. LA FOLLETTE. Mr. President, the estimates are made as the result of an investigation by highly competent economic and statistical ability furnished me at my request by the Finance Committee. I employed one of the best economists and statisticians of the country, and every estimate which I furnish to the Senate will be based upon the results of his investigation.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin further yield to the Senator from Arkansas?

Mr. LA FOLLETTE. Well, Mr. President, I ask to be permitted at least to lay the foundation for my argument before I am subjected to interruption.

Mr. ROBINSON. Will the Senator yield for just a brief statement?

Mr. LA FOLLETTE. I will; certainly.

Mr. ROBINSON. I hope the Senator from Wisconsin understands that I neither controvert the correctness of his statement, nor desire to do so. I merely wanted to know the sources of his information in that respect, and I hope the Senator does not find that inquiry offensive to him. I certainly did not make it in any such spirit.

The PRESIDING OFFICER. The Senator from Wisconsin will proceed.

Mr. LA FOLLETTE. It is in no spirit of partisanship that I criticize the revenue bill now before the Senate, but in the hope and belief that the majority is open to argument and will accept amendments to the measure calculated to improve it without encroaching upon any of the tenets, political or economic, of the majority party.

I can not conceive that the Democratic Party will contend that the issue of bonds to meet current expenses is a cardinal principle of Democratic policy. I take it that when we are asked to increase our interest-bearing debt, which to-day amounts to $1,000,000,000 in round figures, by the enormous amount equal to one-third of that total at one stroke, in a time of peace, when the country is enjoying in many of its industrial and commercial activities the greatest prosperity in its history, that nothng but inability to find other sources has prompted our friends on the other side of the Chamber to take that step. The amendments which I intend to offer to the bill are designed to obviate that step, but before explaining these amendments I feel that I must convince the Senate beyond the peradventure of a doubt of the glaring defects of the bill, to demonstrate as I hope to the satisfaction of even the sponsors of the bill that its chief feature designed for production of revenue, namely, the excess profits tax, is doomed to failure, and that a bond measure calling for an increase of our debt by $322,000,000 is vicious in the extreme.

In its report to the Senate the Finance Committee reproduces the report of the Ways and Means Committee of the House, which states, among other things, the following:

> In the opinion of your committee—

Now, I quote from the House committee report—

> In the opinion of your committee it is an unwise and unsound policy to issue bonds to meet current expenditures of the Government, and it believes that we should pay as we go.

With this statement of the committee, I am in hearty accord. The President has publicly indorsed the policy of paying as we go, and has frowned upon the issuing of bonds unless the reasons for it were imperative.

Throughout the country the movement for the pay-as-you-go policy is gathering irresistible force, and State legislatures as well as municipalities are curtailing the former vicious policy of meeting all kinds of expenditures by the issuing of bonds.

The great city of New York, which has a bonded debt as large as that of the Government of the United States, and a budget exceeding $200,000,000 per annum, has now adopted the pay-as-you-go policy, and has established a rule that bonds are to be issued only for municipal undertakings of a profitable character, such as subways, docks, waterworks, and so forth, the income from which would pay for the interest on the bonds and for a sinking fund for the gradual retirement of the principal.

In line with this policy, the Ways and Means Committee and the Finance Committee believe that they are justified in recommending a bond issue in this case "to meet expenditures for permanent improvements, in the nature of permanent investments, such as the construction of the Alaskan Railway, the construction of the armor-plate plant, and the purchase of the Danish West Indies."

As to the first two items, the Alaska Railway and the armor-plate plant, I agree that a bond issue might be justified, although the amount involved for the two is insignificant as compared with the cost of the construction of the Panama Canal, most of which we met out of current expenditures. While the report of the Finance Committee credits the item of the Alaska Railway with $35,000,000, which is the full amount which the construction of the railway is estimated to require the appropriation bill, I note, provides only $10,500,000. This would make a total appropriation for profitable enterprises as follows:

Alaska Railway	$10,500,000
Armor-plate plant	11,000,000
Nitrate plant	20,000,000
Total	41,500,000

None of the other items, such as the mobilization of the Army on the Mexican border or the extraordinary appropriations for the Army and Navy, can be regarded as profitable investments by any stretch of imagination, and they are not enterprises which will yield revenue which can be set aside for the ultimate redemption of the bonds. As the committee so well stated in its report of August 16, 1916, in connection with the then pending revenue bill—and I quote from that report—

> In meeting the extraordinary expenditures for the Army and Navy our revenue system should be more equitably balanced and a larger portion of our necessary revenues collected from the incomes and inheritances of those deriving the most benefit and protection from the Government.

Mr. President, I am going to read that again. It is the declaration of the committee of the Democratic majority, made in its report on the revenue bill presented to the House August 16, 1916. I read again:

> In meeting the extraordinary expenditures for the Army and Navy our revenue system should be more equitably balanced and a larger portion of our necessary revenues collected from the incomes and inheritances of those deriving the most benefit and protection from the Government.

Why this sudden departure from the admirable principle laid down by the Ways and Means Committee of the House and the Finance Committee of the Senate only eight short months ago? Has the financial condition of the country generally, and of those "deriving the most benefit and protection from the Government" particularly, undergone a change for the worse since this statement was submitted to Congress?

But let us look into the facts. According to the report of the New York Journal of Commerce—a conservative paper, which caters exclusively to the business interests of New York City—the surplus wealth accumulated in the last two years was sufficient to enable our well-to-do classes to pay back over $2,000,000,000 worth of American securities formerly held abroad and to loan to foreign countries $2,500,000,000, making a total of $4,500,000,000; in addition to that, the investment in domestic enterprises, measured by new securities issued for enterprises the capitalization of which exceeds $1,000,000 each, was in excess of $3,500,000,000, making a total of new investments for the two years in excess of $8,000,000,000.

Stupendous as these figures of accumulated wealth may appear, they are more than confirmed by the meager data published by the Bureau of Internal Revenue. According to the report of that bureau for 1916, the 1 per cent tax on the income of corporations amounted to $56,993,657, or practically $57,000,000, showing a net income of corporations equal to $5,700,000,000 in 1915, before the golden tide reached its height in 1916.

The sum of $5,700,000,000 represents the net income of corporations for one year, after allowing not only for operating expenses but also for interest paid on bonds. As to the total amount of bonds, we have no exact information, but we can get some approximate idea by comparing the respective amounts of stock and bonds issued by our railroads and some of the largest industrial companies.

The railroads have bonds outstanding exceeding $11,566,000,000 as against over $20,000,000,000 of capital stock.

The United States Steel Corporation has $868,000,000 par value in stocks and $627,000,000 in bonds.

The United States Rubber Co. has $96,000,000 of capital stock and $20,000,000 of bonds.

The International Paper Co. has $40,000,000 in stock and $15,000,000 in bonds.

While these figures are not necessarily conclusive as showing the ratio of stocks and bonds of other industrial concerns, it is safe to assume that the total bonded indebtedness of the various corporations of the country is large enough to yield to the owners of the bonds an income probably half as large as the income from stocks, or at least $2,500,000,000, making the total income of the owners of corporations for one year, 1915, in the neighborhood of $8,000,000,000, and this was still larger in 1916.

This by no means represents the total income derived from many lines of profitable business activities, for it does not include the income earned by partnerships, among which will be found not only a large number of medium-sized and small business concerns, but some of the largest banking institutions in the country, like J. P. Morgan & Co., Kuhn, Loeb & Co., Speyer & Co., Seligman & Co., and hundreds whose incomes run into many millions of dollars.

I hold in my hand a clipping from the New York Times of the 13th of this month giving an account of a little family quarrel among the stockholders of the Bethlehem Steel Co. over the question of bestowing bonus gifts in the shape of new stock of 200 per cent upon the lucky owners of the choice stock as a step in increasing its capitalization from $30,000,000 to $75,000,000. Of this issue of $45,000,000 of new stock $30,000,000 was to be given to the holders of the Bethlehem steel common as a 200 per cent stock dividend. Fifteen million dollars was to be sold to the public, and the directors justified their action on the ground that after having declared this 200 per cent stock dividend, and paid a 30 per cent annual dividend, there still remained in the treasury of the company $39,370,198 in excess of all liabilities. In other words, they still had on hand more than twice the original capitalization in cash. And it is no secret that the original capitalization did not represent a dollar in cash for every dollar in stock issued.

I send to the desk this account of the family gathering and ask to have it read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary reads as follows:

BETHLEHEM TO FIGHT FOR LARGER CAPITAL—CORPORATION OPPOSES ORDER RESTRAINING SHAREHOLDERS FROM TAKING ACTION—CASE UP IN NEWARK TO-DAY—VICE CHANCELLOR LANE MAKES ORDER RETURNABLE SATURDAY—STOCKHOLDERS MEET TO-MORROW.

In the chancery court in Newark to-day the Bethlehem Steel Corporation will be represented by counsel to ask for the dismissal of a temporary restraining order to prevent the stockholders' meeting, which will be held to-morrow, from increasing the capitalization from $30,000,000 to $75,000,000. The restraining order was obtained by certain stockholders last week, and Vice Chancellor Lane at Trenton yesterday made the order returnable next Saturday.

The application for the order was made by counsel of the General Investment Co., a corporation of Maine, which holds 100 shares of the steel corporation's common stock. The order restrains the stockholders from taking any action on the proposed increase of the steel corporation's capitalization. In the application for the order the corporation was named as well as all the members of the board of directors and the brokerage firm of J. & W. Seligman & Co., of Manhattan, which was to underwrite the new project of the steel corporation.

It is set forth by the steel corporation that because of its business prosperity $69,370,198 is now on hand in excess of all liabilities, and that in the issuance of the new stock, to be known as class B, the intent was to deprive this stock of any voting power, and to devote $30,000,000 of the new stock as a bonus gift of 200 per cent to the holders of $15,000,000 of existing common stock. It was also planned to have the remaining $15,000,000 distributed through the Seligman firm, with a clause that if the plan was unsuccessful the brokerage firm was to receive $225,000, and if successful $450,000 plus 2 per cent of the total amount of value of purchased stock.

According to the plaintiff stockholders the plan of the corporation permits the control to remain in the hands of the present directorate and that there is no provision in the law for the issuing of such stock. It is also set forth that there is no precedent for the creation of a nonvoting stock issue. There is strong objections made to the bonuses or commissions to the brokerage concern. The plaintiffs take the ground that under the existing conditions the stock can be disposed of without such expensive preliminary operation contemplated by the Bethlehem corporation.

Attached to the complaint is a statement issued by the Bethlehem corporation concerning its financial condition, which says that at the beginning of the present year the orders on hand amounted to $193,500,000. Of this $117,500,000 was for domestic business and the balance for export. Export orders amounted to $17,500,000 worth of steel bars and $58,500,000 worth of guns and munitions.

Mr. LA FOLLETTE. Mr. President, a report in the New York Times of the 14th instant, the day following the publication of the Bethlehem report, concerns the du Pont Co., and shows a net profit for the year 1916 equal to $82,000,000, as against only $57,000,000 in the preceding year; dividends distributed to common stockholders were $58,854,200, equal to 100 per cent on the outstanding shares, as against only 30 per cent in 1915. After passing around this juicy slice to stockholders, the company has $19,598,820 left on hand, which it carried to its surplus account.

Mr. VARDAMAN. If it will not interrupt the Senator's argument, I should like to ask him if he can state what percentage of this profit was made out of war contracts.

Mr. LA FOLLETTE. Mr. President, these excessive profits are all the result of war contracts. Bethlehem Steel stock, prior to the beginning of the European war, sold at something like $30 to $40 a share. Under the impetus of huge war profits it went to over $600 a share, and to-day, after this great watering, this stock is quoted at $125. Since the war began all the munition plants, although not in like proportion but approaching it, have shared in the prosperity that has come from the bloody business in which they are engaged.

Mr. President, this bill is a bill entitled "A bill to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and for the extension of fortifications." All these expenses have been brought upon the Government as a result of agitation growing out of conditions upon the other side.

Mr. VARDAMAN. That accounts probably for the activity of the stockholders in the concerns that have profited out of this bloody orgy in Europe in associations for instruction in patriotism and other like organizations.

Mr. LA FOLLETTE. Oh, yes, Mr. President, patriotism with profit attached to it is a mighty engaging business for a portion of the population of the United States at this time.

Mr. THOMAS. It is a pretty expensive business to the rest of us.

Mr. LA FOLLETTE. Yes; as suggested by the Senator from Colorado, a member of the Committee on Finance, it is a pretty expensive business for the rest of the country.

Now, Mr. President, resuming the discussion in which I was engaged when diverted, a report from the New York Times of February 21 shows that the Pittsburgh Plate Glass Co. earned $6,886,188, or more than three times as much as in the preceding year, and charged off for depreciation $912,502, or $370,000 more than the preceding year, after which it added $2,500,000 to its surplus.

Truly, Mr. President, these be prosperous times for certain of our good citizens.

The New York Times of February 20 published a report with respect to the Pacific Mail Steamship Co.—that same company which solemnly declared to Congress and the public that the seamen's act would spell ruin to the shipping interests of the country in general and of this company in particular. It even went to the length of saying it would discontinue the Pacific business, and when Andrew Furuseth characterized this as sheer bluff, the company proceeded to give color to its assertion by disposing of its largest steamers, the *Mongolia*, *Siberia*, *Korea*, and *China*. To whom?

To whom did the Pacific Mail sell those ships? To the foreign interests, such as the British or the Japanese, who we were assured are bound to drive the American flag from the seas because of the lower wages they can impose upon their seamen? Did the Pacific Mail sell to them because they are on a lower level, owing to their cheaper wages to seamen, than was imposed upon the Pacific Mail by the seamen's law? Oh, no. They disposed of these boats to the American International Corporation, another American concern, with which the Pacific Mail recently went into partnership. And after disposing of its trans-Pacific steamers, the company has managed to earn 83 per cent upon its investments during the past year, compared with only 30 per cent during the previous year. These earnings came entirely from its Panama service.

That the Pacific Mail Co. still thinks well of the trans-Pacific service is shown by the fact that after disposing of its vessels to the American International Corporation, it has purchased the vessels, *Venezuela*, *Colombia*, and *Ecuador*, and resumed its trans-Pacific service. Moreover, it has made an investment by the purchase of the New York Ship Building Plant at Camden, N. J., in partnership with the American International Corporation, the International Mercantile Marine, and W. R. Grace & Co., for the purpose, says President Baldwin of the company in his annual report, of obtaining "the right to have constructed for its use a certain tonnage per annum of ships for its accommodation under very favorable terms. Aside from this feature, which is of paramount importance at the present, it is expected that the investment will prove to be a profitable one."

These are only a few illustrations taken from a few of the papers of the current month. Hardly a day passes when the daily press does not publish such reports, and I could take considerable time if I choose, to present excerpts from these reports on the floor of the Senate.

And while the treasuries of these companies are choked with surplus gold, for which they can find no use in their own business, the common people, with labor never more in demand than now, with wages at high-water mark, are groaning under the burden of high prices, which make their "high wages" a delusion and a mockery.

The bread riots in New York and Philadelphia should have their admonition for us in this hour. They are more serious than anything of like character that has occurred in this country in other times of distress and of unemployment.

I read from the New York Times, a paper which no one will accuse of excessive tenderness for the poor. A few fragmentary extracts will show the character of the demonstrations.

Here is a description of hundreds of people crowding City Hall Square, who managed to squeeze in there against the efforts of the police, who had succeeded in driving off thousands of others.

The Times says——

The PRESIDING OFFICER. The Senate will be in order. The Senator will proceed.

Mr. LA FOLLETTE. Now, this is the account the New York Times gives, and I read only just a few lines taken from that account of the bread riot that occurred over there in New York City the other day:

> Practically every woman was shouting, "We want food!" "Give us bread!" "Feed our children!" and similar cries. Tears were streaming down the faces of many. The babies in arms increased the uproar with their wails, and for a time no one who attempted to address the throng could be heard.

When the representatives of the mayor addressed the crowd Mrs. Harris, one of the women, replied. And this is what the New York Times says she said:

> We do not want to make trouble. We are good Americans, and we simply want the mayor to make the prices go down. If there is a law fixing prices, we want him to enforce it; and if there isn't, we appeal to him to get one. We are starving; our children are starving. But we don't want any riot. We want to soften the hearts of the millionaires who are getting richer because of the high prices. We are not an organization. We haven't got any politics. We are just mothers, and we want food for our children. Won't you give us food?

Is it fair, is it just, at a time when a perfect glut of wealth is falling in the laps of the favored few, and such dire want on the part of the many to saddle this and future generations with a public debt of $322,000,000, which would increase fully by a third our present debt which is an accumulation of generations? But if the leaders of the Democratic Party think it well to build up a record of this kind theirs will be the responsibility before the people when the day of reckoning comes.

And it will come. It will come, if it be not now, but it will come.

For my part I propose to vote against this measure and to point out other ways more equitable, more fair, and more sound for meeting our current expenditures.

It may be urged by the sponsors of the bill that it is proposed to raise a large part of the additional revenue, namely, $226,000,000, by additional taxation of the prosperous business concerns through the excess profits tax. As to this measure I believe the Finance Committee is building its foundation on shifting sands, for the reason that its excess profits tax is based upon the return measured by the rate of profit on the capital invested, which is not so easy to determine as may appear at first sight.

I waive for the time being, Mr. President, the question of whether all this excess profits tax could not be evaded by the great corporations upon whom it is proposed to levy it, though I think I shall be able to show absolutely and unquestionably that it will be evaded; that these corporations have the easiest and readiest means in their hands for its evasion; that you can not enforce it. But even if that were not so, if it could be enforced, it will be passed on to the great mass of the people of this country in the form of higher prices for everything they buy. So, sir, alleged tax on the excess profits of the corporations of the country who have made money out of this business for which you have imposed this excessive burden of taxation upon the American people will be evaded by the corporations, and they will hand it on to the people, who, in some of the great industrial centers where these great business institutions have their homes, are to-day clamoring for the bare necessities of life.

Mr. President, let us consider what an attempt to enforce the provisions of this bill will entail upon the Government. Let us understand what it involves. On page 4, line 15, the bill provides—

> That for the purpose of this title, actual capital invested means, first, actual cash paid in.

That is, where these corporations were formed—

> Second—

Now listen to this. This is what this bill imposes upon the Government if it is to get any money from these corporations.

> Second. The actual cash value * * * at the time such assets were transferred to the corporation or partnership.

The actual cash value of the assets. I am going to take that up in detail, and am going down through the organization of the United States Steel Co. and the Standard Oil Co., and see where we shall come out in our attempt to ascertain the actual cash value of the assets that were transferred to these corporations when they were organized.

> Third. Paid in or earned surplus and undivided profits used or employed in the business.

I see I must hasten, Mr. President. To begin with, if each of the three items could be readily ascertained, it would mean in a great many cases that plants were bought or built many years ago which have greatly depreciated since, as all manufacturing plants do, would be valued for the purpose of this provision at their original full value without any allowance for depreciation. Do you not see that? What is the provision requiring that? I now read it from the bill:

> Their actual cash value * * * at the time such assets were transferred to the corporation or partnership.

Whether the depreciation has been written off the books or not the law prescribes that the Commissioner of Internal Revenue must take them at "their actual cash value * * * at the time such assets were transferred to the corporation or partnership."

If a corporation has for any reason allowed the plant to run down greatly, preferring with an eye on the stock exchange ticker, to disperse the profits in the shape of big dividends, rather than to invest part of them in the upkeep of the plants, it will be credited for the purpose of this tax with the full value originally paid for the plant. If on the other hand certain other corporations have kept up the plant in good condition, they will be credited not only with the original value of the plant but also with the cost of all the subsequent improvements, since these latter will be entered upon the books of such companies as "assets." In either case, the cash value of the assets of the company will be greatly swelled over and above their actual worth. But this is the least of the difficulties which the Commissioner of Internal Revenue will encounter in the administration of this part of the law.

The tax applies to all the corporations and partnerships in the country. In 1916 the Bureau of Internal Revenue received returns from 366,443 corporations. How large the number of partnerships is, we can not tell. In all probability it also runs into the hundreds of thousands. The magnitude of the task involved in ascertaining the value of the assets of this multitude of business concerns in every line of industry, trade, and finance is so great as to be almost appalling.

It is impossible of any enforcement. Any comprehension of the provision of this law should have warned those who framed it that its enforcement could be nothing less than a mere pretense.

Perhaps the following will give some approximate idea of what it will involve. With all other corporations and partnerships this tax will also apply to railroads. In order to ascertain the true value of the physical assets of the railroad companies alone we have had to create a special organization, having a little army of experts attached to it, who are not expected to complete their task in less than 10 years, at a cost of millions of dollars. In order properly to carry out this provision of the law alone the little force in the corporation tax division of the Bureau of Internal Revenue would have to complete in a few months, in the first place, a work which the valuation commission is trying to accomplish in 10 years with respect to the railroads of the country, and in addition to that have to ascertain the value of all of the manufacturing plants, shipping concerns, shipbuilding yards, mining companies, mercantile establishments, wholesale and retail, in every corporation and copartnership engaged in any kind of business in the country, or else the provisions of this proposed law are a mere pretense.

You have either to find the actual cash value of these plants when they were turned over to the present corporations or violate the provisions of this bill. If you undertake to find that value you are embarking upon an economic investigation which in magnitude is infinitely greater than the monumental work in which the Interstate Commerce Commission is now engaged, and that is the greatest undertaking of the kind in the history of the world. This work would include the valuation of all railroads and all industrial concerns, business concerns, and copartnerships in the United States.

Mr. President, either those who framed this bill have no economic conception of the work here laid out or else this is but a trick upon the American people.

But, sir, we can not trifle with the matter of taxation that reaches down into the life of the American people as does no other activity of government without ultimately having a day of reckoning. It will come, and it will come quickly. A year, two years, a little space of time will be enough to demonstrate the utter folly, to say nothing of the rank and wicked injustice, of attempting to meet this so-called preparedness program in the manner here proposed.

I myself characterize it not as a preparedness program but a program for war which has been imposed upon the American people and not sanctioned by them. The Congress that without justification voted to double the military and naval expenditures of the United States in a single year was not elected upon that issue. They did not reflect the will of their constituents. I say that because it was my privilege to go to the people of my State for reelection in November, and I made my campaign in good old Wisconsin on my opposition to this particular work of the last session of Congress. I talked it out, and I came back here, sir, with a majority, if I may be permitted to mention it, of something like 118,000. There was no issue in that campaign that I made that I so kept before the people as that issue—the wanton, reckless, needless, criminal expenditure of the people's money in the passage of the naval and the military appropriation bill.

Mr. President, I do not wish to arrogate to myself any undue or unusual amount of wisdom, but I stood on the floor of the Senate months before the election of 1916 took place in November, and I said to Senators across the aisle that if they elected their President they would reelect him in the West, because he had saved this country from war; and, Mr. President, he would have been hopelessly and utterly defeated except for the fact that he had up to the time of the election steered the craft of state clear of the shoals of war.

Sir, the people of this country did not pass on what you did with regard to the Army and Navy appropriations of the last session of Congress. It is assumed in the report of the committee that brings this bill in, it is assumed in the discussion of this bill by Senators upon the other side of the Chamber, from the chairman of the Finance Committee down, that this bill is to provide money, the expenditure of which the people of this country have approved. I venture to say, Mr. President, that that is not so. It is wholly mistaking the result of the election of 1916 to put that interpretation upon it. The only thing that saved Woodrow Wilson in that campaign was the Western States, that by a vote of 99 out of every 100 would decide against war. They voted for him because he had up to that time kept us out of war. They did not vote in approval of the appropriation bills passed by Congress. I dare say that in very few States was that issue presented. It was presented in the State of Wisconsin, because I had taken a stand against these appropriations upon this floor, and I did not propose that so important a matter in my record should be glossed over. So I took up that record, and I took up the tariff record also, let me say to my friends on this side, because I have departed from the company over here on that issue and made the campaign upon these two great questions. The result of that campaign overwhelmingly set the seal of disapproval, at least of the people of that State, against these immense appropriations.

Now, Mr. President, coming back to the bill, I was discussing the utter impossibility of the Government's carrying out the provisions of this bill as framed. How is this force in the Bureau of Internal Revenue to proceed to obtain "the actual cash value of assets"—and I am quoting these words from the bill—"the actual cash value of assets at the time such assets were transferred to the corporation or partnership"?

There is not a man here who knows anything about business but who knows that this imposes an absolutely impossible task upon the force in the Internal-Revenue Bureau of the Treasury Department. We have had a very large body of experts, organized under the direction of the Interstate Commerce Commission, grappling with that branch of the requirements of the valuation of railroad property at the time the railroads were organized; and I know something of the difficulties which they have encountered. I am disclosing no secrets when I say that they have found it exceedingly difficult to get at the value of the property of the railroads at the time they were organized; and yet this bill imposes upon this little bureau down here in the Treasury Department the obligation not only with reference to the railroads but with regard to all the business organizations in this country of ascertaining the actual cash value of the assets at the time the assets were transferred to the corporation or partnership. It is impossible of execution by any such bureau; it is impossible of execution excepting with the organization of a great army of experts. Then, Senators, they will be driven to the recourse, in the case where the records of those corporations have been obliterated or destroyed, of ascertaining the value of the corporate property by ascertaining historically the value of like property. In no other way can it be ascertained. That is entering upon a field of investigation so wide that when you contemplate the agency here provided to be employed in its execution it becomes worse than farcical; worse than grotesque. It is at once a contradiction of the very terms of the bill.

Mr. President, I repeat just these words in order to get my connection: How is this force in the Bureau of Internal Revenue to proceed to obtain "the actual cash value of assets at the time such assets were transferred to the corporation or partnership"? It would baffle the skill of the most expert appraisers to establish the value of a plant 10, 15, or 20 years old. At best, it would be an estimate. We know, however, that the Corporation Division of the Bureau of Internal Revenue employs no expert appraisers or appraisers of any kind, and that an estimate based on a physical examination of the plant is out of the question.

The agents of the bureau would therefore have to do what? Ah, Mr. President, here is the mouse in the meal; here is the African in the woodpile. The agents of the bureau would therefore have to fall back on the books of the different concerns, kept in all kinds of fashion.

But is the situation more hopeful as respecting the larger concerns? Take the United States Steel Corporation—the

largest of them all—as an illustration. At the time of its organization—in other words, "at the time such assets were transferred to the corporation," to use the language of the bill—it absorbed the following constituent concerns.

Mr. President, I have here a half-page of quotations taken from Moody's Analyses of Investments, relied upon by every stockbroker in Wall Street as a reliable financial record.

The following statement shows the constituent companies which with their property were taken over by the United States Steel Corporation. Its mere reading is a suggestion of the labor imposed by this bill upon the Bureau of Internal Revenue if there is to be an honest enforcement of this law.

The following statement is taken from Moody's Analyses of Investments. Public Utilities, and Industrials, 1915, page 1304:

UNITED STATES STEEL CORPORATION.

"Acquired practically all of the capital stocks of the Federal Steel Co., National Tube Co., American Steel & Wire Co., National Steel Co., American Tin Plate Co., American Steel Hoop Co., American Steel Co., American Bridge Co., Lake Superior Consolidated Iron Mines, Shelby Steel Tube Co., and Carnegie Steel Co. Also controls the Illinois Steel Co., Universal Portland Cement Co., Lorain Steel Co., Union Steel Co., Clairton Steel Co., Tennessee Coal, Iron & Railroad Co., Oliver Iron Mining Co., Pittsburgh Steamship Co., Sharon Plate Co., H. C. Frick Coke Co., Hecla Coke Co., Great Western Mining Co., Schoen Steel Wheel Co., Indiana Steel Co., Gary Land Co., and numerous other companies. The subsidiary companies have 125 blast furnaces, 33 Bessemer converters, 275 open-hearth furnaces, 44 blooming, large billet or slabbing mills, 15 small billet or sheet-bar mills, 9 rail mills, 9 universal-plate mills, 11 sheared-plate mills, 13 structural-shape mills, 23 wire-rod mills, 15 skelp mills, 77 merchant mills, 235 hot mills, 189 sheet, jobbing, and plate mills, 10 piercing and rolling mills for seamless tubing, 21 wire-drawing mills, 14 nail mills, 15 barbed and woven fence departments, 3 spring works, 5 rope and electrical works, 52 welding-pipe furnaces, 3 seamless-tube mills, 16 tin-plate mills, 20 bridge and structural plants, 28 galvanizing departments, 8 tinning departments, 4 splice-bar and rail-joint shops, 5 spike, bolt, or nut factories, 5 departments for cold-rolled products, 23 iron, steel, or brass foundries, 11 sulphate of iron plants, 5 cement plants, 71 warehouses, and 26 miscellaneous works. The subsidiary companies own 11 developed iron-ore mines in the Marquette Range, 10 in the Menominee Range, 1 in the Baraboo Range, 16 in the Gogebic Range, 5 in the Vermillion Range, and 32 in the Mesaba Range in the Lake Superior ore range, of which 22 are inactive at the present time; also 17 mine openings in the Red Mountain Range, Ala., 3 in the Alabama Brown Ore pockets, and 2 in the Georgia Brown Ore pockets. The subsidiary companies also own 134,400 acres of coking coal lands, 94,511 acres of steam coal, and 24,217 acres of surface coal in the northern fields and 179,155 acres of mineral interests and surface-coal territory, 145,865 acres of mineral interests only and 10,120 acres of surface only in the southern coal and coke territory. Also owns water-supply plants in the Connellsville coke regions, a natural-gas property in Pennsylvania and West Virginia, forwarding ore docks on Lake Superior, receiving ore docks on Lake Michigan and Lake Erie, etc.

"The United States Steel Corporation, through its subsidiary companies, also controls the following railroad properties: Duluth & Iron Range Railroad; Duluth, Missabe & Northern Railway; Elgin, Joliet & Eastern Railway; Chicago, Lake Shore & Eastern Railway; Bessemer & Lake Erie Railroad; Birmingham Southern Railroad; Union Railroad; Pittsburgh & Ohio Valley Railway; Northern Liberties Railway; Etna & Montrose Railroad; St. Clair Terminal Railroad; Donora Southern Railroad; McKeesport Connecting Railroad; McKeesport Terminal Railroad; Connellsville & Monongahela Railway; Youghiogheny Northern Railway; Johnstown & Stonycreek Railroad; Benwood & Wheeling Connecting Railway; Mercer Valley Railroad; Newburgh & South Railway; Lake Terminal Railroad; Elwood, Anderson & Lapelle Railroad; Waukegan & Mississippi Valley Railway; Pencoyd & Philadelphia Railroad; Interstate Transfer Railway; and Spirit Lake Transfer Railway. The foregoing roads have a total of 976.32 miles of main line and a total trackage of 3,515.88 miles."

Mr. President, it is the business of the Internal-Revenue Bureau of the Treasury Department to do what? It is their business to ascertain the actual value of all of the property of these several companies on a cash basis at the time such assets were transferred to the United States Steel Corporation. They can not take their present value. If they take their book value, they know perfectly well that they are taking a fictitious value. They are required by the terms of this law to get the actual cash value of all of these separate companies at the time such assets were transferred to the corporation. Mr. President, it is an undertaking that would require the employment of the very best talent that this country can furnish in order to accomplish it.

An enumeration of the properties of these concerns, or of the operating companies controlled by these concerns, fills eight closely printed pages of John Moody's book, The Truth About the Trusts, pages 142 to 149.

I am very much tempted to send the book to the desk to be read by the clerk, for the mere reading of the dry list of the names of the properties would better than any other method convey a vivid impression to the Senate of the magnitude of the task that would confront any body of investigators attempting to determine the actual cash value of the assets of this one industrial concern—the United States Steel Corporation—at the time such assets were transferred to the corporation. Out of regard for the valued time of the Senate, I shall refrain from doing so.

It is manifest that it would be impossible for them to even attempt the task. The only other recourse would be to take the value as given on the books of the company.

Mr. THOMAS. Mr. President, if it will not interrupt the Senator——

Mr. LA FOLLETTE. It will not.

Mr. THOMAS. May I not suggest that there will be a basis of valuation, perhaps, in the returns for State taxation of these companies for the year in which they obtained the assets, which, as the Senator knows, are always, by corporations and individuals alike, made as low as possible?

Mr. LA FOLLETTE. Mr. President, the difficulty with that, as it occurs to me now just offhand, would be that these corporations that were brought into this organization were each of them organized combinations which had undergone a process, only on a smaller scale, exactly like this process of the United States Steel Corporation, and that each one of them was composed of an aggregation of the competing companies in the particular line of business in which the plants owned by corporations had been taken over, constituting, for instance, the National Tube Co., constituting the Structural Steel Co., and so on.

Mr. THOMAS. That is true, Mr. President; but it is to be assumed that each of these concerns, either during the year it was transferred to the large holding company, or by the company itself after the transfer, was listed for local taxation; and, of course, the valuation which was then placed upon the property by the State authorities for that purpose, while it would not be conclusive, would seem to me to afford a basis of action. I want to say, however, that I appreciate the force of the Senator's contention in the matter.

Mr. LA FOLLETTE. Well, Mr. President, when you take into account the contention regarding taxation by the States with these several corporations; when you take into account the influence of these corporations, exerted in the various States, in the enactment of laws through which they escaped taxation, then I think the Senator will see the difficulty of relying upon that.

Mr. THOMAS. Well——

Mr. LA FOLLETTE. Now, just a moment. To illustrate, take my own State. We are all more familiar with our respective States than we are with the conditions in other States. Away back in 1854 the State of Wisconsin enacted a law regarding the taxation of railroads, taking that as an illustration. That law remained upon the statute books from 1854 until 1904, as I now remember—50 years or more. It was a law under which the railroads were able to escape the payment of more than a fraction of the taxes which they were ostensibly required to pay. It was based upon a report upon their earnings, on which the State exacted a certain license fee for the amount of money earned upon Wisconsin business by the various railroads as reported by the railroads. That remained the law up until 1904. It is the law in many of the States. Under that law these corporations were able to report their earnings according to their volition, and they made no statement as to the value of their property.

Mr. THOMAS. Mr. President, would not that practice now react upon these concerns, in that the small valuations upon which their assessments were made would be utilized for the purpose of determining the value of the assets, and as the value was reduced the tax would be increased?

Mr. LA FOLLETTE. In the case of these roads the taxes were not based upon the value of the property at all. It was based upon their earnings, and it was so, I think, in a majority of the States for a great many years.

Mr. THOMAS. I think that is true, but, of course, there are other corporations.

Mr. LA FOLLETTE. I understand.

Mr. THOMAS. Industrial corporations.

Mr. LA FOLLETTE. And much more important than any that will come within the scope of this law, as far as the value of property is concerned.

Mr. THOMAS. Certainly it is in most States, as the Senator says. We can refer to our own State because of our familiarity with its laws more readily than others. I think, generally speaking, in all States, in its reliance upon direct taxation, provision is made for the assessment of the real estate of industrial concerns, and the valuations there given are naturally as low as possible so as to make the taxes as low as possible. That, it seems to me, would furnish some basis for a proceeding by the Treasury Department here into the valuations so used. In many instances they are given under oath, and the corporation could be held to it if that were the only means of ascertaining what these valuations might be.

Mr. LA FOLLETTE. The point the Senator makes would be only of value as applied to real estate.

Mr. THOMAS. No; it would be of value also as applied to all tangible assessments of property, but, of course, it would not apply as to any assets, the Senator understands.

Mr. LA FOLLETTE. The great value of the properties is the intangible value.

Mr. THOMAS. I doubt whether that is sought to be reached by this law. Of course the Senator understands I do not make this suggestion as a satisfactory solution of the problem, but simply as something which might be resorted to for the purpose of aiding the Treasury Department in its investigation.

Mr. LA FOLLETTE. It will give not only that aid but a great deal more, as I shall show before I have concluded.

The United States Steel Corporation at the time of its organization was capitalized at over $1,350,000,000. Mr. Schwab, in his testimony before a Government commission, gave what he thought a conservative estimate of the value of the assets of the company—$1,400,000,000. In all probability this would be the value that the books in question would show. That would be the only way to make the books balance with the capitalization just given.

I do not pretend to say what the tax roll of the various properties would show whether there was any agreement between tax valuations and the testimany furnished by Mr. Schwab to the Industrial Commission or not.

On the other hand, Mr. Byron W. Holt, a New York Stock Exchange investment expert, placed the following estimate of the value of the assets of the Steel Corporation in his testimony before the United States Industrial Commission, which was quoted by Moody in the Truth About the Trusts, page 165.

In discussing the capitalization of the Steel Corporation, he said:

> In the original exchange of securities, the Steel Corporation issued $1,297,184,170 of stocks and bonds in exchange for a total of $894,988,800 stocks and bonds of the constituent companies. Thus, the new capitalization exceeds the old by $402,195,370, an increase of 45 per cent. A fair estimate of the value of the actual assets of the old companies, aside from their special privileges or monopoly powers, was that two-thirds of their capital was water. As the consolidation of these companies has added nothing except $25,000,000 cash and an increased monopoly power to the value of these consolidated companies, it is fair to say that the actual visible assets of the United States Steel Corporation are only about $300,000,000, or the amount of its bonds, and that all of both kinds of stock is what is commonly called water. That is, the visible assets constitute 25 per cent, and the invisible assets 75 per cent of the value of this great corporation, according to its capitalization. That this estimate is not a wild one is probable from the statistics of the census of 1890, grossly inaccurate though they probably are. These show that the total capital then invested in the iron and steel industry was only $414,000,000. Supposing that the capital invested has since increased 46 per cent, it would now be about $600,000,000. The trust probably does not control more than 40 per cent of the capital invested, for there are many lines of goods which it does not touch. Add to its iron and steel holdings $60,000,000 for the actual value of its other holdings and the sum will not much exceed $300,000,000. In this estimate no allowance is made for good will.

Which valuation will the Commissioner of Internal Revenue accept, Mr. Holt's or Mr. Schwab's? It will make the difference between a large tax or no tax.

Does the chairman of the Finance Committee intend to introduce a bill to provide a force of high-grade accountants and appraisers to cope with tangles of this kind? If not, it is clear that the Bureau of Internal Revenue will be completely at the mercy of the corporations in attempting to get at the original value of their assets and will have to accept the corporations' returns at their face value. During the first year of the operation of this law, some of the concerns may be caught with excess profits on their books, but no sooner will it become clear what this implies by way of additional taxes than the corporations will run to cover by the simple expedient of increasing their nominal capital.

If I may have the attention of the Senator from Colorado, there is another difficulty which I think confronts the framers of this bill. I say that no sooner will they be confronted with some attempt upon the part of experts, if experts were provided, to ascertain the capital cash value of the property at the time it was transferred to the corporation, as soon as that shall be brought about a further difficulty, it seems to me, will confront us in the operation of this law. Corporations will meet this situation by the simple expedient of increasing their nominal capital. Do you doubt their ability to do so? Let me quote a few illustrations from recent Wall Street history. I think it is well for us to keep in mind just exactly the precise requirements of this bill regarding the point I am now discussing. Here it is: Capital invested means "actual cash paid in; second, the actual cash value at the time of payment of assets other than cash paid in."

Mr. THOMAS. The actual value of assets other than cash at the time.

Mr. LA FOLLETTE. Yes. "Third, paid-in or earned surplus and undivided profits used or employed in the business."

In 1911, it will be remembered, the Supreme Court ordered the dissolution of the Standard Oil Co. of New Jersey, and there was great rejoicing on that occasion that the master monopoly of the country was to be curbed. The dissolution was accomplished by giving each stockholder of the Standard Oil Co. of New Jersey his pro rata share of stock in each of the 38 companies which were controlled by the Standard Oil Co. of New Jersey. Of course, this failed to effect any essential change in the character or in the control of the constituent companies. One of the results of this process of disintegration was that much of the hidden wealth of some of these companies came to the surface, and the merry game of stock boosting commenced. I have here a complete list of the 38 constituent companies, which I beg leave to print with my remarks.

Mr. President, I ask leave to insert as a part of my discussion a summary of the capitalization of 38 of the constituent companies of the Standard Oil Co. following the decision of the Supreme Court of the United States in the so-called dissolution case.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Since the so-called dissolution of the Standard Oil Co. under the decision of the Supreme Court this company has been broken up into a number of companies.

There are, according to the latest list, 38 separate companies in what is known as the Standard Oil group.

STANDARD OIL GROUP.

1. Anglo-American Oil Co., capital $10,000,000. This is an English corporation and originally had a stock of £1,000,000. In 1913 it declared a 100 per cent stock dividend, which raised the capitalization to £2,000,000, or $10,000,000.

2. Atlantic Refining Co., capital $5,000,000. This company earns about 100 per cent profit annually, and it has a surplus of $25,000,000.

3. Borne Scrymser Co., capital $200,000. The dividends of this company are about 20 per cent per annum, and its assets are nearly treble what they amounted to in 1906.

4. The Buckeye Pipe Line Co., capital $10,000,000. Since the dissolution it has declared dividends at from 16 to 40 per cent, and it has a surplus of $9,000,000, or 90 per cent of its capitalization.

5. The Cheesebrough Manufacturing Co., capital $1,500,000. This is the company which makes vaseline. It was capitalized at $500,000. In 1916 it declared a 200 per cent stock dividend, so that its stock is now three times as great as it was prior to 1916. Prior to the declaration of this stock dividend it paid dividends of from 40 to 50 per cent.

6. Continental Oil Co. of Colorado, capital $3,000,000. This company was originally an Iowa corporation and was capitalized at $300,000. In 1913 a stock dividend of 1,000 per cent was effected by giving every stockholder in the old company 10 shares in the new company for each share he held in the old company. Its dividends before the dissolution ran as high as 166 per cent per annum. This was the rate which it paid in 1903. Since pumping 1,000 per cent of water into the stock of the company it has paid 12 per cent per annum, which is the equivalent of 120 per cent per annum upon its original capitalization.

7. Crescent Pipe Line Co., capital $3,000,000. This company pays a dividend of 12 per cent per annum.

8. Cumberland Pipe Line Co., capital $1,000,000. This company pays dividends of 6 per cent per annum.

(9) Eureka Pipe Line Co.; capital, $5,000,000. This company has paid dividends ranging from 10 to 24 per cent per annum, besides which it has builded up a surplus of $4,431,822, almost equal to 90 per cent of its capitalization.

(10) Galena-Signal Oil Co.; capital, $12,000,000 common, $2,000,000 preferred. This company has paid on common stock dividends as high as 50 per cent, which was its rate in 1905. Since the dissolution it has paid dividends on its common stock of from 12 to 16 per cent, and it has a surplus of $1,500,000.

(11) The Illinois Pipe Line Co.; capital, $5,000,000. This company pays dividends at from 16 to 32 per cent and has a surplus of $2,000,000, or 40 per cent of its capital.

(12) The National Transit Co.; capital, $6,362,500. Prior to the dissolution this company had a capital of $25,455,000. For some reason this capital has been reduced by paying back to the stockholders some $19,000,000 in cash since the disssolution, besides which it has accumulated a surplus of $2,315,000.

(13) National Transit Pump & Machinery Co.; capital, $2,545,000.

(14) New York Transit Co.; capital, $5,000.000. This company has paid dividends at from 16 to 40 per cent and has a surplus of $5,000,000.

(15) Northern Pipe Line Co.; capital, $4,000,000. This company pays dividends at the rate of 10 per cent and has a surplus of $500,000.

(16) The Ohio Oil Co.; capital, $15,000,000. This company has paid dividends at from 19 to 57 per cent, besides which it has a surplus of $65,000,000, or 433 per cent of its capitalization.

(17) Pierce Oil Co.; capital, $13,857,500.

(18) Prairie Oil & Gas Co.; capital, $18,000,000. This company has paid dividends as high as 25 per cent, and in 1915 it declared a stock

dividend of 150 per cent in stock of the Prairie Pipe Line Co. It has, moreover, a surplus of $35,000,000, or nearly twice as much as its capital.

(19) Prairie Pipe Line Co.; capital, $27,000,000. This company has a surplus of $12,000,000, and during the first seven months of 1916 it paid dividends amounting to 25 per cent.

(20) Solar Refining Co.; capital, $2,000,000. This company watered its capital in 1913 by declaring a 150 per cent stock dividend. Its capital was originally $500,000. It paid dividends at from 10 to 40 per cent. In 1913 it paid a dividend equal to 220 per cent on the original capital; since then at the rate of 10 per cent, which is equivalent to 40 per cent on its original capital, besides which it has a surplus of $1,300,000, or nearly three times the original capital.

(21) South Penn Oil Co.; capital, $12,500,000. The capital of this company was increased from $2,500,000 in part by a stock dividend of 300 per cent, declared in 1913, besides which it has a surplus of $11,644,000, but just a few thousand short of being equal to the entire watered capitalization. It pays dividends now equal to upward of 40 per cent on the original capitalization.

(22) Penn-Mex Fuel Co.; capital, $10,000,000.

(23) Southwest Pennsylvania Pipe Line Co.; capital, $3,500,000. This company pays dividends at 12 per cent and has a surplus of $1,000,000.

(24) Southern Pipe Line Co.; capital, $10,000,000. This company pays dividends of 24 per cent and has a surplus of $2,636,000.

(25) Standard Oil Co. (California); capital, $75,000,000. The stock of this company was watered by a 50 per cent stock dividend in August, 1916. It pays dividends of 10 per cent, and it has a surplus of $44,852,000.

(26) Standard Oil Co. (Indiana); capital, $30,000,000. In May, 1912, this company increased its stock from $1,000,000 to $30,000,000 by a stock dividend of 2,900 per cent. Its dividends have been enormous. 1903, 850 per cent; 1906, 450 per cent; 1911, 111 per cent; 1913, 32 per cent, equal to 960 per cent upon the original capital; 1914, 19 per cent, equal to 570 per cent upon original capital; and since then, 12 per cent, equal to 360 per cent upon original capital. On top of all these fabulous dividends it has built a surplus of $26,793,000, or more than twenty-six times its original capital.

(27) Standard Oil Co. (Kansas); capital, $2,000,000. This company was incorporated for $1,000,000, but in 1913 it declared a stock dividend of 100 per cent; in 1913 it paid a dividend of 40 per cent, which was equal to 80 per cent upon the original capital. In 1914 it paid a dividend of 13 per cent, equal to 26 per cent upon the original capital. In 1915 it paid a dividend of 12 per cent, equal to 24 per cent of the original capital, besides which it has builded a surplus of $468,000.

(28) Standard Oil Co. (Kentucky); capital, $3,000,000. Original capital was $1,000,000. It was increased by a stock dividend of 200 per cent. It pays dividends at the rate of 16 per cent, equal to 48 per cent upon the original capital, and it has a surplus of $2,580,000.

(29) Standard Oil Co. (Nebraska); capital, $1,000,000. Its original capital was $600,000, and it was increased by stock dividends of 67 per cent to its present capitalization.

30. Standard Oil Co. of New Jersey, capital $98,338,000. This is the mother of the entire brood.

31. Imperial Oil Co., capital $23,789,000. The capital of this company was $11,500,000. It was increased in November 1915 by a 100 per cent stock dividend. It declares dividends of 8 per cent, which is equal to 16 per cent upon the original capital.

32. International Petroleum Co., capital, common, $5,750,000; preferred, $500,000.

33. Standard Oil of New York, capital $75,000,000. This company was capitalized at $15,000,000, but in 1913 it declared a 400 per cent stock dividend. It pays dividends at the rate of 8 per cent, which is equivalent to 40 per cent upon its original capital, and has a surplus of $26,463,000, or nearly twice the amount of original capitalization.

34. Standard Oil of Ohio, capital $7,000,000. This company declared a stock dividend in 1913 of 100 per cent and it has a surplus of $6,750,000, or nearly twice its original capital.

35. Swan & Finch Co., capital $1,000,000. In 1916 this company declared a 100 per cent stock dividend. It has a surplus of $467,000, or nearly as much as the original capital.

36. Union Tank Line Co., capital $12,000,000. It has a surplus of $872,000.

37. Vacuum Oil Co., capital $15,000,000. This company pays dividends averaging nearly 30 per cent and it has a surplus of $24,000,000, which is 160 per cent of its capital.

38. The Washington Oil Co., capital $100,000. This company declares dividends of 30 per cent.

Mr. LA FOLLETTE. Now, I am going to call the attention of the Senate to the performances of a few of these companies.

In 1913 the Anglo-American Oil Co. declared a stock dividend of 100 per cent, equivalent to a $5,000,000 melon.

The Atlantic Refining Co., with a capitalization of $5,000,000, has been in the habit of earning a 100 per cent profit annually and has a surplus of $25,000,000, or five times its capital.

The Buckeye Pipe Line Co., with a capital of $10,000,000, has built up a surplus almost as large, namely, $9,000,000, after paying annual dividends since dissolution ranging from 16 to 40 per cent.

Mr. BORAH. Do I understand that these are subsidiary companies of the Standard Oil Co.?

Mr. LA FOLLETTE. Yes; these are subsidiaries of the Standard Oil Co. that was supposed to have been destroyed as a monopoly by the Supreme Court decision, from which Mr. Justice Harlan—God bless his memory—dissented. Some time, Mr. President, a grateful people in another generation will build a monument to the memory of Mr. Justice Harlan.

Mr. OWEN. Mr. President, if it would not interrupt the Senator, I should like to say to him or to the Senate that recently I had occasion to telegraph to Moody's Investors Co. to ask what the increase had been in the stock of the Standard Oil of New Jersey since it was dissolved by the Supreme Court six years ago. At that time, with a capital of $100,000,000, the stock was selling at $600 a share, amounting in gross to $600,000,000. It has increased since that time to $2,400,000,000, or an increase to $1,800 a share. It is now valued on the market at $2,400 a share since that decision was made.

Mr. LA FOLLETTE. I am glad to have yielded to the Senator from Oklahoma to incorporate with my remarks that statement. Mr. President, I sometimes fear that the American people will suddenly awaken to a full sense of the meaning of the trend of conditions in this country because of the construction by the courts of some of these laws that vitally affect the very foundations of a government of equal opportunity for all.

Just observe, Mr. President, while I pause for a brief glance at what has happened to the Standard Oil monopoly since the Supreme Court of the United States rendered that decision which annulled and reversed the construction put upon the Sherman law from the very time of its enactment down to that hour. Dissolution of the Standard Oil monopoly! The very term, sir, is a reproach to justice.

The Cheesebrough Manufacturing Co. declared a dividend of 200 per cent only last year, and has been paying dividends from 40 to 50 per cent upon its original capitalization.

The Continental Oil Co. went through the experience of declaring a stock dividend of 1,000 per cent in 1913, only two years after dissolution. It is paying now the modest dividend of 12 per cent annually, which is equivalent to 120 per cent on its original capital.

The Galena-Signal Oil Co. declared a stock dividend of 50 per cent in 1913, a rather modest performance for a Standard Oil concern.

The New York Transit Co., with a capital of $5,000,000, has built up a surplus of $5,000,000 after paying dividends since dissolution ranging from 16 to 40 per cent.

The Ohio Oil Co., with a capital of $15,000,000, has a surplus of $65,000,000, after paying dividends ranging all the way from 19 to 57 per cent per annum.

None of the Standard Oil babies I have mentioned before can compare, however, with the Prairie Oil & Gas Co. This concern, having a capitalization of $18,000,000, has accumulated a surplus of $35,000,000, or practically twice its capital, after having paid dividends as high as 25 per cent. In 1915 it cut a juicy melon for its stockholders by distributing among them a stock dividend of 150 per cent, in the shape of the stock of the Prairie Pipe Line Co., a $27,000,000 concern; that is to say, for every share of Prairie Oil & Gas Co. the stockholders of that company received one and a half shares of the Prairie Pipe Line Co., which, in the first seven months of 1916 following its formation, has paid a dividend of 25 per cent, and has managed in that short time to accumulate a surplus of $12,000,000.

The Solar Refining Co., another one of these constituent companies of the dissolved monopoly, declared a stock dividend of 150 per cent in 1913, when it also paid a cash dividend equivalent to 220 per cent on its original capital. Since then it has been paying a dividend of 10 per cent, which is equal to 40 per cent on its original capital, and has built up a surplus of one and a third million dollars, or about 65 per cent of its capital.

South Penn Oil Co. This company having started with a capital of $2,500,000, declared a stock dividend of 300 per cent in 1913, and has been paying dividends of 40 per cent on its original capitalization, which has not prevented it from building up a surplus of $11,644,000.

The Standard Oil Co. of California declared a stock dividend of 50 per cent in May of last year, and has a surplus of $44,852,000, or nearly 90 per cent on its original capitalization. But it is completely thrown in the shade by the Standard Oil Co. of Indiana. This is the most prodigious baby of them all. Starting with a capitalization of $1,000,000—and it is a question whether any of these capitalizations represent full cash value—it declared a stock dividend in May, 1912, less than a year after dissolution, of 2,900 per cent, lifting itself at one bound to a $30,000,000 concern. Prior to dissolution its dividends ranged from 110 to 850 per cent per annum. Since dissolution, they have run from 360 to 960 per cent upon its original capital. Yet after disbursing these fabulous dividends with a lavish hand, its horn of plenty still remains full with a neat surplus of $26,793,000, or nearly twenty-seven times the original capitalization.

After this anything I may add with reference to the other members of the Standard Oil family may sound feeble in comparison; still, some of the most noteworthy ones must be mentioned.

The Standard Oil Co. of Kansas declared a stock dividend of 100 per cent in 1913, and, after paying dividends since then

ranging from 24 to 80 per cent on the original capitalization, it still has a surplus of $1,468,000, or 146 per cent of its original capitalization.

The Standard Oil Co. of Kentucky, starting with a capitalization of $1,000,000, increased it to $3,000,000 by a stock dividend of 200 per cent. After paying dividends equal to 48 per cent on the original capital it has a surplus of $2,580,000, or more than two and a half times its original capital.

The Standard Oil Co. of New Jersey—the mother of the family—has been paying dividends of only 20 per cent since dissolution, but its stockholders, who received at the time of dissolution their pro rata share in each of the companies mentioned, are getting their share of the bounty that is being distributed by all those companies.

The Imperial Oil Co., which had a capital of $11,500,000, declared a stock dividend of 100 per cent in 1915 and has been paying dividends equivalent to 16 per cent on the original capital.

The Standard Oil Co. of New York, which had a capitalization of $15,000,000, thought its dignity would be better preserved if it declared a 400 per cent stock dividend, which it did in 1913, raising its capitalization to $75,000,000. It is paying dividends of 8 per cent on this watered stock, equivalent to 40 per cent on its original capitalization, and still manages to carry a surplus of $26,463,000.

The Standard Oil Co. of Ohio, starting with a capital of $3,500,000, doubled it in May of last year by declaring a 100 per cent stock dividend, and has a surplus of $6,750,000, or nearly double its original capitalization.

The Swan & Finch Co. doubled its stock by a 100 per cent stock dividend in May of last year and has a surplus of $467,000, almost equal to its original capital of $500,000.

The Vacuum Oil Co., with a capital of $15,000,000, has annual profits averaging about 30 per cent and has built up a surplus of $24,000,000, or 160 per cent of its capitalization.

What is the lesson taught by these figures? This long list of constituent companies, with their fabulous profits and frenzied capitalization and swollen surpluses, which but for the fact that they are reproduced from a solid financial authority—Moody's Manual of Investments, 1916—would read like the fanciful prospectus of a "get-rich-quick" promoter. Mark the sleight-of-hand performance by which a $1,000,000 concern—Standard Oil, of Indiana—is turned overnight into a $30,000,000 enterprise by the simple device of declaring a stock dividend of 2,900 per cent, and after paying for years dividends from 360 to 960 per cent on its original capitalization it manages to build up a surplus of $26,793,000, or nearly twenty-seven times its original capital. Yet according to the provisions of this bill it would be entitled to an 8 per cent profit not only upon its swollen capitalization but also upon the surplus which it has accumulated, or upon a total of $57,000,000, in round figures. Eight per cent upon this amount would be equivalent to over $4,500,000, or 450 per cent upon its original capital. In other words, as long as its net profits do not exceed 450 per cent on its original investment it need not worry about the excess profits tax.

Can there be any doubt after this that similar performances will be witnessed in the case of other companies if the excess profits tax provision in its present form should prove a sufficient inducement to such a step?

Let me sum up my main objections to this bill:

First. The largest item of revenue, $322,000,000, is to be raised by a bond issue, swelling our public debt by one-third at a single stroke, saddling our people for generations with a burden of millions of dollars annually in interest charges, at a time when our successful enterprises are rolling in surplus wealth and when our poor are suffering from want worse than ever. The next largest provision in the bill is $2[illegible]3,000,000, to be raised by an excess profits tax, which I contend, in the first place, can not be collected; but if it be collected it will be transferred by those corporations to their patrons and paid finally by the consumers—the plain people of the country. For instance, if the manufacturer or grocer or the department-store owner is made to pay a tax upon the amount of business he does as represented by his profits he will make his calculations accordingly and at the outset will advance his overhead to an amouat necessary to meet the condition imposed by this bill. If he can not meet it otherwise he raises the price of every single article which he passes to his customers, the consumers of the country. So that in spite of all the prating here upon this floor about imposing this tax upon the corporations which have made money out of this bloody business and the statement urged as a justification for this legislation that they will have to pay the tax, it will be found, Mr. President, as is the case unfortunately with so much of the legislation that Congress enacts, that the weight of the burden of the legislation is transferred finally to the plain people of the country.

Now, Mr. President, what is the remedy? It is suggested by the Democratic Ways and Means Committee of the House of Representatives in its report of last year. I do not know what has happened to the Democratic majority in Congress that it has abandoned the position taken one year ago. That was just before the election. Here is what the responsible representatives of that party said about our system of raising revenue. I quote from the report made by the Democratic Ways and Means Committee a year ago, a few months before we were to enter upon an election, as to the proper method of imposing taxes. [A pause.]

The PRESIDING OFFICER (Mr. HUSTING in the chair). The Senate will please be in order.

Mr. LA FOLLETTE. I repeat that this is what the Democratic Ways and Means Committee of the House gave as the proper method of taxation just before the last election:

> No civilized nation collects so large a part of its revenues through consumption taxes as does the United States, and it is conceded by all that such taxes bear most heavily upon those least able to pay them.

Of course it means by "consumption taxes" those paid by the consumer, taxes that enhance the price of the thing bought. [A pause.]

The PRESIDING OFFICER. The Senate will please be in order.

Mr. LA FOLLETTE. Now, to continue reading from this very interesting report of the Democratic Ways and Means Committee:

> It is probable that no country in the world derives as much revenue per capita from its people through consumption taxes as does the United States. It is therefore deemed proper that in meeting the extraordinary expenditures for the Army and Navy our revenue system should be more evenly and equitably balanced and a larger portion of our necessary revenues collected from the incomes and inheritances of those deriving the most benefit and protection from the Government.

The remedy is obvious. Last year when the Ways and Means Committee made this statement, which proposed to follow the example of Great Britain, said the committee in its report:

> Great Britain—
>
> Now, mark you—
>
> Great Britain before the European war, during her fiscal year ending March 31, 1914, collected from income taxes $230,000,000 and from "death duties" or inheritance taxes $132,000,000. Great Britain's total revenue—

Now, I am quoting from this Ways and Means Committee's report. I am not the authority for this statement. That committee is authority for the statement. [A pause.]

The PRESIDING OFFICER. The Senate will be in order.

Mr. LA FOLLETTE. I will go back, Mr. President, in order that Senators may get that connected statement. It is very interesting:

> Great Britain before the European war, during her fiscal year ending March 31, 1914, collected from income taxes $230,000,000 and from "death duties" or inheritance taxes $132,000,000. Great Britain's total revenue was $620,000,000, and of this amount taxes upon incomes and inheritances yielded $362,000,000, or 58 per cent of the total.

Mr. THOMAS. Dollars or pounds?

Mr. LA FOLLETTE. Dollars. I am quoting it just as it is given in that report.

> In other words, Great Britain in time of peace collects 58 per cent of her revenue from the taxation of incomes and inheritances. With less than one-half the population and wealth of the United States, the revenues from income and inheritances, including "death duties," in Great Britain were more than four times the revenues derived from these sources by the United States. Similar facts might be cited as to some of the other leading nations.

Now, mark you, these are not my own words. These are the words of the Democratic Committee on Ways and Means in its report upon the revenue bill a year ago. That was mighty good doctrine on which to go to the country. That was to give hope to the plain people of this country that if they re-elected a Democratic administration it would increase the taxes upon incomes and on large inheritances. It cited the example of Great Britain, where 58 per cent of the taxes, so it says in its report, were paid out of incomes and large inheritances. Was not that to give the voters of this country an opportunity to believe that if the Democratic administration could be reelected that policy would be pursued in meeting the heavy obligations which had been incurred?

Mr. WADSWORTH. Mr. President, will the Senator yield for a moment?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. LA FOLLETTE. I do.

Mr. WADSWORTH. The Senator knows, I assume, that the income tax of England prior to this war—I do not know what it has reached since—taxed incomes in England as low as $800 a year.

Mr. LA FOLLETTE. Mr. President, I am giving the authority. The figures that I am giving were for a period before

the war. Yes; they reached down and taxed incomes of a very small amount.

Now, Mr. President, just see what the Ways and Means Committee did. It proceeded to follow the example of Great Britain by raising the income tax enough to produce about $110,000,000 of additional revenue, according to its own estimate, and by adopting an estate tax in addition. The increased income tax and the estate tax combined was calculated to raise about $175,000,000 of revenue. Were we to follow Great Britain's example—and I submit, Mr. President, that after the outline of policy laid down by the Democratic administration or by those responsible for its legislative program, we ought to raise $724,000,000, as against $175,000,000 from income and estate taxes. Apparently we have not followed the only road open to us far enough. This year the committee proposes to raise the estate tax by adding a paltry $22,000,000 to the revenue, but for some inscrutable reason it has refrained from touching the income tax.

Mr. SIMMONS. Mr. President, I do not want to interrupt the Senator——

Mr. LA FOLLETTE. I am very glad to have the Senator do so.

Mr. SIMMONS. But I think the Senator was mistaken as to the amount received from corporation and individual income taxes. I have not the figures for the last fiscal year, but it is estimated that for 1918 there will be $133,000,000 from corporation income taxes and $111,000,000 from individual income taxes, making $244,000,000 from that source.

Mr. LA FOLLETTE. I have not said a word, Mr. President——

Mr. SIMMONS. I may have misunderstood the Senator.

Mr. LA FOLLETTE. If the Senator has been following me he would realize that I have not said a word about corporation taxes. I have been talking only about individual income and estate taxes.

Mr. SIMMONS. I beg the Senator's pardon.

Mr. LA FOLLETTE. In the light of what the committee has said about the unjust burden weighing upon the shoulders of the people, I fail to see why the income tax is not resorted to as a means of raising revenue, instead of the doubtful expedient of an uncollectible excess profits tax, and an inexcusable loan of $322,000,000.

Now, Mr. President, I wish to say a few words about my amendments.

My amendments would collect the necessary revenue by raising the income and inheritance taxes, not one-half as much as they ought to be raised, and by providing a number of changes in the method of levying the tax, which will greatly increase the revenue from the income and the estate taxes.

As I shall show in discussing in detail the amendments offered by me, I propose to raise the additional revenue needed from the following sources:

Additional revenue.

1. Revised income-tax rates on individuals	$100,000,000
2. Discontinuance of exemption from income tax of income derived from dividends of corporations	100,000,000
3. Revised estate tax	100,000,000
4. Discontinuance of the exemption of interest paid on bonds from payment of the tax on the net income of corporations, $20,000,000 to	100,000,000
5. Publicity of income-tax returns and requirement to furnish returns of gross income	250,000,000
Total, $570,000,000 to	650,000,000

As against $528,000,000, which the Finance Committee estimates will be raised by the bond issue and the excess-profit tax.

I shall now proceed to explain each of my amendments.

The first amendment, amending section 1 of the present law, abolishes the distinction between the nominal tax and the super tax or additional tax, and substitutes in their place a flat rate equal to a given percentage for each class of income. This is the practice followed in several of the European countries and is based upon the theory that if a certain percentage is fair for a certain class of income it can be applied with fairness to the entire income.

For instance, under the present income-tax law an income of $100,000 pays the following tax:

First $4,000	$0
Next $16,000, 2 per cent	320
Next $20,000, 3 per cent	600
Next $20,000, 4 per cent	800
Next $20,000, 5 per cent	1,000
Next $20,000, 6 per cent	1,200
Total income, $100,000; total tax	3,920

Or a rate of 3.92 per cent on the entire income of $100,000.

If the principle of levying a flat rate on the entire income were adopted, an income of $100,000 would pay a tax of 6 per cent upon the entire income, or $6,000.

My reason for the proposed change is that it is more in harmony with the principle underlying a progressive income tax; (a) the mere fact that a married person with an income not exceeding $4,000 is regarded as one fairly entitled to exemption from income taxes, upon the theory that he needs all of that income to support his family, does not imply that a person with an income of $100,000 can not afford to pay his tax on $4,000 of that amount; (b) the whole theory of a progressive income tax is based upon the principle that the greater the total income which a person receives the less the sacrifice involved in parting with any given amount or part of it. This is the reason why we not only increase the amount of the tax as the income increases, but also the rate as expressed in a percentage of the income. I therefore propose that we adopt this principle throughout the bill, and make any given rate apply to the entire income.

Should this principle be adopted by the Senate and the rates of the present law retained as they are, it would mean an increase of revenue of the personal income tax, which I estimate at not less than $50,000,000. It is unfortunate that the income statistics published by the Bureau of Internal Revenue are so meager and inadequate as to furnish no accurate basis for computation, but my estimate is derived from the calculations set forth in a table showing the increase in revenue which would result from the adoption of the principle of levying a flat rate upon each income in each class. The Bureau of Internal Revenue has published no statistics as to the revenue secured from each class of income, but taking the figures given in the table, I estimate on a conservative basis the increase in revenue at one-third of the total revenue which the Committee on Finance estimated in its report last year would amount to $150,000,000, making an additional increase in revenue by applying the flat rate equal to not less than $50,000,000.

I ask to have printed in the RECORD a table, without taking the time of the Senate to read it, which shows the application of the rate I have proposed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Comparison of taxes payable, on an income of each class, under existing law and by applying the flat-rate principle.

Income.	Under present system.		Actual rate.	Actual average.	Under flat-rate system.	
	Highest rate applicable to each class.	Amount of tax.			Actual rate.	Increase in revenue.
	Per cent.		*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*
$10,000-$20,000	2	$120- $320	1.2- 1.6	1.4	2	43
$21,000-$40,000	3	350- 920	1.7- 2.3	2.0	3	50
$41,000-$60,000	4	960- 1,720	2.3- 2.9	2.6	4	54
$61,000-$80,000	5	1,770- 2,720	2.9- 3.4	3.1	5	61
$81,000-$100,000	6	2,780- 3,920	3.4- 3.9	3.6	6	67
$101,000-$150,000	7	3,990- 7,420	3.9- 4.9	4.4	7	59
$151,000-$200,000	8	7,500- 11,420	5.0- 5.7	5.3	8	51
$201,000-$250,000	9	11,510- 15,920	5.8- 6.4	6.1	9	47
$251,000-$300,000	10	16,020- 20,920	6.4- 7.0	6.7	10	49
$301,000-$500,000	11	21,030- 42,920	7.0- 8.6	7.8	11	41
$501,000-$1,000,000	12	43,140-102,920	8.6-10.3	9.4	12	28
$1,001,000-$1,500,000	13	103,050-167,920	10.3-11.2	10.7	13	21
$1,501,000-$2,000,000	14	168,060-237,920	11.2-11.9	11.5	14	22
$2,001,000-$3,000,000	15	238,070-387,920	11.9-12.9	12.4	15	21

Under existing law all incomes pay the normal tax of 2 per cent and a supertax grading upward from 1 to 13 per cent.

Mr. LA FOLLETTE. The rates proposed contemplate the restoration of the 1 per cent tax as it was in effect until last year, making that rate applicable to incomes not exceeding $10,000. By applying the increments in steps of $10,000 instead of twenty thousand, as is done in the existing law, I gradually raise the rate by 1 per cent until on incomes of $100,000 it amounts to 7 per cent, as against 6 per cent under the present law; on incomes of $1,000,000 the rate rises to 18 per cent, as against 12 per cent under the present law. And by increasing the rate beyond that by 1 per cent for each additional million dollars of income the rate rises to 25 per cent on incomes exceeding $7,000,000 a year, as against 15 per cent in the present law.

I can see no hardship in this for the recipients of these enormous incomes. Indeed, the tax will involve a much smaller exaction than the 1 per cent tax to the man who has an income of $5,000, with a wife and two children to support. Yet, not only men with $5,000 incomes, but the plain people with incomes measured only in hundreds of dollars, even under the present tariff law, which greatly reduced our import duties, are taxed much higher rates on their necessities than the rate I propose for men who measure their incomes in millions of dollars annually. If anything, my rates do not go far enough. If we are to take Great Britain before the war as a standard, my combined inheritance and income-tax rates, which are calculated to bring in a revenue of about $500,000,000, are only two-thirds of the $724,000,000 that we ought to get from those two sources. But I refrain from going the full length, first, in order to make this change for higher rates gradual; secondly, in the hope of offering an acceptable compromise to the majority of the Senate. How moderate my 18 per cent rate on incomes of $1,000,000 and 25 per cent on those of $7,000,000 and over is, as compared with the burdens that the poor have to carry, a few dry figures will bear eloquent testimony.

A glance at the tables in the Statistical Abstract of the United States will show that for the fiscal year 1914—the last year under the present act before the war made prices abnormal—imported breadstuffs were taxed at the rate exceeding 19 per cent; that the average rate on manufactures of cotton, that cheapest necessity in the clothing of the poorest of our people, was in excess of 45 per cent; that earthenware and chinaware paid an average in excess of 51 per cent; that glassware paid an average in excess of 36 per cent; that manufactures of leather paid an average in excess of 28 per cent; that manufactures of wool paid an average in excess of 44 per cent. These are average rates for entire classes of products, which include individual articles taxed at still higher rates. As compared with these, the proposed rate of 25 per cent on incomes in excess of $7,000,000 does indeed seem low, and so much lower will be found the rates upon lower incomes.

In this connection the argument used by the late John Sherman in the debate in the Senate in 1870, when the question of discontinuing the income tax came up, sounds interesting:

If I had my way—

Said Sherman—

I would retain the income tax of 5 per cent on all incomes above $1,000, making such modifications as should afford it proper exemptions, and then throw off these taxes upon consumption that oppress the poor, and take coppers out of the dollars of the people who earn them by their daily work.

So we find the Democratic Ways and Means Committee of the House, the Democratic Finance Committee of the Senate, and an eminent former Republican Secretary of the Treasury, and an honored leader in the Senate in accord on this point.

As Prof. Seligman, a conservative financial authority, who is considered the highest authority in this country on the subject of the income tax, has so well said (the Federal Income Tax, Political Science Quarterly, March, 1914, p. 2):

In adopting the income tax the Congress, far from purposing to make an attack on wealth as such, was guided by the aim "solely to redress the inequality of taxation which was a predominant feature of the American fiscal system as a whole."

Now, what is the situation to-day in this respect? Another conservative economist, Prof. Willard I. King, in his book on "The Wealth and Income of the People of the United States," gives the following as the present distribution of wealth among the people:

The "rich," 2 per cent of the people, own 60 per cent of the wealth.

The "middle class," 33 per cent of the people, own 35 per cent of the wealth.

The "poor," 65 per cent of the people, own 5 per cent of the wealth.

What this means when the dry statistics are translated into the stern realities of life, the bread riots of New York and Philadelphia bear grim testimony.

I shall not take up the time of the Senate with descriptions of riot scenes, but here are some matter-of-fact statements that we must take into account if we are to form a correct judgment of how the common people fare in this era of prosperity.

The New York Times of February 23 contains an account of what its representative found in making a tour of the congested part of the city. Here is what he reports:

There was no question that the abnormal advance in prices had cut heavily into the slender resources of thousands of families, and that much suffering had resulted. Women living with large families in dimly lighted tenements asserted that one by one they had to quit buying foods that had gone up in price. Some of these had just returned from neighboring markets, where riots had occurred. Most of them were bitterly angry over what they considered a conspiracy among food vendors to rob them, and in several instances they cited evidences of suffering that were convincing enough to impress the most casual.

Mrs. Ida Harris, leader of the women's city hall demonstration, said:

"My husband is a watchmaker and has his own shop, in which he works from morning until night. We have three children, and the five of us live in three rooms at 83 Madison Street, for which we pay $12.50 a month. We are better off than most of the families of the East Side—why, to some we are millionaires—and yet in order to pay for rent, light, heat, and clothes my husband can allow me only $1.25 a day for food. And, as prices are now, I can't give my family enough to eat on that."

Mrs. Harris then outlined the minimum daily food requirements of her family, giving the prices she had to pay eight months ago in contrast with the prices at present. Her statement follows:

	Former prices.	Present prices.
2 pounds of onions	$0.06	$0.40
4 pounds of potatoes	.08	.28
2½ pounds of meat	.40	.60
4 pounds of bread	.12	.37
½ pound of butter	.08	.14
1 pound of cabbage	.02	.20
Total	.76	1.99

Mr. President, shall we pass a taxation measure, a revenue measure, so called, which will almost to an absolute certainty, if it collects anything at all from partnerships and corporations, lead to an advance in that price upon the consumer? Is that the way for Senators who have been active and conspicuous here on this floor in increasing the appropriations for preparedness to meet their obligation? Are they going to join with other Senators in putting through a measure to pay for that so-called preparedness by a system that, if it produces revenue at all, must inevitably be passed on to the consumers and make Mrs. Harris's bill over on the East Side in New York for the daily sustenance of her family much higher than it is now?

Mrs. Harris said the quality of food at present was not up to the standard of eight months ago. Butchers who formerly weighed their meat after cutting away bone and excess fat now charged for these parts, she said; and cabbages and other vegetables weighed more than they should these days, because they had been frozen.

Marie Ganz, leader of a group of radicals, was one of those who had suffered from the increased cost of food. It was she who led a delegation of women to the city hall on Tuesday.

Miss Ganz lives with her mother and two grown brothers in a two-room apartment on the second floor of a tenement at 220 Delancey Street. She earns $10 a week as a forewoman in a factory. One of her brothers, formerly a private in the Army, has just recovered from a long illness, and has found employment with a firm manufacturing rubber. During his illness he was supported entirely by Miss Ganz and her other brother, who earned $8 a week.

"Here are a few evidences of how we managed to get along," said Miss Ganz, showing a package of pawn tickets. "All of the articles I was forced to pawn were pieces of jewelry that had been in the family for some time. On February 3, as one of the tickets will show, I pawned a diamond ring with the Provident Loan Society for $35. On February 14 I pawned a neck chain for $12. Before that I was forced to pawn another ring, a chain, a watch, and other trinkets.

"Although up to three or four months ago my salary was only $9 a week, we were able to get along without any very great sacrifice beyond what you generally find on the East Side. Few of us over here are wealthy, and we do not ask or expect luxuries. But when the price of food began to jump up and my brother became ill my salary was not sufficient for our needs, even with the help of my second brother, who did not have steady employment.

"It used to cost us about 49 cents to provide breakfast for four of us. To-day the same breakfast, if we were able to afford it, would cost $1.02. We haven't had an egg in the house for weeks, and potatoes are a luxury. When the cost of things began to advance we though to economize by buying cabbage; but now it costs 20 cents a pound. Do you know what that means to people who have to make the most use possible of every cent to get along, especially when there is illness? I am not asking for charity. I work for my living. But I am only giving you a few facts. Why should cabbage cost us so much? Why should peas cost us 16 cents a pound? Three or four potatoes make a pound, and they charge us 10 cents for it.

"What does this mean to people on the East Side who are poorer than we are? There was a man here last night who said he had heard that all this food agitation was a German plot, and that he had heard that two of the women lenders and a certain dentist had been paid to start riots. He said the dentist had received $20,000, and that others had been paid. I asked him if he thought I had been paid, and he said he had no evidence that I had.

"What terrible, silly lies. What do we women of the East Side know of European politics? We are going hungry. The prices of food have risen beyond our means. I don't care if not a soldier is

left to Germany after this war. I don't care what happens to the nations which are silly enough to fight. What we want are the elemental things of life, food to eat, so we can live and do our work.

"The women are in no mood to endure such lies. I will not lead them, but they certainly will march again on City Hall if an attempt is made to make it appear that there is no real want, and that the agitation is due only to some leaders who are being paid to start riots by Germany."

This same issue of the New York Times contains on the same page this latest testimony as to prices in London.

I ask leave to print it without reading. It shows that we are paying here in our centers higher prices than they are paying over on the other side in many instances.

The matter referred to is as follows:

Robert Mountsier, of 417 West One hundred and eighteenth Street, an American newspaper man, who has lived in England since last October, brought back with him on the *Philadelphia* yesterday his housekeeping account book with prices which show the necessities of life to be, as a rule, considerably cheaper in England than they are here. Mr. Mountsier said that it was true to-day, as it was before the war, that money would go considerably further in London than in New York.

The most arresting entry in his domestic ledger was that of 4 cents a pound for the best potatoes shortly before his departure from England. The best potatoes retail in this city at 9 cents a pound. He bought cauliflower in England, he said, at a uniform price of 4 cents a head, as against from 15 to 25 cents a head in this city.

"Cabbage," Mr. Mountsier said, "were plentiful and cheap in London," though he had no statistics in his domestic ledger of the exact price. When he was told that wholesalers who had bought them on the farm last year for $3 a ton now had to pay as high as $160 for them, while they had gone up to 30 cents a head and practically disappeared from the market, he said:

"That's very astonishing. All the London markets have been full of them at moderate prices. I've eaten more cabbages, cauliflower, and potatoes than any other vegetables."

Other prices quoted in his book were 44 cents a pound for unsweetened butter, which has kept close to 60 cents here, and 10 cents a pound for Brussels sprouts. Milk, which is scarce and considered dear in London, is slightly lower in price than here. Coal, of which there has been something like a famine in England recently, is now selling in London at about New York prices. It is $9.68 a ton in small quantities, which is below what has been charged here during the winter for coal in lots less than a ton, but just about the present prices.

Mr. LA FOLLETTE. What is to account for this striking contrast between conditions in this country and Great Britain?

First, that, through all the strain of the war the British Government has had to pass, it has sought to distribute the financial burden with greater justice between the classes and the masses than we have managed to do.

Secondly, that the power of extortion through monopoly and combination is exerted here to the point of squeezing the last drop of blood from the poor, while in Great Britain the Government has stepped in and with a strong hand has kept costs down partly by regulation of prices and partly by directly going into the business of dealing in the necessities of life. And by thus protecting the people from extortion by the rich the British Government has distributed the burden of taxation so as to make most of the revenue come from direct taxes upon income rather than from indirect taxes upon consumption or upon the things that we ought to wear and use.

I could go on indefinitely with illustrations, but the time is short, and I trust that what I have said is sufficient to convince the Senate that the rates proposed in my amendments are moderate in spirit, just in principle, and preferable to the enormous loan proposed in the bill.

If the rates proposed by me are adopted, they will result in lowering the tax on all persons with an income of less than $10,000 and in raising the tax on persons with incomes in excess of $10,000, the increase in rates ranging from 10 to 67 per cent over the present rates. Estimating conservatively that would result in an average increase of 33 per cent, and the increase in revenue would amount to at least $50,000,000.

Adding to this the increase in revenue of $50,000,000 which would result from the application of the flat rate, we get a total increase in revenue of not less than $100,000,000.

My amendment (No. 3) amending section 7 of the present law seeks to confine the $3,000 and $4,000 income exemptions from taxation to incomes not exceeding $10,000, while the present law allows an exemption of $3,000 and $4,000, respectively, for all incomes. The reason for the change which I propose is obvious, bearing in mind what I have said upon the general principle underlying the theory of the progressive income tax. I shall only repeat one consideration: The fact that a married man with a $4,000 income needs it all for the support of his family does not mean that the man with a $100,000 income likewise can not afford to have $4,000 of that income taxed.

David A. Wells, who was special commissioner of revenue at the time the Civil War income-tax law was in force, in his report of January, 1868, aptly put the case in these words:

What in one case is an allowance for a necessity becomes in the other a mere increase of abundance.

The adoption of this amendment would be in line with the general practice of European countries, including Great Britain. [After a pause.] I was conferring for a moment. I wanted to be certain not to take so much time that other Senators who may desire to talk will not be able to have the opportunity to do so. I will ask some one of my colleagues to confer with Senators on both sides and ascertain what time Senators would like, and I will yield the floor in time, so that every Senator who desires a portion of the remaining time will be able to secure it. If no one else is going to occupy the time I will just simply run along.

Mr. CHAMBERLAIN. I should like to make a very brief statement in reference to an amendment I have.

Mr. LA FOLLETTE. I will be very glad to yield at any time the Senator will indicate.

Mr. CHAMBERLAIN. It will take only a few minutes.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. LA FOLLETTE. Certainly.

Mr. WATSON. Without taking the Senator off his feet, I will state that the Senator from Massachusetts [Mr. WEEKS], I understand, has two amendments, or three, and that he would like to have time to offer those and discuss them; but he said 45 minutes would be enough.

Mr. LA FOLLETTE. I think the Senator from Iowa [Mr. CUMMINS] has an amendment to present.

Mr. CUMMINS. I have two amendments.

Mr. LA FOLLETTE. Can the Senator from Iowa suggest how much time he would like to take?

Mr. CUMMINS. I would not require more than 20 minutes at the most.

Mr. PENROSE. If the Senator from Wisconsin will permit me, there were a number of Senators who had intended to address the Senate at considerable length on the bill—I was among the number—but the outlook has been so discouraging since the unanimous-consent agreement was had that I think several of them have abandoned any thought of pursuing the discussion any further. I am one of those, as so much time was taken on Monday with unexpected matters, and so on, since the agreement was reached.

Perhaps, if there is no objection, the Senator from Wisconsin, if he chooses, could yield the floor and rest in his very interesting remarks and let amendments be introduced, and later on he could resume the floor.

Mr. LA FOLLETTE. I will be glad to do that, not because I feel any weariness at all—I would be delighted to go on for the balance of the time if no other Senator desired to occupy the floor—but I certainly do wish to yield the floor in order that every other Senator who wishes to address himself to the bill shall have the fullest opportunity to do so. I think it would be quite unfair to appropriate more time. I have taken a good deal of time already, and I will at this point yield the floor and will resume it if I have the opportunity later.

Mr. PENROSE. There are the Senator from Massachusetts [Mr. WEEKS], the Senator from Indiana [Mr. WATSON], the Senator from Iowa [Mr. CUMMINS], and the Senator from Oregon [Mr. CHAMBERLAIN] who are here to take the floor.

Mr. WATSON. Mr. President, I had intended to take some time to make some observations with reference to the pending measure, but the Senator from Wisconsin and I had a perfect understanding about it, and it is entirely agreeable to me for him to proceed as long as he desires to do so. My only object in interrupting was in order that the Senator from Massachusetts and the Senator from Iowa might have an opportunity to introduce their amendments and explain them, but it will be entirely agreeable to me to have other Senators consume the remainder of the time because of the complete discussion that has been had, and I am entirely willing to forego the pleasure of addressing the Senate.

Mr. PENROSE. If the Senator will permit me one minute, I should like to address an inquiry to the chairman of the committee, the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from Pennsylvania calls the attention of the Senator from North Carolina.

Mr. PENROSE. I should like to ask the chairman of the committee whether it would not be possible to have an arrangement somewhat similar to the one we had in the closing hours of the last Congress, when the minority Senators had permission to put in the RECORD certain figures and statements that they had before them and which the time allowed was not sufficient to bring before the Senate.

Mr. SIMMONS. The Senator means statements about what?

Mr. PENROSE. Regarding the revenue bill.

Mr. SIMMONS. Does the Senator mean for Senators to extend their remarks?

Mr. PENROSE. To insert some figures bearing on the bill and statements, some of which would be in the nature of remarks.

Mr. SIMMONS. I have no objection to Senators putting in tables, but I do not think it has ever been the custom here for Senators to put in the RECORD remarks which they have not in substance made on the floor.

Mr. PENROSE. I did not mean that.

Mr. SIMMONS. I have no objection to documents going into the RECORD.

Mr. PENROSE. Very well.

Mr. SIMMONS. I do not object to tables or statistics or anything of that sort or documents which a Senator upon his responsibility feels he would like to have incorporated in the RECORD. I myself should have no objection to that; but I should object to incorporating remarks in the RECORD which have not been made upon the floor of the Senate.

The PRESIDING OFFICER. Does the Senator from Pennsylvania make a request?

Mr. PENROSE. I think we have reached an understanding without pursuing the matter any further.

Mr. SIMMONS. Should this privilege be granted to the minority, it would also have to be granted to the majority.

Mr. LANE. The Senator from North Carolina would have no objection, I hope, in case the remarks were complimentary?

Mr. SIMMONS. No; I do not object to complimentary remarks. But I reckon we had better not disregard the well-established and immemorial precedent of the Senate that we shall not extend our remarks in the RECORD or put into the RECORD remarks which we have not, in substance, made upon the floor of the Senate.

Mr. PENROSE. That is right.

Mr. CHAMBERLAIN. Mr. President, with the permission of the Senator from Wisconsin——

The PRESIDING OFFICER. The Senator from Wisconsin has yielded the floor.

Mr. CHAMBERLAIN. I proposed an amendment to the pending bill on the 6th day of February, which provides:

> That from and after 90 days after the passage of this act no fresh or frozen halibut or salmon from the Pacific Ocean or its tributary waters shall be admitted into the United States through any foreign country, except when the same shall be in bond from an American port.

The amendment is exactly the same amendment which was proposed to a revenue bill at the last session. It was reported from the Finance Committee of the Senate and made a part of that bill at that time, it being adopted by the Senate. It went out, however, in the conference between the two bodies. I had intended to press this amendment at this time for reasons which I intended to submit at length to the Senate; but in view of the fact that there are many Senators who desire to discuss the bill, and it might possibly interfere with some Senators who have prepared addresses, I have concluded not to press it as an amendment to the bill. I shall propose it, however, as an amendment to one of the other bills which may be pending before the Senate, possibly the shipping bill. I shall then have some reasons which I shall offer to the Senate why the amendment should be adopted.

Mr. WEEKS. Mr. President, I have several amendments to the pending bill which I desire voted on, but which, under the unanimous-consent agreement, as I understand it, can not be discussed after 8 o'clock.

I do not approach this subject with any degree of optimism. I have been listening for two or three hours to the Senator from Wisconsin [Mr. LA FOLLETTE] discussing a great public question at a time compared with which this country has never seen such a delicate situation, and yet those who are responsible for the legislation have given no consideration or attention whatever to the pertinent suggestions that the Senator from Wisconsin has made to the bill. I might not agree with the Senator from Wisconsin as to some of the matters which he suggests, but the fact is, Mr. President, that this legislation does not, and ought not, to suit anyone. It is unfair; it is unjust. It does not put the burden on those who are best able to bear it; it is unscientific. There is not anything that can be said in favor of this excess-profits tax in the manner in which it is presented to the Senate, and yet no Senator on the other side is going to give the slightest consideration to criticisms which may be made or to any arguments against the bill.

It is a most discouraging situation. I wish the country could be sitting in these galleries and see the way in which the Senate of the United States is legislating; the way in which it is considering a proposition which, in its entirety, will appropriate seven hundred or eight hundred million dollars, some of it without any restrictions as to how it shall be expended.

We frequently differ in reference to minor features relating to legislative matters of small moment in dollars and cents and take a great amount of time in discussing them, and yet this legislation—which, as I say, does not really meet the approval of anyone, and ought not to—is being given no consideration. A party caucus has decided what shall be done. Even the amendments which, in the wisdom of the majority, it has been decided shall be given consideration are to be withdrawn, and we are to be forced to vote for a bill which is unwise, and we all know that the majority as made up will vote for it whether they approve of it or not. They used to criticize in the House of Representatives the Cannon rules and czarism, and all that sort of thing. Why, Mr. President, they were as nothing compared to the methods that are being followed in the Senate today in passing legislation without consideration.

I took occasion the other day to discuss some matters relating to this legislation which were purely financial. I tried to demonstrate, and I think I did demonstrate, that the manner of issuing certificates of indebtedness by our Government was unwise and unsound. We had to incur some indebtedness during the Spanish War. Sixty-four million dollars of that indebtedness matures next year. Provision is made in this bill for its refunding. When the bonds for that indebtedness were issued it was intended that it should be paid between 1908 and 1918; and if the administrations during that period had done their duty the Secretary of the Treasury would have estimated at least one-tenth of that indebtedness in his estimates for the year and taxes would have been imposed to have paid that indebtedness off; yet not one dollar of it has been paid. Now we are face to face with $64,000,000 of bonds maturing next year. What do the majority propose to do about that $64,000,000? They propose to extend that indebtedness for 50 years; in other words, perhaps we shall be paying the indebtedness incurred on account of the Spanish-American War 70 years after the war terminated; and perhaps there will be unwise enough majorities in Congress at that time to extend it another 50 years. We do not know but that our great grandchildren twenty times removed will be considering refunding bonds that were issued to pay for the Spanish-American War; and yet I have not any confidence that what I am going to say about that subject is going to receive any attention on the other side of the Chamber. In fact, not a single member of the majority members of the Finance Committee of the Senate is on the floor, so far as I can see; certainly no one of them is listening.

Mr. HUGHES. The Senator is mistaken about that. At least one such member is on the floor, and there is another majority member of the committee sitting near me. The chairman of the committee, the Senator from North Carolina [Mr. SIMMONS], has just been called away to the telephone, but I am sure he will come back immediately and listen to what the Senator from Massachusetts is going to say.

Mr. SMITH of Georgia. Mr. President, I desire to say that another of the majority members of the Finance Committee is also present.

Mr. WEEKS. I hope both Senators, although they will vote against what I shall propose, will listen to what I shall say.

Mr. HUGHES. I wish also to call the attention of the Senator from Massachusetts to the fact that there are only two members of the minority of the Finance Committee on the floor.

Mr. WEEKS. They will vote all right.

Now, Mr. President, what should be done with this $64,000,000 of bonds and all other maturing bonds is to pay them in some way. I suggested the other day in my argument relating to the issuing of bonds that the only safe and proper way to issue them, in order to insure their payment when they mature, is to issue serial bonds. I am not going to take time to go into a long discussion of the relative merits of a bond issue maturing at its termination without any sinking fund, a bond issue with a sinking fund to retire them at the time the bonds mature, or bonds issued as serial bonds, so that if the longest bond in the series terminates in 20 years, one-twentieth of the issue will be paid each year. All I have to say, Mr. President, is that all the statistics bearing on this subject indicate that the serial bond is very much cheaper from the standpoint of the issuing party than any other form. I submitted the other day some tables indicating the saving that could be made by issuing serial bonds. Those tables had been prepared with great care, and they can be depended upon by Senators as being as accurate as it is possible for such statistics to be.

One of my amendments relates to that particular subject. As I have said, provision is made in this bill for refunding these bonds in 50 years. Instead of refunding them in 50 years, I would handle the question in this way: On page 11, line 21, after the word "authorized," strike out down to and including

the words "per annum," on page 12, line 1, and insert the following proviso:

Provided further, That in lieu of any of the bonds provided for in this act the Secretary of the Treasury is hereby authorized and directed to issue serial bonds of the United States, maturing in equal amounts from date of issue to 20 years from date of issue, bearing interest, payable semiannually, at a rate not exceeding 3 per cent per annum: *Provided further*, That the mandatory provision in this paragraph may be waived if the market conditions are such that the obtainable rate on serial bonds is more than one-fourth per cent per annum higher than on bonds of other forms of issue.

The reason I suggest that last proviso, Mr. President, is that it has been charged that serial bonds would not sell on as advantageous a basis as would bonds of other forms of issue. I do not think that that claim is justified. I believe that serial bonds running from 1 to 20 years, as is provided in this amendment, will sell as well as an issue of bonds running for 20 years and all maturing at that time. So I do not think it possible that there could be any other result than getting the best possible price for the bonds; and yet, in order to protect the Treasury Department, I have provided that if it is found necessary to pay more than one-fourth of 1 per cent more, or to sell on a quarter per cent higher basis than would be the case with any other form of issue, the Secretary of the Treasury is not bound to sell the serial bonds.

Mr. SMITH of Georgia. Mr. President, will the Senator yield to me for a moment?

Mr. WEEKS. Yes.

Mr. SMITH of Georgia. I do not see the Senator from Wisconsin [Mr. LA FOLLETTE] in his seat. I understand that a little while ago he had recorded the absence of others. I was then absent. I think it might be well for the RECORD to note the fact that he left just as soon as he finished talking.

Mr. WEEKS. I have no brief to speak for the Senator from Wisconsin, but I think it is just to him to say that he commenced his remarks probably before he had had his lunch, and he had been talking several hours, and naturally, under those circumstances, he may be at this time relieving hunger, if not thirst.

Mr. SMITH of Georgia. I think the Senator from Massachusetts must be mistaken about that, unless the Senator from Wisconsin took his lunch very late. I take occasion to mention it, because this is the second time the Senator from Wisconsin has criticized absent Senators, and, I feel sure, he is absent as often as many of us.

Mr. WEEKS. I think it is fair to say that the Senator from Wisconsin has been on the floor this afternoon more hours than any three Democratic Senators put together.

Mr. SMITH of Georgia. He is always on the floor when he is talking himself.

Mr. WATSON. I suggest to the Senator from Georgia that he make that criticism to the Senator from Wisconsin and not to us.

Mr. SMITH of Georgia. He usually makes it of others when they are absent, and, as he made it only a little while ago when I was absent, I take advantage of his absence to call attention to his absence.

Mr. WATSON. Which is entirely agreeable to me, so far as I am concerned, but there is no use of scolding an absent Senator.

Mr. SMITH of Georgia. I am illustrating my conduct by the conduct of the Senator from Wisconsin, having been informed that he was scolding while I was away——

Mr. WATSON. The Senator in scolding him for that conduct, does the very thing which he criticizes.

Mr. SMITH of Georgia. And showing how improper it was by my own illustration.

Mr. PENROSE. Mr. President, will the Senator from Massachusetts yield to me?

Mr. WEEKS. I yield to the Senator.

Mr. PENROSE. A survey of the Senate Chamber makes it evident to anyone that there are just six Democratic Senators listening to the very important observations the Senator from Massachusetts [Mr. WEEKS] is making. That is a much larger number than has usually been present when the minority have been discussing this bill, and I think the Senator from Massachusetts should be congratulated that he has such an audience.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. WEEKS. I yield to the Senator.

Mr. THOMAS. Practically ever since I have been in the Senate I have noticed that unless a revenue bill or some similar bill is under consideration the Senator from Pennsylvania very seldom answers a roll call.

Mr. SMITH of Georgia. Mr. President, the Senator from Pennsylvania is mistaken. I understand there are 12 Democrats on the floor, and 10 Republicans.

Mr. PENROSE. I should have qualified my remarks by saying there were six in their seats. Those who are sitting in the rear of the Chamber, engaging in conversations on the sofas, and those with their noses partly out of the door of the lobby I do not take official cognizance of.

Mr. SMITH of Georgia. Mr. President, I was not counting any who were sitting on the sofas, but counting those who were sitting in the chairs in front of their desks.

Mr. WEEKS. Mr. President, I will not yield further for this interesting colloquy.

Mr. LA FOLLETTE. Mr. President, will the Senator from Massachusetts yield to me?

Mr. WEEKS. I think I ought to yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I should like to make an inquiry as to what this debate is all about? I was called out to see some one in the Marble Room——

Mr. SMITH of Georgia. Mr. President, I will state to the Senator——

Mr. LA FOLLETTE. I am asking the Senator from Massachusetts. Word was brought to me that I was being attacked on the floor on account of my absence from the Chamber. I suppose it has been customary here for Senators, when cards are brought to them, if they are not immediately engaged, to respond and go out and see the people who call them. I have been absent from the Chamber about four or five minutes.

Mr. WEEKS. I will say to the Senator from Wisconsin that I stated that he has been on the floor this afternoon three times as long as any Democratic Senator. The criticism came from the Senator from Georgia, who missed the Senator from Wisconsin, and naturally remarked the fact.

Mr. SMITH of Georgia. Mr. President, if the Senator from Massachusetts will allow me, I was told when I came in that the Senator from Wisconsin had criticized members of the committee for being out of the Chamber. When I heard that I called attention to the fact that the Senator from Wisconsin was out of the Chamber.

Mr. LA FOLLETTE. Yes.

Mr. WEEKS. Mr. President, I yield for a question only.

Mr. LA FOLLETTE. That is all right.

Mr. WEEKS. Mr. President, if the amendment which I shall offer and which I have just read should not be adopted, though I hope it will be because of one provision in it which makes it mandatory on the Secretary of the Treasury to issue bonds of this kind, I propose to offer an amendment of exactly similar kind, except that the mandatory provision will be left out.

Again, Mr. President, it is proposed by the bill to issue 3 per cent bonds. There has been some question about whether a 3 per cent Government bond would sell at par, as is necessary under the provisions of the bill. I think there is some doubt about that. If we were in a state of war, I have no doubt that the patriotic sentiment of the country would be such that a very large issue of 3 per cent bonds would be taken and easily sold. But under the present conditions I am inclined to think that bond buyers would look on it as a business proposition, and they would compare a Government issue bearing 3 per cent with a State issue bearing 4 per cent or municipal bonds bearing 4 per cent; and I can not see why they would buy a 3 per cent Government bond when they could buy the best State or municipal bonds on a 4 per cent basis. I may be mistaken about that. I have made inquiries of a great many bond buyers, and there is some difference of opinion among them. The consensus of opinion, however, is that if we issue a 3 per cent bond with the prospect that we will have to issue more bonds later on at a higher rate of interest, these bonds should have the privilege of exchanging into the higher rate bond if it is issued within a reasonable time; and I think there is some merit in that. I believe that a 3 per cent bond could be sold if it were to have the privilege attached of exchange for a higher rate bond if one is issued in the near future. For that reason I have prepared this amendment:

Add as new to section 402: "That the Secretary of the Treasury is hereby authorized, in his discretion, to convert any of the bonds issued under authority of this act, or hereafter issued under authority of section 39 of the acts approved August 5, 1909, June 3, 1916, and September 7, 1916, into any bonds that may be issued by the United States under authority of any law that may be enacted on or before December 31, 1918, bearing a higher rate of interest than 3 per cent; and any bonds so issued because of such conversions shall be in addition to bonds authorized by such law; and a sum not exceeding one-fifth of 1 per cent of the amount of any bonds that may be converted is hereby appropriated, out of any money in the Treasury not otherwise appro-

priated, to pay the expenses of such conversions, the same to be expended as the Secretary of the Treasury may direct."

Those acts to which I have referred, the one of 1909 and the two acts of 1916, provided for issues of Panama Canal 3 per cent bonds; and as the banks do not have the privilege of issuing circulation against those bonds, I think they should be included in any conversion privilege which is given under the provisions of this act.

Mr. BRANDEGEE. Mr. President, I think almost the same language that the Senator has just offered in the shape of an amendment was incorporated in the bill that the Senator from Missouri [Mr. STONE] reported yesterday evening to the Senate—the bill authorizing the President to arm merchant vessels, and to issue $100,000,000 worth of bonds. I think it is almost the same language that the Senator has proposed here as an amendment.

Mr. WEEKS. Then there would be every reason for its going in this bill.

Mr. BRANDEGEE. I should think so; but in that bill there was a provision that they should not have the circulation privilege. I do not know whether it is wise to add that or not.

Mr. WEEKS. Well, that should be the condition in issuing all of these bonds. There is no reason now why Government bonds should have the circulation privilege. In fact, the national-bank bond-secured circulation should be retired, and all Government debts should be paid. What I am trying to get at is a method which will insure the Government's indebtedness being paid when we have sufficient revenues for so doing, and in normal times, when it will not be a strain on anyone. You could not do anything to strengthen the hands of the Government from a military standpoint any more than to have us out of debt, or comparatively out of debt; and it is folly to go on renewing and renewing the indebtedness without any provision whatever for its payment.

What would be thought of a business man or a corporation who borrowed all the time and always renewed his indebtedness? Why, of course, his credit would be at the lowest possible ebb in the shortest possible time. Nothing could be done which would insure his having a low credit to any greater extent than the kind of financing which is done by the Government.

I am sorry there are so few Senators listening to what I am saying about this matter of issuing serial bonds, for I wish the Senate might understand what it really means, and the very material savings that can be made. Just for example, I took from one of the best-known bond men a statement which I did not include in my remarks the other day, which is a fair indication of what can be done. This is Mr. Chamberlain, who says, in his Principles of Bond Investments, that it costs $418,305 more to issue $1,000,000 of 50-year, 4 per cent bonds, to be retired at the end of that time, at a 3 per cent basis for the sinking fund—which is the usual average return—than if the issue were made serially, and one-fiftieth of the bonds retired annually. Just think of it! An issue of $1,000,000 of bonds would cost $418,000 more than if issued in serial form, and one-fiftieth of them paid each year.

Mr. BRANDEGEE. That seems incredible. I can not understand it.

Mr. WEEKS. It is not incredible, however. It is true.

Mr. WADSWORTH. Forty per cent of the principal.

Mr. WEEKS. Forty per cent of the principal; and, yet, if the evidence on this subject can be relied on, we are going to give no attention to this condition. We are not only going to reissue these $64,000,000 of Spanish War bonds for 50 years, but we are going to issue Panama Canal bonds without giving any consideration to their payment.

Mr. President, I have introduced an amendment without consultation with other Senators, to which some of them may disagree, although they might agree with me on the general provisions of the kind of bonds to be issued. Under the conditions which exist to-day, my judgment is that the way to finance the Government is through a protective tariff for the normal expenses of the Government, for the usual expenses, and then to issue bonds to mature within the life of the permanent improvement which is to be made, issued in a serial form. For that reason I have prepared an amendment for the purpose of using the bonds to be issued under the provisions of this amendment to pay for those permanent improvements which have been provided for in legislation passed last year and for the general purposes of national defense.

I do not approve at all, of course, of very much of the legislation to which this amendment refers. I do not believe in building a Government nitrate plant. I do not believe in building a Government armor plant. I do not believe in the shipping bill and the using of fifty millions of Government money for the purposes which the law passed last year provides. But that has been done, and this Congress is going to provide the money. Now, a ship lasts 20 years or 30 years, and many ships are used to good advantage much longer than 30 years. If we provide for the retirement of all this indebtedness within 20 years, it will be well within the life of ships which may be purchased under the provisions of the shipping act. We are going to expend $35,000,000 in building the railroad in Alaska. Is it right to make the citizen of to-day, with the unusual burdens which are placed on him, not only for general taxation purposes but for the high cost of living, pay for the entire cost of building that railroad, rather than distributing it over the next 20 or 25 years, as the case may be?

Mr. SMITH of Michigan. Mr. President, if the Senator will permit me, when that authority was given to build the Alaskan railroad, it was stated here over and over again that they were going to build it out of the current revenues of the Government. It would not have been built if it had not been predicated upon that theory. Over and over again it was stated to us that the cost of building that railroad, $35,000,000, would be paid out of the current revenues, as soon as those revenues reached the point which the framers of the present revenue law asserted they would reach, but which they have never reached.

Mr. THOMAS. Mr. President——

Mr. WEEKS. I yield to the Senator from Colorado.

Mr. THOMAS. The Senator has just made a statement which I have heard several times during this discussion, that it is not fair to impose all of the expenses which we are now about to incur upon the present generation, but that we should make some provision whereby those that come after us shall bear a part of the burden. I have been recently giving some attention to the condition of the bonded indebtedness of this country, and I find that we are paying—and ours is a subsequent generation—interest upon the public debt which accrued more than 50 years ago. I do not recall, or at least I am not able to find any statement—although I presume I can get it from the Treasury Department—showing what proportion of our bonded indebtedness has been paid since the end of the war. I do find that the people have paid in interest upon that indebtedness since 1865 a sum in excess in the aggregate of three thousand millions of dollars, or more than twice the principal of the debt which is still in existence. I find, also, that the people of Great Britain are now paying interest upon a bonded indebtedness that was incurred by Great Britain in carrying on the war of the American Revolution, together with all of the accumulations which have since been added to it, and upon which the total reduction of the principal is just about £30,000,000.

Does it not appear to the Senator, from this condition, that we are getting into the habit of not only postponing our own obligations to the shoulders of posterity, but that the burden is becoming so large that posterity may be very fortunate if they are able hereafter to pay the interest? And would not the economies consequent upon the principle of "pay as you go" be forced upon the attention and action of the legislator by the interest which that policy would arouse in the taxpayer?

Mr. WEEKS. Mr. President, the other day, in discussing the relative merits of a sinking-fund bond and a serial bond, I pointed out that there were frequent failures in applying the sinking-fund provisions, which have been used more or less often in issuing bonds.

Mr. THOMAS. I forgot to say, Mr. President—if the Senator will permit another interruption—that if we are to issue bonds at all, I am entirely satisfied with the argument which the Senator presented the other day as to the superiority of the serial bond over the usual form of bond. There is no question about that; but I am opposed to any bond issue whatever. Consequently, I asked the question that I did.

Mr. WEEKS. But, Mr. President, there is a reason why the Government indebtedness has not been paid off. About three-fifths of that incurred during the Civil War was paid out of surplus revenues during the following 25 years; but under our methods of issuing circulation it was necessary to have a Government bond as a basis for that circulation, and during the last 10 years we have used substantially the entire national indebtedness for that purpose. Therefore it has not been practicable, even if the authorities had seen fit, to make the sinking-fund provisions under which the Civil War bonds were issued apply to those bonds. But what I am trying to avoid is just exactly what the Senator from Colorado has criticized. He is a member of the Finance Committee, and he knows that this bill provides for extending for 50 years the Spanish War bonds, which were issued 19 years ago, without any provision whatever for their payment. What I am trying to get Congress to do is to issue serial bonds, so that that indebtedness shall be paid within the next 20 years.

If I had full confidence in the sinking-fund methods followed in the past, I might be willing to compromise on that basis, although it would cost infinitely more, and I have no doubt the Senator's figures are correct, that the interest on the Civil War indebtedness would cost more than the entire indebtedness at the end of the war. I think it is very probable. I am surprised that it is not even greater than that; but this serial method of issuing bonds is the cheapest possible way to issue them, and it makes it obligatory on the national authority to pay the indebtedness when it comes due. How we can fail to take advantage of this situation, and start a method of issuing bonds for the Government which will be not only for the best interests of the Government but a really good example for every State and municipality in the country to follow, is beyond my comprehension. I am afraid that Senators on that side are not going to vote for that proposition, but I hope they may.

To continue, if an armor-plate plant is constructed—I hope it never will be—but if it is constructed there is no reason why the taxpayer of to-day should pay the entire cost, because that armor plant is going to be equally effective 15 or 20 years from now, and the payment for a permanent improvement like that should be distributed over a period well within the life of the object. That is simply an illustration—that and the Alaskan railroad—of these other purposes for which indebtedness is being incurred. I do not think that plan with reference to the indebtedness which is proposed in this bill for what is termed the Mexican situation is quite as legitimate. I am rather inclined to think that this generation, or the taxpayer of to-day, ought to suffer for the money that has been expended in connection with the Mexican situation. It may make him come to a clear realization of the series of mistakes which have been made for the past four years in everything which has related to handling affairs with our neighboring Republic.

In addition to those amendments, Mr. President, I want to offer one relating to the basis on which assessments shall be made. It is to amend Title II, as follows:

(a) By striking out the last three words of section 201 and by substituting therefor the following:

"Fair value of the capital stock of the company at the time of payment to be estimated as provided in section 407 of Title IV of the act entitled 'An act to increase the revenue, and for other purposes,' approved September 8, 1916."

In other words, we are providing in this bill a very different method for estimating the capitalization of a corporation from the provision in the act which we passed last September. If that is a fair basis for fixing valuations, I do not see why it is not a fair basis for fixing valuations under this law. If this is the correct basis to use, then that law should be amended so that the two shall conform. Otherwise it is going to make for uncertainty; it is going to increase the expense of handling the provisions of the law; it is in every way going to increase confusion, not only in bookkeeping methods but in the Government collecting the revenue under the two forms of legislation.

Mr. President, I am not going to discuss these amendments any further except to offer them and ask that they be pending, to be voted on when the unanimous-consent agreement becomes operative to-night.

Mr. CUMMINS. Mr. President, I desire to call the attention of the chairman of the Finance Committee to an amendment which was discussed to some extent several days ago and which is to be applied to the latter part of section 204. I understand that the amendment can not be offered technically at this time, but in order that it may appear in the RECORD I read it.

I move to amend section 204 by adding after the word "services," in the second line on page 6, the following:

Rendered by their members nor to corporations not organized for pecuniary profit to their members or shareholders, nor to lecture, lyceum, or chautauqua associations, and such lecture, lyceum, and chautauqua associations shall not be subject to the income tax imposed by the act approved September 8, 1916.

If this section were amended as I have proposed, the latter part of it would read:

And the tax imposed by this title shall not attach to incomes of partnerships or corporations derived exclusively from agriculture or from personal services rendered by their members, nor to corporations not organized for pecuniary profit to their members or shareholders, nor to lecture, lyceum, or chautauqua associations, and such lecture, lyceum, and chautauqua associations shall not be subject to the income tax imposed by the act approved September 8, 1916.

I find that my amendment is prepared for the section as it would be if the committee amendment had been adopted rather than as an amendment to the House text; but at any rate what I desire to do is to preserve the words "agriculture or from" in the House text and to add the provision that I have read.

I tried to point out yesterday the gross inequality of this particular part of the bill, and a few days ago it was pointed out that the language of the bill as it now is would be meaningless, because it was legally impossible for a corporation to render a personal service. I think the chairman of the committee at that time agreed that there should be added to the text the words "rendered by their members," but possibly he has thought better of it now.

Mr. SIMMONS. The words "or corporations" remain in the bill.

Mr. CUMMINS. Yes; I think the word "corporations" ought to remain in the bill. I hope the Senator from North Carolina has not reached the conclusion that the bill should not be amended to that extent. This is all I care to say about this amendment. When the time comes I shall offer it to be voted upon, recognizing that it can not be voted upon at this time.

I intend, Mr. President, to offer an amendment in the way of a new section, which, if I may be permitted to do it, I will have read from the desk for information.

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). The Secretary will read the amendment.

Mr. CUMMINS. After it is read I intend to submit briefly some observations upon it.

The SECRETARY. Add a new section, as follows:

SEC. —. From and after the passage of this act, and taking effect at the times and under the conditions hereinafter provided, there shall be levied, collected, and paid upon every article imported into this country from any foreign country and which under an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, is dutiable; and also upon every article imported into this country from any foreign country, and which under said act is admitted free of duty, and which the Tariff Board finds to be a competitive article and is or may be produced in this country in a substantial way, a duty equal to the difference between the cost of production at home and abroad.

The Tariff Board is hereby empowered and directed to proceed as rapidly as practicable in the investigation of this subject through the powers heretofore conferred upon it, holding such hearings and giving such notice to domestic producers, middlemen, and consumers as it may deem necessary in order to obtain complete information.

When the investigation as to any such article or schedule of articles is concluded, the board shall apply the rule above set forth and enter an order fixing the duty to be thereafter levied, collected, and paid upon the importation of any such article or articles. It shall thereupon transmit to the Secretary of the Treasury a certified copy of its order, and the Secretary of the Treasury shall immediately issue a bulletin notifying the trade thereof and fixing a date not less than 30 and not more than 120 days in the future at which the duty or duties so prescribed by the Tariff Board shall take effect. The board shall go forward in the performance of its work in this regard until it has covered the entire list of articles embraced in the said tariff law approved October 3, 1913.

The power to apply the said rule to importations shall be a continuing one, and, good cause appearing, it may at any time change any duties theretofore fixed to make them comply with the rule herein laid down; and all such orders shall be certified to the Secretary of the Treasury to be dealt with by him as hereinbefore provided.

The PRESIDING OFFICER. The Chair will state to the Senator that the amendment is in order if the Senator cares to have it voted on now.

Mr. CUMMINS. I assume it can not be voted upon now. I understand that the Senator from Wisconsin has offered an amendment, which is the pending question.

The PRESIDING OFFICER. The clerks at the desk did not so advise the Chair.

Mr. CUMMINS. If that is not the case, I would be glad to be advised.

The PRESIDING OFFICER. The Chair is advised that it was withdrawn temporarily by the Senator from Wisconsin.

Mr. CUMMINS. I am under the impression that the Senator from Wisconsin does not so understand the situation, but I may be in error about it.

The PRESIDING OFFICER. The present occupant of the chair was not in the chair when the Senator from Wisconsin finished and was merely advised by the clerks at the desk.

Mr. CUMMINS. I would not want a vote taken upon it until the Senator from Wisconsin is in the Chamber and his view of the situation on his own amendment can be known.

However, it is quite in order, I think, to submit with great brevity my views upon this very important matter. I first address myself to my Democratic friends, and I am glad that there are certain members of the Finance Committee here. I have no doubt that between now and the time at which a vote will be in order they will give this subject their careful if not prayerful consideration. I am addressing them now individually because it is quite likely that I can find as much comfort for this amendment and possibly as much support for it upon the Democratic side as I can find upon my own side.

This amendment proposes to put the composition of a tariff law in the hands of a tariff board, prescribing for the board a rule which is to guide it in determining the duty that is to be imposed upon any particular import. I believe it is the only way to compose a tariff statute. I do not believe there is information enough in Congress or can ever be given to Congress to enable it to deal intelligently with the subject.

There will come a time I am sure when the Democratic majority, even before it fades away, will seriously consider the rule that I have suggested. I venture the prediction that before one year has passed the ruler of your destinies will recommend to Congress the commission of this power to the tariff board under substantially the rule that I have laid down in this amendment. There will come a time when my Democratic friends will see the utter futility of regulating the imports that come into the United States in the haphazard way which must be pursued if each duty is to be determined upon the information which each Member of Congress may be able to gather with regard to that especial article.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Jersey?

Mr. CUMMINS. Certainly.

Mr. HUGHES. As I understand the Senator's amendment from hearing it read, it seems to clothe the tariff board to be appointed with the power to ascertain the difference in the cost of production between two articles, one produced here and the other abroad.

Mr. CUMMINS. That is the essential part of it.

Mr. HUGHES. I will say to the Senator that I have been a member of the Ways and Means Committee of the House, and am now a member of the Finance Committee of the Senate; I participated in a number of hearings, and I can not for the life of me comprehend how any body of men can possibly ascertain the difference between the cost of production of any commodity not only here and abroad but practically in factories in our own country. It might be able to ascertain what might be the cost of production in this country and what is the cost of production in a foreign country; but even with that information as to this country in their possession, and information with reference to foreign factories in their possession, how they could base a tariff rate on that information is quite beyond my comprehension.

Mr. CUMMINS. I do not conceal from myself that the problem of investigation is difficult. There are differences in the cost of production in factories or industries at home; there are differences abroad; but the rule that I have prescribed must necessarily receive this interpretation: The board would ascertain the general level of the cost of production of a particular article abroad, not the cost in any one factory or even in any one country; but there is ascertainable the general level of the cost of production in foreign countries, in manufactories, or in producing establishments efficiently managed. There is such a general level of cost in our own country, however widely the costs may vary as between two plants or two industries. I do not think, Mr. President, that the tariff board would have any very great difficulty in reaching a judicious and fair level in the ascertainment of that general difference. I desire to say to my Republican friends, those who are here, and there are not enough of them to make an inspiring audience——

Mr. CLARK. The presence in the Chamber is just equally divided between the two sides.

Mr. CUMMINS. I know that. I think there would be more of my Republican friends here if they believed there was any reasonable possibility that the amendment could receive the favor of the majority or even if they believed that there was any reasonable chance of the adoption of the amendment upon a vote of the Senate as a whole. But I desire to say to them that the rule I have laid down for the guidance of the tariff board in this amendment is the rule which was adopted by the Republican Party as a part of its platform in 1908. It is the true definition of the protective principle. It is the thing for which those of us who believe that there should be an equalization of the conditions of production at home and abroad through the medium of a tariff law, have stood for, and have fought for during these many years. I say to them that the Republican Party can never long remain in power under a tariff law constructed in the way in which tariff laws are constructed in Congress.

It is utterly impossible for a great body of men, however intelligent and however patriotic, to prepare and to pass a tariff law that will carry into effect the principle of protection. Individual influence, want of information, local pressure will in the end result in a tariff law that will impose upon very many articles a greater duty than they ought to bear, tested by any definition of protection that was ever advocated by any member of our party. It is for this reason that I believe that ultimately those who stand for the doctrine of protection in our country will be driven to a tariff law made in what I regard as a scientific way.

Seventy-five per cent—I think I might easily put the proportion higher—of the people of the United States believe in protection; 75 per cent of our intelligent voters, no matter whether they belong to the Republican Party or to the Democratic Party, believe that our people ought not to suffer the disadvantage and the disaster which come from unrestricted competition between our country and foreign countries. If these people could be made to understand that any given tariff law represented the protective principle, and represented nothing more, it would be utterly impossible to drive a party out of power which stood for that principle.

The difficulty is, Mr. President, that we come together in all good faith, with an earnest desire to do our duty, and we begin to prepare a tariff law. I am now assuming that the advocates of a protective system are in full power. The tariff law must embrace 6,000 or 7,000 different articles; it must arrange duties upon this great range of human activities. No matter how diligent we may be, we can not ascertain the duty which scientifically ought to be attached to each article in order to work out and insure the benefits of protection. The outcome is that we must accept the statements, the representations of interested producers. We must gather up in a blind way the facts which are necessary to be known in order to determine what the duties shall be.

We pass a law; a year or two then goes by and some one selects a half-dozen articles or a hundred of them in the tariff schedules and proceeds to show—as it has been shown a thousand times and as always can be shown with a tariff law so brought into existence—that the duties are very much higher than are necessary to protect the American producer; and very much higher, to the detriment of the American consumer.

What is the result? An army of discontent is recruited; an army of men who are determined at the first opportunity to repeal a tariff law containing the iniquities or inequalities or injustices of that character. So the party of protection is turned out of power and there comes in the party of that long discarded and completely overthrown fallacy called a tariff for revenue alone.

If, however, the party of protection could point to the work of a tariff board of scientific men proceeding upon the principle upon which a great majority of our people are united, an organization which stands for that doctrine could and would remain permanently in possession of the Government.

I have brought this amendment forward because it contains my own views with regard to the subject, and it sets forth the plan, and the only plan which in my judgment will result in a continuous tariff system which will adequately protect the American producer. I have not brought it forward with any sanguine expectation that it will meet with the favor of the Senate at this time; but I could not allow the opportunity to pass without placing upon the records of the Senate my long and confident belief that this is the way—and I am speaking now especially to those who believe in the protective doctrine—to make the protective doctrine the enduring policy of the United States.

RESTORATION OF ANNUITIES TO SIOUX INDIANS.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. CLAPP. If no Senator desires at this time to speak on the pending bill, I will ask unanimous consent to have laid before the Senate the conference report on Senate bill 135.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota?

Mr. REED. Mr. President, I desire to know if that will displace the revenue bill?

Mr. CLAPP. I ask unanimous consent. The conference report can not displace the revenue bill under the unanimous-consent agreement.

The PRESIDING OFFICER. Any Senator can call up the revenue bill at any time.

Mr. HUGHES. Any Senator can bring up the revenue measure.

Mr. REED. I am not familiar with the situation. I simply wanted to make sure that the revenue bill would not be displaced.

The PRESIDING OFFICER. The request of the Senator from Minnesota will not displace the revenue bill. Is there objection to the request?

There being no objection, the Presiding Officer laid before the Senate the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 135) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians declared forfeited by the act of February 16, 1863.

The PRESIDING OFFICER. The conference report has heretofore been read. The question is on agreeing to the report.

The report was agreed to.

THE REVENUE BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extension of fortifications, and for other purposes.

Mr. CURTIS obtained the floor.

Mr. CLAPP. Mr. President——

Mr. CURTIS. I yield to the Senator.

Mr. CLAPP. I was going to submit some remarks on the revenue bill.

Mr. CURTIS. I shall be very glad to have the Senator proceed.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. CLAPP. Mr. President, in this apparent period of cessation of hostilities, while the Senate is getting its dinner, I want to submit a few remarks in regard to the pending bill that they may go into the RECORD.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from New Jersey?

Mr. CLAPP. With pleasure.

Mr. HUGHES. I merely want to make a parliamentary inquiry. Is the revenue bill now before the Senate?

The PRESIDING OFFICER. The revenue bill is now before the Senate, as in Committee of the Whole.

Mr. CLAPP. I am addressing my remarks to that bill.

Mr. HUGHES. I wanted to make sure that it was before the Senate, so as to keep the record straight.

Mr. CLAPP. Mr. President, the pending bill is based on the policy of placing an added tax upon the earnings of corporations. I do not think anyone at all familiar with my course in the Senate would accuse me of being the special champion of corporations, but this effort to place this extra-profits tax on corporations instead of on the personal income of stockholders violates three cardinal, well-established, and long-advocated principles of the Democratic Party.

The Democratic Party has long fought a protective tariff upon the principle that a direct tax coming home to the taxpayer will enlist the interests of the taxpayer in the expenditure of the money derived from the taxation, while an indirect tax being unfelt, its expenditure is unnoticed, and there is a world of force in that argument. Many a man who has been a friend to protection has deplored the fact that a tax which comes indirectly, as it does under a protective tariff, leads to extravagant appropriations, because the taxpayer does not realize that the tax is paid, and consequently pays no attention to its expenditure. It is said that he only pays a part of the duty, but, whatever he pays, the criticism of the Democratic Party has been that, being paid without realizing that he is paying it, the taxpayer is not mindful of its expenditure.

Another principle that the Democratic Party has stood for has been that when it is possible to avoid it a tax ought not to be laid that can be passed over to the consumer. When a tax bill was pending before the Senate, I think in 1910, I opposed a similar tax as against an income tax, because it is so much easier for a corporation to pass the tax over to the consumer than it is for an individual to pass his income tax over to the consumer. In this respect this bill violates a principle that the Democratic Party has long stood for.

The Democratic Party has always stood for another principle, namely, that somewhere there should be a certain amount exempted from taxation. This principle does not rest, as a great many think it does, upon a sense of the necessity of taking care of those who only have a little; but, like the exemption from sale on execution for the collection of debt, it is based upon the principle that there may be a point in a man's affairs where it is more wise to relieve him from the burden of taxation than to force him to a condition where he becomes a public charge. That is the principle upon which exemption from taxation, the homestead exemption, and exemption from sale on execution are based. Under this system of putting the tax on the corporation instead of an income tax on the individual, the stockholder whose total income from his holdings of corporation stock may not amount to more than $500 is nevertheless compelled to pay his share of the tax, which the corporation pays before his dividend is paid to him, thus absolutely destroying as to the small stockholder that principle of exemption which all have advocated, and which the Democratic Party especially has ever stood for in its declarations.

Therefore, Mr. President, with reference to the advantage of a direct tax which brings to the attention of the taxpayer and makes of interest to him the question of what is done with the money which he pays in taxes, in reference to a principle of so applying the tax that it can not be passed over to the consumer, and in reference to the guaranteeing to the small holder some exemption from taxation, the tax against corporations, as distinguished from a tax upon the individual, is violative of these three principles for which the Democratic Party has ever stood.

Mr. JONES. Mr. President, the Senator from Oregon [Mr. CHAMBERLAIN] stated that he had intended to offer an amendment with reference to the shipment of fish from the Pacific coast, and especially from Alaskan waters. I had hoped he would offer this amendment. It is similar to one that was proposed to the revenue bill in the last session of Congress, and was favorably reported by the committee and made a part of that bill. It went into conference and was rejected there, and the session closed with charges of a Canadian lobby here in opposition to that amendment, and a committee was appointed to investigate it. No report has ever been made by that committee.

The situation is very serious on the Pacific coast, especially in connection with the Alaskan halibut fisheries; and I had very much hoped that we would be able to get this amendment on this bill. I appreciate, however, the circumstances and the reasons why the Senator from Oregon has decided not to propose the amendment. I should like to see results, I should like to have legislation, along those lines. I realize that we can not get it at this time in this bill under the conditions that exist, and therefore I shall not offer the amendment, but I hope the Senator from Oregon will find an opportunity to present that amendment before the session closes, although I very much fear that the opportunity will not present itself. I trust that in the near future, however, we will be able to get legislation along those lines. I know we can not get it now, and so I shall not embarrass the friends of this bill—many of whom are friends of the measure that was intended to be proposed by the Senator from Oregon—by asking for a vote upon it.

PENSION APPROPRIATIONS.

Mr. HUGHES. I ask unanimous consent that the pending measure be laid aside temporarily for the purpose of considering the general pension appropriation bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 20748) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1918, and for other purposes.

Mr. HUGHES. I ask unanimous consent that the reading of the bill be dispensed with.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. HUGHES. The bill is reported from the committee without amendment and in the exact form in which it came from the House.

The PRESIDING OFFICER. Are there amendments to be proposed? If not, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC SCHOOLS IN ALASKA.

Mr. JONES. Mr. President, before the unfinished business is laid before the Senate I wish to say that I have a bill here of about half a dozen lines that I am authorized by all the members of the Committee on Territories to report. It seems that under our laws the Assembly of the Territory of Alaska has no authority to appropriate any Territorial funds for the establishment and maintenance of public schools, and unless the legislature gets that authority the schools there will have to close. A similar bill has been reported favorably to the House. I ask unanimous consent to report this bill, and I also ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the bill will be reported.

Mr. JONES. I now ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 8317) to authorize the Legislature of Alaska to establish and maintain schools, and for other purposes. It empowers the Legislature of Alaska to establish and maintain schools for white and colored children and children of mixed blood who lead a civilized life in said Territory and to make

appropriations of Territorial funds for that purpose; and all laws or parts of laws in conflict with this act are to that extent repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HAYS GASKILL.

Mr. CHILTON. Mr. President, I wonder if the Senate will indulge me to pass a little House bill which is on the calendar? It is Order of Business No. 1003.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CURTIS. What is the bill?

Mr. HUGHES. Let us have the bill reported.

The PRESIDING OFFICER. The Secretary will state the title of the bill.

Mr. CHILTON. The bill has been favorably reported from the Military Affairs Committee.

The SECRETARY. Order of Business 1003, House bill 5948, for the relief of Hays Gaskill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KENYON. Mr. President, I am not going to object to the consideration of this bill, but if we are going to indulge in passing a lot of bills here at this time I am going to commence to object. I shall not object to this one.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

Mr. CURTIS. Mr. President, I submit a protest signed by 152 policyholders which I ask to have read as a part of my remarks. I understand that the Senator from Illinois [Mr. SHERMAN] intends to offer an amendment on the subject, and I want to have this read before he offers his amendment.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

TOPEKA, KANS., *January 29, 1917.*

To our United States Senators and Representatives in Congress:

The proposed Federal revenue measure applying to additional taxation of life insurance companies passed by House caucus last Friday night, January 26, is strongly opposed in Kansas, because all such taxation must be borne wholly by the policyholders, and if it becomes a law would be an unjust penalty imposed upon the sacred savings and thrift of our people. Kansas policyholders emphatically protest against passage of any such unfair legislation.

We, the undersigned, urge and entreat all Kansas Members of Congress to exert their utmost influence against such measure.

Mr. WARREN. Mr. President, I want to say to the Senator from Kansas that I am in receipt of similar expressions from Wyoming and some other States. They would feel greatly outraged if the proposed tax in this regard prevails.

Mr. CURTIS. Mr. President, the Senator from Illinois [Mr. SHERMAN] expects to offer an amendment on this subject; and as it is a very important one, I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	James	Phelan	Thomas
Brady	Johnson, S. Dak.	Pittman	Thompson
Bryan	Jones	Ransdell	Tillman
Chamberlain	Kenyon	Reed	Underwood
Chilton	La Follette	Shafroth	Vardaman
Clark	Lea, Tenn.	Sheppard	Walsh
Curtis	Lee, Md.	Sherman	Warren
Fernald	Lewis	Shields	Watson
Fletcher	Martin, Va.	Simmons	Weeks
Hardwick	Newlands	Smith, Md.	Williams
Hollis	Norris	Smith, Mich.	
Hughes	O'Gorman	Sterling	
Husting	Page	Swanson	

The PRESIDING OFFICER. Forty-nine Senators having answered to their names, there is a quorum of the Senate present.

Mr. SHERMAN. I wish to submit an amendment, which I send to the desk and ask to have read.

The PRESIDING OFFICER. The Secretary will read the amendment.

The Secretary read the amendment, as follows:

Amend section 204 of Title II by inserting, after the word "sixteen," line 23, on page 5, the words "which shall hereafter include mutual life insurance companies not having capital stock nor stockholders, but which are conducted solely for the benefit of the policy-holding members thereof, and which annually abate, refund, or credit to individual policyholders all shares or allotments of the redundant or unused portions of the incomes of such companies," so that section 204 as amended shall read:

"SEC. 204. That corporations exempt from tax under the provisions of section 11 of Title I of such act approved September 8, 1916, which shall hereafter include mutual life insurance companies not having capital stock nor stockholders, but which are conducted solely for the benefit of the policy-holding members thereof, and which annually abate, refund, or credit to individual policyholders all shares or allotments of the redundant or unused portions of the incomes of such companies, and partnerships carrying on or doing the same business, shall be exempt from the provisions of this title, and the tax imposed by this title shall not attach to incomes of partnerships or corporations derived exclusively from personal services."

Mr. SHERMAN. This amendment, Mr. President, is designed to enlarge the exemptions granted in section 204, found on pages 5 and 6 of the printed bill. The exemptions provided in the bill are those found in the act of September 8, 1916. They ought properly to be enlarged so as to include the class of corporations mentioned in the amendment just offered and read.

There is a certain line of corporations universally recognized not to be for pecuniary gain. The subjects of taxation are the enterprises and the property devoted to financial gain. All of the State and local authorities levying taxes recognize the difference between undertakings for pecuniary gain and those not for pecuniary gain. The Government has recognized the same wise distinction. It has in part in this bill and in the act of September 8, 1916, to which this is amendatory, recognized that classification.

All of the property used for religious purposes is universally exempt by the laws both of States and of the Government. Properties used for charitable and eleemosynary purposes are exempt. Those used for educational purposes are universally exempt.

In more modern times, since the great variety of aids to earlier educational and charitable forms have grown up, the exemption has been continued or extended. Charity, both public and private, may be avoided, and the burdens are measurably diminished by decreasing the number to whom that charity is to be extended. Some of the best ways known to diminish the class receiving charity is to make possible the self-support, so that the number of the ones dependent upon the heads of families may be appreciably decreased.

The building and loan associations of the different States are an instance of the more modern corporation that has grown up. Their purposes are not for money making; they are to enable the heads of families who are without credit in a very large way, and without large savings, to own their own homes. The building and loan associations not only furnish the credit but give the time within which a person of limited earning power may discharge the indebtedness. They could not in the first instance borrow enough money to put up a house on the lot they are able to buy with their own means, since in the ordinary investment no person possessed of means would advance the money necessary to put it up on merely the security afforded by the lot. Still with the system of long-time payment provided in building and loan acts, they are given the credit and the improvement is made and paid out on small monthly payments. These corporations organized under the laws of the different States of the Union are universally exempt from taxation. I do not know of a single jurisdiction or taxing body of any kind that seeks to make them a source of revenue. Very wisely in the act of September 8, 1916, the Government has exempted them from income taxes or from corporation tax, franchise tax, or any of the several forms of taxation that ordinarily are imposed upon other corporations. This must be for the very evident purpose of decreasing the dependent class that otherwise might in many circumstances be made the recipient of public or private charity. The head of the family by being able to furnish a homestead contributes by that much to relieve the taxpayer or the possible public charity from this burden.

There is a variety of other methods that have been devised to accomplish the same purpose. They are in aid of these purposes. Among the earlier form was the fraternal insurance company or association. Many of those are largely fraternal in character, partaking very much of the nature of a secret organization. But they have attached to them all the principles of insurance. The only difference is that they are not possessed of the cash assets or resources that most ordinary insurance companies have. Some of them through the course of years have changed their method of doing business to a degree that they have a reserve and cash assets in various forms, in actual cash and in securities that are used to safeguard the contract. These are exempt from taxation likewise, and those exemptions are found in the act of September 8, 1916.

There is no difference in the practical effect of an insurance company that is mutual in plan and the fraternal. There is no difference in the beneficial effect of either a fraternal or a mutual company, a building and loan association, and a mutual savings bank without capital stock.

Under the law of many States of the Union such mutual savings banks are created. Their purpose is well known. They have no capital stock. They are not created for pecuniary gain. They are created to promote thrift in the neighborhood.

Some of them accumulate very large sums of money. If you were to look at their resources when their periodical statements are published, one would think they were possessed of great wealth. As a matter of fact, every mutual savings bank has no means, because its liabilities are equal to its resources. Therefore, the mutual savings bank is exempt from taxation along with the fraternal or assessment insurance companies.

When it comes, however, to a mutual insurance company that writes a policy and agrees to pay a fixed sum of money upon an event contingent, when there is no ritual, when the fraternal character of the companies does not exist, it seems that for some reason a distinction is drawn between that and other forms of insurance mutual in character and the other corporate enterprises that are purely helpful in their character, all of them designed to promote the same general purpose of the support of the dependent ones of a family.

The person of small means employs these agencies. Millionaires do not usually have recourse to them. They are all of them employed by the wage earner, the supporter, the breadwinner in the family. It does not make any difference whether it is a fraternal company or whether it is a mutual, the purposes all work out the same way.

The mutual company that writes a policy and agrees to pay a definite sum rather than to collect an assessment upon the happening of the contingency is discriminated against in this bill. It is singled out for taxation, and it is singled out in a very invidious way.

It is further provided in one of the sections of the bill, section 202, that the paid-in or earned surplus and undivided profits used or employed in the business shall be considered as a part of the taxable assets. Some remarks were made by the chairman of the Finance Committee, who has the bill in charge, that I think were based upon a misconception of what a life insurance company mutual in character is for. A mutual life company, like a paid-up capital stock company, either life or fire, is required at times to have a surplus. It might run along for several years and require no surplus, but a surplus is indispensable during a series of years because some event always happens, some unforeseen affair, an earthquake, a fire, or an epidemic, a depreciation in securities—some means always are found in the catalogue of human accidents by which a surplus becomes indispensable. A surplus is not merely accumulated in order to form the basis of somebody's fortune who is supposed to be a stockholder. A surplus may be indispensable in time of stress to keep the credit of the company good.

Every large mutual life insurance company in the United States finds it necessary to invest a portion of its resources in securities. These securities are mortgages, both on city property or farm property, bonds of various corporate undertakings. Bonds of an industrial character, the transportation world, the bonds of many municipalities, drainage districts, school districts, levee districts, county bonds, State bonds, and the bonds of a great variety of municipalities form the investment in which not only the legal reserve of the company is invested from time to time, but the surplus of the company is invested for a like purpose.

The surplus has an entirely distinct meaning and use from the cash reserve that is accumulated out of the annual savings of premiums and investments in interest-bearing securities. The surplus is intended to safeguard against accidents. The accidents may be of many kinds. In the great sum of securities in the published resources of a large mutual life insurance company are found many kinds that are subject to market fluctuation. I do not know a railway bond in this country that is not subject to fluctuation. Even the most conservatively managed railroad is subject to very wide fluctuation from year to year. If for a series of years some of the best transportation companies in the country are compared there will be found a very wide range of value. Take the Chicago, Burlington & Quincy bond, which is a very good illustration. Their bonds are found in the investment account of a number of the mutual life companies. They fluctuate. In the case of the Chicago & North Western, of the New York Central, of the Illinois Central, of every trunk-line road that runs into Chicago and out of it, with which I have had any acquaintance for the last 20 years, are naturally subject to market changes. It is the same way with many other bonds, especially the industrials.

When these fluctuations occur they mark a depreciation oftentimes of the cash reserve held to safeguard the policies. These depreciations, which are caused by market fluctuations, immediately call, by the insurance department, for some change and some means of supplying the shrinkage that occurs. The surplus of a mutual life insurance company which is invested in some form of stable securities may be called on to make good the depreciation of the reserve. That is why these relatively large surpluses are found, to discharge that function in the economy of a life insurance company. I make this answer in view of what was said some days ago in criticism of these various forms of surplus.

It will be remembered that this contingency reserve—and that is what the surplus is; it is a contingency reserve or surplus—is, in fact, demanded by the laws of the State, which require a company to stop business when its assets sink below its legal reserve. Its legal reserve investment may change from time to time. It changes in accordance with the fluctuations in the value of the securities, and there is no human power which can prevent it; there is no human mind which can foresee these changes which occur. You can not go out in the insurance world and write a policy guaranteeing you against the changes in stock markets or in the markets for investment securities, whether it be municipal bonds or any other security, clear on through the list to industrial and railway bonds. Because of the utter inability of an insurance company to guarantee itself against that contingency the insurance companies often carry a relatively large surplus. That surplus therefore is the means they have to defend themselves against the depreciation of their reserve so invested that stands back of their policyholders.

The Armstrong Committee law, as it is known in the insurance world because it came out of an investigation of a committee of that name in 1906, limited the surplus of life insurance companies from 20 per cent in small companies to 5 per cent in the large companies of the legal reserve; but the New York Legislature, which was in session a short time after that, almost immediately was obliged to modify that limitation in the large companies to 7½ per cent because of the financial depressions of 1907 following. That illustrates the utter inability of the legislators and sometimes the wisest financial minds in the investment departments or managerial departments of the large insurance companies to foresee the emergencies which require the use of a surplus to safeguard the reserve I have mentioned. As the result of that financial depression first-class bonds declined in market value 3 per cent. That may seem like a very small margin of decline, and it is until the principal begins to mount up into large amounts.

I have in mind a single mutual insurance company whose resources now run up into nearly $900,000,000. They have investments in every known form that is safe and regarded as a stable form of security in which the legal reserves for policyholders may be invested. Of their investments and of the nearly $900,000,000 of resources, a large part—the largest sums of their total resources—are invested in securities; and, almost without exception, every security that is quoted on the markets of the country is subject to the violation fluctuations I have named. A fluctuation, therefore, a depreciation of 3 per cent in the market value of bonds, would aggregate a very large sum of money, so large that the insurance authorities of the several States admitting a company to do business might in some cases require it to be supplied to make good the depreciation. This decline represented a change or a diminution, apparently, in the assets of the company of large resources in the aggregate, and the assets of all the life insurance companies affected in the same way ran up into a sum total of many millions of dollars, requiring the depreciation to be made good out of the surplus of the companies. That is why the surplus is carried. If it were not so, the companies must call upon each one of their policyholders for a further contribution. Since they are purely mutual, that is the only resource they have in an event of that kind. If they did not make good the depreciation in their reserve the company must stop writing business until a return tide in the stock market shall restore the values that had been lost. Much of this loss of market value still exists, although the securities are good, and all of them are paid at their maturity.

That, however, does not answer the immediate needs of the depreciation, which can only be done by furnishing additional security, and unless the stockholders are to be reassessed in a larger sum than originally when they paid their annual premiums, the only source of supply for the depreciation is the surplus carried by the company. That surplus is the sum that was made here the subject of some invidious criticism a few

days ago. This is a concrete instance, showing the necessity for maintaining an ample contingency surplus at all times.

We may now, on the brink of war, for instance, when the insurance companies may be called upon to meet new and extraordinary expenditures, consider the justice of such a method of doing business. The reserve will stand a very heavy strain, but it is within the limit of possibility that the contingent surplus will be called upon to assist in meeting these unusual conditions. Life insurance companies can not afford to take the slightest chance of being unprepared to meet any obligation or any financial condition which may present itself. Therefore the surplus which has been criticized adversely on the floor of the Senate is perhaps more urgently needed just at this juncture than it ever was before in the history of this country, at least since the Civil War.

We do not now know what unusual conditions in the near future may again drive down security values. All of these bonds that are quoted on the markets of the world may go up or they may go down, as favorable or adverse conditions may present themselves, and they furnish one of the great sources of investment for not only the surplus but for the cash reserves required by the insurance laws. When another prolonged and serious depression of values may occur no man can foretell. Life insurance companies guard against it by having an ample surplus to meet these emergencies whenever they arrive.

In view of these facts, I think it is fair that this answer be made to the criticism offered some days ago on this form of life insurance companies' assets, and in view of that I have offered this amendment.

Mr. LA FOLLETTE. Mr. President, I have discussed a number of my amendments, and I wish to conclude the discussion upon those amendments. I am not certain that the Vice President was in the Chair at the time I offered the amendments. I presented them together, 11 in number, and asked, or said I would ask, unanimous consent that they might be voted upon en bloc.

The VICE PRESIDENT. Does the Senator prefer that request now?

Mr. LA FOLLETTE. I think I afterwards said that at the conclusion of my remarks I would submit a request for unanimous consent to that effect. The chairman of the committee in charge of the bill expressed himself as agreeable to my proposition at the time, but——

The VICE PRESIDENT. The Chair was only inquiring, because if the Senator makes the request it is the duty of the Chair to ask whether there is any objection to it.

Mr. LA FOLLETTE. I understand that. I said at the time that after concluding my observations upon these amendments I would make a request for unanimous consent that they might be voted upon all together, in order that time should be saved in their disposition. I will conclude what I have to say upon them, and will then make that request. If it should be acceded to, I will then ask to have the vote taken upon all of these amendments together. If not, then upon the first one, which I shall present at that time.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. LA FOLLETTE. Yes.

Mr. NORRIS. Is the Senator making the request now for unanimous consent?

Mr. LA FOLLETTE. No; I am not making the request at this time, because I announced that I would complete the discussion of the amendments before making the request. I think the Senator from Connecticut [Mr. BRANDEGEE] made a suggestion that he preferred to know a little more about these amendments before acquiescing in the request for unanimous consent that they should be voted upon en bloc.

The second amendment which I offered, estimated to yield at least $100,000,000 in additional revenue, proposes to eliminate the present exemption from the normal income tax of the income derived by individuals from dividends of corporations.

Under the present law, individual taxpayers are allowed to deduct the amount received in dividends from stock companies, from their total income, in payment of the normal tax.

This is done presumably on the theory that if the individual were to pay his normal tax upon these dividends, it would amount to double taxation, since all corporations are taxed the amount of normal tax on their net incomes.

My amendment seeks to discontinue this allowance for the reason that the tax upon the net income of corporations has nothing to do with the tax paid by individuals. It may be recalled that the tax upon corporations was adopted by Congress in 1909, before the income-tax amendment to the Constitution had been adopted. It was made clear both by Congress and by the courts that the tax upon the net income of corporations is not an income tax but an excise tax for the privilege of doing an interstate business in a corporate capacity. There is no more reason for allowing this deduction than there would be for allowing a deduction from individual incomes of other taxes paid by corporations, such as taxes on real estate, taxes on munitions, on liquors, beers, and so forth. These taxes are deducted by the corporations themselves in determining their net income subject to the corporation tax. But they are not deducted by individual stockholders from their individual gross income. Why, then, should the tax on the net income of the corporations be deducted by the individual stockholders? There is no reason for it whatever, and no country, to my knowledge, allows such deduction under its income-tax laws. The adoption of this amendment would increase the revenues of the Government by at least $100,000,000. I arrive at this estimate in the following manner: The revenue from the 1 per cent tax on corporations in 1915 was $57,000,000, in round figures. At the present rate of 2 per cent, it would be double that amount, or $114,000,000. With the much greater profits made by corporations during the past year the revenue from this item of taxation will probably amount to about $150,000,000. It is safe to estimate that at least two-thirds of the dividends of the corporations are received by persons subject to the payment of income tax, making my estimate of $100,000,000 conservative.

I now present some arguments for the amendments which were offered and which were numbered 4, 5, and 6, relative to the inheritance tax. The bill before the Senate provides for a 50 per cent increase of the present estate tax, popularly known as the inheritance tax. It exempts from taxation the first $50,000 of the net value of all estates. I can see no reason for treating an income received through "gift, bequest, devise, or descent," in a manner different from incomes received from any other source. If it is right to tax a person upon an income of $100,000, which he receives from his business by investing and risking his capital and by using his own personal efforts, why should he be exempt from a tax on an equal amount when received as a gift or as an inheritance, through no effort or risk on the part of the beneficiary?

The income-tax law of the Civil War period did not exempt inheritances from the payment of the income tax, although the Commissioner of Internal Revenue decided at an early period—Third Internal Revenue, page 133—that legacies are not income, but that gifts of personal property may and should be so considered. If it be argued—as the commissioner did—that money thus received is not a regular income but constitutes a sudden increase of a person's capital, the same argument would apply to gifts which the Commissioner of Internal Revenue at that time did class with income, as well as to money gained through lucky speculation, or other irregular source of incomes, which, however, is not exempt from taxation under the present income-tax law.

If any distinction between ordinary income and inheritance is justifiable, it ought to be for the purpose of taxing the inheritance, especially large inheritances, a higher rate than income from other sources, except that a fairly liberal sum ought to be exempt from taxation when left to a widow and children under age. The bill before the Senate is a step in the right direction, in so far as it makes the tax upon estates come closer to the income tax than it is in the existing law. It still falls short of it, however, except that the highest rates of both the income tax and the estate tax are the same, viz, 15 per cent.

The amendments which I propose, if adopted, would result in the following changes:

First. It would subject all estates to the regular income tax, abolishing the distinction between an income received as a gift or inheritance and income from other sources.

Second. Estates not exceeding $50,000 would be exempt from the tax, provided they were left to a widow, or to minor children. In all other cases, the exemption would be the same as under the regular income tax, but no larger than that.

It is difficult to give an accurate estimate of the increase in revenue which would result from the adoption of the proposed amendments. Accepting the estimate of the Ways and Means Committee, which is indorsed by the Senate Committee on Finance, that the proposed estate tax would yield about $65,000,000, then it is a very conservative estimate that the estate tax under my amendments would result in additional revenue of at least $100,000,000.

I might say, Mr. President, in passing that the methods of taxing estates in Great Britain is as follows:

First. There is an estate duty, which is levied upon the estate of the decedent, and which varies from 1 per cent on estates exceeding $500 (£100) in value to 20 per cent on estates exceeding $5,000,00 (£1,000,000) in value.

Second. In addition to the estate tax, there are legacy and succession duties, which are levied upon the inheritance received

by the heirs or successors to the estate, and which are as follows:

One per cent upon the inheritance received by husband or wife, lineal descendants, and their wives or husbands; 5 per cent upon inheritances received by brothers and sisters of the deceased and their descendants; 10 per cent for all other persons.

I now present, Mr. President, the argument for my last amendment, numbered 11, when presented with the others; that is, that no deduction shall be allowed to corporations on account of interest paid on bonds.

The proposed amendment seeks to do away with the exemption of interest paid on bonds by corporations from the payment of the corporation tax on net income. This exemption was apparently allowed by analogy with incomes of individuals. While at first glance there seems to be no difference between the net income of a corporation and that of an individual, economic science has long established the difference between the two. An individual conducting a business and borrowing part of his working capital has his net income reduced by the amount of interest he has to pay on the borrowed capital. In the case of a corporation, however, the distinction between the capital it raises by the sale of stock and the capital it raises by the sale of bonds is more apparent than real. It is true that there is a legal distinction in the respective status of a bondholder and a stockholder, but from an economic standpoint there is no difference. Both the stockholder and the bondholder are persons contributing their respective shares of capital needed in the enterprise, and the net income of the corporation left after meeting current expenses is distributed among stockholders and bondholders.

Frequently bonds are sold with a bonus of stock and the same person is both stockholder and bondholder. In other words, he is both part owner and creditor of the business of the company.

When Andrew Carnegie refused to take stock in the newly forming United States Steel Corporation in payment for his mills, which were to be absorbed by the combination, and asked for bonds instead, he became a creditor of the Steel Corporation to the amount of $300,000,000 instead of a stockholder. Had he consented to accept stock, he would have received about $300,000,000 par value of preferred stock, with probably an equal amount of common as a bonus, upon all of which the Steel Corporation would be paying dividends equal to 7 per cent upon the preferred, or $21,000,000, and an average of 5 per cent on the common, or $15,000,000, a total of $36,000,000, as against the $15,000,000 he now receives as interest on his bonds. Barring the difference in the respective amounts of dividends and interest, there is no difference between the character of the two funds or as to their source. Both come out of the net earnings of the corporation after deducting operating expenses for its gross revenue. In either case they have to come out of the treasury of the company, except that bonds have this economic advantage, that they always carry a lower rate of interest than dividends upon the stock of the same company.

When the United States Steel Corporation in 1903 decided to convert $150,000,000 worth par value of 7 per cent cumulative preferred stock into an equal amount of 5 per cent second-mortgage bonds, as a means of saving $3,000,000 a year in guaranteed dividends, it at one stroke turned so many owners into creditors, so far as the legal distinction goes. If the present law levying taxes upon the net income of corporations had been in effect at that time the Steel Corporation would have by that operation withdrawn $10,500,000 of what were formerly annual dividends on the preferred stock, or, in other words, a part of its net income, from the payment of the tax. This amount of bonds is now paying $7,500,000 a year in interest. The $7,500,000 are escaping taxation under the law as it now stands.

Stocks are constantly exchanged for bond issues, and vice versa, according to whether it is desired to save annual dividends—the interest on bonds usually being less than stock dividends—or whether it is desired to free the company from bonded indebtedness, in order to strengthen its credit or raise the value of its stock in the stock market.

I therefore see no reason why, in the case of corporations, that part of the income which is paid out in the form of interest on bonds should be deducted from the amount of the net income subject to taxation any more than dividends, which are not allowed to be deducted under the present law, except in the case of corporations, which, owing to adverse conditions, are unable to meet the interest on their bonds; such corporations, however, would automatically be exempt from the payment of the tax under the amendment I propose, which calls for the payment of the tax on "interest paid on bonds." If a corporation has failed to pay any interest on bonds because it has not earned the money, it automatically escapes the payment of the tax.

It will be noted that the amendment exempts from the payment of the tax interest paid on current indebtedness, in which I include not only open loans from banks but notes issued for a term up to three years.

As a matter of historical reference it may be of interest to note that the act of June 30, 1864, provided in section 122, "a duty of 5 per cent on the amount of all interest of coupons, dividends, and profits whenever the same shall be payable" by railroad and water transportation companies. Evidently Congress at that time clearly understood that there was no economic difference, although there is a legal one between net earnings distributed as dividends and those distributed as profits. It is impossible to furnish an accurate estimate of the increase in revenue which would result from the adoption of the proposed amendment, for the reason that there is no information as to the total outstanding indebtedness of corporations. That is another point on which the statistics published by the Bureau of Internal Revenue are deficient.

Now, Mr. President, just a word on the publicity of tax returns, which is a matter embraced in amendments 8, 9, and 10, taken together.

It has been charged almost universally by writers on the subject that there has been gross evasion in the payment of the income tax. This charge is amply supported by official evidence, and in his last annual report the Secretary of the Treasury, quoting from a report of the Commissioner of Internal Revenue, says:

> Many inaccurate returns are made, some deliberately and some ignorantly, and there are, without doubt, wholesale evasions of the law throughout the country. The remedy for this is to clarify and strengthen the law where needed and to provide a larger and more effective field force for the investigation and checking up of the income-tax returns, and for the discovery of those who are liable for the tax and have failed to make returns.

Further on the Secretary of the Treasury says:

> The statement made in the annual report referred to above that it was certain that the Government was losing through inaccurate returns and evasions of the law a sum many times greater than the cost of the field force to investigate and check up the returns and bring to account those who are failing to make returns as required by law has been verified by the results of the investigations of the last year, during which $7,683,275.70 was added to the tax through the investigations of the revenue agents' force—

Inadequate, weak, as it is.

I am in sympathy with the Secretary's request for an increased and more efficient force—which is not made in this bill—no amount of investigation conducted by a force of clerks, which is all that the Secretary can engage with the salaries paid by the department to men who have to contend with the clever work of the most highly paid legal and accounting experts employed by big corporations and individual recipients of large incomes, will be able to cope adequately with the situation. The most potent factor under the circumstances is publicity of returns.

The income tax of the Civil War period yielded more than $73,000,000 in 1866, or more than we have so far collected under our present income-tax laws. This is ascribed chiefly to the fact that there was publicity of income-tax returns, secrecy of returns not having been specifically provided for until the adoption of the act of July 14, 1870, when the income tax was all but wiped out. When it was wiped out, Mr. President, then, as a still further protection to these people who were seeking to escape the last single cent of payment, the ban of secrecy was put upon the income-tax statute. There can be no legitimate argument for secrecy of income-tax returns. The argument usually employed—that it would jeopardize the business secrets of individual business men and corporations—is specious in the extreme. For there is hardly a corporation, or for that matter a business partnership or individual business, in the country upon which fairly accurate information can not be obtained through established credit agencies, like Dun's and Bradstreet's, which are open to anyone who is willing to pay for the information.

It will be noted that the amendment (8) to section 16 of the present law proposed by me would not authorize the Commissioner of Internal Revenue or any of the collectors to disclose any of the details of income-tax returns. All I propose to throw open to public inspection is the net amount of income returned as subject to taxation and the amount of tax paid.

The adoption of a policy of publicity would be in line with the publicity of local tax assessments, which is practically general in this country.

While I have no specific information on this point with regard to foreign countries, I know that in Germany the income-tax assessors' lists, as well as other tax lists, are published broadcast for general information.

Amendment 9 provides for amending section 14, paragraph (b), which already authorizes publicity with regard to returns of corporations, by striking out the words:

(b) When the assessment shall be made, as provided in this title, the returns, together with any corrections thereof which may have been made by the commissioner, shall be filed in the office of the Commissioner of Internal Revenue and shall constitute public records and be open to inspection as such: *Provided*, That the proper officers of any State imposing a general income tax may, upon the request of the governor thereof, have access to said returns or to an abstract thereof, showing the name and income of each such corporation, joint-stock company or association, or insurance company, at such times and in such manner as the Secretary of the Treasury may prescribe.

This amendment, together with an amendment to section 16, which amends section 3167, and also where it amends section 3176, the sections prohibiting the making public of income or corporation tax information, will result in adding many millions to the income tax. The amendment which should be made to section 3167 and section 3176 is to add a proviso at the end of each, as follows:

Provided, That there shall be open to public inspection at the office of the collectors of internal revenue, a list or lists, setting forth the net amount of taxable incomes and taxes paid thereon by every individual in their respective districts, and that copies of such lists shall likewise be open to public inspection at the office of the Commissioner of Internal Revenue at Washington, D. C.

The object of the amendment to section 8 (b) of the present law is the same as that of the amendment for publicity of returns, namely, to prevent fraudulent understatement of income by individuals. It makes it obligatory upon every individual in receipt of a gross income of $3,000 or over to make a return of his income to the Commissioner of Internal Revenue. This amendment has been advocated by many writers on the subject of the income tax, including the National Tax Association, which adopted a recommendation to that effect at its last annual meeting. The present law requires only such persons to file a return of their income as have a net income of $3,000 or over. Under this provision persons receiving larger incomes who assume, innocently or otherwise, that they are entitled to deductions and exemptions under the law, which would make their net income less than $3,000, refrain from filing returns with the Commissioner of Internal Revenue, and escape the payment of the tax, and in the absence of proof to the effect that the net income of such person is in excess of $3,000, the Commissioner of Internal Revenue has no power to compel such persons to file a return.

The adoption of the proposed amendment would make it obligatory on every person in receipt of a gross income in excess of $3,000 to file a return, and would enable the Collector of Internal Revenue to pass upon the correctness of the items which are claimed by the taxpayer to be entitled to exemption.

The adoption of this amendment and of the amendment requiring publicity of income-tax returns would, it is claimed by many writers and economists, result in an increase of revenue under the income-tax law to the extent of hundreds of millions of dollars.

From careful estimates, into which I have no time to go now, it is certain that at least half the taxable income now escapes taxation. While some writers claim that the extent of this evasion exceeds this amount several times, I take the conservative end of these estimates and assume that only one-half the taxable income now escapes taxation. As the total revenue which my rates would raise with the present methods of secrecy of returns is estimated to amount to $250,000,000, the adoption of the publicity amendments here proposed would result in bringing an additional amount of $250,000,000 into the Treasury.

Having demonstrated in detail how I propose to raise from $570,000,000 to $650,000,000 of additional revenue, which is in excess of the $528,000,000 which the Finance Committe proposes to raise by an excess profits tax and a bond issue, the next step is to adopt an amendment to strike out all of Title II in the bill, beginning on page 2, line 22, and ending on page 7, line 17, which provides for an excess profits tax; and to strike out section 400 of the bill, beginning on page 9, line 9, and ending on page 11, line 4, providing for a bond issue of $100,000,000, in addition to an issue of $222,000,000 of Panama Canal bonds.

The adoption of this group of amendments will obviate all necessity for the adoption of the excess profits tax and the bond issue.

The adoption of my amendment with respect to the income tax and applying the income-tax rates to estates will obviate the necessity of the excess profits tax. This excess profits tax can not be collected at all, or, if collected, it will be passed on to the consumers and will be used as an excuse to raise still higher the constantly mounting cost of living.

I contend that it will not be paid; but, if enacted into law, this provision will be used to inflate stock issues and will give to the monopolies that control all the necessities of life an additional excuse for the maintenance of the present high costs. They will justify the maintenance of these prices as necessary to pay dividends upon their inflated capitalizations.

The excess profits tax is unnecessary. The bond issue is unnecessary. We are faced with a situation where we must provide additional revenue to meet the mounting expenses of government. The great increase in the governmental expenditures is caused by the preparedness program, adopted by Congress one year ago, and which is being expanded in the bills that are now before the Senate and are coming on for consideration. This big Army and big Navy program was forced upon the country by the Navy League and the munition makers. The founders of the Navy League were the munition makers. These men and those who became associated with them in the big profits made out of furnishing materials for war financed the preparedness campaign in this country.

These men should be made to bear the burdens that they have imposed upon the country. No legislation such as is proposed here in this excess profits tax should be enacted. That legislation merely means that the burden will be passed on and that the people will pay it in increased prices, or by the maintenance of the present excessive prices.

The amendments which I have proposed will take care of these excessive and unwarranted expenditures, but they will take care of them in a way to compel the swollen fortunes of this country and not the common people to bear the burden.

Mr. President, I ask unanimous consent that the 11 amendments which I have proposed here, which are closely related to each other and which perhaps I ought to have presented connected with the remaining portions of the bill as a substitute bill, be voted upon en bloc.

Mr. NORRIS. Mr. President, I shall have to object to that request.

The VICE PRESIDENT. The hour of 8 o'clock has arrived, at which time, in accordance with the unanimous consent heretofore agreed to, the Senate will now "proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 20573, an act to provide increased revenue, and so forth, through the regular parliamentary stages to its final disposition."

The Secretary will state the first pending amendment.

Mr. LODGE. I suggest the absence of a quorum.

The VICE PRESIDENT. Of course, it is for the Senate to construe its own unanimous-consent agreement. The suggestion of the absence of a quorum is not voting.

Mr. SIMMONS. What is the statement of the Chair?

The VICE PRESIDENT. The Chair rules that the suggestion of the absence of a quorum is not in accordance with the unanimous-consent agreement to proceed to vote. There is a quorum here undoubtedly. The Secretary will state the first amendment, proposed by the Senator from Wisconsin [Mr. LA FOLLETTE].

The SECRETARY. Add after line 21, page 2, of the bill a new section, to be numbered section 2, and to read as follows:

SEC. 2. That section 1 of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, be, and the same is hereby, amended to read as follows:

"SEC. 1. (a) That there shall be levied, assessed, collected, and paid annually upon the entire net income received in the preceding calendar year from all sources by every individual, a citizen or resident of the United States, a tax of 1 per cent upon the amount of such income if the income does not exceed $10,000; 2 per cent upon the amount of such income if the income exceeds $10,000 and does not exceed $20,000; 3 per cent upon the amount of such income if the income exceeds $20,000 and does not exceed $30,000; 4 per cent upon the amount of such income if the income exceeds $30,000 and does not exceed $40,000; 5 per cent upon the amount of such income if the income exceeds $40,000 and does not exceed $50,000; 6 per cent upon the amount of such income if the income exceeds $50,000 and does not exceed $75,000; 7 per cent upon the amount of such income if the income exceeds $75,000 and does not exceed $100,000; 8 per cent upon the amount of such income if the income exceeds $100,000 and does not exceed $150,000; 9 per cent upon the amount of such income if the income exceeds $150,000 and does not exceed $200,000; 10 per cent upon the amount of such income if the income exceeds $200,000 and does not exceed $250,000; 11 per cent upon the amount of such income if the income exceeds $250,000 and does not exceed $300,000; 12 per cent upon the amount of such income if the income exceeds $300,000 and does not exceed $400,000; 13 per cent upon the amount of such income if the income exceeds $400,000 and does not exceed $500,000; 14 per cent upon the amount of such income if the income exceeds $500,000 and does not exceed $600,000; 15 per cent upon the amount of such income if the income exceeds $600,000 and does not exceed $700,000; 16 per cent upon the amount of such income if the income exceeds $700,000 and does not exceed $800,000; 17 per cent upon the amount of such income if the income exceeds $800,000 and does not exceed $900,000; 18 per cent upon the amount of such income if the income exceeds $900,000 and does not exceed $1,000,000; 19 per cent upon the amount of such income if the income exceeds $1,000,000 and does not exceed $2,000,000; 20 per cent upon the amount of such income if the income exceeds $2,000,000 and does not exceed $3,000,000; 21 per cent upon the amount of such income if the income exceeds $3,000,000 and does not exceed $4,000,000; 22 per cent upon the amount of such in-

come if the income exceeds $4,000,000 and does not exceed $5,000,000; 23 per cent upon the amount of such income if the income exceeds $5,000,000 and does not exceed $6,000,000; 24 per cent upon the amount of such income if the income exceeds $6,000,000 and does not exceed $7,000,000; 25 per cent upon the amount of such income if the income exceeds $7,000,000.

"(b) A like tax shall be levied, assessed, collected, and paid annually upon the entire net income received in the preceding calendar year from all sources within the United States by every individual, a nonresident alien, including interest on bonds, notes, or other interest-bearing obligations of residents, corporate or otherwise.

"(c) For the purpose of the income tax there shall be included as income the income derived from dividends on the capital stock or from the net earnings of any corporation, joint-stock company or association, or insurance company, except that in the case of nonresident aliens such income derived from the sources without the United States shall not be included.

"(d) The foregoing tax rates shall apply to the entire net income, except as hereinafter provided, received by every taxable person in the calendar year 1917 and in each calendar year thereafter."

Mr. SIMMONS. I should like to inquire who offered that amendment?

The VICE PRESIDENT. The Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. It is the first one of my amendments, I will say to the Senator from North Carolina, and if I can not have the privilege of offering the amendments together to be voted upon en bloc, I should like to offer them one after another. They will be gotten out of the way just as quickly.

Mr. SIMMONS. That course is perfectly satisfactory.

Mr. LA FOLLETTE. I wish to have them offered without any other amendments thrown in between, so that the RECORD will show the vote consecutively upon these amendments. It seems to me that is a reasonable request, and I hope Senators will not object.

Mr. SIMMONS. I do not object to that. I am perfectly willing that the Senate shall vote on all the amendments offered by the Senator from Wisconsin and that they shall now be taken up consecutively one after another.

Mr. LA FOLLETTE. I thank the Senator very much. I would prefer to have them voted upon en bloc, but some objection has been raised to that course.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL]. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. CURTIS (when Mr. GALLINGER'S name was called). I desire to announce the unavoidable absence of the Senator from New Hampshire [Mr. GALLINGER]. He is paired with the senior Senator from New York [Mr. O'GORMAN]. I will let this announcement stand for the evening.

Mr. JOHNSON of Maine (when his name was called). I am paired with the junior Senator from North Dakota [Mr. GRONNA]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. O'GORMAN (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER], which I transfer to the senior Senator from Arizona [Mr. SMITH], and vote "nay."

Mr. OWEN (when his name was called). I inquire if the Senator from New Mexico [Mr. CATRON] has voted?

The VICE PRESIDENT. He has not.

Mr. OWEN. I withhold my vote for the present, being paired with that Senator.

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH] and therefore withhold my vote.

Mr. CLARK (when Mr. STONE'S name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I desire to announce that if he were present he would vote "nay."

Mr. WALSH (when his name was called). I inquire if the Senator from New Mexico [Mr. CATRON] has voted?

The VICE PRESIDENT. He has not.

Mr. WALSH. I have a pair with that Senator, and I withhold my vote.

The roll call was concluded.

Mr. CURTIS. I wish to announce the unavoidable absence of the junior Senator from North Dakota [Mr. GRONNA]. He is paired with the senior Senator from Maine [Mr. JOHNSON]. If the junior Senator from North Dakota were present, he authorized me to say that he would vote for each of the amendments offered by the Senator from Wisconsin. I will let this announcement stand for all the votes.

Mr. REED. I desire to announce the unavoidable absence of the Senator from Oklahoma [Mr. GORE] on account of illness.

Mr. HOLLIS (after having voted in the negative). When I voted I failed to notice the absence of the junior Senator from New York [Mr. WADSWORTH]. I have a pair with that Senator and therefore withdraw my vote.

The result was announced—yeas 23, nays 51, as follows:

YEAS—23.

Borah	Harding	McCumber	Sherman
Brady	Jones	McLean	Townsend
Clapp	Kenyon	Nelson	Watson
Cummins	La Follette	Norris	Weeks
Curtis	Lane	Page	Works
Fernald	Lodge	Poindexter	

NAYS—51.

Ashurst	Hitchcock	Newlands	Shields
Bankhead	Hughes	O'Gorman	Simmons
Beckham	Husting	Oliver	Smith, Ga.
Brandegee	James	Overman	Smith, Md.
Broussard	Johnson, Me.	Penrose	Smoot
Bryan	Johnson, S. Dak.	Phelan	Sutherland
Chamberlain	Kern	Pittman	Swanson
Chilton	Kirby	Pomerene	Thompson
Clark	Lea, Tenn.	Reed	Tillman
Colt	Lee, Md.	Robinson	Underwood
du Pont	Lewis	Saulsbury	Vardaman
Fletcher	Martin, Va.	Shafroth	Williams
Hardwick	Myers	Sheppard	

NOT VOTING—22.

Catron	Gore	Ransdell	Thomas
Culberson	Gronna	Smith, Ariz.	Wadsworth
Dillingham	Hollis	Smith, Mich.	Walsh
Fall	Lippitt	Smith, S. C.	Warren
Gallinger	Martine, N. J.	Sterling	
Goff	Owen	Stone	

So Mr. LA FOLLETTE'S amendment was rejected.

The VICE PRESIDENT. The Secretary will state the second amendment offered by the Senator from Wisconsin.

The SECRETARY. Add a new section to the bill, to be inserted before Title II, page 2, and which section shall read as follows:

SEC. 3. That section 5 of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, be, and the same is hereby, amended by striking out clauses (b) and (c) of said section.

The VICE PRESIDENT. The question is on the amendment of the Senator from Wisconsin.

Mr. KENYON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement of my pair and its transfer as before, I vote "nay."

Mr. CLARK (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In his absence, I withhold my vote.

Mr. JOHNSON of Maine (when his name was called). I am paired with the junior Senator from North Dakota [Mr. GRONNA]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and vote. I vote "nay."

Mr. O'GORMAN (when his name was called). Making the same announcement respecting the transfer of my pair with the Senator from New Hampshire [Mr. GALLINGER], I vote "nay."

Mr. OWEN (when his name was called). I ask if the Senator from New Mexico [Mr. CATRON] has voted?

The VICE PRESIDENT. He has not.

Mr. OWEN. I withhold my vote, being paired with that Senator.

Mr. STERLING (when his name was called). Making the same announcement of my pair as before, I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. WALSH (when his name was called). In the absence of the Senator from Rhode Island [Mr. LIPPITT], with whom I am paired, I withhold my vote.

The roll call having been concluded, the result was announced—yeas 24, nays 54, as follows:

YEAS—24.

Borah	Curtis	La Follette	Oliver
Brady	Dillingham	Lane	Page
Brandegee	Fernald	McCumber	Poindexter
Clapp	Harding	McLean	Sutherland
Colt	Jones	Nelson	Watson
Cummins	Kenyon	Norris	Works

NAYS—54.

Ashurst	du Pont	James	Lewis
Bankhead	Fletcher	Johnson, Me.	Lodge
Beckham	Hardwick	Johnson, S. Dak.	Martin, Va.
Broussard	Hitchcock	Kern	Myers
Bryan	Hollis	Kirby	Newlands
Chamberlain	Hughes	Lea, Tenn.	O'Gorman
Chilton	Husting	Lee, Md.	Overman

Phelan	Shafroth	Smoot	Vardaman
Pittman	Sheppard	Swanson	Wadsworth
Pomerene	Sherman	Thomas	Warren
Ransdell	Shields	Thompson	Weeks
Reed	Simmons	Tillman	Williams
Robinson	Smith, Ga.	Townsend	
Saulsbury	Smith, Md.	Underwood	

NOT VOTING—18.

Catron	Goff	Owen	Sterling
Clark	Gore	Penrose	Stone
Culberson	Gronna	Smith, Ariz.	Walsh
Fall	Lippitt	Smith, Mich.	
Gallinger	Martine, N. J.	Smith, S. C.	

So Mr. LA FOLLETTE's amendment was rejected.

The VICE PRESIDENT. The Secretary will state the third amendment offered by the Senator from Wisconsin.

The SECRETARY. It is proposed to add a new section to the bill, to be inserted before Title II, page 2, and to read as follows:

SEC. 4. That section 7, paragraph (a), of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, be, and the same is hereby, amended to read as follows:

"SEC. 7. (a) That for the purpose of the normal tax only, there shall be allowed as an exemption in the nature of a deduction from the amount of the net income of each of said persons, ascertained as provided herein, the sum of $3,000, plus $1,000 additional if the person making the return be a head of a family or a married man with a wife living with him, or plus the sum of $1,000 additional if the person making the return be a married woman with a husband living with her; but in no event shall this additional exemption of $1,000 be deducted by both a husband and a wife: *Provided*, That only one deduction of $4,000 shall be made from the aggregate income of both husband and wife when living together: *Provided further*, That guardians or trustees shall be allowed to make this personal exemption as to income derived from the property of which such guardian or trustee has charge in favor of each ward or cestui que trust: *Provided further*, That in no event shall a ward or cestui que trust be allowed a greater personal exemption than $3,000, or, if married, $4,000, as provided in this paragraph, from the amount of net income received from all sources. There shall also be allowed an exemption from the amount of net income of estates of deceased persons during the period of administration or settlement, and of trust or other estates the income of which is not distributed annually or regularly under the provisions of paragraph (b), section 2, the sum of $3,000, including such deductions as are allowed under section 5: *Provided further*, That the above exemption shall apply only to incomes the net annual amount of which does not exceed $10,000."

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. NORRIS and Mr. JONES asked for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement of my pair and its transfer, I vote "nay."

Mr. CLARK (when his name was called). Making the same announcement as to my pair as on the previous vote, I withhold my vote.

Mr. O'GORMAN (when his name was called). Making the same announcement as to my pair and its transfer as heretofore, I vote "nay."

Mr. STERLING (when his name was called). On account of my pair, previously announced, I withhold my vote. If at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. JOHNSON of Maine. I transfer my pair with the Senator from North Dakota [Mr. GRONNA] to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. WALSH. I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from New Jersey [Mr. MARTINE] and vote "nay."

The result was announced—yeas 26, nays 49, as follows:

YEAS—26.

Borah	Dillingham	Lodge	Smoot
Brady	Fernald	McLean	Wadsworth
Brandegee	Harding	Nelson	Watson
Clapp	Jones	Norris	Weeks
Colt	Kenyon	Page	Works
Cummins	La Follette	Poindexter	
Curtis	Lane	Sherman	

NAYS—49.

Ashurst	James	Oliver	Smith, Md.
Beckham	Johnson, Me.	Overman	Sutherland
Broussard	Johnson, S. Dak.	Phelan	Swanson
Bryan	Kern	Pittman	Thompson
Chamberlain	Kirby	Pomerene	Tillman
Chilton	Lea, Tenn.	Reed	Underwood
du Pont	Lee, Md.	Robinson	Vardaman
Fletcher	Lewis	Saulsbury	Walsh
Hardwick	McCumber	Shafroth	Warren
Hitchcock	Martin, Va.	Sheppard	Williams
Hollis	Myers	Shields	
Hughes	Newlands	Simmons	
Husting	O'Gorman	Smith, Ga.	

NOT VOTING—21.

Bankhead	Goff	Penrose	Stone
Catron	Gore	Ransdell	Thomas
Clark	Gronna	Smith, Ariz.	Townsend
Culberson	Lippitt	Smith, Mich.	
Fall	Martine, N. J.	Smith, S. C.	
Gallinger	Owen	Sterling	

So Mr. LA FOLLETTE's amendment was rejected.

The VICE PRESIDENT. The Secretary will state the next amendment proposed by the Senator from Wisconsin.

The SECRETARY. It is proposed to strike out all of section 300, beginning with line 24, page 7, down to and including line 2, page 9 of the bill, and insert:

SEC. 201. That the income tax (hereinafter in this title referred to as to the tax) on individuals provided for in section 1 of this act shall be levied, assessed, collected, and paid upon the value of the net estate, to be determined as provided in section 203, upon the transfer of the net estate of every decedent dying after the passage of this act, whether a resident or nonresident of the United States.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. CLAPP. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I make the same announcement of my pair and its transfer as heretofore and vote "nay."

Mr. STERLING (when his name was called). Making the same announcement of my pair, I withhold my vote.

Mr. WALSH (when his name was called). I make the same transfer of my pair as announced on the preceding vote and vote "nay."

The roll call was concluded.

Mr. O'GORMAN. Making the same announcement as heretofore with respect to the transfer of my pair, I vote "nay."

Mr. JOHNSON of Maine. Making the same announcement as to the transfer of my pair as on the preceding vote, I vote "nay."

Mr. WILLIAMS (after having voted in the negative). My attention has just been called to the fact that the Senator from Pennsylvania [Mr. PENROSE] did not vote. I transfer my pair with that Senator to the Senator from Louisiana [Mr. RANSDELL], and will let my vote stand.

The result was announced—yeas 30, nays 48, as follows:

YEAS—30.

Borah	Fernald	McLean	Townsend
Brady	Harding	Nelson	Wadsworth
Brandegee	Jones	Norris	Warren
Clapp	Kenyon	Oliver	Watson
Colt	La Follette	Page	Weeks
Cummins	Lane	Poindexter	Works
Curtis	Lodge	Smoot	
Dillingham	McCumber	Sutherland	

NAYS—48.

Ashurst	Hughes	Newlands	Shields
Bankhead	Husting	O'Gorman	Simmons
Beckham	James	Overman	Smith, Ga.
Broussard	Johnson, Me.	Phelan	Smith, Md.
Bryan	Johnson, S. Dak.	Pittman	Swanson
Chamberlain	Kern	Pomerene	Thomas
Chilton	Kirby	Reed	Thompson
du Pont	Lea, Tenn.	Robinson	Tillman
Fletcher	Lee, Md.	Saulsbury	Underwood
Hardwick	Lewis	Shafroth	Vardaman
Hitchcock	Martin, Va.	Sheppard	Walsh
Hollis	Myers	Sherman	Williams

NOT VOTING—18.

Catron	Goff	Owen	Smith, S. C.
Clark	Gore	Penrose	Sterling
Culberson	Gronna	Ransdell	Stone
Fall	Lippitt	Smith, Ariz.	
Gallinger	Martine, N. J.	Smith, Mich.	

So Mr. LA FOLLETTE's amendment was rejected.

The VICE PRESIDENT. The Secretary will state the next amendment offered by the Senator from Wisconsin.

The SECRETARY. At the end of Title III—Estate Tax, on page 9, after line 7, it is proposed to insert a new section to read as follows:

SEC. 302. That section 4 of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, be, and the same is hereby, amended to read as follows:

"SEC. 4. The following income shall be exempt from the provisions of this title:

"The proceeds of life insurance policies paid to individual beneficiaries upon the death of the insured; the amount received by the insured, as a return of premium or premiums paid by him under life insurance, endowment, or annuity contracts, either during the term or at the maturity of the term mentioned in the contract or upon the surrender of the contract; interest upon the obligations of a State or any political subdivision thereof or upon the obligations of the United States or its possessions or securities issued under the provisions of the Federal farm-loan act of July 17, 1916; the compensation of the present President of the United States during the term for which he has been elected, and the judges of the Supreme and inferior courts of the United States now in office, and the compensation of all officers and employees of a State, or any political subdivision thereof, except when such compensation is paid by the United States Government.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

Mr. POINDEXTER. On that amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement of my pair and its transfer, I vote "nay."

Mr. O'GORMAN (when his name was called). Making the same announcement of my pair and its transfer as previously, I vote "nay."

Mr. WALSH (when his name was called). Making the same transfer of my pair as announced on the preceding vote, I vote "nay."

The roll call was concluded.

Mr. CLARK. I have a general pair with the senior Senator from Missouri [Mr. STONE]. If he were present and I were allowed to vote, I should vote "yea."

Mr. CURTIS. I have been requested to announce the pair of the Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN].

Mr. JOHNSON of Maine. Making the same transfer of my pair as on the last vote, I vote "nay."

Mr. WILLIAMS. I have a pair with the Senator from Pennsylvania [Mr. PENROSE], but I have an understanding with that Senator that for to-night I am free to vote. I therefore vote "nay."

The result was announced—yeas 29, nays 48, as follows:

YEAS—29.

Borah	Fernald	McLean	Wadsworth
Brady	Harding	Nelson	Warren
Brandegee	Jones	Norris	Watson
Clapp	Kenyon	Poindexter	Weeks
Colt	La Follette	Sherman	Works
Curtis	Lane	Smoot	
Dillingham	Lodge	Sutherland	
du Pont	McCumber	Townsend	

NAYS—48.

Ashurst	Husting	O'Gorman	Sheppard
Bankhead	James	Oliver	Shields
Beckham	Johnson, Me.	Overman	Simmons
Broussard	Johnson, S. Dak.	Page	Smith, Ga.
Bryan	Kern	Phelan	Smith, Md.
Chamberlain	Kirby	Pittman	Swanson
Chilton	Lea, Tenn.	Pomerene	Thompson
Fletcher	Lee, Md.	Ransdell	Tillman
Hardwick	Lewis	Reed	Underwood
Hitchcock	Martin, Va.	Robinson	Vardaman
Hollis	Myers	Saulsbury	Walsh
Hughes	Newlands	Shafroth	Williams

NOT VOTING—19.

Catron	Gallinger	Martine, N. J.	Smith, S. C.
Clark	Goff	Owen	Sterling
Culberson	Gore	Penrose	Stone
Cummins	Gronna	Smith, Ariz.	Thomas
Fall	Lippitt	Smith, Mich.	

So Mr. LA FOLLETTE's amendment was rejected.

The VICE PRESIDENT. The Secretary will state the next amendment of the Senator from Wisconsin.

The SECRETARY. It is proposed to add at the end of Title III, "Estate tax," on page 9, following line 7, the following amendment:

SEC. 302. That section 203 of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, be, and the same is hereby, amended to read as follows:

"SEC. 203. That for the purpose of the tax the value of the net estate shall be determined—

"(a) In the case of a resident, by deducting from the value of the gross estate—

"Such amounts for funeral expenses, administration expenses, claims against the estate, unpaid mortgages, losses incurred during the settlement of the estate arising from fires, storms, shipwreck, or other casualty, and from theft, when such losses are not compensated for by insurance or otherwise, support during the settlement of the estate of those dependent upon the decedent, and such other charges against the estate as are allowed by the laws of the jurisdiction, whether within or without the United States, under which the estate is being administered; and

"(b) In the case of a nonresident, by deducting from the value of that part of his gross estate which at the time of his death is situated in the United States that proportion of the deductions specified in paragraph (1) of subdivision (a) of this section which the value of such part bears to the value of his entire gross estate, wherever situated. But no deductions shall be allowed in the case of a nonresident unless the executor includes in the return required to be filed under section 205 the value at the time of his death of that part of the gross estate of the nonresident not situated in the United States.

"(c) If the net value of an estate after making the deductions allowed under clauses (a) and (b) of this section does not exceed $50,000, such estate shall be exempt from the tax provided for in section 201 if left to a widow or minor children."

The VICE PRESIDENT. The question is on the amendment.

Mr. WATSON. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secrertary proceeded to call the roll.

Mr. CHILTON (when his name was called). I make the same announcement of my pair and its transfer and vote "nay."

Mr. STERLING (when his name was called). On account of the pair formerly announced I withhold my vote.

Mr. WALSH (when his name was called). I again transfer my pair as announced on the preceding vote and vote "nay."

The roll call was concluded.

Mr. JOHNSON of Maine. Making the same transfer as before, I vote "nay."

The result was announced—yeas 28, nays 48, as follows:

YEAS—28.

Borah	Dillingham	Lane	Smoot
Brady	du Pont	Lodge	Sutherland
Brandegee	Fernald	McCumber	Wadsworth
Clapp	Harding	Norris	Warren
Colt	Jones	Page	Watson
Cummins	Kenyon	Poindexter	Weeks
Curtis	La Follette	Sherman	Works

NAYS—48.

Ashurst	Husting	O'Gorman	Shields
Bankhead	James	Oliver	Simmons
Beckham	Johnson, Me.	Overman	Smith, Ga.
Broussard	Johnson, S. Dak.	Phelan	Smith, Md.
Bryan	Kern	Pittman	Swanson
Chamberlain	Kirby	Pomerene	Thomas
Chilton	Lea, Tenn.	Ransdell	Thompson
Fletcher	Lee, Md.	Reed	Tillman
Hardwick	Lewis	Robinson	Underwood
Hitchcock	Martin, Va.	Saulsbury	Vardaman
Hollis	Myers	Shafroth	Walsh
Hughes	Newlands	Sheppard	Williams

NOT VOTING—20.

Catron	Goff	Martine, N. J.	Smith, Mich.
Clark	Gore	Nelson	Smith, S. C.
Culberson	Gronna	Owen	Sterling
Fall	Lippitt	Penrose	Stone
Gallinger	McLean	Smith, Ariz.	Townsend

So Mr. LA FOLLETTE's amendment was rejected.

The VICE PRESIDENT. The Secretary will state the next amendment of the Senator from Wisconsin.

The SECRETARY. It is proposed to strike out all of section 400, in Title IV, Miscellaneous, in the following words:

TITLE IV.—MISCELLANEOUS.

SEC. 400. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time such sums as in his judgment may be required to meet public expenditures on account of the Mexican situation, the construction of the armor-plate plant, the construction of the Alaskan Railway, and the purchase of the Danish West Indies, or to reimburse the Treasury for such expenditures, and to prepare and issue therefor bonds of the United States not exceeding in the aggregate $100,000,000, in such form as he may prescribe, bearing interest payable quarterly at a rate not exceeding 3 per cent per annum; and such bonds shall be payable, principal and interest, in United States gold coin of the present standard of value, and both principal and interest shall be exempt from all taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority, and shall not be receivable by the Treasurer of the United States as security for the issue of circulating notes to national banks: *Provided*, That such bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving all citizens of the United States an equal opportunity to subscribe therefor, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of preparing, advertising, and issuing the same: *And provided further*, That in addition to such issue of bonds, the Secretary of the Treasury may prepare and issue for the purposes specified in this section any portion of the bonds of the United States now available for issue under authority of section 39 of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909: *And provided further*, That the issue of bonds under authority of this act and any Panama Canal bonds hereafter issued under authority of section 39 of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, shall be made redeemable and payable at such times within 50 years after the date of their issue as the Secretary of the Treasury, in his discretion, may deem advisable.

The VICE PRESIDENT. The question is on the amendment.

Mr. CURTIS. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I make the same announcement of my pair and its transfer as before and vote "nay."

Mr. OWEN (when his name was called). In the absence of my pair I withhold my vote.

Mr. STERLING (when his name was called). Making the same announcement as to my pair, I withhold my vote.

Mr. WALSH (when his name was called). Transferring my pair as announced on the previous vote, I vote "nay."

The roll call was concluded.

Mr. BRYAN. The junior Senator from Michigan [Mr. TOWNSEND] is absent on business of the Senate, and I am paired with him. I therefore withhold my vote.

Mr. BANKHEAD. I desire to announce that I have a pair with the Senator from Minnesota [Mr. CLAPP] on these amendments until the main question is reached.

The result was announced—yeas 31, nays 45, not voting 20, as follows:

YEAS—31.

Borah	Colt	du Pont	Kenyon
Brady	Cummins	Fernald	La Follette
Brandegee	Curtis	Harding	Lane
Clapp	Dillingham	Jones	Lodge

McCumber	Penrose	Smoot	Watson
Nelson	Poindexter	Sutherland	Weeks
Norris	Sherman	Wadsworth	Works
Page	Smith, Mich.	Warren	

NAYS—45.

Ashurst	James	Overman	Smith, Ga.
Bankhead	Johnson, Me.	Phelan	Smith, Md.
Beckham	Johnson, S. Dak.	Pittman	Swanson
Broussard	Kern	Pomerene	Thompson
Chamberlain	Kirby	Ransdell	Tillman
Chilton	Lea, Tenn.	Reed	Underwood
Fletcher	Lee, Md.	Robinson	Vardaman
Hardwick	Lewis	Saulsbury	Walsh
Hitchcock	Martin, Va.	Shafroth	Williams
Hollis	Myers	Sheppard	
Hughes	Newlands	Shields	
Husting	O'Gorman	Simmons	

NOT VOTING—20.

Bryan	Gallinger	McLean	Smith, S. C.
Catron	Goff	Martine, N. J.	Sterling
Clark	Gore	Oliver	Stone
Culberson	Gronna	Owen	Thomas
Fall	Lippitt	Smith, Ariz.	Townsend

So Mr. LA FOLLETTE's amendment was rejected.

The VICE PRESIDENT. The Secretary will report the next amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

The SECRETARY. Amendment numbered 8, page 15, after line 2 add a new section, as follows:

SEC. 28. Amend paragraph (b) of section 14 of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, to read as follows:

(b) When the assessment shall be made, as provided in this title, the returns, together with any corrections thereof which may have been made by the commissioner, shall be filed in the office of the Commissioner of Internal Revenue and shall constitute public records and be open to inspection as such: *Provided*, That the proper officers of any State imposing a general income tax may, upon the request of the governor thereof, have access to said returns or to an abstract thereof, showing the name and income of each such corporation, joint-stock company or association, or insurance company, at such times and in such manner as the Secretary of the Treasury may prescribe.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. HARDING. I ask for the yeas and nays.

The yeas and nays were ordered and the Secretary proceeded to call the roll.

Mr. SIMMONS (when Mr. BRYAN's name was called). I desire to announce that the Senator from Florida [Mr. BRYAN] is paired with the Senator from Michigan [Mr. TOWNSEND]. Both Senators are absent attending to business of the Senate.

Mr. CHILTON (when his name was called). I make the same announcement of my pair and its transfer as before, and vote "nay."

Mr. CLAPP (when his name was called). I have a general pair on this and some other amendments with the senior Senator from Alabama [Mr. BANKHEAD]. If at liberty to vote, I would vote "yea."

Mr. JOHNSON of Maine (when his name was called). I wish to announce that I am paired with the junior Senator from North Dakota [Mr. GRONNA] and I withhold my vote.

Mr. O'GORMAN (when his name was called). Making the same announcement of my pair and its transfer on all votes to-night, I vote "nay."

Mr. STERLING (when his name was called). I announce my pair with the Senator from South Carolina [Mr. SMITH] and withhold my vote.

Mr. WALSH (when his name was called). Making the same transfer of my pair as on the preceding vote, I vote "nay."

The roll call was concluded.

Mr. JOHNSON of Maine. I transfer my pair to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. OWEN. I announce my pair with the Senator from New Mexico [Mr. CATRON] and withhold my vote.

The result was announced—yeas 16, nays 55, as follows:

YEAS—16.

Borah	Fernald	La Follette	Norris
Brady	Husting	Lane	Page
Cummins	Jones	McCumber	Penrose
Curtis	Kenyon	Nelson	Poindexter

NAYS—55.

Ashurst	Hughes	Overman	Smith, Md.
Beckham	James	Phelan	Smoot
Brandegee	Johnson, Me.	Pittman	Sutherland
Broussard	Johnson, S. Dak.	Pomerene	Swanson
Chamberlain	Kern	Ransdell	Thompson
Chilton	Kirby	Reed	Tillman
Colt	Lee, Md.	Robinson	Underwood
Dillingham	Lewis	Saulsbury	Vardaman
du Pont	Lodge	Shafroth	Wadsworth
Fletcher	Martin, Va.	Sheppard	Walsh
Harding	Myers	Sherman	Warren
Hardwick	Newlands	Shields	Weeks
Hitchcock	O'Gorman	Simmons	Williams
Hollis	Oliver	Smith, Ga.	

NOT VOTING—25.

Bankhead	Gallinger	Martine, N. J.	Thomas
Bryan	Goff	Owen	Townsend
Catron	Gore	Smith, Ariz.	Watson
Clapp	Gronna	Smith, Mich.	Works
Clark	Lea, Tenn.	Smith, S. C.	
Culberson	Lippitt	Sterling	
Fall	McLean	Stone	

So Mr. LA FOLLETTE's amendment was rejected.

The VICE PRESIDENT. The Secretary will state the next amendment.

The SECRETARY. Amendment numbered 9. At the same place in the bill, page 15, after line 2, add a new section, as follows:

SEC. 29. Amend section 3167 of the Revised Statutes of the United States, as amended by section 16 of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, by adding thereto a new paragraph to read as follows:

"*Provided*, That there shall be open to public inspection at the office of the collectors of internal revenue, a list or lists, setting forth the net amount of taxable incomes and taxes paid thereon by every individual in their respective districts, and that copies of such lists shall likewise be open to public inspection at the office of the Commissioner of Internal Revenue at Washington, D. C."

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. WADSWORTH and Mr. BRADY called for the yeas and nays and they were ordered.

The Secretary proceeded to call the roll.

Mr. WALSH (when his name was called). I announce the same transfer of my pair as before and vote "nay."

The roll call was concluded.

Mr. CHILTON (after having voted in the negative). I wish to announce my pair and its transfer as on the former vote and I will let my vote stand.

The result was announced—yeas 15, nays 56, as follows:

YEAS—15.

Borah	Fernald	La Follette	Penrose
Brady	Husting	Lane	Poindexter
Cummins	Jones	Norris	Sherman
Curtis	Kenyon	Page	

NAYS—56.

Ashurst	Hughes	Newlands	Smith, Ga.
Beckham	James	O'Gorman	Smith, Md.
Brandegee	Johnson, Me.	Overman	Smoot
Broussard	Johnson, S. Dak.	Phelan	Sutherland
Chamberlain	Kern	Pittman	Swanson
Chilton	Kirby	Pomerene	Thompson
Colt	Lea, Tenn.	Ransdell	Tillman
Dillingham	Lee, Md.	Reed	Underwood
du Pont	Lewis	Robinson	Vardaman
Fletcher	Lodge	Saulsbury	Wadsworth
Harding	McCumber	Shafroth	Walsh
Hardwick	Martin, Va.	Sheppard	Warren
Hitchcock	Myers	Shields	Weeks
Hollis	Nelson	Simmons	Williams

NOT VOTING—25.

Bankhead	Gallinger	Oliver	Thomas
Bryan	Goff	Owen	Townsend
Catron	Gore	Smith, Ariz.	Watson
Clapp	Gronna	Smith, Mich.	Works
Clark	Lippitt	Smith, S. C.	
Culberson	McLean	Sterling	
Fall	Martine, N. J.	Stone	

So Mr. LA FOLLETTE's amendment was rejected.

The VICE PRESIDENT. The Secretary will read the next amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE].

The SECRETARY. Amendment numbered 10. At the same place in the bill, page 15, after line 2, insert a new section to read as follows:

SEC. 28. That paragraph (b) of section 8 of an act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, be, and the same is hereby, amended to read as follows:

"(b) On or before the 1st day of March, 1917, and the 1st day of March in each year thereafter, a true and accurate return under oath shall be made by each person of lawful age, except as hereinafter provided, having a gross income of $3,000 or over for the taxable year to the collector of internal revenue for the district in which such person has his legal residence or principal place of business, or if there be no legal residence or place of business in the United States, then with the collector of internal revenue at Baltimore, Md., in such form as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, setting forth specifically the gross amount of income from all separate sources, and from the total thereof deducting the aggregate items of allowances herein authorized: *Provided*, That the Commissioner of Internal Revenue shall have authority to grant a reasonable extension of time, in meritorious cases, for filing returns of income by persons residing or traveling abroad who are required to make and file returns of income and who are unable to file said returns on or before March 1 of each year: *Provided further*, That the aforesaid return may be made by an agent when by reason of illness, absence, or nonresidence the person liable for said return is unable to make and render the same, the agent assuming the responsibility of making the return and incurring penalties provided for erroneous, false, or fraudulent return."

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JOHNSON of Maine (when his name was called). I transfer my pair with the junior Senator from North Dakota [Mr. GRONNA] to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. STERLING (when his name was called). Again announcing my pair with the Senator from South Carolina [Mr. SMITH], I withhold my vote.

Mr. WALSH (when his name was called). I announce the transfer of my pair as before and vote "nay."

The roll call was concluded.

Mr. CHILTON. I make the same announcement of my pair and its transfer as before and vote "nay."

The result was announced—yeas 27, nays 44, as follows:

YEAS—27.

Borah	Fernald	Nelson	Smoot
Brady	Harding	Norris	Sutherland
Brandegee	Jones	Oliver	Wadsworth
Cummins	La Follette	Page	Warren
Curtis	Lane	Penrose	Watson
Dillingham	Lodge	Poindexter	Weeks
du Pont	McCumber	Sherman	

NAYS—44.

Ashurst	Husting	O'Gorman	Shields
Beckham	James	Overman	Simmons
Broussard	Johnson, Me.	Phelan	Smith, Ga.
Chamberlain	Johnson, S. Dak.	Pittman	Swanson
Chilton	Kern	Pomerene	Thomas
Colt	Kirby	Ransdell	Thompson
Fletcher	Lea, Tenn.	Reed	Tillman
Hardwick	Lee, Md.	Robinson	Underwood
Hitchcock	Lewis	Saulsbury	Vardaman
Hollis	Martin, Va.	Shafroth	Walsh
Hughes	Myers	Sheppard	Williams

NOT VOTING—25.

Bankhead	Gallinger	Martine, N. J.	Sterling
Bryan	Goff	Newlands	Stone
Catron	Gore	Owen	Townsend
Clapp	Gronna	Smith, Ariz.	Works
Clark	Kenyon	Smith, Md.	
Culberson	Lippitt	Smith, Mich.	
Fall	McLean	Smith, S. C.	

So Mr. LA FOLLETTE's amendment was rejected.

The VICE PRESIDENT. The Secretary will state the next amendment proposed by the Senator from Wisconsin.

The SECRETARY. Amendment No. 11 is to add in the bill, at the same place, on page 15, after line 2, a new section, as follows:

SEC. 28. That paragraph 3 of section 12 (a) of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, be, and the same is hereby, amended to read as follows:

"Third. The amount of interest paid within the year on its current indebtedness, such as short-term notes, payable within a period not exceeding three years from the date of issue, and the like, but not interest paid on bonds and similar forms of long-term indebtedness: *Provided*, That in the case of bonds or other indebtedness, which have been issued with a guaranty that the interest payable thereon shall be free from taxation, no deduction for the payment of the tax herein imposed, or any other tax paid pursuant to such guaranty, shall be allowed; and in the case of a bank, banking association, loan or trust company, interest paid within the year on deposits or on moneys received for investment and secured by interest-bearing certificates of indebtedness issued by such bank, banking association, loan or trust company."

And paragraph (b) 3, of section 12 of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, be, and the same is hereby, amended to read as follows:

"Third. The amount of interest paid within the year on its current indebtedness, such as short-term notes, payable within a period not exceeding three years from the date of issue, and the like, incurred in the maintenance and operation of its business and property within the United States, but not interest paid on bonds and similar forms of long-term indebtedness: *Provided*, That in the case of bonds or other indebtedness which have been issued with a guaranty that the interest payable thereon shall be free from taxation, no deduction for the payment of the tax herein imposed or any other tax paid pursuant to such guaranty shall be allowed; and in case of a bank, banking association, loan or trust company, or branch thereof, interest paid within the year on deposits by or on moneys received for investment from either citizens or residents of the United States and secured by interest-bearing certificates of indebtedness issued by such bank, banking association, loan or trust company, or branch thereof."

The VICE PRESIDENT. The question is on the amendment.

Mr. STERLING. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I make the same announcement of my pair and its transfer as on the former vote and vote "nay."

Mr. JOHNSON of Maine (when his name was called). Making the same transfer of my pair as before, I vote "nay."

Mr. STERLING (when his name was called). Transferring my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from California [Mr. WORKS], I vote "yea."

Mr. WALSH (when his name was called). Mr. President, on all votes on this bill I desire to have it understood, without announcement, that I vote in virtue of the transfer of my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from New Jersey [Mr. MARTINE]. I vote "nay."

The roll call was concluded.

Mr. OWEN. In the absence of my pair, the Senator from New Mexico [Mr. CATRON], I withhold my vote.

The result was announced—yeas 26, nays 46, as follows:

YEAS—26.

Borah	Harding	Norris	Sterling
Brady	Jones	Oliver	Wadsworth
Cummins	Kenyon	Page	Warren
Curtis	La Follette	Penrose	Watson
Dillingham	Lane	Poindexter	Weeks
du Pont	Lodge	Sherman	
Fernald	Nelson	Smoot	

NAYS—46.

Ashurst	Husting	O'Gorman	Simmons
Beckham	James	Overman	Smith, Ga.
Brandegee	Johnson, Me.	Phelan	Smith, Md.
Broussard	Johnson, S. Dak.	Pittman	Swanson
Chamberlain	Kern	Pomerene	Thompson
Chilton	Kirby	Ransdell	Tillman
Colt	Lea, Tenn.	Reed	Underwood
Fletcher	Lee, Md.	Robinson	Vardaman
Hardwick	Lewis	Saulsbury	Walsh
Hitchcock	Martin, Va.	Shafroth	Williams
Hollis	Myers	Sheppard	
Hughes	Newlands	Shields	

NOT VOTING—24.

Bankhead	Fall	McCumber	Smith, S. C.
Bryan	Gallinger	McLean	Stone
Catron	Goff	Martine, N. J.	Sutherland
Clapp	Gore	Owen	Thomas
Clark	Gronna	Smith, Ariz.	Townsend
Culberson	Lippitt	Smith, Mich.	Works

So Mr. LA FOLLETTE's amendment was rejected.

The VICE PRESIDENT. The bill is before the Senate, as in Committee of the Whole, and open to further amendment.

Mr. LODGE. I move the amendment at the bottom of page 4 section 203, which I explained this afternoon and sent to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 4, line 24, after the words "section 203," it is proposed to strike out the remainder of line 24, all of lines 25 and 26, on page 4, and all down to and including the words "this title," on line 4, page 5, and in lieu thereof to insert the following:

That the tax herein imposed upon corporations and partnerships shall be computed upon the basis of the income subject to the normal tax as shown by their income-tax returns under Title I of the act entitled "An act to increase the revenue, and for other purposes, approved September 8, 1916," or under this title, and that, for the purpose of computing said tax, corporations and partnerships shall be allowed a credit as provided by section 5, subdivision B, of said Title I, for their profits derived from dividends.

Mr. LODGE. On that amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement as heretofore of my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. CLARK. I have a general pair with the Senator from Missouri [Mr. STONE], who is absent. I am, however, free to vote on this amendment. If the Senator from Missouri were present, he would vote against all pending amendments and for the bill. I vote "yea."

Mr. SIMMONS. I desire to announce that the Senator from Florida [Mr. BRYAN] and the Senator from Michigan [Mr. TOWNSEND] are absent on account of business of the Senate, and are paired with each other.

Mr. JOHNSON of Maine. I announce the same transfer of my pair as before, and vote "nay."

The result was announced—yeas 28, nays 46, as follows:

YEAS—28.

Borah	du Pont	McLean	Sherman
Brady	Fernald	Nelson	Smith, Mich.
Brandegee	Harding	Norris	Smoot
Clark	Jones	Oliver	Sutherland
Colt	Kenyon	Page	Wadsworth
Curtis	Lodge	Penrose	Warren
Dillingham	McCumber	Poindexter	Watson

NAYS—46.

Ashurst	Johnson, Me.	Overman	Smith, Ga.
Beckham	Johnson, S. Dak.	Phelan	Smith, Md.
Broussard	Kern	Pittman	Swanson
Chamberlain	Kirby	Pomerene	Thomas
Chilton	Lane	Ransdell	Thompson
Fletcher	Lea, Tenn.	Reed	Tillman
Hardwick	Lee, Md.	Robinson	Underwood
Hitchcock	Lewis	Saulsbury	Vardaman
Hollis	Martin, Va.	Shafroth	Walsh
Hughes	Myers	Sheppard	Williams
Husting	Newlands	Shields	
James	O'Gorman	Simmons	

NOT VOTING—22.

Bankhead	Fall	Lippitt	Stone
Bryan	Gallinger	Martine, N. J.	Townsend
Catron	Goff	Owen	Weeks
Clapp	Gore	Smith, Ariz.	Works
Culberson	Gronna	Smith, S. C.	
Cummins	La Follette	Sterling	

So Mr. LODGE's amendment was rejected.

Mr. LODGE. Mr. President, I move the second amendment which I offered this afternoon, the effect of which is to add professional and personal services, on page 6. The Secretary has the amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 5 it is proposed to amend section 204, as follows: On line 25, after the words "this title," strike out the remainder of the section and in lieu of the words stricken out insert the following words:

and the tax imposed by this title shall not attach to such part of the income of any partnership or corporation as is derived from agriculture or from personal or professional services.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I make the same announcement of my pair and its transfer as before, and vote "nay."

Mr. JOHNSON of Maine (when his name was called). Making the same announcement of my pair as before, I vote "nay."

The roll call was concluded.

Mr. OWEN. In the absence of my pair I withhold my vote.

The result was announced—yeas 24, nays 53, as follows:

YEAS—24.

Brady	Dillingham	McLean	Smoot
Brandegee	du Pont	Nelson	Sutherland
Clark	Fernald	Oliver	Townsend
Colt	Kenyon	Penrose	Wadsworth
Cummins	La Follette	Sherman	Warren
Curtis	Lodge	Smith, Mich.	Works

NAYS—53.

Ashurst	Johnson, Me.	Overman	Smith, Ga.
Beckham	Johnson, S. Dak.	Page	Smith, Md.
Broussard	Kern	Phelan	Stone
Bryan	Kirby	Pittman	Swanson
Chamberlain	Lane	Poindexter	Thomas
Chilton	Lea, Tenn.	Pomerene	Thompson
Fletcher	Lee, Md.	Ransdell	Tillman
Harding	Lewis	Reed	Underwood
Hardwick	McCumber	Robinson	Vardaman
Hitchcock	Martin, Va.	Saulsbury	Walsh
Hollis	Myers	Shafroth	Williams
Hughes	Newlands	Sheppard	
Husting	Norris	Shields	
James	O'Gorman	Simmons	

NOT VOTING—19.

Bankhead	Fall	Jones	Smith, S. C.
Borah	Gallinger	Lippitt	Sterling
Catron	Goff	Martine, N. J.	Watson
Clapp	Gore	Owen	Weeks
Culberson	Gronna	Smith, Ariz.	

So Mr. LODGE's amendment was rejected.

Mr. LODGE. Mr. President, I now move the amendment which I send to the desk—the child-labor amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

Provided, That the highest rate of duty prescribed by the act entitled "An act to reduce tariff duties and to provide revenue for the Government," approved October 3, 1913, shall be assessed upon all articles of merchandise imported from foreign countries and entered for consumption in the United States which have not been produced or manufactured in accordance with the provisions set forth in the act entitled "An act to prevent interstate commerce in the products of child labor, and for other purposes," approved September 1, 1916.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JOHNSON of Maine (when his name was called). Making the same announcement as before, I vote "nay."

Mr. STERLING (when his name was called). I again announce my pair. If at liberty to vote I would vote "yea."

Mr. CLARK (when Mr. STONE's name was called). The senior Senator from Missouri, with whom I have a pair, desires me to make the further announcement that he is engaged in the committee room of the Committee on Foreign Relations on important business of that committee, and that he will return to the Chamber only if it is necessary to maintain a quorum.

Mr. THOMAS (when his name was called). Has the senior Senator from North Dakota [Mr. MCCUMBER] voted?

The VICE PRESIDENT. He has not.

Mr. THOMAS. I am paired with that Senator, and therefore I withhold my vote.

The roll call was concluded.

Mr. STERLING. I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from California [Mr. WORKS] and vote "yea."

The result was announced—yeas 33, nays 44, as follows:

YEAS—33.

Borah	Fernald	Norris	Sutherland
Brady	Harding	Oliver	Townsend
Brandegee	Jones	Page	Wadsworth
Clark	Kenyon	Penrose	Warren
Colt	La Follette	Poindexter	Watson
Cummins	Lane	Sherman	Weeks
Curtis	Lodge	Smith, Mich.	
Dillingham	McLean	Smoot	
du Pont	Nelson	Sterling	

NAYS—44.

Ashurst	James	O'Gorman	Shields
Beckham	Johnson, Me.	Overman	Simmons
Broussard	Johnson, S. Dak.	Phelan	Smith, Ga.
Bryan	Kern	Pittman	Smith, Md.
Chamberlain	Kirby	Pomerene	Swanson
Chilton	Lea, Tenn.	Ransdell	Thompson
Fletcher	Lee, Md.	Reed	Tillman
Hardwick	Lewis	Robinson	Underwood
Hollis	Martin, Va.	Saulsbury	Vardaman
Hughes	Myers	Shafroth	Walsh
Husting	Newlands	Sheppard	Williams

NOT VOTING—19.

Bankhead	Gallinger	Lippitt	Smith, S. C.
Catron	Goff	McCumber	Stone
Clapp	Gore	Martine, N. J.	Thomas
Culberson	Gronna	Owen	Works
Fall	Hitchcock	Smith, Ariz.	

So Mr. LODGE's amendment was rejected.

Mr. POINDEXTER. I offer the following amendment.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. Insert at the end of the bill the following:

Any person carrying on or employed in interstate or foreign trade in any article suitable for human food who, either in his individual capacity or as an officer, agent, or employee of a corporation, or member of a partnership, carrying on or employed in such trade, shall store any such article for the purpose of cornering the market or affecting the market price thereof or for the purpose of limiting the supply thereof to the public, whether temporarily or otherwise, shall be deemed guilty of a felony and punished by imprisonment in the penitentiary for not less than six months nor more than three years.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington.

Mr. POINDEXTER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. THOMAS (when his name was called). In the absence of my pair, I withhold my vote.

The roll call was concluded.

Mr. OWEN. In the absence of my pair, I withhold my vote.

The result was announced—yeas 27, nays 46, as follows:

YEAS—27.

Borah	Fernald	Oliver	Sutherland
Brady	Harding	Page	Townsend
Brandegee	Jones	Penrose	Wadsworth
Clark	Kenyon	Poindexter	Warren
Cummins	La Follette	Sherman	Watson
Curtis	McLean	Smith, Mich.	Weeks
Dillingham	Norris	Smoot	

NAYS—46.

Ashurst	Husting	O'Gorman	Simmons
Beckham	James	Overman	Smith, Ga.
Broussard	Johnson, Me.	Phelan	Smith, Md.
Bryan	Kern	Pittman	Swanson
Chamberlain	Kirby	Pomerene	Thompson
Chilton	Lane	Ransdell	Tillman
du Pont	Lea, Tenn.	Reed	Underwood
Fletcher	Lee, Md.	Robinson	Vardaman
Hardwick	Lewis	Saulsbury	Walsh
Hitchcock	Martin, Va.	Shafroth	Williams
Hollis	Myers	Sheppard	
Hughes	Newlands	Shields	

NOT VOTING—23.

Bankhead	Gallinger	Lodge	Smith, S. C.
Catron	Goff	McCumber	Sterling
Clapp	Gore	Martine, N. J.	Stone
Colt	Gronna	Nelson	Thomas
Culberson	Johnson, S. Dak.	Owen	Works
Fall	Lippitt	Smith, Ariz.	

So Mr. POINDEXTER's amendment was rejected.

Mr. WEEKS. I explained several amendments this afternoon, which I send to the desk. I ask that the one relating to the issuing of serial bonds on page 11, line 21, be read.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 11, line 21, after the word "authorized" strike out down to and including the words "per annum" on page 12, line 1, and insert the following additional proviso:

Provided further, That in lieu of any of the bonds provided for in this act the Secretary of the Treasury is hereby authorized to issue in his discretion serial bonds of the United States maturing in equal

amounts from 1 year from date of issue to 20 years from date of issue, bearing interest payable quarterly at a rate not exceeding 3 per cent per annum.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. WEEKS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. THOMAS (when his name was called). In the absence of my pair I withhold my vote.

The roll call was concluded.

Mr. OWEN. In the absence of my pair I withhold my vote, and I make this announcement for the subsequent votes.

The result was announced—yeas 30, nays 47, as follows:

YEAS—30.

Brady	Fall	Nelson	Sutherland
Brandegee	Fernald	Norris	Townsend
Clark	Harding	Oliver	Wadsworth
Colt	Jones	Page	Warren
Cummins	Kenyon	Penrose	Watson
Curtis	La Follette	Poindexter	Weeks
Dillingham	Lodge	Sherman	
du Pont	McLean	Smoot	

NAYS—47.

Ashurst	Husting	Newlands	Shields
Beckham	James	O'Gorman	Simmons
Borah	Johnson, Me.	Overman	Smith, Ga.
Broussard	Johnson, S. Dak.	Phelan	Smith, Md.
Bryan	Kern	Pittman	Swanson
Chamberlain	Kirby	Pomerene	Thompson
Chilton	Lane	Ransdell	Tillman
Fletcher	Lea, Tenn.	Reed	Underwood
Hardwick	Lee, Md.	Robinson	Vardaman
Hitchcock	Lewis	Saulsbury	Walsh
Hollis	Martin, Va.	Shafroth	Williams
Hughes	Myers	Sheppard	

NOT VOTING—19.

Bankhead	Goff	Martine, N. J.	Sterling
Catron	Gore	Owen	Stone
Clapp	Gronna	Smith, Ariz.	Thomas
Culberson	Lippitt	Smith, Mich.	Works
Gallinger	McCumber	Smith, S. C.	

So Mr. WEEKS's amendment was rejected.

Mr. WEEKS. I ask the Secretary to read the amendment relating to the same subject which makes it mandatory on the Secretary of the Treasury.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. In the proposed amendment of the committee inserting a new section to be known as section 401.

Page 11, line 21, after the word "authorized" strike out down to and including the words "per annum" on page 12, line 1, and insert the following additional proviso:

Provided further, That in lieu of any of the bonds provided for in this act the Secretary of the Treasury is hereby authorized and directed to issue serial bonds of the United States maturing in equal amounts from date of issue to 20 years from date of issue, bearing interest payable semiannually at a rate not exceeding 3 per cent per annum: *Provided further*, That the mandatory provision in this paragraph may be waived if the market conditions are such that the obtainable rate on serial bonds is more than one-fourth per cent per annum higher than on bonds of other forms of issue.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. WEEKS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. STERLING (when his name was called). I again announce my pair with the Senator from South Carolina [Mr. SMITH] and withhold my vote. If at liberty to vote, I would vote "yea."

Mr. THOMAS (when his name was called). In the absence of my pair I withhold my vote.

The roll call was concluded.

Mr. JOHNSON of Maine. I transfer my pair with the junior Senator from North Dakota [Mr. GRONNA] as before and vote "nay."

The result was announced—yeas 29, nays 46, as follows:

YEAS—29.

Brady	Fall	Norris	Townsend
Brandegee	Fernald	Oliver	Wadsworth
Clark	Harding	Page	Warren
Colt	Jones	Penrose	Watson
Cummins	Kenyon	Sherman	Weeks
Curtis	Lodge	Smith, Mich.	
Dillingham	McLean	Smoot	
du Pont	Nelson	Sutherland	

NAYS—46.

Ashurst	Hitchcock	Kirby	O'Gorman
Beckham	Hollis	Lane	Overman
Borah	Hughes	Lea, Tenn.	Phelan
Broussard	Husting	Lee, Md.	Pittman
Bryan	James	Lewis	Pomerene
Chamberlain	Johnson, Me.	Martin, Va.	Ransdell
Fletcher	Johnson, S. Dak.	Myers	Reed
Hardwick	Kern	Newlands	Robinson
Saulsbury	Simmons	Thompson	Walsh
Shafroth	Smith, Ga.	Tillman	Williams
Sheppard	Smith, Md.	Underwood	
Shields	Swanson	Vardaman	

NOT VOTING—21.

Bankhead	Goff	Martine, N. J.	Stone
Catron	Gore	Owen	Thomas
Chilton	Gronna	Poindexter	Works
Clapp	La Follette	Smith, Ariz.	
Culberson	Lippitt	Smith, S. C.	
Gallinger	McCumber	Sterling	

So Mr. WEEKS's amendment was rejected.

Mr. WEEKS. Mr. President, I ask that the Secretary report the amendment which I have offered relating to the exchange of bonds issued under the provisions of this bill for higher-rate bonds under certain conditions.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After line 3, on page 13, it is proposed to add a new section:

SEC. 402. That the Secretary of the Treasury is hereby authorized, in his discretion, to convert any of the bonds issued under authority of this act or hereafter issued under authority of section 39 of the acts approved August 5, 1909, June 3, 1916, and September 7, 1916, into any bonds that may be issued by the United States under authority of any law that may be enacted on or before December 31, 1918, bearing a higher rate of interest than 3 per cent, and any bonds so issued because of such conversions shall be in addition to bonds authorized by such law, and a sum not exceeding one-fifth of 1 per cent of the amount of any bonds that may be converted is hereby appropriated out of any money in the Treasury not otherwise appropriated to pay the expenses of such conversions, the same to be expended as the Secretary of the Treasury may direct.

Mr. WEEKS. On that amendment I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 50, as follows:

YEAS—24.

Brandegee	du Pont	McCumber	Sherman
Clark	Fall	Nelson	Smoot
Colt	Fernald	Oliver	Sutherland
Cummins	Harding	Page	Wadsworth
Curtis	Jones	Penrose	Warren
Dillingham	Lodge	Poindexter	Weeks

NAYS—50.

Ashurst	James	Newlands	Simmons
Beckham	Johnson, Me.	O'Gorman	Smith, Ga.
Brady	Johnson, S. Dak.	Overman	Smith, Md.
Broussard	Kenyon	Phelan	Swanson
Bryan	Kern	Pittman	Thomas
Chamberlain	Kirby	Pomerene	Thompson
Chilton	Lane	Ransdell	Tillman
Fletcher	Lea, Tenn.	Reed	Underwood
Hardwick	Lee, Md.	Robinson	Vardaman
Hitchcock	Lewis	Saulsbury	Walsh
Hollis	McLean	Shafroth	Williams
Hughes	Martin, Va.	Sheppard	
Husting	Myers	Shields	

NOT VOTING—22.

Bankhead	Goff	Norris	Stone
Borah	Gore	Owen	Townsend
Catron	Gronna	Smith, Ariz.	Watson
Clapp	La Follette	Smith, Mich.	Works
Culberson	Lippitt	Smith, S. C.	
Gallinger	Martine, N. J.	Sterling	

So Mr. WEEKS's amendment was rejected.

Mr. WEEKS. Mr. President, I ask that the Secretary report my amendment relating to fixing valuation.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 4, in line 14, it is proposed to strike out the words "entire net income" and to insert in lieu the following:

fair value of the capital stock of the company at the time of payment to be estimated, as provided in section 407 of title 4 of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916—

And to strike out all of section 202.

Mr. WEEKS. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 26, nays 52, as follows:

YEAS—26.

Brandegee	Fernald	Page	Wadsworth
Clark	Harding	Penrose	Warren
Colt	Jones	Poindexter	Watson
Curtis	Lodge	Sherman	Weeks
Dillingham	McCumber	Smoot	Works
du Pont	McLean	Sutherland	
Fall	Oliver	Townsend	

NAYS—52.

Ashurst	Fletcher	Kenyon	Newlands
Beckham	Hardwick	Kern	Norris
Borah	Hitchcock	Kirby	O'Gorman
Brady	Hollis	Lane	Overman
Broussard	Hughes	Lea, Tenn.	Phelan
Bryan	Husting	Lee, Md.	Pittman
Chamberlain	James	Lewis	Pomerene
Chilton	Johnson, Me.	Martin, Va.	Ransdell
Cummins	Johnson, S. Dak.	Myers	Reed

Robinson	Shields	Swanson	Underwood
Saulsbury	Simmons	Thomas	Vardaman
Shafroth	Smith, Ga.	Thompson	Walsh
Sheppard	Smith, Md.	Tillman	Williams

NOT VOTING—18.

Bankhead	Goff	Martine, N. J.	Smith, S. C.
Catron	Gore	Nelson	Sterling
Clapp	Gronna	Owen	Stone
Culberson	La Follette	Smith, Ariz.	
Gallinger	Lippitt	Smith, Mich.	

So the amendment of Mr. WEEKS was rejected.

Mr. WEEKS. I ask that the Secretary read the amendment which I have offered as a substitute for the bill.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The Secretary will state the amendment.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and insert in lieu the following:

That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time such sums as in his judgment may be required to meet public expenditures for the following purposes:

To provide a special preparedness fund not exceeding $400,000,000 to be used only for the expenditures incurred under the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916; the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916; and the act entitled "An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," approved July 6, 1916, or any other act or acts subsequent thereto making appropriations for Army, Navy, or fortification purposes;

On account of the Mexican situation, not exceeding $162,000,000;

For the construction of a nitrate plant, not exceeding $20,000,000;

For the construction of an armor-plate plant, not exceeding $11,000,000;

For the construction of the Alaskan Railway, not exceeding $35,000,000;

For the purchase of the Danish West Indies, not exceeding $25,000,000;

To carry out the provisions of the "act to establish a United States Shipping Board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes," approved September 7, 1916, not exceeding $50,000,000;

For the refunding on or before August 1, 1918, of the bonds of the 3 per cent loan of 1908 to 1918, authorized by the act approved June 13, 1898, and then maturing, such proceeds to be applied to no other purpose, a sum not exceeding $63,945,460;

In all, $766,945,460; or to reimbuse the Treasury for such expenditures, and to prepare and issue therefor serial bonds of the United States maturing in equal amounts from 1 year from date of issue to 20 years from date of issue, bearing interest payable semiannually at a rate not exceeding 3½ per cent per annum; and such bonds shall be payable, principal and interest, in United States gold coin of the present standard of value, and both principal and interest shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority, and shall not be receivable by the Treasurer of the United States as security for the issue of circulating notes to national banks: *Provided*, That such bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving all citizens of the United States an equal opportunity to subscribe therefor, but no commission shall be allowed or paid thereon; and a sum not exceeding one-tenth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of preparing, advertising, and issuing the same: *Provided further*, That the Secretary of the Treasury, in making up the annual estimates of appropriations for submission to Congress, is hereby directed to include therein the appropriation required to pay the interest on this issue of bonds and the appropriation required to pay the principal of such bonds as may mature during the year to which the estimates apply.

CERTIFICATES OF INDEBTEDNESS.

SEC. 2. That section 32 of an act entitled "An act providing ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, as amended by section 40 of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, be, and the same is hereby, amended to read as follows:

"SEC. 32. That the Secretary of the Treasury is authorized to borrow, from time to time, at a rate of interest not exceeding 3 per cent per annum, such sum or sums as, in his judgment, may be necessary to meet public expenditures, and to issue therefor certificates of indebtedness in such form and in such denominations as he may prescribe; and each certificate so issued shall be payable, with the interest accrued thereon, at such time, not exceeding one year from the date of its issue, as the Secretary of the Treasury may prescribe: *Provided*, That the sum of such certificates outstanding shall at no time exceed $500,000,000, and the provisions of existing law respecting counterfeiting and other fraudulent practices are hereby extended to the bonds and certificates of indebtedness authorized by this act."

MUNITIONS MANUFACTURERS' TAX.

SEC. 3. That Title III of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, be amended by striking out in paragraph 2 of section 301 the words "one year" and inserting in lieu thereof the words "six months," so that the subsection shall read as follows:

"2. This section shall cease to be of effect at the end of six months after the termination * * *."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts.

Mr. WEEKS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

The roll call was concluded.

Mr. JOHNSON of Maine. I transfer my pair as before and vote "nay."

The result was announced—yeas 16, nays 58, as follows:

YEAS—16.

Brandegee	Fall	McCumber	Smoot
Clark	Fernald	Oliver	Sutherland
Colt	Harding	Page	Warren
du Pont	Lodge	Sherman	Weeks

NAYS—58.

Ashurst	James	O'Gorman	Smith, Ga.
Beckham	Johnson, Me.	Overman	Smith, Md.
Borah	Johnson, S. Dak.	Penrose	Swanson
Broussard	Jones	Phelan	Thomas
Bryan	Kenyon	Pittman	Thompson
Chamberlain	Kern	Poindexter	Tillman
Chilton	Kirby	Pomerene	Townsend
Cummins	Lane	Ransdell	Underwood
Curtis	Lea, Tenn.	Reed	Vardaman
Fletcher	Lee, Md.	Robinson	Wadsworth
Hardwick	Lewis	Saulsbury	Walsh
Hitchcock	Martin, Va.	Shafroth	Watson
Hollis	Myers	Sheppard	Williams
Hughes	Newlands	Shields	
Husting	Norris	Simmons	

NOT VOTING—22.

Bankhead	Gallinger	McLean	Smith, S. C.
Brady	Goff	Martine, N. J.	Sterling
Catron	Gore	Nelson	Stone
Clapp	Gronna	Owen	Works
Culberson	La Follette	Smith, Ariz.	
Dillingham	Lippitt	Smith, Mich.	

So Mr. WEEKS's amendment was rejected.

Mr. CUMMINS. Mr. President, I offer the amendment which I send to the desk; and I ask that in stating it the Secretary shall read the amendment as it will appear, if the amendment is adopted.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add to line 2, page 6, the following:

nor to corporations not organized for pecuniary profit to their members or shareholders, nor to lecture, lyceum, or chautauqua associations; and such lecture, lyceum, and chautauqua associations shall not be subject to the income tax imposed by the act approved September 8, 1916.

So that if amended it will read:

SEC. 204. That corporations exempt from tax under the provisions of section 11 of Title I of the act approved September 8, 1916, and partnerships carrying on or doing the same business shall be exempt from the provisions of this title, and the tax imposed by this title shall not attach to incomes of partnerships derived from agriculture or from personal services, nor to corporations not engaged for pecuniary profit to their members or shareholders, nor to lecture, lyceum, or chautauqua associations; and such lecture, lyceum, and chautauqua associations shall not be subject to the income tax imposed by the act approved September 8, 1916.

Mr. CUMMINS. On the amendment I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 46, as follows:

YEAS—24.

Brandegee	Fall	Norris	Smoot
Colt	Fernald	Oliver	Townsend
Cummins	Harding	Page	Wadsworth
Curtis	Jones	Penrose	Warren
Dillingham	Kenyon	Poindexter	Watson
du Pont	Lodge	Sherman	Weeks

NAYS—46.

Ashurst	James	Newlands	Simmons
Beckham	Johnson, Me.	O'Gorman	Smith, Ga.
Broussard	Johnson, S. Dak.	Overman	Smith, Md.
Bryan	Kern	Phelan	Swanson
Chamberlain	Kirby	Pittman	Thomas
Chilton	Lane	Pomerene	Thompson
Fletcher	Lea, Tenn.	Ransdell	Tillman
Hardwick	Lee, Md.	Reed	Underwood
Hitchcock	Lewis	Robinson	Walsh
Hollis	McCumber	Shafroth	Williams
Hughes	Martin, Va.	Sheppard	
Husting	Myers	Shields	

NOT VOTING—26.

Bankhead	Gallinger	Martine, N. J.	Sterling
Borah	Goff	Nelson	Stone
Brady	Gore	Owen	Sutherland
Catron	Gronna	Saulsbury	Vardaman
Clapp	La Follette	Smith, Ariz.	Works
Clark	Lippitt	Smith, Mich.	
Culberson	McLean	Smith, S. C.	

So Mr. CUMMINS's amendment was rejected.

Mr. CUMMINS. I ask to have reported the amendment I presented this afternoon relating to the Tariff Board. It is already on the table.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. Add a new section, as follows:

SEC. —. From and after the passage of this act, and taking effect at the times and under the conditions hereinafter provided, there shall be levied, collected, and paid upon every article imported into this country from any foreign country and which under an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, is dutiable; and also upon every article imported into this country from any foreign country, and which under said act is admitted free of duty, and which the Tariff Board finds to be a competitive article and is or may be produced in this country in a substantial way, a duty equal to the difference between the cost of production at home and abroad.

The Tariff Board is hereby empowered and directed to proceed as rapidly as practicable in the investigation of this subject through the powers heretofore conferred upon it, holding such hearings and giving such notice to domestic producers, middlemen, and consumers as it may deem necessary in order to obtain complete information.

When the investigation as to any such article or schedule of articles is concluded, the board shall apply the rule above set forth and enter an order fixing the duty to be thereafter levied, collected, and paid upon the importation of any such article or articles. It shall thereupon transmit to the Secretary of the Treasury a certified copy of its order, and the Secretary of the Treasury shall immediately issue a bulletin notifying the trade thereof and fixing a date not less than 30 and not more than 120 days in the future at which the duty or duties so prescribed by the Tariff Board shall take effect. The board shall go forward in the performance of its work in this regard until it has covered the entire list of articles embraced in the said tariff law approved October 3, 1913.

The power to apply the said rule to importations shall be a continuing one, and, good cause appearing, it may at any time change any duties theretofore fixed to make them comply with the rule herein laid down; and all such orders shall be certified to the Secretary of the Treasury to be dealt with by him as hereinbefore provided.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa.

The amendment was rejected.

Mr. OLIVER. I offer the following amendment.

The PRESIDING OFFICER. The Secretary will state it.

The SECRETARY. In section 204 strike out all after the word "to," in line 26, page 5, and insert:

Such part of the income of any partnership or corporation as is derived from agriculture or from personal or professional services.

Mr. OLIVER. I should like to have the section read as it would stand by the operation of my amendment.

The SECRETARY. So that section 204 will read:

That corporations exempt from tax under the provisions of section 11 of Title I of such acts approved September 8, 1916, and partnerships carrying on or doing the same business shall be exempt from the provisions of this title, and the tax imposed by the title shall not attach to such part of the income of any partnership or corporation as is derived from agriculture or from personal or professional services.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. OLIVER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. He being absent from the Chamber, I withhold my vote.

The roll call having been concluded, the result was announced—yeas 18, nays 51, as follows:

YEAS—18.

Brady	du Pont	Poindexter	Warren
Brandegee	Fernald	Sherman	Watson
Colt	Lodge	Smoot	Weeks
Curtis	Oliver	Sutherland	
Dillingham	Penrose	Wadsworth	

NAYS—51.

Ashurst	Johnson, Me.	Norris	Shields
Beckham	Johnson, S. Dak.	O'Gorman	Simmons
Broussard	Jones	Overman	Smith, Ga.
Bryan	Kenyon	Page	Smith, Md.
Chamberlain	Kern	Phelan	Swanson
Chilton	Kirby	Pittman	Thompson
Fletcher	Lane	Pomerene	Tillman
Harding	Lea, Tenn.	Ransdell	Townsend
Hardwick	Lee, Md.	Reed	Underwood
Hollis	Lewis	Robinson	Vardaman
Hughes	Martin, Va.	Saulsbury	Walsh
Husting	Myers	Shafroth	Williams
James	Newlands	Sheppard	

NOT VOTING—27.

Bankhead	Fall	Lippitt	Smith, Mich.
Borah	Gallinger	McCumber	Smith, S. C.
Catron	Goff	McLean	Sterling
Clapp	Gore	Martine, N. J.	Stone
Clark	Gronna	Nelson	Thomas
Culberson	Hitchcock	Owen	Works.
Cummins	La Follette	Smith, Ariz.	

So Mr. OLIVER's amendment was rejected.

The VICE PRESIDENT. The bill is in Committee of the Whole and open to further amendment.

Mr. SHERMAN. Before 8 o'clock this evening I offered an amendment to section 204, page 5, after the word "sixteen," in line 23. I ask that that amendment be now read.

The VICE PRESIDENT. It will be read.

The SECRETARY. Amend, section 204, page 5, after the word "sixteen," in line 23, by adding the words:

which shall hereafter include mutual life insurance companies not having capital stock nor stockholders, but which are conducted solely for the benefit of the policy-holding members thereof and which annually abate, refund, or credit to individual policyholders all shares or allotments of the redundant or unused portions of the incomes of such companies.

Mr. SHERMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McCUMBER (when his name was called). Announcing my pair as before, I withhold my vote.

The roll call was concluded.

Mr. HOLLIS (after having voted in the negative). I transfer my pair with the Senator from New York [Mr. WADSWORTH] to the Senator from Nebraska [Mr. HITCHCOCK] and allow my vote to stand.

Mr. JOHNSON of Maine. I transfer my pair as before and vote "nay."

The result was announced—yeas 28, nays 44, as follows:

YEAS—28.

Brady	du Pont	McLean	Smith, Mich.
Brandegee	Fernald	Norris	Smoot
Clark	Harding	Oliver	Sutherland
Colt	Jones	Page	Townsend
Cummins	Kenyon	Penrose	Warren
Curtis	La Follette	Poindexter	Watson
Dillingham	Lodge	Sherman	Weeks

NAYS—44.

Ashhurst	Johnson, Me.	O'Gorman	Shields
Beckham	Johnson, S. Dak.	Overman	Simmons
Broussard	Kern	Phelan	Smith, Ga.
Bryan	Kirby	Pittman	Smith, Md.
Chamberlain	Lane	Pomerene	Swanson
Fletcher	Lea, Tenn.	Ransdell	Thompson
Hardwick	Lee, Md.	Reed	Tillman
Hollis	Lewis	Robinson	Underwood
Hughes	Martin, Va.	Saulsbury	Vardaman
Husting	Myers	Shafroth	Walsh
James	Newlands	Sheppard	Williams

NOT VOTING—24.

Bankhead	Fall	Lippitt	Smith, S. C.
Borah	Gallinger	McCumber	Sterling
Catron	Goff	Martine, N. J.	Stone
Chilton	Gore	Nelson	Thomas
Clapp	Gronna	Owen	Wadsworth
Culberson	Hitchcock	Smith, Ariz.	Works

So Mr. SHERMAN's amendment was rejected.

Mr. SHERMAN. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After line 8, on page 6, it is proposed to insert:

Such capital, when paid in property or money's worth, shall be the fair cash value of the property when used for the purposes which constitute the business of such corporation.

Mr. SHERMAN. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 23, nays 42, as follows:

YEAS—23.

Brandegee	Harding	Page	Townsend
Colt	Jones	Penrose	Wadsworth
Curtis	Kenyon	Poindexter	Warren
Dillingham	La Follette	Sherman	Watson
du Pont	Lodge	Smith, Mich.	Weeks
Fernald	Oliver	Smoot	

NAYS—42.

Ashurst	James	O'Gorman	Simmons
Beckham	Johnson, Me.	Overman	Smith, Ga.
Broussard	Johnson, S. Dak.	Phelan	Smith, Md.
Bryan	Kirby	Pittman	Swanson
Chamberlain	Lane	Pomerene	Thompson
Chilton	Lea, Tenn.	Ransdell	Underwood
Fletcher	Lee, Md.	Robinson	Vardaman
Hitchcock	Lewis	Saulsbury	Walsh
Hollis	Martin, Va.	Shafroth	Williams
Hughes	Myers	Sheppard	
Husting	Newlands	Shields	

NOT VOTING—31.

Bankhead	Fall	McCumber	Smith, S. C.
Borah	Gallinger	McLean	Sterling
Brady	Goff	Martine, N. J.	Stone
Catron	Gore	Nelson	Sutherland
Clapp	Gronna	Norris	Thomas
Clark	Hardwick	Owen	Tillman
Culberson	Kern	Reed	Works
Cummins	Lippitt	Smith, Ariz.	

So Mr. SHERMAN's amendment was rejected.

Mr. SHERMAN. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Illinois will be stated.

The SECRETARY. After line 7, page 9, it is proposed to insert:

Provided, One-half of such estate tax shall be paid to the State under the laws of which the property of the estate shall vest.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Illinois.

Mr. SHERMAN and Mr. CURTIS called for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. JOHNSON of Maine. I transfer my pair as before, and vote "nay."

The result was announced—yeas 19, nays 42, as follows:

YEAS—19.

Brandegee	Fernald	Page	Wadsworth
Colt	Harding	Penrose	Warren
Curtis	Jones	Poindexter	Watson
Dillingham	Kenyon	Sherman	Weeks
du Pont	Lodge	Smoot	

NAYS—42.

Ashurst	James	O'Gorman	Simmons
Beckham	Johnson, Me.	Overman	Smith, Ga.
Broussard	Johnson, S. Dak.	Phelan	Smith, Md.
Bryan	Kirby	Pittman	Swanson
Chamberlain	Lane	Pomerene	Thompson
Chilton	Lea, Tenn.	Ransdell	Underwood
Fletcher	Lee, Md.	Robinson	Vardaman
Hitchcock	Lewis	Saulsbury	Walsh
Hollis	Martin, Va.	Shafroth	Williams
Hughes	Myers	Sheppard	
Husting	Norris	Shields	

NOT VOTING—35.

Bankhead	Gallinger	McLean	Smith, S. C.
Borah	Goff	Martine, N. J.	Sterling
Brady	Gore	Nelson	Stone
Catron	Gronna	Newlands	Sutherland
Clapp	Hardwick	Oliver	Thomas
Clark	Kern	Owen	Tillman
Culberson	La Follette	Reed	Townsend
Cummins	Lippitt	Smith, Ariz.	Works
Fall	McCumber	Smith, Mich.	

So Mr. SHERMAN's amendment was rejected.

Mr. SHERMAN. I offer an amendment to come in on page 10 of the bill.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to amend by striking out, in line 4, page 10, the word "may" and inserting in lieu thereof the word "shall," and by inserting, in line 7, on page 10, after the word "therefor," the following:

If all or any part thereof shall not be subscribed when offered to the public the same may be otherwise disposed of by the Secretary of the Treasury in accordance with the provisions of this act.

The VICE PRESIDENT. The question is on the amendment of the Senator from Illinois.

Mr. SHERMAN. I call for the yeas and nays on the amendment.

The VICE PRESIDENT. Is the request for the yeas and nays seconded? [A pause.] The request for the yeas and nays is not seconded by one-fifth of those present. All those in favor of the amendment will say "aye"——

Mr. JONES. I should like to have the section read as it will be if amended.

The VICE PRESIDENT. The Secretary will state the provision as it will read if amended.

The Secretary read as follows:

SEC. 400. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time such sums as in his judgment may be required to meet public expenditures on account of the Mexican situation, the construction of the armor-plate plant, the construction of the Alaskan Railway, and the purchase of the Danish West Indies, or to reimburse the Treasury for such expenditures, and to prepare and issue therefor bonds of the United States not exceeding in the aggregate $100,000,000, in such form as he may prescribe, bearing interest payable quarterly at a rate not exceeding 3 per cent per annum; and such bonds shall be payable, principal and interest, in United States gold coin of the present standard of value, and both principal and interest shall be exempt from all taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority, and shall not be receivable by the Treasurer of the United States as security for the issue of circulating notes to national banks: *Provided*, That such bonds shall be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving all citizens of the United States an equal opportunity to subscribe therefor. If all or any part thereof shall not be subscribed when offered to the public, the same may be otherwise disposed of by the Secretary of the Treasury in accordance with the provisions of this act; but no commissions shall be allowed or paid thereon.

The VICE PRESIDENT. All in favor of the amendment will say "aye." [A pause.] Those opposed "no." [A pause.] The noes seem to have it; the noes have it; and the amendment is rejected.

The bill is before the Senate, as in Committee of the Whole, and open to further amendment.

Mr. SHERMAN. I offer the following amendment to come in on page 12.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to amend by striking out in line 10, page 12, the word "may" and inserting the word "shall," and inserting after the word "therefor," in line 14, the following——

Mr. BRANDEGEE. I ask for the yeas and nays.

The VICE PRESIDENT. That amendment has been passed on once. The Chair rules the amendment out. It is in exactly the same language as the amendment just voted upon.

Mr. SHERMAN. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, line 14, it is proposed to add the following:

Amend section 407 of the act of September 8, 1916, after the word "broker," in the second clause, by inserting the words "*Provided*, That no bank or banker shall be required to pay the special tax imposed herein."

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. CURTIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JOHNSON of Maine. I transfer my pair with the Senator from North Dakota [Mr. GRONNA] as before and vote "nay."

The result was announced—yeas 4, nays 63, as follows:

YEAS—4.

Brandegee	du Pont	Penrose	Sherman

NAYS—63.

Bankhead	Hughes	Norris	Smith, Ga.
Beckham	Husting	O'Gorman	Smith, Md.
Borah	James	Overman	Smoot
Broussard	Johnson, Me.	Page	Swanson
Bryan	Johnson, S. Dak.	Phelan	Thompson
Chamberlain	Jones	Pittman	Tillman
Chilton	Kenyon	Poindexter	Townsend
Clark	Kern	Pomerene	Underwood
Colt	Kirby	Ransdell	Vardaman
Cummins	Lane	Reed	Wadsworth
Dillingham	Lea, Tenn.	Robinson	Walsh
Fernald	Lee, Md.	Saulsbury	Warren
Fletcher	Lewis	Shafroth	Watson
Harding	Martin, Va.	Sheppard	Weeks
Hardwick	Myers	Shields	Williams
Hollis	Newlands	Simmons	

NOT VOTING—29.

Ashurst	Goff	McLean	Sterling
Brady	Gore	Martine, N. J.	Stone
Catron	Gronna	Nelson	Sutherland
Clapp	Hitchcock	Oliver	Thomas
Culberson	La Follette	Owen	Works
Curtis	Lippitt	Smith, Ariz.	
Fall	Lodge	Smith, Mich.	
Gallinger	McCumber	Smith, S. C.	

So Mr. SHERMAN's amendment was rejected.

Mr. BRANDEGEE. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 5, line 7, after the word "sixteen," it is proposed to insert:

Provided, That in case of life-insurance companies there shall not be included in the income used as a basis any sums apportioned or accruing to policyholders.

Mr. BRANDEGEE. This is the only amendment I shall offer, and I ask for the yeas and nays on it.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 44, as follows:

YEAS—28.

Borah	Dillingham	Norris	Smoot
Brady	du Pont	Oliver	Townsend
Brandegee	Fall	Page	Wadsworth
Clark	Fernald	Penrose	Warren
Colt	Harding	Poindexter	Watson
Cummins	Jones	Sherman	Weeks
Curtis	Kenyon	Smith, Mich.	Works

NAYS—44.

Ashurst	Husting	Newlands	Shields
Beckham	James	O'Gorman	Simmons
Broussard	Kern	Overman	Smith, Ga.
Bryan	Kirby	Phelan	Smith, Md.
Chamberlain	Lane	Pittman	Swanson
Chilton	Lea, Tenn.	Ransdell	Thompson
Fletcher	Lee, Md.	Reed	Tillman
Hardwick	Lewis	Robinson	Underwood
Hitchcock	McLean	Saulsbury	Vardaman
Hollis	Martin, Va.	Shafroth	Walsh
Hughes	Myers	Sheppard	Williams

NOT VOTING—24.

Bankhead	Gore	Lodge	Smith, Ariz.
Catron	Gronna	McCumber	Smith, S. C.
Clapp	Johnson, Me.	Martine, N. J.	Sterling
Culberson	Johnson, S. Dak.	Nelson	Stone
Gallinger	La Follette	Owen	Sutherland
Goff	Lippitt	Pomerene	Thomas

So Mr. BRANDEGEE's amendment was rejected.

The VICE PRESIDENT. The bill is still in Committee of the Whole and open to further amendment. Is there any further amendment? [A pause.] If there be no further amendments to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate, as amended.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. SIMMONS. Mr. President, I ask for a yea-and-nay vote upon concurring in the amendments.

Mr. CURTIS. Mr. President, I think there was an amendment on page 3 that was reconsidered.

Mr. SMOOT. Yes; at the request of the Senator from North Dakota [Mr. McCUMBER.]

Mr. CURTIS. I think so. That is my recollection.

Mr. SIMMONS. What was that? I did not catch it.

Mr. CURTIS. There is an amendment not acted upon—the one in reference to insurance on page 3.

Mr. SMITH of Georgia. Well, then, that would not be involved in this question. If it was reconsidered, then it was not adopted.

Mr. CURTIS. It was not adopted.

Mr. SMOOT. No; it was passed over, I will say to the Senator from Georgia, at the request of the Senator from North Dakota.

Mr. LEWIS. The Senator means it was reserved, instead of reconsidered.

Mr. SMOOT. No; it was passed over. It was not acted upon.

The VICE PRESIDENT. Is anybody presenting it in Committee of the Whole?

Mr. SMOOT. It is a committee amendment. The question was on agreeing to the committee amendment.

The VICE PRESIDENT. The question is on agreeing to the committee amendment, then.

Mr. SIMMONS. Mr. President, I have not presented that amendment on behalf of the committee.

Mr. SMOOT. Mr. President, this is what happened: When the bill was under consideration the amendment on page 3 of the bill was reached, and the Senator from North Carolina asked that the amendment be agreed to, and the Senator from North Dakota requested that the amendment go over, which was granted.

Mr. SIMMONS. What is the Senator asking?

Mr. SMOOT. I suppose, of course, there will have to be some action taken upon that amendment at this time.

Mr. SIMMONS. I do not think that is necessary at all. I am not offering the amendment. I am not asking for the adoption of the amendment.

The VICE PRESIDENT. Well, this is the situation: It must either be voted upon or withdrawn by the committee.

Mr. SMOOT. That is all there is to it.

Mr. SIMMONS. I withdraw the amendment, Mr. President.

The VICE PRESIDENT. Very well; then it is withdrawn. Now the question is, Shall the amendments made as in Committee of the Whole be concurred in? Upon that the Senator from North Carolina asks for the yeas and nays. Is the request seconded?

The yeas and nays were ordered.

Mr. SMOOT. Mr. President, is the bill now in the Senate?

The VICE PRESIDENT. It is. We are now voting upon the question of concurring in the amendments made as in Committee of the Whole.

Mr. SMOOT. In the Committee of the Whole?

The VICE PRESIDENT. Yes.

Mr. SIMMONS. The bill is now in the Senate, as I understand.

Mr. JONES. I ask for a separate vote on each amendment, Mr. President. However, I will not do that.

The VICE PRESIDENT. The Chair is of the opinion that in order to ask for a separate vote on each amendment it must be reserved in the Committee of the Whole.

Mr. JAMES. The Senator from Washington withdraws that request, so that is not at issue.

Mr. SMITH of Maryland. He has withdrawn it.

The VICE PRESIDENT. Does the Senator withdraw the demand for a separate vote?

Mr. JONES. Yes; I withdraw the demand for a separate vote.

The VICE PRESIDENT. The yeas and nays have been ordered. The question is on concurring in the amendments made as in Committee of the Whole. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. JOHNSON of Maine (when his name was called). I transfer my pair with the Senator from North Dakota [Mr. GRONNA] to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

The roll call was concluded.

Mr. NORRIS. I desire to be counted present.

Mr. LA FOLLETTE, Mr. CUMMINS, Mr. JONES, Mr. CURTIS, Mr. FERNALD, Mr. SMOOT, Mr. WATSON, Mr. McCUMBER, and Mr. BRADY answered "Present."

The result was announced—yeas 0, nays 53, as follows:

NAYS—53.

Ashurst	Hardwick	Martin, Va.	Shields
Bankhead	Hitchcock	Myers	Simmons
Beckham	Hollis	Newlands	Smith, Ga.
Borah	Hughes	O'Gorman	Smith, Md.
Broussard	Husting	Overman	Stone
Bryan	James	Phelan	Swanson
Chamberlain	Johnson, Me.	Pittman	Thompson
Chilton	Johnson, S. D.	Pomerene	Tillman
Clapp	Kern	Ransdell	Underwood
Colt	Kirby	Reed	Walsh
Cummins	Lane	Robinson	Williams
du Pont	Lea, Tenn.	Saulsbury	
Fall	Lee, Md.	Shafroth	
Fletcher	Lewis	Sheppard	

NOT VOTING—43.

Brady	Gronna	Norris	Sterling
Brandegee	Harding	Oliver	Sutherland
Catron	Jones	Owen	Thomas
Clark	Kenyon	Page	Townsend
Culberson	La Follette	Penrose	Vardaman
Curtis	Lippitt	Poindexter	Wadsworth
Dillingham	Lodge	Sherman	Warren
Fernald	McCumber	Smith, Ariz	Watson
Gallinger	McLean	Smith, Mich.	Weeks
Goff	Martine, N. J.	Smith, S. C.	Works
Gore	Nelson	Smoot	

So the Senate refused to concur in the amendments made as in Committee of the Whole.

The VICE PRESIDENT. The bill is in the Senate and open to amendment.

Mr. PENROSE. I offer the following motion to recommit, which I ask to have read, and on which I desire to have the yeas and nays taken.

The Secretary read as follows:

That the bill be recommitted to the Committee on Finance, with instructions to amend the bill so as to raise an equitable portion of the required revenue from a protective tariff "sufficient to protect adequately American industry and American labor, and to be so adjusted as to prevent undue exactions by monopolies or trusts"; and with further instructions to the Committee on Finance to give special attention to securing the industrial independence of the United States, to the end that "our industries can be so organized that they will become not only a commercial bulwark but a powerful aid to national defense"; and that the bill be further amended so as to require the tariff commission to report the difference in wages and the cost of production between foreign countries and the United States.

Mr. PENROSE. I ask for the yeas and nays.

Mr. SIMMONS. I make the point of order that under the unanimous consent that motion is not in order.

Mr. PENROSE. Why is it not?

Mr. SIMMONS. It is not an amendment to the bill.

Mr. PENROSE. It is one of the parliamentary stages to which the bill is open.

The VICE PRESIDENT. The Chair rules that it is not a parliamentary motion which leads to the final disposition of the bill.

Mr. PENROSE. Then I will ask permission to amend it by adding before the words "with further instructions" the words "That the Finance Committee shall be instructed to report the bill at the first session of the Sixty-fifth Congress."

Mr. SIMMONS. I make the point of order against that modification.

Mr. PENROSE. I want to say that the minority could have raised a point of order, in the opinion of some of us, on the motion of the chairman of the Finance Committee regarding the majority amendments, but we did not do so, and I think to carry out the unanimous-consent agreement in good faith it will not do any harm to have a vote on this motion to recommit. It will not take more than a few minutes.

The VICE PRESIDENT. If it be amended so as to direct the Committee on Finance to report at the next sesssion of Congress, the Chair rules that that is a final disposition of the bill. The Senator from Pennsylvania requests the yeas and nays.

The yeas and nays were ordered and taken.

Mr. OWEN. In the absence of my pair I withhold my vote.

The result was announced—yeas 28, nays 51, as follows:

YEAS—28.

Brandegee	du Pont	McLean	Smoot
Clapp	Fernald	Oliver	Townsend
Clark	Harding	Page	Wadsworth
Colt	Jones	Penrose	Warren
Cummins	Kenyon	Poindexter	Watson
Curtis	Lodge	Sherman	Weeks
Dillingham	McCumber	Smith, Mich.	Works

NAYS—51.

Ashurst	Chilton	Husting	La Follette
Bankhead	Fletcher	James	Lane
Beckham	Hardwick	Johnson, Me.	Lea, Tenn.
Broussard	Hitchcock	Johnson, S. Dak.	Lee, Md.
Bryan	Hollis	Kern	Lewis
Chamberlain	Hughes	Kirby	Martin, Va.

Myers	Pomerene	Shields	Thompson
Newlands	Ransdell	Simmons	Tillman
Norris	Reed	Smith, Ga.	Underwood
O'Gorman	Robinson	Smith, Md.	Vardaman
Overman	Saulsbury	Stone	Walsh
Phelan	Shafroth	Swanson	Williams
Pittman	Sheppard	Thomas	

NOT VOTING—17.

Borah	Gallinger	Martine, N. J.	Sterling
Brady	Goff	Nelson	Sutherland
Catron	Gore	Owen	
Culberson	Gronna	Smith, Ariz.	
Fall	Lippitt	Smith, S. C.	

So Mr. PENROSE's motion was rejected.

The VICE PRESIDENT. The bill is in the Senate and open to further amendment. If there be no further amendment to be offered, the bill will be read the third time.

The bill was ordered to a third reading and read the third time.

The VICE PRESIDENT. Shall the bill pass?

Mr. CURTIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when Mr. GRONNA's name was called). I wish to announce the pair of the Senator from North Dakota [Mr. GRONNA] with the senior Senator from Maine [Mr. JOHNSON]. If the Senator from North Dakota were present, he would vote "nay."

Mr. JOHNSON of Maine (when his name was called). I transfer my pair with the junior Senator from North Dakota [Mr. GRONNA] to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

The roll call having been concluded, the result was announced—yeas 47, nays 33, as follows:

YEAS—47.

Ashurst	Husting	Newlands	Shields
Bankhead	James	O'Gorman	Simmons
Beckham	Johnson, Me.	Overman	Smith, Ga.
Broussard	Johnson, S. Dak.	Phelan	Smith, Md.
Bryan	Kern	Pittman	Stone
Chamberlain	Kirby	Pomerene	Swanson
Chilton	Lane	Ransdell	Thompson
Fletcher	Lea, Tenn.	Reed	Tillman
Hardwick	Lee, Md.	Robinson	Underwood
Hitchcock	Lewis	Saulsbury	Walsh
Hollis	Martin, Va.	Shafroth	Williams
Hughes	Myers	Sheppard	

NAYS—33.

Borah	du Pont	McLean	Townsend
Brady	Fall	Norris	Wadsworth
Brandegee	Fernald	Oliver	Warren
Clapp	Harding	Page	Watson
Clark	Jones	Penrose	Weeks
Colt	Kenyon	Poindexter	Works
Cummins	La Follette	Sherman	
Curtis	Lodge	Smith, Mich.	
Dillingham	McCumber	Smoot	

NOT VOTING—16.

Catron	Gore	Nelson	Sterling
Culberson	Gronna	Owen	Sutherland
Gallinger	Lippitt	Smith, Ariz.	Thomas
Goff	Martine, N. J.	Smith, S. C.	Vardaman

So the bill was passed.

ARMED MERCHANT SHIPS.

Mr. STONE, Mr. MYERS, and Mr. LEE of Maryland addressed the Chair.

The VICE PRESIDENT. The Senator from Missouri.

Mr. STONE. Mr. President, on yesterday I introduced a bill (S. 8322) authorizing the arming of merchant ships and for other purposes. I desire to have that bill considered, and to that end I move that the Senate now adjourn until 12.40 o'clock forenoon, March 1.

Mr. PENROSE. Mr. President, I move to amend the motion by making the hour to which we shall adjourn 10.30 o'clock this morning. I know the motion is not debatable; but on that question I ask for the yeas and nays.

Mr. HUGHES. I move to lay the amendment on the table.

Mr. PENROSE. The motion is not debatable. I ask for the yeas and nays on the motion.

The VICE PRESIDENT. The Senator from Missouri moves that the Senate adjourn until 12.40 a. m. of March 1. The Senator from Pennsylvania moves to amend that motion so that the Senate will adjourn until 10.30 a. m. of March 1. The Senator from New Jersey moves to lay the motion of the Senator from Pennsylvania on the table. The yeas and nays have been called for.

Mr. HUGHES. I withdraw the motion to lay the amendment on the table.

The VICE PRESIDENT. Very well. The Senator from Pennsylvania moves to amend the motion of the Senator from Missouri so as to make the time 10.30 o'clock a. m. Are the yeas and nays requested?

Mr. PENROSE. Yes, sir.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JOHNSON of Maine (when his name was called). I transfer my pair with the Senator from North Dakota [Mr. GRONNA] to the Senator from Texas [Mr. CULBERSON] and vote "nay."

The roll call having been concluded, the result was announced—yeas 27, nays 47, as follows:

YEAS—27.

Brandegee	Harding	Oliver	Townsend
Clapp	Jones	Page	Wadsworth
Clark	Kenyon	Penrose	Warren
Colt	La Follette	Poindexter	Watson
Cummins	Lodge	Sherman	Weeks
Curtis	McCumber	Smith, Mich.	Works
Fernald	Norris	Smoot	

NAYS—47.

Ashurst	Husting	O'Gorman	Smith, Ga.
Bankhead	James	Overman	Smith, Md.
Beckham	Johnson, Me.	Phelan	Stone
Broussard	Johnson, S. Dak.	Pittman	Swanson
Bryan	Kern	Pomerene	Thomas
Chamberlain	Kirby	Ransdell	Thompson
Chilton	Lane	Reed	Tillman
Fletcher	Lea, Tenn.	Robinson	Underwood
Hardwick	Lee, Md.	Saulsbury	Vardaman
Hitchcock	Lewis	Shafroth	Walsh
Hollis	Martin, Va.	Sheppard	Williams
Hughes	Newlands	Simmons	

VOT VOTING—22.

Borah	Fall	McLean	Smith, Ariz.
Brady	Gallinger	Martine, N. J.	Smith, S. C.
Catron	Goff	Myers	Sterling
Culberson	Gore	Nelson	Sutherland
Dillingham	Gronna	Owen	
du Pont	Lippitt	Shields	

So the amendment of Mr. PENROSE to the motion of Mr. STONE was rejected.

Mr. LA FOLLETTE. Mr. President, I move to amend the motion of the Senator from Missouri by providing that we adjourn to meet at 10 o'clock a. m. of this day, and on that motion I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JOHNSON of Maine (when his name was called). I make the same transfer of my pair as heretofore announced and vote "nay."

The roll call was concluded.

Mr. OWEN. I transfer my pair to my colleague, the Senator from Oklahoma [Mr. GORE], and vote "nay."

The result was announced—yeas 21, nays 51, as follows:

YEAS—21.

Brandegee	Fernald	Norris	Warren
Clapp	Jones	Penrose	Weeks
Clark	Kenyon	Poindexter	Works
Colt	La Follette	Sherman	
Cummins	Lodge	Smoot	
Curtis	McCumber	Wadsworth	

NAYS—51.

Ashurst	Hollis	Newlands	Sheppard
Bankhead	Hughes	O'Gorman	Shields
Beckham	Husting	Oliver	Simmons
Borah	James	Overman	Smith, Ga.
Broussard	Johnson, Me.	Owen	Smith, Md.
Bryan	Johnson, S. Dak.	Phelan	Smith, Mich.
Chamberlain	Kern	Pittman	Stone
Chilton	Kirby	Pomerene	Swanson
Fall	Lane	Ransdell	Thomas
Fletcher	Lea, Tenn.	Reed	Thompson
Harding	Lee, Md.	Robinson	Vardaman
Hardwick	Lewis	Saulsbury	Williams
Hitchcock	Martin, Va.	Shafroth	

NOT VOTING—24.

Brady	Goff	Myers	Sutherland
Catron	Gore	Nelson	Tillman
Culberson	Gronna	Page	Townsend
Dillingham	Lippitt	Smith, Ariz.	Underwood
du Pont	McLean	Smith, S. C.	Walsh
Gallinger	Martine, N. J.	Sterling	Watson

So Mr. LA FOLLETTE's amendment to the motion of Mr. STONE was rejected.

Mr. HITCHCOCK. I move to amend the motion of the Senator from Missouri by providing that the Senate adjourn until 12.55 a. m. March 1.

Mr. STONE. I hope that will be done.

Mr. SWANSON. On that I demand the yeas and nays.

The VICE PRESIDENT. The Senator from Nebraska moves to amend the motion of the Senator from Missouri by providing that the Senate shall adjourn until 12.55 a. m. The yeas and nays have been called for and seconded, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. MYERS (when his name was called). I transfer my pair with the junior Senator from Connecticut [Mr. McLEAN],

who is absent, to the senior Senator from New Jersey [Mr. MARTINE] and vote "yea."

Mr. OWEN (when his name was called). I make the same transfer as before and vote "yea."

Mr. SMITH of Maryland (when his name was called). Has the senior Senator from Vermont [Mr. DILLINGHAM] voted?

The VICE PRESIDENT. He has not.

Mr. SMITH of Maryland. I have a pair with that Senator. In his absence I withhold my vote.

The roll call was concluded.

Mr. JOHNSON of Maine. I make the same transfer of my pair as before and vote "yea."

The roll call resulted—yeas 60, nays 9, as follows:

YEAS—60.

Ashurst	Hughes	Newlands	Simmons
Beckham	Husting	O'Gorman	Smith, Ga.
Borah	James	Oliver	Smith, Mich.
Brady	Johnson, Me.	Overman	Smoot
Brandegee	Johnson, S. Dak.	Owen	Stone
Broussard	Kenyon	Phelan	Swanson
Bryan	Kern	Pittman	Thomas
Chamberlain	Kirby	Pomerene	Thompson
Chilton	Lane	Ransdell	Townsend
Fall	Lea, Tenn.	Reed	Underwood
Fletcher	Lee, Md.	Robinson	Vardaman
Harding	Lewis	Saulsbury	Wadsworth
Hardwick	Lodge	Shafroth	Warren
Hitchcock	Martin, Va.	Sheppard	Weeks
Hollis	Myers	Shields	Williams

NAYS—9.

Cummins	La Follette	Norris	Sherman
Curtis	McCumber	Poindexter	Watson
Fernald			

NOT VOTING—27.

Bankhead	du Pont	McLean	Smith, S. C.
Catron	Gallinger	Martine, N. J.	Sterling
Clapp	Goff	Nelson	Sutherland
Clark	Gore	Page	Tillman
Colt	Gronna	Penrose	Walsh
Culberson	Jones	Smith, Ariz.	Works
Dillingham	Lippitt	Smith, Md.	

The VICE PRESIDENT (at 12 o'clock and 45 minutes a. m., Thursday, March 1). On the motion of the Senator from Nebraska [Mr. HITCHCOCK] the yeas are 60 and the nays are 9. The Senate stands adjourned until 12 o'clock and 55 minutes a. m. of this 1st day of March, in the year of our Lord 1917.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 28, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, in whose all-encircling love we dwell, which reflects itself from a thousand angles in all the works of Thy hands and poured itself out in humble submission and a heroic sacrifice to truth on the Hill of Calvary, inspire us with increasing faith and devotion that we may reflect Thy love as individuals and as a nation in our intercourse with our fellow men, doing unto others as we would be done by, so fulfilling the Law and the Prophets. In His Name, amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. HUSTED. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. HUSTED. I ask unanimous consent, Mr. Speaker, to extend my remarks in the RECORD by printing a set of resolutions adopted by the Chamber of Commerce of the State of New York relating to the protection of American lives and property at sea.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The following is the resolution referred to:

CHAMBER OF COMMERCE,
STATE OF NEW YORK.

At a special meeting of the Chamber of Commerce of the State of New York, held February 26, 1917, the following preamble and resolutions presented by the executive committee were unanimously adopted:

PROTECTION OF AMERICAN LIVES AND PROPERTY AT SEA.

To the Chamber of Commerce:

The executive committee feels it to be an imperative duty to address the chamber concerning certain phases of the international situation created by the letter and memorandum to our Government filed by the ambassador of the Imperial German Government on January 31 last.

The committee appreciates the complex and delicate character of the situation, and is moved to address the chamber at this time in order that the chamber itself may again assure the Government in Washington of its cordial support and at the same time convey to the administration some respectful expression of its own convictions.

The memorandum filed with our Government by the Imperial German Government announces the purpose of Germany to conduct, beginning on February 1, submarine warfare upon all shipping whether neutral or belligerent found within certain wide areas prescribed as a barred zone. The official announcement of the German Government was:

From February 1, 1917, sea traffic will be stopped with every available weapon and without further notice in the following barred zones around Great Britain, France, Italy, and in the eastern Mediterranean.

While this purported to announce the establishment of a blockade, the avowed method of maintaining it by sinking without warning all ships in the prescribed zone has no precedent in war between civilized nations, nor has it any parallel outside the practices of piracy. Moreover, the history of modern nations contains no instance of such an affront to a friendly power as that embodied in the terms of the proposal of the Imperial German Government with regard to the treatment of American ships in the areas declared to be blockaded. The memorandum stated that regular American passenger steamers can go unmolested—

If they ply only to and from Falmouth, England;

If they steer along a specified course;

If such steamers be painted in a peculiar way and fly a prescribed flag and carry the national emblem in a place designated;

If only one steamer runs each week in each direction, arriving at Falmouth on Sundays, and leaving Falmouth on Wednesdays; and

If the American Government gives assurance that these steamers, according to the German standard, carry no contraband.

It was obvious on receipt of this letter and memorandum that the patience of the Government of the United States could endure no more, and that friendly relations could no longer be maintained with a Government which thus deliberately repudiated the usual practices of civilized States.

The action of the President in handing the German ambassador his passports met with the instant and unhesitating approval of all the people of the United States; this was apparent on the face and in the actions of every man in the street and was reflected in the press of the whole country.

Nearly a month has passed since the communication from the Imperial German Government was received. Commerce between all ports in the United States and Europe in ships flying the American flag is now largely suspended, with results which, if continued, will progressively restrict the business of the entire Nation.

We understand that in critical times like these the Government can not publicly discuss every pending question, but in a democracy it is imperative that the people should know at all times and beyond peradventure that certain great underlying principles will be maintained at any cost; and therefore we respectfully suggest that the Government should let the public know how it intends to maintain and enforce our rights at sea and what arrangements it proposes to make for the safety of our ships and the lives of our seamen and citizens traveling by them. The public assumes, in view of the unqualified declaration of the Imperial German Government and the activities of its submarine fleet since February 1, that the conditions laid down for American shipping will be adhered to by that Government so far as lies within its power notwithstanding the terms of the treaty of 1799, reaffirmed in 1828.

The steamers of what are known as the "American Line" have for more than 20 years carried the mails under contract with the United States Government, and to that extent have acquired an official status. They have been for a considerable period the only means by which American citizens could travel to and from Europe under the protection of their own flag. The suspension of this service, under the threat of destruction by German submarines, with the change in routing passenger ships of neutral countries, leaves American citizens here or abroad, whose business or family interests require them to travel between Great Britain and America, no choice but to sail on ships under the British flag which it is the declared purpose of the Imperial German Government to sink without warning wherever and whenever met. This creates an intolerable condition.

In the absence, therefore, of any information which makes it reasonable to assume that the Imperial German Government did not mean what it said in this memorandum, and in the absence of any evidence showing that it is not the purpose of that Government to sink without warning American ships met in the barred zone, it is the opinion of your committee that the Government of the United States should immediately equip all American steamers carrying mail to and from Europe under contract with naval guns and gun crews for their protection; that it should notify the Imperial German Government of its action, and that any attack upon these ships will be regarded as a casus belli.

Therefore your committee offers the following preamble and resolutions and urges their adoption:

"Whereas during two and a half years of war in Europe the Government of the United States has in the interests of peace patiently and with almost unprecedented forbearance submitted to many assaults upon the lives and property of its citizens and has suffered indignities at home and abroad by command of the Imperial German Government inconsistent with the comity customary between civilized nations at peace with each other; and

"Whereas the President of the United States has discontinued diplomatic relations with Germany because of the declared purpose of that Government to commit further assaults upon the lives and property of our citizens by methods previously admitted by that Government to be illegal and since protested by the whole civilized world as both illegal and inhuman: Now therefore be it

"*Resolved*, That the Chamber of Commerce of the State of New York indorses and commends this action of the President; that it assures him of its heartiest and fullest support in whatever steps he may deem necessary for the protection of the lives and property of American citizens everywhere when following their lawful pursuits.

"*Resolved*, That it urges the Government immediately to adopt such protective measures as will assure the prompt resumption of regular steamship service by American ships engaged in European trade subject to the usual rules of war between civilized peoples.

"*Resolved*, That the Chamber of Commerce of the State of New York considers the German note as a menace to the inalienable right to life, liberty, and the pursuit of happiness, to establish which our forefathers fought and to maintain which the people of this country are willing now to fight.

"*Resolved*, That copies of this report be sent to the President, to the Members of Congress, and to the governors of the States and Territories of the United States."

WELDING RING, *Chairman*,
EUGENIUS H. OUTERBRIDGE,
FRANK A. VANDERLIP,
WILLARD STRAIGHT,
SAMUEL W. FAIRCHILD,
IRVING T. BUSH,
DARWIN P. KINGSLEY,
HOWARD C. SMITH,
A. BARTON HEPBURN,
For the Executive Committee.

NEW YORK, *February 25, 1917.*

EUGENIUS H. OUTERBRIDGE,
President.

Attest:

CHARLES T. GWYNNE, *Secretary.*

Mr. COADY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech delivered by the gentleman from Rhode Island [Mr. O'SHAUNESSY] at Baltimore on Washington's Birthday.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

CHANGE OF REFERENCE.

By unanimous consent, on motion of Mr. FITZGERALD, change of reference was made of House joint resolution 385, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, from the Committee on the Post Office and Post Roads to the Committee on Appropriations.

EXTENSION OF REMARKS.

Mr. BENNET. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a very brief letter by the managing director of the American Steamship Line in reference to arming merchant vessels.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The following is the letter referred to:

NEW YORK, *February 26, 1917.*

Hon. WILLIAM S. BENNET,
House of Representatives, Washington, D. C.

DEAR MR. BENNET: Your valued favor of the 24th instant received inclosing copy of your speech which I have read with interest.

What the United States ought to do is to announce to whom it may concern that there is only one trans-Atlantic passenger-carrying service under the American flag and that service is under contract to the United States Government to sail regularly every Saturday, and, further, that the United States is determined to have a trans-Atlantic passenger-carrying service available for its citizens, Government officials, and others, to cross the Atlantic upon, and that as it is impracticable to properly convoy such steamers, they are to be manned, gunned, and officered by the United States Navy, and anybody that interferes with them in any manner will do so at their peril.

Such position would have the country behind it and would enable self-respecting Americans to hold their heads up.

Yours, truly,

P. A. S. FRANKLIN.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, announced that the President had approved and signed bills and joint resolutions of the following titles:

February 21, 1917:

H. R. 11474. An act authorizing the Secretary of Commerce to permit the construction of a public highway through the fish-cultural station in Unicoi County, Tenn.;

H. R. 17710. An act authorizing the construction of a bridge across the Tallapoosa River, separating the counties of Montgomery and Elmore, in the State of Alabama, at a point somewhere between Judkin Ferry and Hughes Ferry; and

H. R. 18529. An act granting the consent of Congress to the police jury of Rapides Parish, La., to construct a bridge across Red River at or near Boyce, La.

February 22, 1917:

H. R. 12541. An act authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader.

February 26, 1917:

H. R. 9288. An act providing for the refund of certain duties illegally levied and collected on acetate of lime;

H. R. 12463. An act for the relief of Meredith G. Corlett, a citizen and resident of Williamson County, Tenn.;

S. J. Res. 157. Joint resolution giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the reunion of the Confederate Veterans' Association, to be held in the District of Columbia in the year 1917, and for other purposes incident to said encampment;

S. J. Res. 205. Joint resolution authorizing the removal of the statue of Admiral Dupont, in Dupont Circle, in the city of Washington, D. C., and the erection of a memorial to Admiral Dupont in place thereof;

S. J. Res. 208. Joint resolution to grant citizenship to Joseph Beech;

S. 1697. An act to declare Ollala Slough, in Lincoln County, Oreg., nonnavigable;

S. 2543. An act for the relief of the State of Kentucky;

S. 5450. An act to provide for an additional judge in the State of Texas;

S. 5672. An act for the relief of sundry building and loan associations;

S. 5716. An act to establish the Mount McKinley National Park, in the Territory of Alaska;

S. 7644. An act to create a new division of the northern judicial district of Texas, and to provide for terms of court at Wichita Falls, Tex., and for a clerk for said court, and for other purposes;

S. 7796. An act authorizing the Secretary of the Interior to sell and convey to the Great Northern Railway Co. certain lands in the State of Montana for divisional terminal yards and other railway purposes, and for other purposes;

S. 8044. An act providing for the extension of time for the reclamation of certain lands in the State of Oregon under the Carey Act; and

S. 8079. An act to amend the first and seventh paragraphs of section 4414 of the Revised Statutes of the United States, as amended by the act of April 9, 1906.

February 27, 1917:

H. R. 14426. An act to amend section 6 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905;

H. R. 16855. An act for the relief of Riverside Military Academy;

H. R. 18534. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River at or near Parkin, Ark.;

H. R. 18720. An act permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of Minnesota;

H. R. 18894. An act to amend the public-building act approved March 4, 1913, authorizing the acquisition of a suitable site for a public building at Pittston, Pa.;

H. R. 19239. An act granting the consent of Congress to the county of Pearl River, Miss., and the fourth ward of the parish of Washington, La., to construct a bridge across Pearl River, between Pearl River County, Miss., and Washington Parish, La.;

S. 40. An act to authorize agricultural entries on surplus coal lands in Indian reservations;

S. 1068. An act relating to desert-land entries;

S. 1792. An act for the relief of settlers on unsurveyed railroad lands;

S. 1878. An act making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code.

S. 8252. An act to authorize the change of name of the steamer *Charles L. Hutchinson* to *Fayette Brown*.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 14777. An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes; and

H. R. 20414. An act for the establishment of a probation system in the United States courts except in the District of Columbia.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 5788) to create two additional associate justices of the Supreme Court of the District of Columbia, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. OVERMAN, Mr. CHILTON, and Mr. CLARK as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3585. An act providing for the disposal of certain lands in block 32 in the city of Port Angeles, State of Washington.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 8229. An act to establish a national military park at the battle field of Guilford Courthouse;

H. R. 9533. An act to provide a civil government for Porto Rico, and for other purposes;

H. R. 14777. An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes;

H. R. 18453. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918;

H. R. 20414. An act for the establishment of a probation system in the United States courts except in the District of Columbia; and

H. R. 20451. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

SUNDRY CIVIL APPROPRIATIONS.

The SPEAKER. The unfinished business this morning is the sundry civil bill, on which the previous question had been ordered and the demand made by the gentleman from New York [Mr. FITZGERALD] for a separate vote on the Borland amendment. The Clerk will read the bill by title.

The Clerk read as follows:

A bill (H. R. 20967) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

The SPEAKER. The question is on the Borland amendment.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. BORLAND and Mr. GARNER demanded a division.

Mr. HAMLIN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 247, nays 158, answered "present" 1, not voting 28, as follows:

YEAS—247.

Abercrombie	Doremus	Igoe	O'Shaunessy
Adair	Dowell	Jacoway	Overmyer
Adamson	Dupré	James	Padgett
Aiken	Eagan	Johnson, Ky.	Park
Alexander	Eagle	Keating	Patten
Allen	Edwards	Kennedy, R. I.	Phelan
Almon	Ellsworth	Kent	Porter
Anderson	Elston	Kettner	Powers
Aswell	Emerson	Key, Ohio	Quin
Ayres	Esch	Kiess, Pa.	Rainey
Barkley	Estopinal	Kincheloe	Raker
Black	Evans	King	Randall
Blackmon	Farr	Kinkaid	Reavis
Booher	Ferris	Kitchin	Reilly
Borland	Fields	Konop	Roberts, Nev.
Browne	Flood	Langley	Rouse
Bruckner	Flynn	Lazaro	Rubey
Brumbaugh	Foster	Lee	Rucker, Ga.
Burgess	Frear	Lenroot	Rucker, Mo.
Burke	Freeman	Lever	Russell, Mo.
Caldwell	Gallagher	Lewis	Sabath
Callaway	Gallivan	Liebel	Schall
Candler, Miss.	Gandy	Lindbergh	Scott, Mich.
Cantrill	Gardner	Littlepage	Scott, Pa.
Caraway	Garner	Lloyd	Scully
Carlin	Glass	London	Sells
Carter, Mass.	Goodwin, Ark.	Longworth	Shackleford
Carter, Okla.	Gray, Ala.	McClintic	Shallenberger
Cary	Gray, Ind.	McCorkle	Shouse
Casey	Gregg	McCracken	Siegel
Chandler, N. Y.	Griffin	McCulloch	Sims
Charles	Hamill	McDermott	Sinnott
Church	Hamlin	McGillicuddy	Sisson
Cline	Hardy	McKellar	Slayden
Coleman	Harrison, Miss.	McLemore	Sloan
Collier	Harrison, Va.	Maher	Small
Connelly	Hart	Mapes	Smith, Idaho
Cooper, Ohio	Haskell	Martin	Smith, Mich.
Cooper, Wis.	Hastings	Mays	Smith, N. Y.
Copley	Haugen	Mondell	Smith, Tex.
Cox	Hawley	Montague	Sparkman
Crisp	Hayden	Moon	Stafford
Crosser	Heaton	Morgan, La.	Steagall
Cullop	Heflin	Morgan, Okla.	Stedman
Curry	Helgesen	Morin	Stephens, Nebr.
Dale, N. Y.	Helvering	Mott	Stephens, Tex.
Dallinger	Henry	Mudd	Stone
Davenport	Hernandez	Murray	Stout
Davis, Tex.	Hilliard	Neely	Sweet
Decker	Holland	Nelson	Swift
Denison	Hollingsworth	Nicholls, S. C.	Switzer
Dent	Hood	Nichols, Mich.	Taggart
Dickinson	Houston	Nolan	Tague
Dill	Howard	Norton	Talbott
Dixon	Huddleston	Oldfield	Taylor, Ark.
Dooling	Hughes	Oliver	Temple
Doolittle	Hull, Tenn.	Olney	Thompson
Tillman	Vinson	Whaley	Wise
Timberlake	Walker	Wheeler	Woodyard
Tinkham	Watkins	Williams, W. E.	Young, N. Dak.
Towner	Watson, Va.	Wingo	Young, Tex.
Van Dyke	Webb	Winslow	

NAYS—158.

Ashbrook	Fitzgerald	La Follette	Rogers
Austin	Fordney	Lehlbach	Rowe
Bacharach	Foss	Lesher	Russell, Ohio
Bailey	Fuller	Linthicum	Sanford
Barchfeld	Garland	Lobeck	Saunders
Barnhart	Garrett	Loft	Sears
Beales	Gillett	Loud	Sherley
Bell	Glynn	McArthur	Sherwood
Bennet	Godwin, N. C.	McFadden	Slemp
Bowers	Good	McKenzie	Smith, Minn.
Britt	Gordon	McKinley	Snell
Britten	Gould	McLaughlin	Snyder
Browning	Gray, N. J.	Madden	Steele, Iowa
Buchanan, Ill.	Green, Iowa	Magee	Steele, Pa.
Burnett	Greene, Mass.	Mann	Steenerson
Butler	Greene, Vt.	Meeker	Stephens, Miss.
Byrnes, S. C.	Griest	Miller, Del.	Sterling
Campbell	Guernsey	Miller, Minn.	Stiness
Cannon	Hadley	Miller, Pa.	Sulloway
Capstick	Hamilton, Mich.	Moore, Pa.	Sumners
Chiperfield	Hamilton, N. Y.	Moores, Ind.	Sutherland
Clark, Fla.	Hayes	Morrison	Taylor, Colo.
Coady	Helm	Moss	Thomas
Cooper, W. Va.	Hicks	North	Tilson
Crago	Hopwood	Oakey	Treadway
Cramton	Hulbert	Page, N. C.	Vare
Dale, Vt.	Hull, Iowa	Paige, Mass.	Venable
Danforth	Humphrey, Wash.	Parker, N. J.	Volstead
Darrow	Humphreys, Miss.	Parker, N. Y.	Walsh
Davis, Minn.	Husted	Peters	Ward
Dempsey	Hutchinson	Platt	Wason
Dewalt	Johnson, Wash.	Pou	Watson, Pa.
Dies	Jones	Pratt	Williams, T. S.
Dillon	Kahn	Price	Williams, Ohio
Driscoll	Kearns	Ragsdale	Wilson, Ill.
Drukker	Keister	Ramseyer	Wilson, La.
Dyer	Kelley	Rayburn	Wood, Ind.
Edmonds	Kennedy, Iowa	Ricketts	Woods, Iowa
Fairchild	Kreider	Roberts, Mass.	
Fess	Lafean	Rodenberg	

ANSWERED "PRESENT"—1.

Gard

NOT VOTING—28.

Anthony	Costello	Hill	Mooney
Beakes	Doughton	Hinds	Oglesby
Benedict	Dunn	Howell	Rauch
Buchanan, Tex.	Farley	Johnson, S. Dak.	Riordan
Byrns, Tenn.	Focht	Lieb	Rowland
Carew	Graham	McAndrews	Tavenner
Conry	Hensley	Matthews	Wilson, Fla.

So the Borland amendment was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. HENSLEY (for) with Mr. DUNN (against).

Until further notice:

Mr. CAREW with Mr. HILL.

Mr. CONRY with Mr. ANTHONY.

Mr. BEAKES with Mr. HINDS.

Mr. FARLEY with Mr. MOONEY.

Mr. WILSON of Florida with Mr. GRAHAM.

Mr. BUCHANAN of Texas with Mr. BENEDICT.

Mr. BYRNS of Tennessee with Mr. COSTELLO.

Mr. DOUGHTON with Mr. FOCHT.

Mr. LIEB with Mr. HOWELL.

Mr. MCANDREWS with Mr. JOHNSON of South Dakota.

Mr. RAUCH with Mr. MATTHEWS.

Mr. RIORDAN with Mr. ROWLAND.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

RETIREMENT OF JUDGES.

Mr. HENRY. Mr. Speaker, I call up the regular order of business.

The SPEAKER. The Clerk will report the resolution that was presented last night.

The Clerk read as follows:

House resolution 434 (H. Rept. No. 1584).

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 706; that the first reading of the bill be dispensed with, and that there shall be one hour of general debate, to be divided equally between those favoring and those opposing the measure. At the expiration of said one hour of general debate the bill shall be considered under the five-minute rule, and the Committee of the Whole House on the state of the Union shall report the measure to the House, whereupon the previous question shall be considered as ordered upon the bill and all amendments to final passage without intervening motions, except one motion to recommit.

Mr. HENRY. Mr. Speaker, the gentleman from North Carolina [Mr. PAGE] stated to me that he desired to call up a conference report. After that I will move the previous question.

Mr. STAFFORD. Mr. Speaker, I make a point of order.

The SPEAKER. What is it?

Mr. STAFFORD. I desire to inquire whether the resolution reported to the House last night by the gentleman from Texas [Mr. HENRY] is the resolution now under consideration?

Mr. HENRY. Mr. Speaker, I could not hear the gentleman.

Mr. STAFFORD. I wish to inquire whether the resolution that was presented to the House last night just before adjournment by the gentleman from Texas, on which the gentleman from Texas demands the previous question, is the resolution under consideration?

Mr. HENRY. Yes.

Mr. STAFFORD. As shown by the RECORD, the resolution as submitted at that time provides for two hours' general debate.

The SPEAKER. The Clerk read "one hour."

Mr. STAFFORD. The Clerk read it last night showing it was two hours.

Mr. HENRY. That was a mistake if it was read in that way. It was one hour.

The SPEAKER. Does the gentleman from Texas want to make a motion?

Mr. HENRY. "The gentleman from Texas" does want to make a motion, but the gentleman from North Carolina [Mr. PAGE] said that he wanted to present a conference report.

Mr. HARRISON of Mississippi. I suggest that that go over for the present.

Mr. HENRY. I think we might have some understanding as to the time on this resolution.

Mr. MANN. I do not think we need any time on this side.

Mr. HENRY. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The gentleman from Texas moves the previous question on the resolution.

Mr MANN. Mr. Speaker, will the gentleman yield for a moment?

Mr HENRY. Yes; I will withhold it for a moment.

Mr. MANN. Would the gentleman be willing to give this side a little more time on the bill itself?

Mr. HENRY. How much time does the gentleman think they would like?

Mr. MANN. The gentleman from Minnesota [Mr. VOLSTEAD] in charge on this side had figured upon an hour, but he is willing to take 45 minutes.

Mr. HENRY. Forty-five minutes to a side?

Mr. MANN. I do not care what you take on that side.

Mr. HENRY. I think we will need 45 minutes on this side. I have no objection to allowing 45 minutes to a side.

Mr. MANN. I ask unanimous consent that the rule be amended by providing for debate of one hour and a half, 45 minutes on a side.

The SPEAKER. The gentleman from Illinois asks unanimous consent that this rule be modified so as to have the debate run an hour and a half instead of an hour. Is there objection?

Mr. GARRETT. Reserving the right to object, I wish to inquire whether if that is agreed to, any time is to be taken on the discussion of the rule?

Mr. MANN. That is the understanding—that we will not take any time on the rule.

Mr. HENRY. I think probably we would need a little time on the rule. I do not think any rule ought to be presented here without being explained.

Mr. GARRETT. I shall have to object to the request of the gentleman from Illinois under the circumstances.

The SPEAKER. The gentleman from Tennessee objects.

Mr. HENRY. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Texas moves the previous question. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. STAFFORD. I demand the yeas and nays, Mr. Speaker, if we can not get three-quarters of an hour.

The SPEAKER. The gentleman from Wisconsin demands the yeas and nays. Those in favor of taking this vote by the yeas and nays will rise and stand until they are counted. [After counting.] Evidently a sufficient number have risen, and the Clerk will call the roll. Those in favor of ordering the previous question will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 309, nays 95, answered "present" 1, not voting 29, as follows:

YEAS—309.

Abercrombie	Evans	Kinkaid	Rogers
Adair	Farr	Kitchin	Rouse
Adamson	Ferris	Kreider	Rowland
Aiken	Fess	Lafean	Rubey
Alexander	Fields	La Follette	Rucker, Ga.
Allen	Fitzgerald	Langley	Rucker, Mo.
Almon	Flood	Lazaro	Russell, Mo.
Aswell	Flynn	Lee	Russell, Ohio
Ayres	Fordney	Lehlbach	Saunders
Barkley	Foster	Lenroot	Scott, Mich.
Barnhart	Fuller	Lesher	Scott, Pa.
Beales	Gallagher	Lever	Scully
Bell	Gandy	Lieb	Sears
Bennet	Gard	Linthicum	Sells
Black	Garland	Littlepage	Shackleford
Blackmon	Garner	Lloyd	Shallenberger
Borland	Garrett	Lobeck	Sherley
Britt	Gillett	Longworth	Shouse
Britten	Glass	Loud	Sims
Browne	Glynn	McArthur	Sinnott
Brumbaugh	Godwin, N. C.	McClintic	Sisson
Buchanan, Ill.	Good	McCorkle	Sloan
Buchanan, Tex.	Goodwin, Ark.	McCulloch	Small
Burgess	Gordon	McFadden	Smith, Idaho
Burnett	Gould	McGillicuddy	Smith, Mich.
Butler	Gray, Ala.	McKellar	Smith, Minn.
Byrnes, S. C.	Gray, Ind.	McKenzie	Smith, N. Y.
Byrns, Tenn.	Green, Iowa	McKinley	Smith, Tex.
Caldwell	Greene, Vt.	McLaughlin	Snell
Campbell	Gregg	McLemore	Sparkman
Candler, Miss.	Griest	Maher	Steagall
Cannon	Griffin	Mann	Stedman
Cantrill	Hamilton, Mich.	Mapes	Steele, Iowa
Capstick	Hamilton, N. Y.	Mays	Steele, Pa.
Caraway	Hamlin	Miller, Del.	Stephens, Miss.
Carlin	Harrison, Miss.	Miller, Pa.	Stephens, Nebr.
Carter, Mass.	Harrison, Va.	Mondell	Stephens, Tex.
Carter, Okla.	Hart	Montague	Sterling
Casey	Hastings	Moon	Stone
Chandler, N. Y.	Haugen	Moore, Pa.	Stout
Charles	Hayden	Morgan, La.	Sulloway
Church	Hawley	Morin	Sumners
Clark, Fla.	Heaton	Morrison	Sweet
Cline	Heflin	Moss	Swift
Coleman	Helm	Mott	Switzer
Collier	Helvering	Neely	Talbott
Connelly	Henry	Nelson	Tavenner
Cooper, Ohio	Hicks	Nicholls, S. C.	Taylor, Ark.
Copley	Hilliard	Nolan	Taylor, Colo.
Cox	Holland	North	Temple
Crago	Hollingsworth	Norton	Thomas
Cramton	Hood	Oldfield	Thompson
Crosser	Hopwood	Oliver	Tillman
Cullop	Houston	Olney	Timberlake
Dallinger	Howard	Overmyer	Towner
Danforth	Huddleston	Padgett	Treadway
Darrow	Hughes	Page, N. C.	Van Dyke
Davenport	Hull, Tenn.	Paige, Mass.	Vare
Davis, Tex.	Humphrey, Wash.	Park	Venable
Decker	Humphreys, Miss.	Parker, N. Y.	Vinson
Denison	Hutchinson	Patten	Volstead
Dent	Igoe	Pou	Walker
Dewalt	Jacoway	Pratt	Walsh
Dickinson	James	Price	Ward
Dies	Johnson, Ky.	Ragsdale	Watkins
Dill	Johnson, Wash.	Rainey	Watson, Pa.
Dillon	Jones	Raker	Watson, Va.
Dixon	Kearns	Ramseyer	Webb
Doolittle	Keating	Randall	Whaley
Doremus	Keister	Rauch	Williams, W. E.
Doughton	Kelley	Rayburn	Williams, Ohio
Dowell	Kennedy, Iowa	Reavis	Wilson, La.
Drukker	Kent	Reilly	Winslow
Dunn	Kettner	Ricketts	Wise
Eagle	Key, Ohio	Riordan	Young, Tex.
Edwards	Kiess, Pa.	Roberts, Mass.	
Emerson	Kincheloe	Roberts, Nev.	
Estopinal	King	Rodenberg	

NAYS—95.

Anderson	Dupré	Hull, Iowa	Sabath
Ashbrook	Dyer	Husted	Sanford
Austin	Eagan	Johnson, S. Dak.	Schall
Bacharach	Edmonds	Kennedy, R. I.	Sherwood
Bailey	Ellsworth	Konop	Siegel
Barchfeld	Elston	Liebel	Slayden
Booher	Esch	Lindbergh	Snyder
Bowers	Focht	Loft	Stafford
Browning	Foss	London	Steenerson
Bruckner	Frear	McAndrews	Stiness
Burke	Freeman	McDermott	Sutherland
Callaway	Gallivan	Madden	Tague
Cary	Gray, N. J.	Magee	Tilson
Chiperfield	Greene, Mass.	Miller, Minn.	Tinkham
Coady	Guernsey	Moores, Ind.	Wason
Cooper, W. Va.	Hadley	Morgan, Okla.	Wheeler
Cooper, Wis.	Hamill	Oakey	Williams, T. S.
Curry	Hardy	O'Shaunessy	Wilson, Ill.
Dale, N. Y.	Haskell	Parker, N. J.	Wingo
Dale, Vt.	Hayes	Phelan	Wood, Ind.
Davis, Minn.	Helgesen	Platt	Woods, Iowa
Dempsey	Hernandez	Powers	Woodyard
Dooling	Howell	Quin	Young, N. Dak.
Driscoll	Hulbert	Rowe	

ANSWERED "PRESENT"—1.

Anthony

NOT VOTING—29.

Beakes	Gardner	Martin	Peters
Benedict	Graham	Matthews	Porter
Carew	Hensley	Meeker	Slemp
Conry	Hill	Mooney	Taggart
Costello	Hinds	Mudd	Wilson, Fla.
Crisp	Kahn	Murray	
Fairchild	Lewis	Nichols, Mich.	
Farley	McCracken	Oglesby	

So the previous question was ordered.

The Clerk announced the following pairs:

Until further notice:

Mr. HENSLEY with Mr. MOONEY.

Mr. CONRY with Mr. COSTELLO.

Mr. CRISP with Mr. FAIRCHILD.

Mr. HAYDEN with Mr. KAHN.

Mr. LEWIS with Mr. MARTIN.

Mr. MURRAY with Mr. MEEKER.

Mr. TAGGART with Mr. MUDD.

Mr. FARLEY with Mr. PETERS.

Mr. OGLESBY with Mr. NICHOLS of Michigan.

Mr. ANTHONY. Mr. Speaker, I should like to be recorded as being present.

The SPEAKER. Was the gentleman in the Hall listening when his name should have been called?

Mr. ANTHONY. I merely desire to be recorded as being present.

Mr. MARTIN. Mr. Speaker, I was not in the Hall when my name was called, but I am present now.

Mr. CRISP. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman in the Hall and listening when his name should have been called?

Mr. CRISP. I was in the Hall, but I can not say that I was listening.

The SPEAKER. The gentleman does not bring himself within the terms of the rule.

Mr. MURRAY. I was not in the Hall when my name was called, but I wish to answer present.

The SPEAKER. While the Clerk is counting up this vote, the Chair announces that some gentleman has carried away one of the books of rules that we need here at the desk all the time, and the Chair will be obliged to him if he will bring it back.

The result of the vote was announced as above recorded.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of the high cost of living.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on the high cost of living. Is there objection?

The was no objection.

Mr. GARDNER. I make the same request.

The SPEAKER. The gentleman from Massachusetts makes the same request. Is there objection?

There was no objection.

Mr. HENRY. Mr. Speaker, some gentlemen misapprehend the terms of this rule, and some other gentlemen have said there is no use in discussing the rule; but since the roll call has been in progress a number of Members have come to me as chairman of the Committee on Rules and have asked me what the rule is. Therefore I think it is right that this rule should be explained to the House. Indeed I think that all rules should be explained to the House before the Members vote on them. Some Members are not present when the rule is read from the desk, and it is important that they understand the provisions of a resolution like this.

Mr. Speaker, there is no intention here, in the presentation of this rule, to do anything except expedite the business of this House. This rule brings before the House a very important measure which has been passed by the Senate of the United States by a practically unanimous vote. The Committee on the Judiciary of the House of Representatives have reported this Senate bill to the House, and it seems that there is not much difference among the Members in regard to its real merits when they are understood. Now, I shall not take up the provisions of the bill in any great detail, but before that I wish to direct your attention to the provisions of the rule. The rule provides simply that immediately on the adoption of this resolution the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of Senate bill 706, which bill has been passed by the Senate; that the first reading of the bill be dispensed with and that there shall be one hour general debate, to be divided equally between those favoring and those opposing the measure.

Now, we provide for 30 minutes' debate on each side. At first the rule was written to make provision for two hours' debate, but some gentlemen thought that the antagonism to this measure would be so slight that one hour's debate would be sufficient. And if gentlemen on that side think they ought to have 45 minutes to a side, or an hour and a half, under the provisions of the rule we can use 1 hour and 40 minutes—40 minutes on the rule and 1 hour's debate on the bill. So that gives abundance of time for the discussion of the rule and a discussion on the merits of the Senate bill.

The rule continues that at the expiration of one hour general debate the bill shall be considered under the five-minute rule, and the Committee of the Whole House shall report the measure to the House.

Now, Mr. Speaker, the Committee on Rules believes that no rule should be extreme or radical, and it has provided that this bill shall be considered in Committee of the Whole House on the state of the Union in order that Members may have the right and the freedom of offering amendments and discussing them as they see fit. It seems to me that that is fair. After you have considered the bill in Committee of the Whole you report it back to the House and take a vote on the measure.

Now, as I understand, there are several amendments that will be added to this bill when it goes back to the Senate, and therefore it is necessary for this House to take up this important measure to-day in order that it may get to the Senate to-day or to-morrow and be finally passed.

It is a matter of very great moment and merit. Here is a bill providing for relieving the courts of this country of superannuated judges who have lost their faculties by reason of old age, who have abandoned their positions on the bench and retired to the walks of private life, rendering no service to the country as judges, and yet continue to draw the salaries, and there is no successor appointed or can be appointed to take their places to carry on the litigation in the Federal courts.

Now, I say there ought to be some provision for retiring these men when they reach the age of 70 or have become incompetent to discharge their official obligations. I understand there will be but slight objection on that side or this side to these amendments to which I have referred, and I hope this House will adopt the rule as speedily as possible and expedite the business in order that other matters may be taken up. Let us hurry this measure to the Senate as soon as practicable and let this measure become a law before the 4th of March. Mr. Speaker, I reserve the balance of my time.

Mr. CAMPBELL. Mr. Speaker, the gentleman from Texas having made a lucid explanation of the rule and shown his anxiety to proceed with the remainder of the legislation on the calendar, I shall not use the remainder of my time, but prefer to proceed with the work. [Applause.]

The SPEAKER. The question is on agreeing to the rule.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. CARY. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. All those in favor of the yeas and nays will rise and stand until counted. [After counting.] Sixty-seven gentlemen have arisen. On the basis of the last roll call, that is not a sufficient number.

Mr. HENRY. The other side.

The SPEAKER. The other side is demanded, and all those opposed to taking the vote by yeas and nays will rise and stand until counted. [After counting.] One hundred and forty-three Members have arisen. A sufficient number, and the Clerk will call the roll.

The question was taken; and there were—yeas 159, nays 232, answered "present" 3, not voting 42, as follows:

YEAS—159.

Adamson	Cary	Flood	Howard
Aiken	Casey	Focht	Hughes
Allen	Coady	Foster	Hulbert
Almon	Coleman	Gallagher	Hull, Tenn.
Ashbrook	Cooper, Wis.	Gallivan	Igoe
Bacharach	Copley	Gard	Johnson, Ky.
Bailey	Crosser	Garland	Kettner
Barchfeld	Cullop	Garner	Key, Ohio
Beales	Dale, N. Y.	Garrett	Kincheloe
Bell	Darrow	Glynn	Kitchin
Blackmon	Dent	Gordon	Lafean
Booher	Dewalt	Gould	Lazaro
Browning	Dooling	Gray, Ala.	Lee
Bruckner	Doremus	Gray, N. J.	Lehlbach
Buchanan, Ill.	Doughton	Gregg	Lesher
Buchanan, Tex.	Driscoll	Griest	Lieb
Burgess	Dupré	Griffin	Liebel
Burke	Eagan	Hamill	Linthicum
Byrns, Tenn.	Eagle	Harrison, Miss.	Loft
Cannon	Edmonds	Hart	McAndrews
Cantrill	Edwards	Heaton	McArthur
Capstick	Estopinal	Heflin	McGillicuddy
Caraway	Evans	Henry	McKellar
Carter, Mass.	Fitzgerald	Hood	McKinley

McLemore	Park	Scott, Pa.	Swift
Maher	Patten	Scully	Taggart
Mann	Phelan	Shackleford	Tague
Martin	Porter	Sherley	Talbott
Meeker	Pou	Siegel	Tinkham
Moon	Rainey	Sinnott	Van Dyke
Moore, Pa.	Raker	Small	Vare
Morin	Rayburn	Smith, N. Y.	Vinson
Morrison	Reilly	Smith, Tex.	Walker
Moss	Riordan	Snyder	Ward
Nolan	Rodenberg	Stafford	Watkins
Olney	Rucker, Ga.	Steagall	Watson, Pa.
O'Shaunessy	Russell, Mo.	Stedman	Webb
Overmyer	Sabath	Steele, Pa.	Whaley
Padgett	Sanford	Stephens, Tex.	Williams, W. E.
Page, N. C.	Schall	Stone	

NAYS—232.

Abercrombie	Ferris	King	Rowe
Adair	Fess	Kinkaid	Rubey
Alexander	Fields	Konop	Rucker, Mo.
Anderson	Fordney	Kreider	Russell, Ohio
Anthony	Frear	La Follette	Saunders
Aswell	Freeman	Langley	Scott, Mich.
Austin	Fuller	Lenroot	Shallenberger
Ayres	Gandy	Lever	Sherwood
Barkley	Gardner	Lewis	Shouse
Black	Gillett	Lindbergh	Sims
Borland	Glass	Littlepage	Sisson
Bowers	Godwin, N. C.	Lloyd	Slayden
Britt	Good	Lobeck	Slemp
Britten	Goodwin, Ark.	London	Sloan
Browne	Gray, Ind.	Longworth	Smith, Idaho
Brumbaugh	Green, Iowa	Loud	Smith, Mich.
Burnett	Greene, Mass.	McClintic	Smith, Minn.
Butler	Greene, Vt.	McCorkle	Snell
Byrnes, S. C.	Guernsey	McCulloch	Steele, Iowa
Callaway	Hadley	McFadden	Stephens, Miss.
Campbell	Hamilton, Mich.	McKenzie	Stephens, Nebr.
Candler, Miss.	Hamilton, N. Y.	McLaughlin	Sterling
Carlin	Hamlin	Madden	Stiness
Carter, Okla.	Hardy	Magee	Sullaway
Chandler, N. Y.	Harrison, Va.	Mapes	Sumners
Charles	Haskell	Mays	Sutherland
Church	Hastings	Miller, Del.	Sweet
Collier	Haugen	Miller, Minn.	Switzer
Connelly	Hawley	Miller, Pa.	Tavenner
Cooper, Ohio	Hayden	Mondell	Taylor, Ark.
Cooper, W. Va.	Hayes	Montague	Taylor, Colo.
Cox	Helgesen	Moores, Ind.	Temple
Crago	Helvering	Morgan, La.	Thomas
Cramton	Hernandez	Morgan, Okla.	Thompson
Crisp	Hicks	Mudd	Tillman
Curry	Hilliard	Nelson	Tilson
Dale, Vt.	Holland	Nicholls, S. C.	Timberlake
Dallinger	Hollingsworth	Nichols, Mich.	Towner
Danforth	Hopwood	North	Treadway
Davis, Minn.	Houston	Norton	Venable
Davis, Tex.	Howell	Oakey	Volstead
Decker	Huddleston	Oldfield	Walsh
Denison	Hull, Iowa	Oliver	Wason
Dickinson	Humphrey, Wash.	Parker, N. J.	Watson, Va.
Dies	Humphreys, Miss.	Parker, N. Y.	Wheeler
Dill	Hutchinson	Platt	Williams, T. S.
Dillon	Jacoway	Powers	Williams, Ohio
Dixon	James	Pratt	Wilson, Fla.
Doolittle	Johnson, S. Dak.	Quin	Wilson, Ill.
Dowell	Johnson, Wash.	Ragsdale	Wilson, La.
Drukker	Jones	Ramseyer	Wingo
Dunn	Kearns	Randall	Winslow
Dyer	Keating	Rauch	Wise
Ellsworth	Keister	Reavis	Wood, Ind.
Elston	Kelley	Ricketts	Woods, Iowa
Emerson	Kennedy, Iowa	Roberts, Mass.	Woodyard
Esch	Kennedy, R. I.	Roberts, Nev.	Young, N. Dak.
Farr	Kiess, Pa.	Rogers	Young, Tex.

ANSWERED "PRESENT"—3.

Bennet	Caldwell	Murray

NOT VOTING—40.

Barnhart	Dempsey	Husted	Paige, Mass.
Beakes	Fairchild	Kahn	Peters
Benedict	Farley	Kent	Price
Carew	Flynn	McCracken	Rouse
Chiperfield	Foss	McDermott	Rowland
Clark, Fla.	Graham	Matthews	Sears
Cline	Helm	Mooney	Sells
Conry	Hensley	Mott	Sparkman
Costello	Hill	Neely	Steenerson
Davenport	Hinds	Oglesby	Stout

So the resolution was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. McDERMOTT with Mr. FLYNN.

Mr. CALDWELL with Mr. BENEDICT.

Mr. MURRAY with Mr. GRAHAM.

Mr. BARNHART with Mr. COSTELLO.

Mr. CLARK of Florida with Mr. FAIRCHILD.

Mr. CLINE with Mr. KAHN.

Mr. DAVENPORT with Mr. BOWERS.

Mr. GANDY with Mr. CHIPERFIELD.

Mr. HELM with Mr. DEMPSEY.

Mr. NEELY with Mr. EMERSON.

Mr. OGLESBY with Mr. FOSS.

Mr. PRICE with Mr. HUSTED.

Mr. ROUSE with Mr. MOTT.

Mr. SEARS with Mr. PAIGE of Massachusetts.

Mr. SHALLENBERGER with Mr. ROWLAND.

Mr. SPARKMAN with Mr. SELLS.

Mr. STOUT with Mr. STEENERSON.

On the rule:

Mr. CONRY (for rule) with Mr. BENNET (against).

Mr. BENNET. Mr. Speaker, I voted "nay," but I am paired with my colleague from New York, Mr. CONRY. I desire to withdraw my vote of "nay" and answer "present."

The name of Mr. BENNET was called, and he answered "Present."

The result of the vote was announced as above recorded.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. HARRISON of Mississippi. Mr. Speaker, I present the following privileged report from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 540 (H. Rept. No. 1587).

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of S. 1082, reported by the House Committee on the District of Columbia.

The first reading of the Senate bill and committee amendments shall be dispensed with.

There shall be general debate not exceeding two hours, one half of which shall be controlled by the gentleman from Kentucky, Mr. BARKLEY, the other half by the gentleman from New York, Mr. GOULD.

At the conclusion of said general debate the committee amendments shall be voted upon by the House in the order in which they appear in the printed bill as reported by the committee. That committee amendments appearing in such printed bill as sections 26 to 43, inclusive, shall be treated as one nondivisible amendment and voted on en bloc.

That prior to the completion of voting upon said committee amendments it shall not be in order to offer any other amendments to the bill or to the committee amendments. When said committee amendments have been disposed of other amendments may be acted upon for the period of not exceeding one hour, whereupon the previous question shall be considered as ordered on the bill and all amendments to final passage without intervening motion except one motion to recommit: *Provided*, That if at the end of said hour a roll call shall be in progress, said roll call shall be completed before the previous question shall be considered as ordered as aforesaid.

Mr. HARRISON of Mississippi. Mr. Speaker, I want to ask unanimous consent that that resolution be modified so as to substitute the name of the gentleman from Wisconsin [Mr. CARY] to control one-half of the time, in the place of the gentleman from New York [Mr. GOULD]. I do this at the request of Mr. GOULD, and, as I understand it, this agreement is satisfactory to those who are opposed to the resolution.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to modify the rule by substituting the name of Mr. CARY, of Wisconsin as the one controlling one-half of the time instead of the name of Mr. GOULD, of New York. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, is this satisfactory to the gentleman from New York [Mr. GOULD]?

Mr. HARRISON of Mississippi. It is at his request.

The SPEAKER. Is there objection?

There was no objection.

Mr. HARRISON of Mississippi. Mr. Speaker, I would like now to see if we can not get an understanding about the time for discussion of the rule.

Mr. HENRY. Mr. Speaker, I think there will be no trouble about that.

Mr. MANN. How about two hours on a side?

Mr. HARRISON of Mississippi. I would suggest 20 minutes on a side, and that at the end of that time the previous question on the resolution should be considered as ordered.

Mr. CAMPBELL. That would be satisfactory to me.

Mr. STAFFORD. It would not be satisfactory to others.

Mr. HARRISON of Mississippi. Would the 20 minutes on a side be satisfactory?

Mr. STAFFORD. Not to have the previous question considered as ordered.

Mr. HARRISON of Mississippi. Would 20 minutes' debate on a side be satisfactory?

Mr. STAFFORD. We have that in any event under the rules of the House.

Mr. HENRY. Some of us think that we ought to have a little more time.

Mr. CAMPBELL. I suggest that the gentleman from Mississippi proceed in his own way.

Mr. HENRY. Mr. Speaker, I would like to have 30 minutes. I have a demand for time against the rule. Several gentlemen here wish to discuss it. I hardly see any necessity for undue haste about it.

The SPEAKER. Does anyone make any request?

Mr. HENRY. Mr. Speaker, I ask the gentleman to yield me 30 minutes.

Mr. HARRISON of Mississippi. Mr. Speaker, I ask unanimous consent that there be one hour of debate upon this resolu-

tion, 30 minutes of which shall be controlled by the gentleman from Texas [Mr. HENRY] and 30 minutes by myself, and that at the expiration of that time the previous question shall be considered as ordered.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that on this rule the debate shall continue for not to exceed one hour, half of it to be controlled by himself and half by the gentleman from Texas [Mr. HENRY], and that at the conclusion of that time the previous question shall be considered as ordered. Is there objection?

Mr. FITZGERALD. Mr. Speaker, let me say to the gentleman from Mississippi that there are many Members here who can not consent that the previous question shall be considered as ordered. It is necessary that they record themselves in opposition. The request of the gentleman from Texas adds only 20 minutes additional time.

Mr. HARRISON of Mississippi. Mr. Speaker, I yield to the gentleman from Texas, then, 30 minutes, and reserve the balance of the time. I understand that I have an hour and at any time I can move the previous question.

The SPEAKER. The gentleman from Mississippi states that he will yield 30 minutes of his hour to the gentleman from Texas.

Mr. HARRISON of Mississippi. For debate only.

The SPEAKER. For debate only.

Mr. FITZGERALD. The gentleman from Mississippi has an hour.

The SPEAKER. The gentleman yields 30 minutes to the gentleman from Texas.

Mr. HARRISON of Mississippi. Mr. Speaker, this is the greatest day for the cause of prohibition since Frances Willard first threw the power of her influence on its side more than a generation ago.

No other movement has ever progressed so rapidly and with such constant and certain success. The conversion of so many strong men to the cause is remarkable, and I congratulate those Representatives on the District of Columbia Committee who have formerly arrayed themselves against this cause now advocating not a reasonable prohibition law for the District but absolute and complete prohibition for the District of Columbia. [Applause.] A "bone-dry" law for the District, if you please. [Laughter.]

In the Sixty-second Congress, on a vote to adopt the constitutional prohibition amendment, out of 21 members then on the District of Columbia Committee only 9 voted for it. In the Sixty-third Congress on the adoption of the Webb-Kenyon prohibition measure, out of 21 members on that committee only 6 voted for it. But last week, when the Reed amendment was voted on in the House, only 4 members of the District Committee voted against it. [Applause.] Only 4 of them went on record as opposing that drastic and most absolute prohibition measure ever presented for the consideration of this House.

Adorning the list of those voting for that most drastic and far-reaching prohibition measure are found the names of CARY, FOCHT, HAMIL, GOULD, and others bespeaking the sentiments of their constituency and responding to the pulsations of their own conscience on that great question. [Applause.]

But that is not all. As a further evidence of the progress of the prohibition cause, we find this committee formerly strongly opposing prohibition legislation now bringing to this House with a favorable report for its consideration not a prohibition law for the District, reasonable in character, such as embodied in the Sheppard Senate bill, but one that goes so far that it will prevent the importation of liquors into the District. [Applause.] A drastic "bone-dry" liquor law, if you please. [Laughter.]

I congratulate this committee and refute the charge that they are not for prohibition legislation for the District. [Applause.]

Mr. Speaker, this is a most liberal rule. [Laughter.] It is not unlike hundreds of other rules reported by this committee that legislation might be considered by the House. It merely makes in order a bill favorably reported by the Committee on the District of Columbia. We allow liberality of amendments, two hours of general debate, at the expiration of which time these forty-odd amendments that the District of Columbia Committee has put into the bill shall first be acted on. Now, there may be some objection to the rule that directs committee amendments Nos. 26 to 43, inclusive, be voted on en bloc. That amendment is the referendum bill, known as the Underwood or the Gallivan or the Gould referendum bill, and we say by the rule that the various sections of that one amendment shall be voted on as one amendment, and at the expiration of that time one hour more is given to the House that other Members may offer any amendments they desire, and at the expiration of that time the previous question shall be considered as ordered on the bill, so there is nothing drastic in the rule; it merely gives opportunity to this House to vote on a measure which ought to be voted on, in my opinion, and which ought to be adopted to-day without an amendment being added to it. [Applause.] Mr. Speaker, I reserve the balance of my time.

Mr. HENRY. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, within the limit of time granted to me I wish to present an argument in favor of submitting this question of prohibition to a referendum of the voters in the District of Columbia. I shall not take the time to discuss the merits of prohibition. Personally I am in favor of prohibition where it can be established in accordance with the fundamental principles of our Government and where the method of its establishment will not violate the essential elements of a democracy. I believe in local option. I believe that the regulation or the suppression of the liquor traffic should remain under the jurisdiction of the several States just as it exists to-day. It is one of the kind of laws embraced under the right of local self-government, which has always been exercised by the States and where it should remain. The police powers of the States are ample for the enforcement of all prohibition laws, even to the extent of suppressing entirely the traffic in and the consumption of intoxicating liquors.

The bill under consideration proposes to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia. Under the Constitution of the United States, section 8, which defines the powers of Congress, it is provided that "the Congress shall have the power to exercise exclusive legislation in all cases whatsoever over such district as may become the seat of Government of the United States." It is therefore apparent that Congress has jurisdiction to enact a prohibition law for the District. The query presented is whether this is such a class of legislation as should first be submitted to a referendum before it becomes effective.

First, I may submit that this question has been agitated for more than a year among the people of the District. The movement was initiated and has received its strongest impetus by forces from without the District. The Antisaloon League and allied organizations have been most active. This propaganda has developed a sharp division of public sentiment. However, I am free to admit that the number of those who advocate prohibition are sufficiently numerous and representative to demand consideration. On the other hand, the character of residents in the District who opposed such legislation alike merit consideration. Congress would not be justified in ignoring the proponents of prohibition, and likewise Congress can not with justice ignore the opponents of prohibition. I think the wise and just course to pursue would be to refer the question to the people of the District for their approval or disapproval. The bill as passed by the Senate ignored the wishes of that large number of citizens who oppose prohibition and denies to them the opportunity of passing upon the question. I think the residents of the District are entitled to an opportunity to record their votes, and in order that they shall have an opportunity I shall vote for an amendment to the bill providing for a referendum. [Applause.]

Upon every theory of local self-government the people of the District are entitled to the privilege of determining whether or not a majority favor prohibition. There are ample precedents in the progress of the propaganda for prohibition in the several States where this question has been first referred to the electorate. Under local option it has been the custom to refer the law in the towns, counties, and other subdivisions. In almost every instance where State-wide prohibition has been adopted it was first referred to the people of the State. If there have been exceptions in any States it was because in the opinion of the legislature the wishes of the people upon the subject had been already ascertained in some indirect and appropriate manner.

Mr. GOOD. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. GOOD. The gentleman recalls when we had before the House the proposition to adopt a new scheme of taxation in the District of Columbia and to abolish the half-and-half system. Did the gentleman then offer a proposition to submit that question than which there could be no more important question to the electorate of the District; but, on the contrary, did not the gentleman vote to abolish the half-and-half system?

Mr. SMALL. On the contrary, the gentleman did not vote for it. [Applause.]

Upon this question of the control, regulation, and prohibition of the liquor traffic it has been the concensus of opinion maintained by those who favored and by those who opposed prohibition, that under all circumstances it was a proper question

to be submitted to the people for ratification. Let me illustrate by my own State of North Carolina. For many years we had a local-option law under which a majority of the towns and counties in the State adopted prohibition. In every instance, so far as I recall, the question was submitted to a vote of the people. Later when an insistent demand arose for State-wide prohibition the legislature provided for a submission by referendum to all the people of the State. Such has been the history of substantially all of the States which now have prohibition laws.

There is not a Member of this House who, as a member of the legislature of his State, would have dared to vote for a law imposing prohibition upon any community without a provision for its submission to a referendum, and yet Members of Congress today in the consideration of legislation for the District of Columbia, to which we entertain the same relation as members of a legislature do toward communities in their own States, are proposing to deny the privilege of a referendum to the District of Columbia. It is un-American, it is unjust, and it is a denial of a fundamental right of local self-government. [Applause.]

It appeared in the hearings upon this bill before the District Committee that very strong opposition had been manifested. A petition containing the names of 47,000 male residents of the District, more than 21 years old, was presented to the Senate advocating a referendum. It further appeared that the chamber of commerce and the board of trade, with a membership of 2,300 representative business men of the city, together with other local organizations, have recorded themselves in favor of a referendum. At least two large mass meetings have been held and each adopted resolutions asking for a referendum. Among the city newspapers, the Washington Post, the Washington Herald, and the Washington Times have advocated a referendum. It is asserted with confidence that a majority of the people of the District are opposed to prohibition. But however this may be, it is certain that the above evidence and other tangible testimony indicates a very respectable opposition to prohibition.

With almost unanimity publicists and students of Government have agreed that the wise method of extending sumptuary or prohibition laws was through the processes of education, and ultimately by submission to a vote of the people. The use of intoxicating liquors, either distilled, vinous, or malt, is almost as old as the race itself. While all fair minds will concede the evil and injury which result from the use of alcoholic liquors, yet it was apparently conceded until recent years that such evils arose from their intemperate use. To suppress the use of same entirely or to remove the opportunity of securing same requires more than the mere inhibition of law. To insure the enforcement of such a law there must exist the volition upon the part of a large proportion of the people to desist or totally abstain from the use of intoxicating liquors. Unless this condition exists, the law can not and will not be enforced. The necessity of first reaching the consciences and arousing the will power of a large proportion of the people to be affected by such a law justified the general conclusion that prohibition laws must be preceded by educational processes, by precept and example, and finally by a popular referendum. No less a personage than President Wilson, while governor of New Jersey, in May, 1911, wrote a letter to Rev. Thomas B. Shannon, of that State, in which he said:

> I am in favor of local option. I am a thorough believer in local self-government, and believe that every self-governing community which constitutes a social unit should have the right to control the matter of the regulation or the withholding of licenses.

But it is said that the District of Columbia is the seat of government, and that at present it has no machinery for conducting an election. This is simply a subterfuge. It is more than the seat of government. Washington has become a city of more than 300,000 population. We have invited people from other States to come here as public servants of the Government. While industrially it is not so important as other cities of like population, still it may be said that the usual industrial and commercial activities incident to a city of its size exist in Washington. Substantally it is like any other community within the United States. No good reason can be adduced why it should be differentiated from any other community. If there is no election machinery and no electorate, it can easily be created by Congress. There are ample precedents for submitting local questions to a referendum in the District. By the act of Congress approved July 9, 1846, the question of retrocession from the District was submitted to the voters of that part of the District lying south of the Potomac River. By act approved March 3, 1855, the question of the approval of a code of laws for the District was submitted to a referendum. In December, 1865, the District voted upon the question of negro suffrage. The simple truth is that if the people of the District are entitled, as a matter of right, to pass upon this question of prohibition, there is no difficulty, and there are ample precedents for submitting the question to them.

Congress even during this the Sixty-fourth Congress has recognized that prohibition was a proper question to submit to popular vote in our Territories. By an act passed at this session, providing a civil government for Porto Rico, prohibition has been enacted for this Territory, with a special proviso that it shall first be submitted to the qualified electors. At this session of Congress we have passed a law providing prohibition for Alaska, but before the enactment of this law the qualified voters of the Territory of Alaska, under the authority of their legislature, voted upon the question of prohibition and approved the same by a large majority. The Committee on Territories have reported favorably a bill establishing civil government in Hawaii and provided for prohibition, but submitting the same to a referendum of the voters of the Territory, to be determined by petition. Are the citizens of this intelligent, progressive, and law-abiding District to be differentiated from Porto Rico, Alaska, and Hawaii? Certainly the people of the District are entitled to enjoy the same local self-government as the people of our distant Territories.

Mr. Speaker, I am a Representative from a dry State. As I have before stated, progress toward prohibition in North Carolina, through the years of local option until prohibition was enacted for the entire State, was marked by a careful regard for the wishes of the people. No other process would have been tolerated. It is interesting to recall that in 1881 the Legislature of North Carolina submitted the question of State-wide prohibition to a referendum of the voters of the State, at which election prohibition was defeated by a very large majority. My recollection is that a majority of more than 100,000 votes were recorded against it. From that date to 1908 local option prevailed.

On May 26, 1908, under a referendum authorized by the legislature, the voters of North Carolina again cast their ballots upon the question of State-wide prohibition, and it was adopted by a vote of 113,612 to 69,416 against. Prohibition thus established by referendum still prevails in the State. In that referendum a majority was cast in favor of prohibition in my congressional district. Either in 1881 or in 1908 the people of my district and State would have protested against and would not willingly have submitted to any prohibition being imposed upon them, unless the law had been first submitted to them for ratification. As their Representative and speaking for them, as I believe, I protest that the District of Columbia shall not be segregated and differentiated from every other body of people in the United States. [Applause.] I may assume that the people of my district still favor prohibition, but they are first of all genuine Americans. They believe first in the right of local self-government. Individual liberty and the right to manage their local affairs was purchased by the blood of their fathers. They value their inheritance and they propose to maintain it. They have not been willing to surrender their precious possession, inherent in every democracy, even to secure a moral reform such as prohibition of the liquor traffic. My constituents are also a just people. Whatever they ask for themselves they are willing to grant to others. Whatever law they would object to being imposed upon themselves except by the arbitrament of the ballot, they will not willingly impose on others in a different manner.

While I insist most strenuously that this prohibition law shall not be imposed upon the people of the District of Columbia unless it is coupled with a referendum, still if this House should deny this privilege to the people of the District, and I shall be confronted by the proposition of whether I shall vote for this law in the absence of a referendum, I feel constrained to say that I do not feel at liberty to vote against the law on that account. There is no question of jurisdiction involved. If it is the purpose of Congress to deal arbitrarily with the people of the District, while regretting this condition I do not feel in good conscience that I should vote against the law, although I hope I may not be constrained to violate my conception of the right of the District to determine whether they wish this law.

In conclusion, I wish to submit some brief observations regarding this movement for extending prohibition laws. We live in a Republic, and we frequently boast that all law is based upon the consent of the governed. Again, the people of this Republic do not live under a Government of centralized power. What may be done in the Republic of France, for instance, ought not to be attempted in the United States. Under our scheme of Government the Republic is divided into States which together constitute the United States. Under our plan of Government

it was intended to leave to the States the control of all their local affairs. Such general powers as could not be wisely exercised by each of the States were transferred to the Federal Government in the Constitution of the United States. It was never intended that the States should relinquish any of the powers involved in local self-government.

The Union would never have been formed except upon the firm belief that every right necessary in the management of local affairs should ever reside with the several States. These are fundamental doctrines. I wish to warn the zealous advocates of prohibition that they owe it to the cause which they represent and that they are in duty bound as good citizens to prosecute their propaganda in consonance with these fundamental principles. Every advance against the consent of the governed and any persistent attempt to destroy the balance of power between the Federal Government and the States is contrary to the genius of our Government and dangerous to its perpetuity. The advance of prohibition has been continuous and each year marks an increase in the area of dry territory. No movement for new laws and certainly no movement for social and moral reform can afford to be unjust or violate a fundamental tenet of Government.

No Member of this body from New England where the best illustration of pure democracy through the medium of their town government still exists; no Member from the great Mississippi Valley, where the love of independence still has an abundant fruitage, and certainly no Democrat from the South, where the right of local self-government has ever been successfully challenged, will deny to the people of this District the opportunity of expressing their will and exercising the right of local option. [Applause.]

Mr. CARY. Mr. Speaker, I make the point that there is no quorum present. This is an important question.

The SPEAKER pro tempore (Mr. RAINEY in the chair). The gentleman from Wisconsin [Mr. CARY] makes the point that there is no quorum present. The Chair will count. The gentleman from North Carolina having consumed five minutes, his time has expired.

Mr. SMALL. Will the gentleman from Texas grant me two more minutes?

Mr. HENRY. Yes.

The SPEAKER pro tempore (after counting). There are 159 gentlemen present—not a quorum. The Clerk will call the roll.

Mr. FOSTER. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Barnhart	Crago	Kennedy R. I.	Shackleford
Beakes	Crosser	Kent	Shouse
Benedict	Doremus	Lobeck	Sparkman
Buchanan, Ill.	Fairchild	Loft	Stedman
Callaway	Farley	Matthews	Stephens, Nebr.
Carew	Graham	Mooney	Stephens, Tex.
Carter, Okla.	Gray, Ind.	Nichols, Mich.	Stout
Chandler, N. Y.	Haugen	Oglesby	Thomas
Church	Helgesen	Peters	Whaley
Conry	Hensley	Russell, Ohio	
Copley	Hill	Saunders	
Costello	Hinds	Sells	

The SPEAKER. On this roll 388 Members, a quorum, answered to their names.

Mr. FOSTER. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Illinois moves to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

Mr. HENRY. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. CANTRILL].

The SPEAKER. The gentleman from Kentucky is recognized for five minutes.

Mr. CANTRILL. Mr. Speaker, it is useless in the brief time allotted to undertake a discussion on this proposition, and I therefore ask the consent of the House that I may have the privilege of extending my remarks.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CANTRILL. While I am on the floor, Mr. Speaker, in the two or three minutes left, I do desire to make one or two observations on the subject. This law that is to be written on the statute books to-day is the most cowardly piece of legislation ever written by the American Congress. [Applause.] It is cowardly for two reasons. In the first place, the proponents of this legislation are afraid to submit the proposition to the people who are to be affected by it, and that is a cowardly piece of legislation. It is cowardly, in the second place, because the Members of the American Congress are not willing to bring themselves within the rule. They voted the other day to put "bone-dry" legislation upon 25 States of this Union, but when it comes to the proposition of putting "bone-dry" legislation upon the Members of Congress they do not dare vote it on themselves. [Applause.]

Ah, you gentlemen who vote for this proposition to-day, you have got to go back and admit to your people that you were afraid and did not dare to be dry yourselves when you came here to represent them at the seat of government.

Mr. Speaker, under the privilege granted to me to extend my remarks, I will print in the RECORD some data which I have here, but which my limited time does not permit me to present to the House, setting forth the gigantic fiscal, economic, and equitable problems involved in a constitutional amendment aiming to prohibit manufacture in Kentucky—problems not presented at all under the recent prohibitions of the Kentucky local-option law already in effect:

I.

One billion dollars was disbursed by the War Department of the Federal Government in the single year of 1865, during the financial exigencies of the Civil War.

The Federal Government faced bankruptcy.

Salmon P. Chase, then Secretary of the Treasury, and later Chief Justice of the Supreme Court of the United States, declared that the Government's reliance must be upon "the internal duties." The tariff could not save the Government.

This acute distress of the Federal Government brought into full operation the internal-revenue tax under a system of indirect taxation as the effective plan of meeting the needs of the Republic of the United States of America.

II.

HOW CONGRESS HAS FINANCED THE UNITED STATES WITH DISTILLED SPIRITS SINCE THE OUTBREAK OF THE CIVIL WAR.

From the first outbreak of the Civil War the Federal Government put to its wits for revenue, turned for financial sustenance to distilled spirits.

From the very birth of the United States' present system of internal revenue it has leaned upon distilled spirits as its chief recourse in times of financial need, and as the instrument through which it could put indirect taxation into effect.

This fact stands out large and indisputable in the fiscal history of this country.

From 1862 to the present moment distilled spirits and the distillers who produced them and who executed bonds for the tax have been the backbone of the whole internal revenue.

Lacking this information no man is in a position to comprehend the gigantic fabric of Federal income with which the distillers of the United States have financed the Federal Treasury.

In 1865 when the tariff only yielded	$84,928,000
Internal revenue yielded	210,000,000
In 1866 when the tariff only yielded	179,046,000
Internal revenue yielded	310,000,000

III.

In 1862 (July 1) Congress turned to the distillers and distilled spirits for financial support by the imposition of a tax of 20 cents a gallon.

IV.

In 1864 (Mar. 7) Congress again turned to the distillers and distilled spirits for further financial help by the imposition of a tax of 60 cents a gallon.

V.

In 1864 (June 30) Congress turned to the distillers and distilled spirits for further help in financing the Government by a tax of $1.50 a gallon.

VI.

In 1864 (Dec. 22) Congress turned to distilled spirits again for financial help by a tax of $2 a gallon.

VII.

In 1865 (Mar. 3) Congress again turned to distillers for financial help by a tax of 50 cents a gallon on brandy from grapes and $1.50 per gallon on brandy distilled from apples and peaches.

VIII.

Despite the customs-tariff income and the internal-revenue income, the Federal Government, in disbursing $1,000,000,000 in 1865 for the War Department and $122,617,000 for the Federal Navy, was in desperate straits.

"An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," was the title which the Congress of the United States wrote upon the act of June 30, 1864.

"The financial experience of the Government of the United States in the years following the war," says the late James G. Blaine in his "Twenty Years in Congress," "is without precedent among the nations. When Congress first met after the close of hostilities (December, 1865) it was as a ship sailing upon dangerous and unknown seas without a chart or possible channel."

Congress turned to distilled spirits again in the emergency and imposed a new burden on this commodity, and engaged the distillers of the country further into the cooperative plan of finance.

Congressional acts, further interlocking the finances of the Federal Government with the revenue from distilled spirits:

Act of July 1, 1862; act of July 30, 1864; act of March 7, 1864; act of July 13, 1866; act of March 21, 1867; act of July 20, 1868; act of December 22, 1868; act of April 10, 1869; act of May 27, 1872, act

of February, 1873; act of January 8, 1874; act of June 9, 1874; act of March 3, 1875.

An act to further protect the sinking fund and provide for the exigencies of the Government:

Act of May 13, 1876 (tax on malt liquors); act of March 3, 1877; act of February 18, 1878.

Joint resolution of Congress "declaring that the reduction of the tax on distilled spirits is inexpedient":

Act of March 28, 1878; act of December 20, 1879; act of May 28, 1880 (Carlisle bill); act of October 18, 1890; act of June 30, 1892.

"An act making appropriations for the Department of Agriculture":

Act of June 30, 1896; act of March 3, 1897 (bottling-in-bond act); act of June 13, 1898 (the war-revenue act).

When the patriotic cry of "Remember the *Maine*" swept the continent, whence had come and whence came the backbone of the revenue?

As down through the years above recited Congress has ceaselessly interlocked the finances of this Government with the lawful business of the legitimate distiller so has it continued to do to this day.

In August, 1894, the present tax of $1.10 per proof gallon was levied and the present eight-year bonded period instituted.

IX.

THE PRINCIPAL BURDEN OF THE WHOLE INTERNAL REVENUE FROM THE FIRST TO THE PRESENT TIME HAS BEEN UPON DISTILLED SPIRITS.

The principal burden of the whole internal revenue from the first to the present time has been upon distilled spirits.

For over 50 years (see acts above) the Federal Government has encouraged and fostered the production of distilled spirits and the construction of the distilleries and bonded warehouses necessary to produce and protect the commodity and furnish to the Government the liens required by its system of taxation.

Through the history of the tariff of the United States runs again the constant reliance of the Government upon distilled and fermented liquors and wines for revenue.

The great countries of the world send into our ports of entry these commodities of their commerce.

France, her champagnes, clarets, and brandies; Germany, her wines and beers; England, her ales and porters and the distilled products of Scotland and Ireland; Spain, her sherries, and Portugal, her ports; Holland, her gins, and Italy, her wines.

Turkey is a prohibition Government, and does not participate.

X.

Under the Government's system of taxing distilled spirits property investments indispensable to the execution of the distillers' warehousing bonds required by the Government have been built up by distillers through a period of 50 years.

Section 3280 of the internal-revenue laws holds that—

"It shall not be lawful for any distiller to commence the business of distilling until he has given the bond required by law, and complied with the provisions of the law relating to the registration and survey of distilleries and the arrangement and construction of distilleries and premises connected therewith."

XI.

The Supreme Court of the United States, speaking by Mr. Justice Hughes, January 26, 1914, held: "Every distiller (182) is required to provide at his own expense a warehouse, to be situated on and to constitute a part of his distillery premises, and to be used only for the storage of distilled spirits of his own manufacture until the tax thereon shall have been paid."

The Government has financed upon the shoulders of this industry, through methods and requirements, that have interlocked the success of revenue for the Government's needs with necessary investments upon the part of the distillers.

Many great warehouses year after year have to be built on the premises of a large plant.

XII.

The collection of the enormous revenue of the Government through "distillers' warehousing bonds" has made the distillers of the United States the principal "underwriters" of the Government's income for half a century.

Compare the $207,000,000, the cost of the whole civil establishment last year, covering the legislative, executive, and administrative branches of the Government. The Departments of War, Navy, State, Treasury, Justice, Interior, Agriculture, Labor, and Commerce with the $255,643,165 fund delivered to the Federal Government's credit through "distillers' bonds," giving the Government first lien on the 232,402,878 gallons of distilled spirits in bond on the closing day of the fiscal year 1916 after the distillers had just "retired" for that year "distillers' warehousing bonds" to the amount of $149,849,180.

XIII.

Distillers, through their bonds for the tax on distilled spirits, have been providing the Government of the United States with its chief guaranteed source of income, pledging the Government an assured income in the financing of the Congress, financing the Federal courts, and the great administrative departments.

"Distillers' bonds," as they were met, have helped finance the Army and the Navy; have helped fortify our harbors; have helped build countless Federal buildings throughout the land; have financed the payment of the pensions of the old soldiers; and have helped fund and sustain, in large measure, practically every appropriation Congress has been able to make. Distillers, by meeting their bonds to the Government, have been enabling the Government to redeem its own bond issues.

XIV.

The United States Government issues two sorts of bonds:

(a) Bonds creating a Federal debt.

(b) Bonds creating a Federal credit.

(a) Bonds creating a Federal debt:

It executes bonds to creditors, obligating itself to pay out funds of the Federal Treasury. It was under this plan, for instance, that Congress voted $50,000,000 merchant-marine bonds.

It was under this plan that the $134,631,980 worth of bonds sold prior to 1913 to recoup the expenditures of the Panama Canal was issued.

It is by such bonds that the Government is to provide the $100,000,000 which the Secretary of the Treasury is authorized by the new revenue bill now pending in Congress "to borrow on the credit of the United States" on "account of the Mexican situation, the construction of the armor-plate plant, and the construction of the Alaskan Railway, and the puchase of the Danish West Indies." All this class of bonds must be redeemed by the Government.

(b) Bonds creating a Federal credit:

Through its system of taxation on distilled spirits the Federal Government causes to be executed to its credit an enormous "bond issue," obligating distillers to pay vast sums into the Federal Treasury. (The Federal law provides this plan by sec. 3293a.)

Under "distillers' warehousing bonds" the Government has funded itself with over $6,000,000,000 out of the total of $10,000,000,000 collected by the Government from all sources of internal revenue.

These "distillers' warehousing bonds" are an asset to the Government and must be "redeemed" by the distillers of the United States.

XV.

Over $6,000,000,000 has been "underwritten" by the distillers of the United States to the credit of the Federal Government and paid to the Federal Government in the cooperative system of finance employed by the Federal Government as its paramount source of revenue for the period of 50 years in which this Republic of the United States has grown from a Republic with 31,433,320 population to a Republic with a population of over 100,000,000 and has taken the lead among the civilized nations of the world.

XVI.

Two hundred and fifty-five million six hundred and forty-three thousand one hundred and sixty-five dollars was the unused fund remaining secured to the Government's credit on "distillers' warehousing bonds" on the closing day of the fiscal year 1916. (More than the $250,000,000 originally proposed to be raised by the revenue bill of 1917.)

This amount stood on that day as "underwritten" by the distillers and secured by distillers' warehousing bonds, guaranteed to the Government by securities and secured to the Government by first mortgage on the distilleries of the country, the millions of dollars' worth of distillery bonded warehouses built by distillers to meet the Government's rigorous exactions, and then supercollateralized by the Government's first lien on the 232,402,878 gallons of distilled spirits held by the United States Government under lock and key in the millions of dollars' worth of bonded warehouses the Government has required the distillers of the country to construct at their own enormous expense.

This $255,643,165 represents an accumulated fund to the Government's credit on the last day of the fiscal year 1916.

This fund during the current fiscal year is now being liquidated to the Government through the process of tax payments and "withdrawal" of distilled spirits "from bond."

This credit fund is resting in the Government bonded warehouses secured by "distillers' warehousing bonds," and while this credit fund is being constantly liquidated to the Government's use a new gigantic fund is being piled up to the Government's credit (secured by new distillers' bonds) in the shape of new manufacture of distilled spirits by the distillers of the United States.

As fast as "distillers' warehousing bonds" are being "retired" by distillers through the process of tax payments these distillers are again "underwriting" a new "bond issue" to the Government and thus building up a new and additional fund to the credit of the United States Government. That is, as fast as the distillers, through "tax payments," are enabling the Government to avail of accrued funds they are building up an enormous new credit for the further funding of the Government.

XVII.

Also $252,748,876.

An entirely new issue of "distillers' warehousing bonds" covering $252,748,876 was executed to the credit fund of the Government in the fiscal year 1916, when the distillers of the United States manufactured 229,771,708 tax gallons of distilled spirits during that year, giving the Government first lien on same, and placing same in the millions of dollars' worth of "bonded warehouses" which the Government has required the distillers to build, and leaving same there under Government lock and key until the Government's prior claim for $1.10 per gallon is "liquidated."

These mammoth operations speak for themselves in explaining the fiscal importance of the manufacture of "distilled spirits" under the system of "distillers' warehousing bonds," the plan of bonded warehousing and the indirect tax-collection system by which the Government has been financing itself for the last 50 years.

XVIII.

Also $149,849,180.

While the new fund of $252,771,706 was being put to the credit of the Government by the distillers in 1916, the sum of $149,849,180 was actually paid to the Government (see internal-revenue report) in redemption of previous outstanding "distillers' warehousing bonds," i. e., taxes were paid on distilled spirits aggregating $149,849,180.

Says the Commissioner of Internal Revenue at the close of the fiscal year 1916:

"The source of internal taxation producing the largest amount of revenue during the last fiscal year are distilled spirit."

Distilled spirits paid	$149,849,180
Fermented liquors paid	87,875,672
Total	237,714,852

XIX.

Two hundred and thirty-seven million seven hundred and fourteen thousand eight hundred and fifty-two dollars.

The income from distilled and fermented liquor last year alone was (exclusive of special taxes, which when added in, as shown on page —):

More than the capital of the Bank of England in 1909	$174,500,000
More than the total tariff of 1894	131,818,530
More than the total tariff of 1895	152,158,617
More than the total tariff of 1896	160,021,752
More than the total tariff of 1897	176,554,127
More than the total tariff of 1898	149,575,066
More than the total tariff of 1899	206,141,225
More than the total tariff of 1900	233,164,871
More than the coin value of all the silver produced in the world in 1908.	
More than the entire silver coinage of the nations in 1908.	
More than the value of all the United States silver certificates in circulation in 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, or 1888, and almost equal to the value of those in circulation in 1889	257,155,565
More than all the money in the United States Treasury at the close of 1880, or 1881, or 1882, or 1891, or 1892, or 1893, or 1894, or 1895.	

More than the coining value of gold and silver in the whole United States in any year from 1849 to 1903—the maximum year being 1896	$124,476,100
More than the value in dollars of the total coinage turned out by the United States Mint in any year from 1849 to 1903—the maximum year being 1899	139,243,191
More than the reserves held by all the New York City banks in any single year from 1897 to 1903.	
More than the total tariff of 1899	206,128,482
More than the total tariff of 1900	233,164,871
More than the gold coin in circulation in the United States in 1880	225,695,779
More than the gold certificates in circulation in the United States in 1885	126,729,730
More than the gold certificates in circulation in the United States in 1886, or 1887, or 1888, or 1889, or 1900.	
More than nine times the value of standard silver dollars in the United States Treasury in 1903	27,275,973
More than four times the value of standard silver dollars in circulation in the United States in 1903	72,391,240
More than twenty-five times the value of subsidiary coin in the United States Treasury in 1903	9,307,873
More than twice the value of subsidiary coin in circulation in the whole United States in 1903	92,726,694
More than value of all the national-bank notes in circulation in the United States in any year from 1890 to 1899, inclusive (in circulation in 1898, for instance)	222,990,988
More than the capital of the Bank of Austria-Hungary in 1909	287,600,000
More than eighteen times the value of all the national-bank notes in the Treasury in any year from 1800 to 1903, $13,673,941 being the value in 1903.	
More than the value of all the gold bullion in the United States Treasury in any single year from 1880 to 1898, and almost equal to the value of the gold bullion in the Treasury in 1903	254,162,230
More than the value of all the gold certificates in circulation in the United States in any year from the inauguration of the distilled-spirit tax until 1900, the maximum being in 1900	200,730,019
The maximum reserve being in 1901	226,300,000
More than the total specie in the United States in dollars:	
In March, 1893	208,341,816
In December, 1894	218,041,222
In December, 1895	206,712,410
In December, 1896	225,540,708
In March, 1897	233,948,862
More than the coin and coin certificates held by the national banks in any single year from 1893 to 1900, the maximum being in 1900	223,007,577
More than four times as much as the net earnings of 4,805 national banks in the United States in 1903	55,921,540
Equal to the surplus of 3,701 national banks in 1892	237,761,865

The $6,000,000,000 already paid the Government by distillers is equal in figures to the total resources of the 5,042 national banks in the United States as shown on September 9, 1903, viz, $6,310,000,000.

(1) Every proof gallon of distilled spirits manufactured creates a credit of $1.10 for the Government.

(2) Every proof gallon of distilled spirits "in bond" means $1.10 on deposit for the Federal Government and funds the Government.

(3) Every proof gallon of distilled spirits withdrawn from bond by "tax payment" delivers $1.10 to the Government.

TO WIPE OUT THE GOVERNMENT'S INCOME FROM DISTILLED SPIRITS WOULD BE AN ECONOMIC PROBLEM EQUAL IN MAGNITUDE TO THE WIPING OUT OF THE TARIFF.

Every proof gallon manufactured by a distiller adds another $1.10 to the Government's reserve.

To wipe out the Government's income from distilled spirits would be an economic problem equal in magnitude to the wiping out of the tariff.

In order that it may be seen at a glance that to wipe out the Government's half century plan of funding through distillers' warehousing bonds would be an economical problem equal to wiping out the tariff itself; three tables are given below, covering the last 10 years.

Table No. 1 shows at the end of each fiscal year the millions of dollars standing to the credit of the Federal Government secured by distillers' warehousing bonds, guaranteed by first lien on the distilleries of the United States and the bonded warehouses of these plants, and the premises, etc., and collateralized by the Government holding the distilled spirits "in bond" pending the liquidation of the tax, and the extinguishment of the distillers' warehousing bonds by tax payments, or "withdrawals."

The tables are given in gallons.

Ten years are taken as illustrative.

By multiplying the gallons by the tax rate, $1.10 per gallon, the millions of dollars of money will be shown.

Comparisons are given in parentheses so as to illuminate the magnitude of the amounts by which the Government is financing itself through "distillers' bonds."

FEDERAL TABLE NO. 1.

There remained in bond to the credit of the Government, at the rate of $1.10 per gallon, at the close of each fiscal year:

1907—245,438,816 gallons, at $1.10 per gallon.

(This tax, secured to the Government by distillers' bonds, amounts to more than the total net earnings of the national banks of the United States the same year, $152,235,434; more than the whole tariff, $209,786,000 in 1915; and more than all the money in the United States Treasury at the close of the fiscal years 1880, 1881, 1882, 1883, 1884, 1891, 1892, 1893, 1894, or 1895.

1908—235,026,128 gallons, at $1.10 per gallon.

(This tax, secured to the Government by distillers' bonds, amounts to more than the total banks of the United States for the same year, $131,335,288; more than the cost of the whole civil establishment, legislative, executive, and administrative—$207,000,000 last year.)

1909—229,141,434 gallons, at $1.10 per gallon.

(This tax secured to the Government by distillers' bonds—compare this with the $222,000,000 of Panama Canal bonds available in 1915.)

(This tax secured to the Government by distillers' bonds more than the annual income of 20 of the largest insurance companies in this country.)

1911—249,279,346 gallons, at $1.10 per gallon.

(This tax secured to the Government by distillers' bonds over half as much as the Spanish-American War bond issue of $500,000,000 at the outbreak of the Spanish War.)

1912—263,785,831 gallons, at $1.10 per gallon.

(This tax secured to the Government by distillers' bonds more than the "uncovered paper" of Germany Jan. 1, 1909. Represents more money to the credit of the Federal Treasury than the whole internal revenue in any fiscal year from 1879 to 1898; more than that of 1903, 1904, 1905, 1906, 1907, 1908, or 1909; more than the $200,000,000 certificates of indebtedness the Secretary of the Treasury is authorized to issue under the special revenue bill passed in the House; and more than the total tariff receipts in 1902, and equal in value to the total value of gold produced in the United States in 1900—$254,556,300.)

1913—276,784,540 gallons, at $1.10 per gallon.

(This tax secured to the Government by distillers' bonds more than the total tariff receipts of $238,585,456 in 1901.) (Appropriated for Navy last session of 60th Cong., $236,000,000.)

1914—282,036,460 gallons, at $1.10 per gallon.

(This tax secured to the Government by distillers' bonds more than the total tariff receipts of $254,444,708 in 1903.)

1915—253,668,341 gallons, at $1.10 per gallon.

(This tax secured to the Government by distillers' bonds. More than the total value of gold bullion in the Federal Treasury in 1902. More than the total coin in circulation in 1880.)

1916—232,402,878 gallons, at $1.10 per gallon.

(This tax secured to the Government by distillers' bonds. More than the net earnings of the national banks of the United States for the calendar year ending Dec. 31, 1916—$170,000,000, which was an increase of $43,000,000 over the fiscal year 1915. (Statement of Comptroller of the Treasury, Feb. 2, 1917.) More than the value in dollars of the gold produced in the United States in 1896 or 1897 or the total coining value of silver produced in 1896 or 1897 or 1898 or 1899 or 1900 or 1901 or 1902 or 1903.)

A continuous process of "retiring" or "redeeming" distillers' warehousing bonds is going on all the time, thus furnishing great volumes of annual revenue to the Federal Government on top of revenue accumulated to the Government's credit.

This is done through tax paid withdrawals.

FEDERAL TABLE NO. 2.

ANNUAL RATE AT WHICH DISTILLERS ARE PAYING MONEY TO THE GOVERNMENT.

1907—134,031,066 gallons, at $1.10 per gallon.

(This tax was paid to the Government in redemption of distillers' bonds; amounted to as much as the $134,774,000 appropriated for the War Department in 1900.)

1908—119,703,594 gallons, at $1.10 per gallon.

(This tax was paid to the Government in redemption of distillers' bonds. Compare this with individual income tax proceeds for 1916—$67,943,594.)

1909—114,693,518 gallons, at $1.10 per gallon.

(This tax was paid to the Government in redemption of distillers' bonds. Compare this with the emergency revenue taxes of 1916—$84,278,302.)

1910—126,381,726 gallons, at $1.10 per gallon.

(This tax was paid to the Government in redemption of distillers' bonds. More than the value of the stock of gold Jan. 1, 1909, in Japan or Egypt or Denmark or Mexico or Portugal or Norway.)

1911—132,058,636 gallons, at $1.10 per gallon.

(This tax was paid to the Government in redemption of distillers' bonds.)

1912—133,259,147 gallons, at $1.10 per gallon.

(This tax was paid to the Government in redemption of distillers' bonds.)

1913—140,289,424 gallons, at $1.10 per gallon.

(This tax was paid to the Government in redemption of distillers' bonds—almost twice as much as the $75,000,000 appropriated for five years' use in Federal aid for good roads.)

1914—136,269,752 gallons, at $1.10 per gallon.

(This tax was paid to the Government in redemption of distillers' bonds. More than the commercial value of silver produced in the year 1908 in the United States, Peru, Brazil, Mexico, Canada, China, Russia, Spain, Turkey, Italy, India, and Central America all put together.)

1915—121,498,325 gallons, at $1.10 per gallon.

(This tax was paid to the Government in redemption of distillers' bonds. Compare this with the $39,144,531 income from corporation tax the same year.)

1916—133,025,967 gallons, at $1.10 per gallon.

(This tax was paid to the Government in redemption of distillers' bonds. Compare this with the total corporation income tax of $56,972,720 of the same year.)

As fast or faster than these "distillers' warehousing bonds" are being "redeemed" in furnishing great volumes of revenue to the Federal Government through tax payments, a mammoth fund is being further piled up to the credit of the Federal Government as distillers each year proceed with new manufacture of distilled spirits.

FEDERAL TABLE NO. 3.

HOW DISTILLERS "FUND" THE GOVERNMENT.

1907—168,573,913 gallons, at $1.10 per gallon.

(Bonds were given the Government by the distillers, funding the Government's credit with this additional amount, an amount greater than the $164,387,000 expended for pensions in 1915.)

1908—127,140,924 gallons, at $1.10 per gallon.

(Bonds were given the Government by the distillers, funding the Government's credit with this additional amount.)

1909—133,450,755 gallons, at $1.10 per gallon.

(Bonds were given the Government by the distillers, funding the Government's credit with this additional amount.)

1910—156,237,526 gallons, at $1.10 per gallon.

(Bonds were given the Government by the distillers, funding the Government's credit with this additional amount. More than the $172,973,000 expenditures of the War Department in 1915.)

1911—175,402,395 gallons, at $1.10 per gallon.

(Bonds were given the Government by the distillers, funding the Government's credit with this additional amount.)

1912—178,249,985 gallons, at $1.10 per gallon.

(Bonds were given the Government by the distillers, funding the Government's credit with this additional amount.)

1913—185,353,383 gallons, at $1.10 per gallon.

(Bonds were given the Government by the distillers, funding the Government's credit with this additional amount.)

1914—174,611,645 gallons, at $1.10 per gallon.

(Bonds were given the Government by the distillers, funding the Government's credit with this additional amount.)

1915—132,134,152 gallons, at $1.10 per gallon.

(Bonds were given the Government by the distillers funding the Government's credit with this additional amount.)

1916—249,123,925 gallons, at $1.10 per gallon.

(Bonds were given the Government by the distillers funding the Government's credit with this additional amount—more than the civil Government expenditures of $200,533,000.00 in 1915.)

ITEMIZED STATEMENT FOR 1914 OF THE FEDERAL GOVERNMENT'S INCOME OF $328,527,868 FROM DISTILLERS, ETC.—WHO WILL PAY THIS $328,527,868 IF "PROHIBITION" DEPRIVES THE UNITED STATES TREASURY OF IT?

United States Statistical Abstract, 1914, Table No. 330, customs and internal revenue collected on distilled spirits, wines, and malt liquors, with total national revenue and percentage, year ending June 30, 1914. Sources: Customs revenue from annual report on commerce and navigation, Bureau of Foreign and Domestic Commerce, Department of Commerce; internal revenue, from reports of the Commissioner of Internal Revenue, Treasury Department:

Source, 1914.

CUSTOMS REVENUE.

From malt liquors	$1,916,000
From wine	6,509,000
From distilled spirits	10,780,000
Total	19,205,000

INTERNAL REVENUE, OTHER THAN LICENSE DUTIES.

From malt liquors	$66,105,000
From distilled spirits	153,546,000
Total	219,651,000

LICENSE DUTIES.

For the manufacture of malt liquors and distilled spirits	$425,000
For the sale of malt liquors and distilled spirits	6,104,000
Total	6,529,000
Total internal revenue from alcoholic beverages	226,180,000
Total internal revenue and customs receipts from alcoholic beverages	245,385,000
Total national ordinary receipts from all sources	734,673,167

The liquor industry thus paid into the Treasury of the National Government for the year 1914, $245,385,000, which is over one-third of the $734,673,167 which represents the total ordinary receipts of the United States Treasury from all sources for the same year.

The total revenue received by the various States of the Union in 1913, in the form of liquor licenses, was $20,992,857.

The total revenue received by the various counties of the Union in 1913, in the form of liquor licenses, was $6,600,010.

The total revenue received by the various incorporated places of the Union in 1913, having a population of 2,500 and over, was $51,955,001.

The total amount paid into the National Treasury, the State, county, and municipal treasuries, for 1913, was $328,527,868.

An amount equal to the staggering annual figures of the whole Aldrich protective tariff.

THE MAGNITUDE OF THE KENTUCKY SITUATION.

138,248,970 gallons of distilled spirits remained in bond in Kentucky at close of fiscal year 1916.

232,402,878 gallons remained in bond in the whole United States.

The Government tax is also secured by the Government's first lien on the 138,248,970 gallons, representing a fund resting to the credit of the Federal Government in the millions of dollars' worth of immense bonded warehouses which Kentucky distillers have built at their plants in compliance with the rigorous requirements of the Federal Government.

The following table shows the number of gallons of distilled spirits in bond in the Kentucky bonded warehouses at the close of each of the last 10 fiscal years:

KENTUCKY TABLE NO. 1.

AMOUNT "IN BOND" TO GOVERNMENT'S CREDIT AT KENTUCKY DISTILLERIES.

1907—140,048,368 gallons, at $1.10 per gallon.

(More than the amount appropriated by Congress to support the Navy in the same year, $97,128,469, or the Army, $122,576,465. More than the "uncovered paper" to the United Kingdom of Great Britain and Ireland Jan. 1, 1909. Almost twice the capital of the Bank of Spain Oct. 1, 1909—$80,000,000. Enough money to pay near five times the interest on the public debt of the United States in the same year or 1903 or 1904 or 1905 or 1906 or 1909.)

1908—130,933,259 gallons, at $1.10 per gallon.

(More than the $100,000,000 bond issue proposed by the national revenue bill of 1917.)

1909—125,885,443 gallons, at $1.10 per gallon.

(More than the $89,103,078 available cash balance in the United States Treasury Nov. 1 of the same year. The total appropriation by Congress for the Navy in the same year was $136,935,199.)

1910—130,440,731 gallons, at $1.10 per gallon.

(The total appropriation of Congress for the entire Army of the United States in 1909 was $101,197,470.)

1911—143,592,569 gallons, at $1.10 per gallon.

(Represented more to the Federal credit than the whole tariff of the United States in 1894.)

1912—155,116,167 gallons, at $1.10 per gallon.

(Represented more to the credit of the Federal Government than the whole tariff provided in 1895 or 1898.)

1913—163,475,331 gallons, at $1.10 per gallon.

(Almost equal to the capital of the Imperial Bank of Germany in 1909—$170,500,000. Appropriated for the Army, second session of the Sixty-first Congress, $93,000,000.)

1914—166,433,106 gallons, at $1.10 per gallon.

(More than the total production of the great gold mines of Africa in 1908, $166,590,500, which was more than was produced in any country of the world. Represents almost as much as the cash in the Federal Treasury in 1877, viz, $186,925,960. Represents enough to have paid the entire public debt of the United States in 1859, $58,754,699, almost three times over, and this, too, at a time when that debt included the loans of 1842, 1846, 1847, 1848, and 1858, the Texas indemnity, the Texas debt, the old funded and unprovided debt, the Treasury notes issued under bids prior to 1857, and the $15,046,800 notes issued under act of Dec. 23, 1857.)

1915—148,078,140 gallons, at $1.10 per gallon.

Compare this with the capital on Oct. 1, 1909, of the—

Bank of Netherlands	$52,000,000
Bank of Norway	8,500,000
Bank of Denmark	20,000,000
Royal Bank of Sweden	22,500,000
Bank of Switzerland	24,000,000

1916—138,248,970 gallons, at $1.10 per gallon.

(Represents an amount greater than the total receipts of the whole Postal Service of the United States in any year from 1894 to 1903, the maximum being $134,224,443 in 1903.)

KENTUCKY TABLE NO. 2.

TAX PAYMENTS OF WHISKY FROM BOND.

[For amount in dollars multiply by $1.10 the Government's tax per proof gallon.]

	Gallons.
1907	27,774,472

More than the capital, Oct. 1, 1909, of the—

Bank of Norway	$8,500,000
Bank of Denmark	20,500,000
Bank of Sweden	22,500,000
Bank of Switzerland	24,500,000

(Enough to pay the interest on the public debt of the United States in 1894, $27,841,406. The tariff for the whole United States yielded in the same year, 1907, on distillery spirits, wines, and fermented liquors imported from all countries a total of $15,797,814, thus Kentucky distilleries in 1907 paid almost twice as much revenue to the Federal Government.)

	Gallons.
1908	26,074,012

(Twelve times the profits yielded the Federal Government by taxes on all the national banks in the United States, $2,651,606.)

	Gallons.
1909	32,457,320

(More than the capital Oct. 1, 1909, of the Royal Bank of Belgium, $31,500,000; enough to pay the interest on the public debt in 1902, $29,108,645.)

	Gallons.
1910	32,008,310

(More than enough to pay the interest on the public debt of the United States for the same year, $21,804,813; more than all the coin and bullion exported from the United States in any one of 38 years preceding the passage of the distilled-spirit tax of 1862, from 1821 to 1859.)

	Gallons.
1911	32,763,592

(Almost equal to the $88,999,267 paid to the Government through the whole tariff of 1907 by the great staple, cotton.)

	Gallons.
1912	32,098,531

(Enough to have covered the expenditures of the United States Navy in 1894, $32,000,658.)

	Gallons.
1913	34,830,021

(Enough to pay the interest on the public debt of the United States in 1901, $32,342,979.)

	Gallons.
1914	34,723,406

(Enough to have paid the expenditures for the United States Navy in 1896, 1897, or 1898.)

	Gallons.
1915	32,101,193
1916	42,594,338

(Amount sufficient to pay the salaries and expenses of the United States Senate and the House of Representatives from 1894 to 1903—10 years.)

KENTUCKY—TABLE No. 3.

MANUFACTURE OF WHISKY IN KENTUCKY.

[For the amount in dollars, multiply by $1.10 the Government's tax per proof gallon.]

	Gallons.
1907	38,155,918

(More than the interest on the public debt of the United States the same year, $24,481,158; more than the great staple of wool yielded the Government through the tariff in 1907, for instance.)

	Gallons.
1908	16,958,903

(More than was yielded by the whole tariff on malt liquors, distilled spirits, and wines any year 1894 to 1903.)

	Gallons.
1909	27,409,504

(Three times as much as the $8,170,111 Congress appropriated in the same year for fortifications in the whole United States. The Agricultural appropriation bill's annual appropriation for the year 1917 as passed by the National House of Representatives was $27,000,000.)

	Gallons.
1910	36,563,598

(Enough money for the Government to pay the legislative, executive, and judicial expenses of the United States.)

	Gallons.
1911	45,915,430

(Added enough to the United States Government's fund to have paid the expenses of the Federal judiciary for the five years from 1898 to 1903.)

	Gallons.
1912	43,622,129

(Added enough to the United States Government fund to pay the expenses of the United States Department of Agriculture for 10 years.)

	Gallons.
1913	43,189,183

(Added an amount to Federal credit larger than the $39,144,531 collected from the corporation tax in 1915 and more than was yielded by the individual income tax of the whole United States in 1915 and more than the annual production of gold in the United States in 1874 or 1875 or 1881. More than the annual production of silver from 1850 to 1872 or in 1875.)

	Gallons.
1914	37,681,181
1915	13,746,227

(Enough money to pay the appropriation made for fortification of the United States by the Fifty-third Congress, or the Fifty-fourth Congress, or the Fifty-fifth Congress, or the Fifty-sixth Congress, or the Fifty-seventh Congress, the maximum being the $9,517,141 appropriation of 1898.)

	Gallons.
1916	32,129,019

(Enough money to finance the rivers and harbors of the whole United States. See Appropriations Statistical Abstract of the United States. Up to 1914, $687,469,104.22 is the exact sum which the Congress of the United States has caused through its legislation to be collected by the Federal Government from the distillers of Kentucky, through the construction of great plants necessary to supply and protect this revenue. The millions paid by Kentucky distillers in the last two years to be added in, is set forth above.)

United States Statistical Abstract, 1914, Table No. 330; customs and internal revenue collected on distilled spirits, wines, and malt liquors, with total national revenue and percentage, year ending June 30, 1914.

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The total amount paid into the National Treasury, the State, county, and municipal treasuries for 1913 was $328,527,868.

An amount equal to the staggering annual figures of the whole Aldrich protective tariff.

Mr. SMALL. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HENRY. Mr. Speaker, these proceedings here to-day are not surprising to me. I think that every Member of this House has a right to his convictions, and we might as well understand now that everything in this House must be subordinated to the convenience and belief of those who believe in prohibition for the District of Columbia.

This morning it was my privilege to present a rule to this House, voted for by every Democratic member of the Committee on Rules, to bring up a most important piece of national legislation, in which this administration is interested, in which the whole country is interested when they understand it; every Democratic member of the Committee on Rules voting here in this House to adopt a special rule to bring forward the bill reported by the Committee on the Judiciary for retiring judges after they have passed the age of 70 and have become incompetent. But this House says that everything must halt, and we must stop our proceedings and settle the question of prohibition for the District of Columbia. [Applause.]

If that is the temper of the House, I make no complaint. I cheerfully concede to gentlemen the right to think and act as they please, and I trust they will allow me that privilege and will not criticize me when I protest.

Why, Mr. Speaker, a few days ago when the District Committee were engaged in considering this bill, when they had completed their hearings and were proceeding in an orderly way, these gentlemen came with their special rule taking the bill away from the regular standing committee and bringing it into the House and discharging that committee from further consideration. Whoever heard of such a proceeding before? And yet everything must stop until we settle the question of prohibition for the District of Columbia.

Why, Mr. Speaker, after they voted down the other rule awhile ago—and I make no complaint about that—it was my purpose to present to this House and to have it finally determined what should be done with our conclusions in regard to the so-called leak. There is a report ready exonerating every Member of this House and every United States Senator from libelous charges against them. That report is unanimously signed by the committee, both Republicans and Democrats, exonerating this administration and every official connected with it. Yet the temper of the House is such that they are not willing to clear themselves and to clear this administration, but we must proceed to settle the question of prohibition for the District of Columbia.

Mr. GARRETT. Will the gentleman from Texas yield?

Mr. HENRY. Just one moment; yes.

Mr. GARRETT. The gentleman from Texas knows, does he not, that the resolutions which were offered, having been reported adversely, are now upon the table, and that it takes no further action of the House?

Mr. HENRY. Oh, no; not exactly; I am well aware of that. And yet it was my desire, and I preferred to make the simple motion that those resolutions do lie upon the table. Yet I say that the temper of the House is such that rather than render a verdict in their behalf exonerating this administration from those libelous charges, gentlemen must hasten to determine the question of prohibition for the District of Columbia.

There are some things about this that give me queer feelings. I hate to see my friend from Wisconsin [Mr. LENROOT] join in this kind of a proceeding. Why, here is a special rule, the first one, as far as I know, providing for voting on an entire bill en bloc, as they call it, without the right to offer or consider an amendment. Listen to the newly discovered language embraced for the first time in a rule, and I congratulate those gentlemen who are saving the country from the evils of the District of Columbia for having invented such a provision in their special rule—

That the committee amendment appearing in such printed bill as sections 26 to 43, inclusive, shall be treated as one nondivisible amendment and voted on en bloc.

Whoever heard of such a provision in a special rule? And yet it is necessary in order that these gentlemen must hurry this legislation through Congress.

Gentlemen, the President has come here and asked you for authority in a great international crisis. The committee has already acted on a resolution granting that authority. This House should go forward and take action. And yet we must suspend all action on those matters and let international questions go and settle the question of prohibition for this one county in the United States.

Mr. COADY. Does the gentleman mean to intimate that the Republican members of the Rules Committee voted for this gag rule? Did the gentleman from Wisconsin [Mr. LENROOT] and the gentleman from Illinois [Mr. CHIPERFIELD] vote for it?

Mr. HENRY. I have an affectionate personal regard for those gentlemen, and yet I regret to say that I think they are responsible for the rule. [Laughter.]

Mr. COADY. After all their tears and lamentations on the subject of gag rules?

Mr. MEEKER. Will the gentleman yield for a question?

Mr. HENRY. Yes.

Mr. MEEKER. Does the gentleman mean to say that the gentleman from Wisconsin [Mr. LENROOT] fathered that resolution to vote en bloc?

Mr. HENRY. Mr. Speaker, it grieves me to say that he did. [Laughter.]

Mr. HARRISON of Mississippi. Those amendments en bloc constitute the referendum bill, do they not?

Mr. HENRY. Yes.

Mr. HARRISON of Mississippi. Would you divide that up into sections and offer each section by itself?

Mr. HENRY. I would, if the gentleman from Mississippi would vote for the referendum.

Mr. HARRISON of Mississippi. There would not be any sense in dividing it up into sections. You have got to offer it as a whole.

Mr. HENRY. That may be an excuse that the gentleman can render to his own judgment. I shall not complain about that. But, Mr. Speaker, having been a member of this committee for all these years, it really does grieve me to see this distinguished progressive gentleman from Wisconsin [Mr. LENROOT] come here and use such language as he has used in this rule. Why, think of it—sections 26 to 43, inclusive, without a single amendment, without any consideration, and gentlemen must vote on it.

Mr. Speaker, I understand it is said that a prohibition wave is sweeping over this country. That may be true, but when it does sweep over the country there is no reason why it should sweep away the reason and judgment of men, or why we should throw to the four winds every Democratic principle that we have preached during our lifetimes. Here is a bill providing for the government of the brown-skinned people of Porto Rico, and you allow upon the petition of 10 per cent of the qualified electors of Porto Rico that this question shall be submitted to a vote of those qualified electors, and if a majority of all the qualified electors of Porto Rico voting on such question shall vote to repeal this provision, it shall thereafter not be in force and effect. Otherwise it shall be in full force and effect.

You allow those people the privilege of voting on this question. Yet you say the people of the District of Columbia are not as intelligent as the people of Porto Rico, and they must not have the right to vote on this question. Gentlemen, why this haste in the last few days? Why is it necessary to subordinate international questions? Why is it necessary to halt proceedings in regard to national questions and great appropriation bills, and all the important issues that are to be determined here, in order to settle this local question? You have not submitted it to either one of the great political parties to determine. Yet gentlemen say that it should not be submitted to the people or to the political parties, that this is the people's Capital, and that the Representatives and Senators here should determine these things for themselves and for the people at large. Who knows whether or not the people of the United States want this kind of a bill enacted now? Who can answer it? Who has a right to speak for either one of the great parties or for both of them. Mr. Speaker, I say there is no just reason for all this haste, and for the breaking of all precedents, for setting aside everything, for overturning every principle upon which we have erected this Government. There is no good reason why we should take this course here to-day. We understand full well that nothing else can be done or will be done unless this bill is passed. Now, if we crave the poor privilege of considering it for a little while, and of asking the Members to sit here until we discuss its provisions as best we can under this rule that these gentlemen over there have drawn and reported to the House, you must not complain. We are willing to stay with you here until midnight to perfect this measure. Aye, some of the friends, I think, are willing to stay with you until the 4th of March in order to perfect its provisions. [Laughter.]

Mr. COADY. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. HENRY. All right.

The SPEAKER. The gentleman from Maryland makes the point of order that no quorum is present. The Chair will count. [After counting.] Two hundred and thirteen Members present, not a quorum.

Mr. HOWARD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. The gentleman from Maryland [Mr. COADY] made a point of order that no quorum was present. During the count 10 gentlemen on the floor of the House who were present when the point of order was made absented themselves from the Hall of the House, and they are now standing at that door to the right of the Speaker and this door to the left of the Speaker.

The SPEAKER. But the Chair can not count those gentlemen unless he can see them.

Mr. HOWARD. How is the House to keep a quorum unless it does it vi et armis?

The SPEAKER. The House knows how to keep them here if it passes the right kind of a resolution.

Mr. HOWARD. Can not the Chair have the clerks count them?

The SPEAKER. No; the Chair has never done that.

Mr. HOWARD. There are a little less than 40 gentlemen standing in the doors now within 10 feet behind the Speaker at this minute.

Mr. STAFFORD. Mr. Speaker, I demand the regular order.

The SPEAKER. The Chair can not count Members who are not in the Hall and he can not see.

Mr. FOSTER. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Illinois moves a call of the House.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. STAFFORD. Mr. Speaker, I demand the yeas and nays.

Mr. NORTON. Mr. Speaker, I make the point of order that that motion is dilatory.

The SPEAKER. No; it is not dilatory; it is a constitutional right. Those in favor of taking this vote by the yeas and nays will rise and stand until counted. [After counting.] Forty-eight Members present, a sufficient number.

Mr. NORTON. I call for the other side.

The SPEAKER. The gentleman from North Dakota calls for the other side. All those opposed to taking this vote by the yeas and nays will rise and stand until counted. [After counting.] One hundred and sixty-nine gentlemen have arisen. Forty-eight is a sufficient number, and the Clerk will call the roll.

Mr. MAPES. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MAPES. For a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MAPES. The vote having disclosed 217 Members present, and the Speaker being present, is not that a quorum?

The SPEAKER. If there are 218 Members here, it is a quorum.

Mr. STAFFORD. But the Chair having ascertained that there was no quorum present, the proper motion was made by the gentleman from Illinois to move a call of the House, and the Chair entertained that motion. That was rejected by a viva voce vote, and then the demand was made for the ayes and noes, and the ayes and noes under the Constitution have been ordered by a sufficient number. No one has the right to withdraw the call of the House at the present moment.

Mr. HOWARD. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. The roll call was for the purpose of determining whether or not there is a quorum present. Upon the count of the Speaker it was disclosed that there was a quorum present, and thereby the necessity for the call no longer exists.

Mr. FOSTER. I withdraw the motion for a call of the House.

The SPEAKER. The gentleman does not state the case right. The gentleman from Maryland raised the point of order that no quorum was present. The Chair counted 213, not a quorum. That was the end of that transaction. Then the gentleman from Illinois moved a call of the House, and the gentleman from Wisconsin demanded the ayes and noes and the Chair put the question on ordering the ayes and noes and 48 gentlemen rose. According to the last roll call that was sufficient. Somebody demanded the other side and they

got a plenty. The gentleman from Illinois undertakes to withdraw his motion, but he can not do it after the yeas and nays are ordered.

Mr. HOWARD. It was not the yeas and nays, it was a call of the House.

The SPEAKER. It was the yeas and nays on the motion for a call of the House.

Mr. BORLAND. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BORLAND. The count of the Speaker having disclosed 217 Members, and the Speaker making 218, developed a quorum. Can not the motion of the gentleman from Illinois be withdrawn and further proceedings be dispensed with? Would it not be in order to do that?

The SPEAKER. The House has ordered the yeas and nays on the motion for a call of the House, and the Clerk will call the roll. If gentlemen will stay in here when they get here it will save further points of no quorum.

Mr. NORTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NORTON. Is it in order now before the roll call is begun to move that further proceedings under the call be dispensed with?

The SPEAKER. No; the Chair thinks not, after the yeas and nays have been ordered. The Clerk will call the roll. The doors will be closed and the Sergeant at Arms will notify the absentees.

The question was taken; and there were—yeas 142, nays 262, not voting 30, as follows:

YEAS—142.

Anderson	Danforth	Heaton	O'Shaunessy
Ashbrook	Darrow	Henry	Parker, N. J.
Bacharach	Davis, Minn.	Hulbert	Parker, N. Y.
Bailey	Dempsey	Hull, Iowa	Patten
Barchfeld	Denison	Husted	Platt
Beales	Dewalt	Igoe	Riordan
Benedict	Dooling	Kahn	Roberts, Mass.
Black	Doughton	Keister	Roberts, Nev.
Booher	Driscoll	Kettner	Rodenberg
Borland	Dupré	Key, Ohio	Rouse
Browne	Dyer	Konop	Rowe
Browning	Eagle	Kreider	Rowland
Bruckner	Edmonds	Lehlbach	Sabath
Brumbaugh	Elston	Lesher	Sanford
Buchanan, Tex.	Esch	Liebel	Schall
Burgess	Fitzgerald	Linthicum	Scully
Burke	Flynn	Lobeck	Sears
Byrns, Tenn.	Frear	Longworth	Sherwood
Caldwell	Gallagher	Loud	Siegel
Campbell	Gallivan	McAndrews	Slayden
Cannon	Gard	McArthur	Snyder
Cantrill	Gardner	McDermott	Stafford
Capstick	Garland	McGillicuddy	Sulloway
Carter, Mass.	Garrett	McLemore	Swift
Cary	Gordon	Madden	Tague
Casey	Gould	Magee	Talbott
Chandler, N. Y.	Gray, N. J.	Maher	Tilson
Charles	Greene, Mass.	Martin	Tinkham
Coady	Greene, Vt.	Meeker	Van Dyke
Coleman	Gregg	Moore, Pa.	Wason
Cooper, W. Va.	Griffin	Moores, Ind.	Watson, Pa.
Cooper, Wis.	Hamill	Morin	Wilson, Fla.
Crago	Hardy	Mott	Wood, Ind.
Crosser	Hart	Mudd	Woods, Iowa
Curry	Haskell	Nolan	
Dale, N. Y.	Hayes	Oakey	

NAYS—262.

Abercrombie	Cramton	Garner	Howell
Adair	Crisp	Gillett	Huddleston
Adamson	Cullop	Glass	Hughes
Aiken	Dale, Vt.	Glynn	Hull, Tenn.
Alexander	Dallinger	Godwin, N. C.	Humphrey, Wash.
Allen	Davenport	Good	Humphreys, Miss.
Almon	Davis, Tex.	Goodwin, Ark.	Hutchinson
Anthony	Decker	Gray, Ala.	Jacoway
Aswell	Dent	Gray, Ind.	James
Austin	Dickinson	Green, Iowa	Johnson, Ky.
Ayres	Dies	Griest	Johnson, S. Dak.
Barkley	Dill	Guernsey	Johnson, Wash.
Barnhart	Dillon	Hadley	Jones
Bell	Dixon	Hamilton, Mich.	Kearns
Bennet	Doolittle	Hamilton, N. Y.	Keating
Blackmon	Doremus	Hamlin	Kelley
Bowers	Dowell	Harrison, Miss.	Kennedy, Iowa
Britt	Drukker	Harrison, Va.	Kent
Burnett	Dunn	Hastings	Kiess, Pa.
Butler	Eagan	Haugen	Kincheloe
Byrnes, S. C.	Edwards	Hawley	King
Candler, Miss.	Ellsworth	Hayden	Kinkaid
Caraway	Emerson	Heflin	Kitchin
Carlin	Evans	Helgesen	Lafean
Carter, Okla.	Farr	Helm	La Follette
Chiperfield	Fess	Helvering	Lazaro
Church	Fields	Hernandez	Lee
Clark, Fla.	Flood	Hicks	Lenroot
Cline	Focht	Hilliard	Lever
Collier	Fordney	Holland	Lindbergh
Connelly	Foss	Hollingsworth	Littlepage
Cooper, Ohio	Foster	Hood	Lloyd
Copley	Freeman	Hopwood	London
Costello	Fuller	Houston	McClintic
Cox	Gandy	Howard	McCorkle
McCracken	Paige, Mass.	Shouse	Temple
McCulloch	Park	Sims	Thomas
McFadden	Peters	Sinnott	Thompson
McKellar	Phelan	Sisson	Tillman
McKenzie	Pou	Slemp	Timberlake
McKinley	Powers	Sloan	Towner
McLaughlin	Pratt	Small	Treadway
Mapes	Price	Smith, Idaho	Vare
Mays	Quin	Smith, Mich.	Venable
Miller, Del.	Ragsdale	Smith, Minn.	Vinson
Miller, Minn.	Raker	Smith, Tex.	Volstead
Miller, Pa.	Ramseyer	Snell	Walker
Montague	Randall	Steagall	Walsh
Moon	Rauch	Stedman	Watkins
Morgan, La.	Rayburn	Steele, Iowa	Watson, Va.
Morgan, Okla.	Reavis	Steenerson	Webb
Morrison	Reilly	Stephens, Miss.	Whaley
Moss	Ricketts	Stephens, Nebr.	Wheeler
Murray	Rogers	Stephens, Tex.	Williams, T. S.
Neely	Rubey	Sterling	Williams, W. E.
Nelson	Rucker, Ga.	Stiness	Williams, Ohio
Nicholls, S. C.	Rucker, Mo.	Stone	Wilson, Ill.
Nichols, Mich.	Russell, Mo.	Stout	Wilson, La.
North	Russell, Ohio	Sumners	Wingo
Norton	Saunders	Sutherland	Winslow
Oldfield	Scott, Mich.	Sweet	Wise
Oliver	Scott, Pa.	Switzer	Woodyard
Olney	Sells	Taggart	Young, N. Dak.
Overmyer	Shackleford	Tavenner	Young, Tex.
Padgett	Shallenberger	Taylor, Ark.	
Page, N. C.	Sherley	Taylor, Colo.	

NOT VOTING—30.

Beakes	Farley	Lewis	Porter
Britten	Ferris	Lieb	Rainey
Buchanan, Ill.	Graham	Loft	Smith, N. Y.
Callaway	Hensley	Mann	Sparkman
Carew	Hill	Matthews	Steele, Pa.
Conry	Hinds	Mondell	Ward
Estopinal	Kennedy, R. I.	Mooney	
Fairchild	Langley	Oglesby	

So the motion for a call of the House was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. FARLEY with Mr. GRAHAM.

Mr. ESTOPINAL with Mr. FAIRCHILD.

Mr. FERRIS with Mr. BRITTEN.

Mr. LOFT with Mr. KENNEDY of Rhode Island.

Mr. RAINEY with Mr. LANGLEY.

Mr. SMITH of New York with Mr. MATTHEWS.

Mr. STEELE of Pennsylvania with Mr. MONDELL.

Mr. WINGO with Mr. WARD.

On the vote:

Mr. CONRY (for) with Mr. BENNET (against).

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The gentleman from Texas is recognized for eight minutes.

Mr. HENRY. Mr. Speaker, I think I understand the motive of the gentleman from Maryland [Mr. COADY] and I wish to thank him for his courtesy. [Applause.] It is always better to address a full House and have a quorum present when you are making a speech on an occasion like this.

Mr. O'SHAUNESSY. Mr. Speaker, will the gentleman——

Mr. HENRY. Yes; I yield.

Mr. O'SHAUNESSY. Did the gentleman say a full House? [Laughter.]

Mr. HENRY. Mr. Speaker, full of patriotism was all I meant. I can not leave this rule, Mr. Speaker, without one or two more comments. This is a remarkable resolution, and I regret that my friends here have joined with those four gentlemen on the other side of the House to press this rule upon us on this side. I wish to shed a tear as I pause here, and to say that aside from the harsh provisions of the rule the trouble is that it will lead to harsher rules. What is apt to happen? We have let these gentlemen have their say about this rule, and we have brought it here and in a little while I fear that these gentlemen will say that its provisions are not extreme and rigorous enough to suit their convenience, and they will wish to reassemble the Committee on Rules and bring in another rule. [Cries of "Good!"] You are not satisfied with violating all Democratic precedents up to date and fathering the harshest rule we have ever adopted, but in a little while you will be joining those gentlemen and will bring upon the floor of the House a rule that will make it necessary and highly appropriate for us all to apologize to the distinguished gentleman from Illinois [Mr. CANNON] for any slight criticism that we have ever made of him. [Applause.] Mr. Speaker, I can stand it if my party can stand it in order to press this local measure through Congress. [Cries of "We will stand it!" on the Democratic side.]

The SPEAKER. The gentleman will suspend a moment. The Chair intends to keep order here if we have to stay here until daylight. There is no sense in converting this House into an

ordinary mob, and I hope every man in the House will help to keep order. [Applause.]

Mr. HENRY. Oh, yes, Mr. Speaker; I understand that when gentlemen believe a thing as these gentlemen do, it must go through Congress.

I submit to you seriously—and I do not expect to convert a single Representative to my belief on this question—here are the ports of this country glutted with the ships that should be carrying the products of this great Republic. Here is a special rule brought in at the instigation of the Committee on Merchant Marine to bring before this House a matter of great national importance. Mr. ALEXANDER, of Missouri, came before the committee and we gave him his rule, and yet that distinguished gentleman is willing to step aside for the present for a rule to bring up these other matters that they may be settled, and I do not criticize——

Mr. ALEXANDER. Will the gentleman yield for a question? If the gentleman will stop this filibuster, we will get to that bill. [Applause.]

Mr. HENRY. Oh, yes, Mr. Speaker; it is filibustering if we do not agree with gentlemen about a local measure. It is a filibuster if we do not agree with those gentlemen about prohibition. I do not criticize them for their belief—let them have it—but here is another bill coming from the Committee on Banking and Currency at the instance of this administration, and the Federal Reserve Board asking that the Federal reserve act be amended in order that we may take care of the crisis that is on this country and provide for the fiscal affairs of the country. Aye, more than that. Not only those bills, but here are the great appropriation bills waiting to come into this House, not only the bill for the Military Academy, not only the general deficiency bill and the bills that are pending in the Senate and the House, yet the wheels of legislation must be stopped, appropriation bills must be held up and defeated in the Senate and here because these gentlemen want to vote on the question of prohibition.

Mr. MOORE of Pennsylvania. The gentleman will not let us.

Mr. HENRY. I will not? I have nothing to do with it; the majority of this House can do as it pleases. Why, gentlemen can not hold me responsible for that. This majority can do as it pleases. But, Mr. Speaker, is it necessary to pursue this course? Nine long months in the next session of Congress you can pass this bill, one that the people have not yet considered——

Mr. COX. Pass it now.

Mr. HENRY. But you must lay aside everything at the instance of the Antisaloon League and put this bill through Congress now. Why can not you wait until the next Congress——

SEVERAL MEMBERS. We do not want to.

Mr. MOORE of Pennsylvania. We do not have to.

Mr. HENRY. Of course, you do not need and you do not have to, and as far as I am concerned it does not deter me if gentlemen have the belief they have. For one, I believe these other matters of legislation, when we are facing a great crisis with a European country, are of far more concern than the question of forcing through a purely local measure that has not been duly considered by the committee and by this House. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HARRISON of Mississippi. Mr. Speaker, I yield seven minutes to the gentleman from Kansas [Mr. CAMPBELL]. [Applause.]

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT]. [Applause.]

Mr. LENROOT. Mr. Speaker, the distinguished chairman of the committee devoted the first portion of his speech to criticizing the taking of any time of this House upon this proposition when so much legislation of great national importance was pending. The remainder of the gentleman's speech consisted of a criticism of the rule that has been proposed, because it did not give this House as much time as he thought it ought to have to consider this question. [Applause.] The gentleman spoke of international relations pending. He spoke of the shipping bill; he spoke of these other questions, and in the same breath said that those who believed as he does are willing to spend from now until the 4th day of March on this one District prohibition bill.

Mr. HENRY. I did not say that.

Mr. LENROOT. The gentleman did say that if it was necessary, the RECORD will bear me out in my statement. Now, I have a great affection for the distinguished chairman——

Mr. HENRY. Will the gentleman yield? I did not say that.

Mr. LENROOT. I appeal to the RECORD. The gentleman said if it was necessary. I have a great affection for the gentleman, but I am extremely sorry in these closing days of his distinguished service in this House he is willing to join in a filibuster [applause] and endanger the passage of legislation of great national importance. The gentleman speaks of this as a gag rule. I expected to be criticized, but I want to say that during the six years I have been a member of that committee I have regarded that committee as being the servant of the House, not its master. [Applause.] I have never been willing as a member of that committee to report any rule that would prevent this House from doing its will, and in these closing days of the session, when on 12 o'clock next Sunday the Sixty-fourth Congress will adjourn, if you do not know now, I will give you notice, so far as necessary, I will vote for any rule to shut off debate to any extent that is necessary to carry on the business of the House. [Applause.] And those gentlemen who are now opposed to this bill have themselves to blame for the situation that exists. A similar bill has been in committee for 14 months, this bill that was referred to the committee on the 9th of January, if they had reported this bill three weeks ago, four weeks ago, they would have found me joining with them to give this House in a rule the fullest opportunity to consider and debate the bill and make all the amendments that any Member might desire to make to it.

But they can not get me to join with them in a filibuster or give them an opportunity, if I can prevent, to filibuster, to defeat not only this bill but other legislation of the greatest importance to the people of the United States, with the 4th of March four days away.

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. LENROOT. If I have time.

Mr. O'SHAUNESSY. May I ask what tremendous pressure was brought to bear on the Committee on Rules to bring out this rule?

Mr. LENROOT. I will be very glad to say to the gentleman——

Mr. O'SHAUNESSY. I would like to know.

Mr. LENROOT. The pressure, so far as I am concerned, was the absolute conviction that two-thirds of the membership of this House desired the Committee on Rules to bring out this rule. [Applause.]

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] is recognized for two minutes.

Mr. CAMPBELL. Mr. Speaker, I have no disposition to take a moment of the time of this House. I therefore yield back the two minutes to the gentleman from Mississippi [Mr. HARRISON].

Mr. HARRISON of Mississippi. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Speaker, we are to-day about to perform a duty which, in my judgment, will receive the overwhelming approval of the American people. We are about to eliminate from the Capital City of this Nation that influence and environment which has brought sorrow and immorality wherever it has flourished, and deterioration of the human race wherever it has long existed. We are about to vote for the passage of a law which will prevent the manufacture or sale of intoxicating liquors in any part of that spot which more than a century ago was set apart as the seat and home of the American Government.

I need not take the time of this House to discuss at length the wisdom of this law. I need not trespass upon the time allotted for other important legislation to call to your attention the great benefits which have accrued to other communities and will accrue to this community by the passage of such legislation. The verdict in its favor is almost universal wherever it has been tried. From every section of this Nation, from nearly every State and hamlet evidence accumulates to demonstrate the truth that the intellectual, social, financial, and moral welfare of the people has been enhanced by the eradication of the evils of alcoholism, without regard to the size or population of the territory involved. Men who, when the question was under consideration for decision in their States, opposed prohibition because they feared it would not be effective, or that it would be injurious to certain classes of people, are now loudest in their approval of both the theory and practice of prohibiting the sale or manufacture of intoxicants. Where hunger was predicted, bread has come. Where loss of position was predicted, new and better places have been found. Where vacant property was predicted, new enterprises have arisen which neither degrade those who produce nor pauperize those who consume their products. In these States and cities the verdict has been so one-sided that all attempts to revert to former conditions have been defeated by increasing majorities. And those who were the victims of the ever-present temptation to drink and squander their substance have, by their ballot, given testimony to their belief that the saloon ought not to be restored.

What has happened elsewhere will happen here. This city is made up of people from all parts of this great Republic. From Maine and California, from Texas and Kentucky, from Georgia and far-off Oregon they have come, and from the other States as well, to make this beautiful city. In population it is a composite picture of the American people. In history it is sacred; in tradition it is romantic; in beauty it surpasses all other cities of this or other lands. It is the seat of that Government which has arisen out of the blood and tears, the sacrifice and toil of those who have gone before, and as it is the center of all political activity for the Nation so should it likewise be the moral and intellectual center of this great people. It should be, not in name merely, nor in appearance only, but in thought and action, in education, politics, morality, and in its social fabric, the model city of America.

I desire to take this occasion to say that I believe Washington is for the most part a well-governed city. As the Capital of the Nation, to which there is a constant stream of travel from all parts of the country, it could not well afford to be other than a well-governed city. But this condition is not due to the fact that saloons are here. It is in spite of them. And if it is a reasonably well-governed city under present conditions, may we not expect to see it a better-governed and happier city when the saloons have ceased to exist and there is no longer the open temptation for men to indulge an appetite whose satisfaction often leads to degradation and mortification for themselves and others? To ask the question is to answer it. I have no doubt that when the benefits that will follow the passage of this law have been felt and realized by the people of Washington, those who now oppose it will recognize their mistake and join in opposition to any effort to restore to this fair city the blighting influences of the open saloon.

Mr. Speaker, I am not a fanatic upon the subject of the liquor traffic. I try to be reasonable and just and fair-minded, not only in my personal dealings with men but in the performance also of my public duty. If I know my own feelings, I have no selfish end to serve in urging the passage of this prohibition bill for the District of Columbia. There are no enemies to punish nor friends to reward. There are no political ambitions to be gratified. But I feel, as every Member here must feel, a solemn sense of duty, not only to the people who have sent me here but to the people of the whole Nation, for whom we are by law commanded to legislate. And inasmuch as the Constitution of our country, which we all have sworn to support and defend, places upon Congress the responsibility of legislating for the District of Columbia as the seat of this Government, not only shall I refrain from shirking or dodging my part of that responsibility but in the particular matter now under discussion I meet it with confidence and satisfaction.

I have said that this city ought to reflect the will, the ideals, and the Americanism of the people of the United States. It is their city. It does not belong merely to those who are either temporarily or permanently located here. The citizen of Alabama, or Kentucky, or Illinois has as much pride and as much interest in how Washington is governed and in the environment which prevails here as have those who live nearer. This is the center of his political interest. This is where his governmental departments are located. This is where the great body of Government employees dwell, some of whom have come from his community, and thereby give a tinge of personal flavor to that great impersonal thing he calls his Government. This is where the Congress sits to write laws for him, at least one Member of which represents him specifically and the whole country generally. Therefore, in our attempts to perform well the trust which was handed to us by the forefathers, we should consult the wishes of those for whom we speak in the framing of the laws for the government of the National Capital no less than in the framing of the laws which apply to the whole country.

I have no doubt that in the abolition of the open saloon in the city of Washington we will truly represent the vast majority of the people of the United States. No man who has kept in touch with or who has observed the overwhelming sentiment which has swept this country against the continuation of the manufacture or sale of intoxicating liquor can doubt that the people desire that this city shall be dry. More than half the States of this Union now prohibit the manufacture or sale of intoxicating liquors as a beverage. Already nearly 70 per cent of the people of the United States live in prohibition territory, and more than 80 per cent of the actual area of the United States is dry territory. In addition, a number of other States have ordered the submission of constitutional amendments preventing the manufacture or sale of intoxicants, which are to be voted on within the next two years, and no doubt still other States will in the near future take the same action.

For these reasons, if there were no others, if Washington is to represent the overwhelming sentiment of the people of the United States, the trade in intoxicating liquors ought to be abolished, as I believe it will be when this measure comes to a vote.

Other great cities have tried prohibition and have found it of great advantage from both an economical and a municipal standpoint. Prohibition is in force in the great southern cities of Atlanta and Memphis, and the universal testimony from those places is to the effect that from every standpoint they are better cities than they were before. There is less crime, less pauperism, less hunger. Faces once shrouded in gloom are now bright with smiles. Mouths once hungry are now fed. Bodies that formerly were ill clad are now adorned with comfortable raiment. The moral atmosphere is elevated. The partnership between the Government and drunkenness has been dissolved.

The great cities of Denver, Colo., and Seattle, Wash., have for more than 12 months operated under prohibition laws, and whereas during the campaigns which resulted in the adoption of prohibition in those States it was claimed that if men could not sell whisky labor would go unemployed, houses would be unrented, and business generally would be depressed, the truth is that those cities and those States have prospered more greatly under prohibition than they did before its adoption, and efforts to restore to those States the evils of the whisky business would now be, and have already been, overwhelmingly defeated.

The claim has been made here in Washington by those who are opposed to this bill that its passage will hurt business. What business is there in Washington that it will hurt? What legitimate business is there here, or elsewhere, that is helped by the sale of liquor? Does it help the grocer? Does it help the dry goods merchant? Does it help the clothing store? Does it help the bookstore? Does it help the transportation companies? If it helps them, why do not these trades permit intoxicated men to work for them? What substantial product for mankind is brought forth by the manufacturer or the retailer of intoxicating liquors? Every merchant and every professional man and every laboring man and every other man who stops to think occasionally knows that the liquor business not only does not help, but that it hinders every other business. If all the money spent for the purchase of intoxicating liquors were expended in the purchase of groceries, shoes, clothing, dry goods, and other necessaries of life, the demand for additional help in these lines of trade would be enough to absorb all the loss of employment occasioned by the closing of the saloons. There is no business which, according to the amount spent, pays so small a return to labor and the farmer as the liquor business.

For every $100 spent for boots and shoes, $20.70 goes to the laboring man and $61.65 to the farmer. For every $100 spent for clothing, $18.50 goes to the laboring man and $60 to the farmer. For every $100 spent for furniture, $23 goes to the laboring man and $48.19 to the farmer. For every $100 spent for hardware, $24 goes to the laboring man. But for every $100 spent for liquor, whether spirituous, vinous, or malt, only $4.06 goes to the laboring man and only $12.60 to the farmer. It necessarily follows that if the amount of money spent in the purchase of intoxicating liquors were diverted to the purchases of the things that make for the comfort and happiness of the American home both the laboring man and the farmer would receive a larger part of the expenditure than they now receive from the manufacture or sale of intoxicating liquors.

Mr. Speaker, this is a great moral fight in which we are engaged to-day, and millions of Americans are looking to this Congress to advance the cause of temperance and give courage and hope to those who have enlisted under that banner. It will not do to say that such a law as this can not be literally enforced or that men will drink regardless of the law. Even if this be granted, the moral question which this Government, and every Government, must face is whether it will longer for a monetary consideration authorize and legalize the doing of things universally recognized as evil in their effects; whether the Government for the sake of money will set up and protect a business that is without defense and that nobody attempts to defend. For my part, I am ready to go the full length of dissolving forever the tie which has heretofore bound the Government, either State or National, to the liquor business. That connection can not be defended on any moral or ethical ground. If it is claimed that notwithstanding the law, men may drink or even stealthily sell a drink in some blind alley, and that, therefore, the law ought not to be enacted, it may be answered that men sometimes commit murder in blind alleys or in the open streets. We do not on that account recommend that the law against murder be repealed. There are laws against stealing, housebreaking, obtaining money by false pretenses, counterfeiting, assault, and hundreds of other offenses which it is un-

necessary to name. Yet men occasionally steal, break into houses, obtain money by false pretenses, and in fact violate all the other laws, both of God and man. But it would be ridiculous to advocate the repeal of these laws, which society has deemed it necessary to enact for the protection of the people and their rights, simply because now and then some man violates them and subjects himself to the punishment which their violation entails. It is equally ridiculous to contend that because some man may now and then violate the law against the manufacture or sale of liquor the law is therefore ineffective because "prohibition won't prohibit." The experience of practically all the States refutes this statement. Prohibition does prohibit, because the proportion of violation of the prohibition laws is no greater than the proportion of violations of many other laws; and, even if it did not literally prohibit in every case, this legislation is wise and proper, because it removes the constant temptation set up before the youth and manhood of this country to do that which certainly can not help them in the battle of life, but may lead to the forming of habits, both of thought and of conduct, which will destroy their physical strength, their mental vigor, and their moral integrity.

I hope, Mr. Speaker, when the roll is called, this bill will pass this House without amendment, and by such a majority as will truly reflect the enlightened morality of the Nation; and when it is enacted and enforced, as I believe it will be, in the years to come this great city will become more and more the ideal city of the Republic after which all others may pattern and from which they will receive that inspiration which comes from the knowledge that "righteousness exalteth a city." [Applause.]

My colleague, Mr. CANTRILL, in his remarks a few moments ago, objected to this legislation because he characterized it as "cowardly legislation." He said it was "cowardly legislation" because we were not willing to submit it to a vote of the people of the District of Columbia. It might be as truthfully said that all other legislation passed by Congress for the District of Columbia is "cowardly" because it has not been submitted to a vote of the people of the District. Every session of Congress, acting under the mandate of the Constitution, passes some law applicable to the city of Washington and the District of Columbia. No charge has ever been made heretofore that such legislation was cowardly. It related to all forms of questions—taxation, street improvements, the social evil, and such other matters as concern a great city, the capital of the Nation. But no outcry has been heard from anybody advocating that these laws be submitted to the people for a vote. Only when the liquor interests are in danger do they begin to cry for a referendum vote to allow the people to express their will upon the legislation. Heretofore, in every State, when the legislatures have set about to submit to the people constitutional amendments prohibiting the liquor business, the liquor interests and their friends have swarmed around the State capitals, resorting to every method known to their ingenuity to prevent the submission of the question to the people. But now that we are about to pass a prohibition bill for the District of Columbia, where the people under the Constitution have no vote, they have experienced a change of heart and desire that it be submitted to a vote of the people. That is to say, they pretend to want it submitted. However, what they are attempting to do is to delay and finally defeat the whole measure, because they know that there is grave doubt of the legality of any election that might be held in this District, and whichever way it might go, there would be a legal contest as to its validity, all of which would mean delay and confusion.

Nobody doubts that Congress has jurisdiction to pass this bill. Nobody doubts that an overwhelming majority of the Members of Congress favor its passage. Nobody doubts that it is going to pass. Then why go through the farce of holding an election which would have no legal or binding force upon anybody? The District of Columbia is not a self-governing community. It never was intended to be. Long before the National Capital was located, the Constitution provided, in order to eliminate local or other influences from control of the seat of government, that—

> Congress shall have power to exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of government of the United States. (Art. I, sec. 8.)

The conferring of the power of "exclusive legislation in all cases whatsoever," means that power was conferred to the exclusion of every other body of men, and Congress can not delegate that exclusive power to any other authority or to any other body of men, either in the District of Columbia or out of it.

Article I, section 1, of the Constitution provides that—

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

What is meant by "legislative powers"? It means the power to make laws, and Congress has no more power to submit this prohibition law to the vote of the people of Washington than it has to submit to a general vote of the people the question regulating commerce, borrowing money, passing a tariff bill, paying the Government's debts, coining money, building a navy, raising an army, or any other law which Congress by the Constitution is authorized and directed to pass. Does anybody believe that Congress, after passing a tariff bill, or a Navy appropriation bill, or any other bill, could call an election among all the people of the United States for the purpose of having them vote "yes" or "no" on the law, so that if it got a majority of votes for it then it would be the law, but if a majority voted against it, then it would not be the law? Nobody would contend that such a thing could be done. We need not discuss whether it would be wise or unwise to amend the Constitution so that laws might be submitted to the people for their approval. What we are now considering is the law and the Constitution as they now exist, and not as it might be if amended.

If these things can not be done with respect to those laws which I have mentioned, what is there about the liquor business that gives it any sacred rights that other business does not enjoy, or a law against liquor any right of submission not enjoyed by laws against other evils?

It is true that under general State laws counties, cities, and other political subdivisions of the State may vote on whether liquor may be sold or manufactured; but that applies only to subdivisions of States. The passage of the general law itself was not submitted to a vote of the people and could not have been without an amendment to the State constitution authorizing such a popular vote. As proof of this it was necessary for many of the States to amend their constitutions to provide for a referendum vote by the people on laws passed by the legislatures, among which were Utah, Oregon, Nevada, Montana, Oklahoma, Maine, Missouri, Arkansas, Colorado, Arizona, California, Nebraska, Washington, Idaho, Ohio, Michigan, and North Dakota.

Cooley on "Constitutional Limitations," page 163, states the following familiar principle of law:

> One of the settled maxims of the law is, that the power conferred upon the legislature to make laws can not be delegated by that department to any other body or authority. * * *

In some States in the past the legislatures have attempted to enact laws which were to become effective if a majority of the people voted in favor of such laws at an election provided in the legislative acts, without any constitutional authority for so doing. The courts have been called upon to pass upon the validity of such action in many cases, and on page 168 of Cooley, heretofore referred to, he uses this language:

> If the decision of these questions is to depend upon the weight of judicial authority up to the present time, it must be held that there is no power to refer the adoption or rejection of a general law to the people of the State any more than there is to refer it to any other authority. * * *

To the same effect is Willoughby on the Constitution, volume 2, section 779, page 234.

In State *v.* Hayes (61 N. H. Reps., 264–339), the New Hampshire court holds that while limited power of legislation may be granted to municipalities as subdivisions of the State the power of general legislation for the State can not be delegated by the legislature, where it is vested by the Constitution.

In Allison *v.* Garner (66 Ohio, 555), where a law was passed in 1898 fixing the salary of the county attorney, provided a majority of the people of the county voted for same, the court held that the delegation of authority was in violation of section 26, article 2, of the Ohio constitution providing that all legislative power should be vested in the legislature. Here is the statement of the court with reference to section 13:

> It was held in R. R. *v.* Commrs. (1 Ohio St., 77, 87), which was a case under the constitution of 1802, that the power of the general assembly to pass laws could not be delegated to any other body or to the people, and the proposition is abundantly sustained by the authorities.

In Santo *v.* State of Iowa (63 Am. Dec., 497) it is held that the general assembly can not delegate or submit to the people the proposition whether an act shall become a law and that the people have no power, primarily or in their individual capacity, to make laws, except through their representatives chosen for that purpose.

In One hundred and sixtieth Massachusetts (p. 589) the following question was submitted to the Supreme Court of Massa-

chusetts, under a constitutional provision permitting the legislature to submit a question to that court for its opinion:

Is it constitutional to provide in an act granting women the right to vote in town and city elections, that it shall take effect on approval of the people?

The court held that such action would be unconstitutional.

The only power reserved in the Constitution, so far as that document itself is concerned, is the power of the people to vote on amendments, and that power is not reserved to the District of Columbia but to the legislatures of the States. (Art. XI, sec. 3.)

In Wright *v.* Cunningham (115 Tenn., 445), which was a liquor case, the court held that the passage of such a law was a question of expediency, which could not be determined by or submitted to any other men or body of men except the legislature itself.

In One hundred and eleventh Tennessee, 234, 291, 292, known as the Redistricting cases, it was held—

That it is a well-recognized principle that the legislature of a State has all powers of legislation, except as it may be restrained by the Constitution of the State or of the United States, and that such powers can not be delegated without constitutional warrant.

In Barto *v.* Himrod (8 Seld., 483, N. Y.) it is held that—

The event on which the act was made to go in effect was nothing less than the vote of the people on the identical question which the Constitution makes it the duty of the legislature itself to decide. * * * The government of the State is democratic, and it is a representative democracy, and in passing general laws the people act only through their representatives in the legislature.

In Lancaster *v.* Lidwell (62 Mo., 188) the court held that the legislature can not delegate to the people its power or authority to make laws, and in the decision a long line of decisions is given to the same effect.

In State (Jeremiah Brown) *v.* Augustus P. Copeland (R. I. Rept., vol. 3, p. 33) the court said:

When one section of a statute provided that on a given day the legal voters of the State should vote upon the question of repealing the statute and that in case a majority of the votes should be in favor of a repeal, the said statute should have no effect after the tenth day from and after the rising of the general assembly at the session at which the votes should be counted, and a majority of the votes was against the repeal: *Held*, That the insertion of this section did not render the act unconstitutional, although the assembly can not delegate its power of enacting laws nor make the existence of a law depend in whole or in part upon the will of any other body. Semble, that if a majority of the votes cast has been in favor of a repeal, the act would nevertheless have continued in force until repealed by act of the assembly.

In Rice *v.* Foster (4. Harr., 479) it is held:

The act of 1847 "authorizing people to decide by ballot whether the license to retail intoxicating liquors shall be permitted among them" expresses no legislative will on the subject, prescribes no rule of conduct for the government of the citizens, and delegates legislative power to the people of each county. The people have divested themselves of all legislative power and vested it in this body. They can resume it only in the forms of the Constitution or by revolution.

Willoughby case (p. 155, note):

In the earlier cases general referendum laws were sustained, but since the decision of the Delaware court in 1847, Rice *v.* Foster (4 Harr., 479), the general practice, as indicated in the act, has been to hold them void.

But even if Congress had the power to give the people of the District a vote on this question, it would not be wise to do so at this time, or upon this particular question. There is no election machinery here. The amendment proposed does not set up an adequate election machinery. Besides, there are more than 40,000 Government employees in this city who have families and they are interested in this question. But they could not exercise suffrage here without forfeiting their right to vote in the States where they retain their citizenship. The result would be that many of them would not vote because of the fear of losing their right to vote at home. Congress can not guarantee to them the right to vote in two places, because the Constitution itself recognizes the right of the States to fix the qualifications of voters, subject to the provision that it shall not be abridged on account of race, color, or previous condition of servitude.

The proposed referendum makes no provision for punishing a man who comes in here from elsewhere and votes in such an election. It punishes the man who votes twice in the same election, but makes no provision against the importation of voters into the District from other places.

Another serious objection to the proposed referendum is that, although Congress is passing the prohibition law for the District, and although the proposed amendment provides for a so-called referendum, as a matter of fact the referendum vote can not be had unless 25 per cent of the taxpayers of the District petition for it. Why limit it to taxpayers? There are many thousands of people in the city of Washington who do not own property, yet they have a right to be heard as to whether an election shall be held. They have as much right as those who are fortunate enough to own property here. Yet by the proposed amendment they are left out entirely, shut off from having any voice in determining whether the vote shall ever be held. I believe in the old doctrine of equal rights to all and special privileges to none, and I am opposed to denying a voice on this question to people because they do not happen to own property in the District of Columbia.

Therefore, Mr. Speaker, because I believe it to be illegal and because I believe it to be unwise, I am opposed to the adoption of the amendment submitting this question to a vote of the people of this city, the only object of which has been to delay and finally defeat this legislation. [Applause.]

Mr. HARRISON of Mississippi. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. GARRETT] the balance of my time for the purpose of offering a substitute resolution.

The SPEAKER. The gentleman from Tennessee is recognized for 15 minutes.

Mr. GARRETT. Mr. Speaker, I offer the following as an amendment to the resolution.

Mr. HENRY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HENRY. The previous question having been ordered——

The SPEAKER. The previous question has not been ordered. The Clerk will report the resolution of the gentleman from Tennessee [Mr. GARRETT].

The Clerk read as follows:

Strike out all after the word "*Resolved*" and insert: "That immediately upon the adoption of this resolution the House shall proceed to the consideration of Senate bill No. 1082 as the same passed the Senate. The Clerk shall read said bill as same passed the Senate, and at the conclusion of such reading the previous question shall be considered as ordered upon same to final passage without intervening motion, except one motion to recommit."

[Applause.]

Mr. GARRETT. Mr. Speaker, I move the previous question——

The SPEAKER. The gentleman moves the previous question on his substitute.

Mr. GARRETT. I move the previous question on the resolution and the amendment to the final passage.

The SPEAKER. The gentleman moves the previous question on the resolution and the amendment to the final passage.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. STAFFORD. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Wisconsin demands the yeas and nays. Those in favoring of ordering the yeas and nays will rise and stand until they are counted. [After counting.] One hundred and three Members, a sufficient number, and the yeas and nays are ordered. Those in favor of ordering the previous question on the resolution and the amendment to the final passage will, when their names are called, answer yea, those opposed will answer nay——

Mr. O'SHAUNESSY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. What is it?

Mr. O'SHAUNESSY. May I ask the Speaker to say that the effect of the passage of that would be to cut off the debate specified in the original resolution presented by the Rules Committee.

The SPEAKER. The effect of the previous question is as plain as the multiplication table. The Clerk will call the roll——

Mr. CALDWELL. Mr. Speaker, is a motion to adjourn in order?

The SPEAKER. The motion to adjourn is always in order.

Mr. CALDWELL. I move that we adjourn.

The SPEAKER. The gentleman from New York moves that the House do now adjourn.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. CALDWELL. I demand the yeas and nays.

The SPEAKER. The gentleman demands the yeas and nays on the motion to adjourn. Those in favor of ordering the yeas and nays on the motion to adjourn will rise and stand until they are counted. [After counting.] Seventy-one Members, not a sufficient number.

Mr. SABATH. The other side, Mr. Speaker.

The SPEAKER. The gentleman from Illinois demands the other side. Those opposed to taking the yeas and nays will rise and stand until counted. [After counting.] Two hundred and twenty-one gentleman have risen in the negative. Seventy-one are a sufficient number, and the yeas and nays are ordered on the motion to adjourn. The Clerk will call the roll.

The question was taken; and there were—yeas 49, nays 349, answered "present" 2, not voting 34, as follows:

YEAS—49.

Barchfeld	Driscoll	Hull, Iowa	Roberts, Nev.
Beales	Fitzgerald	Kahn	Rodenberg
Bruckner	Gallagher	Liebel	Rowland
Buchanan, Ill.	Gallivan	Longworth	Sabath
Burke	Gardner	McAndrews	Scully
Caldwell	Gould	McDermott	Siegel
Cantrill	Griffin	McLemore	Smith, N. Y.
Cary	Hamill	Maher	Steenerson
Clark, Fla.	Hardy	Meeker	Swift
Coady	Haskell	Nolan	Tague
Curry	Heaton	O'Shaunessy	
Dale, N. Y.	Henry	Patten	
Dooling	Hulbert	Riordan	

NAYS—349.

Abercrombie	Ellsworth	Kitchin	Rubey
Adair	Elston	Konop	Rucker, Ga.
Adamson	Emerson	Kreider	Rucker, Mo.
Aiken	Esch	Lafean	Russell, Mo.
Alexander	Estopinal	La Follette	Russell, Ohio
Allen	Evans	Langley	Saunders
Almon	Farr	Lazaro	Schall
Anderson	Fess	Lee	Scott, Mich.
Anthony	Fields	Lehlbach	Scott, Pa.
Ashbrook	Flood	Lenroot	Sears
Aswell	Focht	Lesher	Shackleford
Austin	Fordney	Lever	Shallenberger
Ayres	Foss	Lewis	Sherley
Bacharach	Foster	Lindbergh	Sherwood
Bailey	Frear	Linthicum	Shouse
Barkley	Freeman	Littlepage	Sims
Barnhart	Fuller	Lloyd	Sinnott
Bell	Gandy	Lobeck	Sisson
Benedict	Gard	London	Slayden
Black	Garland	Loud	Slemp
Blackmon	Garner	McArthur	Sloan
Booher	Garrett	McClintic	Small
Borland	Gillett	McCorkle	Smith, Idaho
Bowers	Glass	McCracken	Smith, Mich.
Britt	Glynn	McCulloch	Smith, Minn.
Browne	Godwin, N. C.	McFaddon	Smith, Tex.
Browning	Good	McGillicuddy	Snell
Brumbaugh	Goodwin, Ark.	McKellar	Snyder
Buchanan, Tex.	Gordon	McKenzie	Sparkman
Burgess	Gray, Ala.	McKinley	Stafford
Burnett	Gray, Ind.	McLaughlin	Steagall
Butler	Gray, N. J.	Madden	Stedman
Byrnes, S. C.	Green, Iowa	Magee	Steele, Iowa
Callaway	Greene, Mass.	Mapes	Stephens, Miss.
Campbell	Greene, Vt.	Martin	Stephens, Nebr.
Candler, Miss.	Gregg	Mays	Stephens, Tex.
Cannon	Griest	Miller, Del.	Sterling
Capstick	Guernsey	Miller, Minn.	Stiness
Caraway	Hadley	Miller, Pa.	Stone
Carlin	Hamilton, Mich.	Mondell	Sulloway
Carter, Mass.	Hamilton, N. Y.	Montague	Sumners
Carter, Okla.	Hamlin	Moon	Sutherland
Chandler, N. Y.	Harrison, Va.	Moore, Pa.	Sweet
Charles	Hart	Moores, Ind.	Switzer
Chiperfield	Hastings	Morgan, Okla.	Taggart
Church	Haugen	Morin	Talbott
Cline	Hawley	Morrison	Tavenner
Coleman	Hayden	Moss	Taylor, Ark.
Collier	Hayes	Mott	Taylor, Colo.
Connelly	Heflin	Mudd	Temple
Cooper, Ohio	Helgesen	Murray	Thomas
Cooper, W. Va.	Helvering	Neely	Thompson
Cooper, Wis.	Hernandez	Nelson	Tillman
Copley	Hicks	Nicholls, S. C.	Tilson
Costello	Hilliard	Nichols, Mich.	Timberlake
Cox	Holland	North	Tinkham
Cramton	Hollingsworth	Norton	Towner
Crisp	Hood	Oldfield	Treadway
Crosser	Hopwood	Oliver	Vare
Cullop	Houston	Olney	Venable
Dale, Vt.	Howard	Overmyer	Vinson
Dallinger	Howell	Padgett	Volstead
Danforth	Huddleston	Page, N. C.	Walker
Darrow	Hughes	Paige, Mass.	Walsh
Davenport	Hull, Tenn.	Park	Ward
Davis, Minn.	Humphrey, Wash.	Parker, N. J.	Wason
Davis, Tex.	Husted	Peters	Watkins
Decker	Hutchinson	Phelan	Watson, Pa.
Dempsey	Igoe	Platt	Watson, Va.
Denison	Jacoway	Porter	Webb
Dent	James	Pou	Whaley
Dewalt	Johnson, Ky.	Powers	Wheeler
Dickinson	Johnson, S. Dak.	Pratt	Williams, T. S.
Dies	Johnson, Wash.	Price	Williams, W. E.
Dill	Jones	Quin	Williams, Ohio
Dillon	Kearns	Ragsdale	Wilson, Ill.
Dixon	Keating	Raker	Wilson, La.
Doolittle	Keister	Ramseyer	Wingo
Doughton	Kelley	Randall	Winslow
Dowell	Kennedy, Iowa	Rauch	Wise
Drukker	Kennedy, R. I.	Rayburn	Wood, Ind.
Dunn	Kent	Reavis	Woods, Iowa
Dupré	Kettner	Reilly	Woodyard
Dyer	Key, Ohio	Ricketts	Young, N. Dak.
Eagan	Kiess, Pa.	Roberts, Mass.	Young, Tex.
Eagle	Kincheloe	Rogers	
Edmonds	King	Rouse	
Edwards	Kinkaid	Rowe	

ANSWERED "PRESENT"—2.

Bennet	Harrison, Miss.

NOT VOTING—34.

Beakes	Farley	Lieb	Rainey
Britten	Ferris	Loft	Sanford
Byrns, Tenn.	Flynn	Mann	Sells
Carew	Graham	Matthews	Steele, Pa.
Casey	Helm	Mooney	Stout
Conry	Hensley	Morgan, La.	Van Dyke
Crago	Hill	Oakey	Wilson, Fla.
Doremus	Hinds	Oglesby	
Fairchild	Humphreys, Miss.	Parker, N. Y.	

So the motion to adjourn was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. CONRY (for adjournment) with Mr. BENNET (against).

Mr. FARLEY (for adjournment) with Mr. HARRISON of Mississippi (against).

Until further notice:

Mr. STEELE of Pennsylvania with Mr. GRAHAM.

Mr. BYRNS of Tennessee with Mr. FAIRCHILD.

Mr. DOREMUS with Mr. MATTHEWS.

Mr. GANDY with Mr. CRAGO.

Mr. HELM with Mr. OAKEY.

Mr. HUMPHREYS of Mississippi with Mr. PARKER of New York.

Mr. VAN DYKE with Mr. SANFORD.

Mr. WILSON of Florida with Mr. SELLS.

Mr. BENNET. Mr. Speaker, I voted "nay." I wish to change my vote from "nay" to "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. BENNET, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The House declines to adjourn.

Mr. CALDWELL. Mr. Speaker, I move that the resolution do now lie on the table.

Mr. CRISP. Mr. Speaker, I make the point of order that the motion is dilatory, and under the rules of the House it is not in order. If the Chair desires to hear from me, I will be glad to discuss the point.

The SPEAKER. Why is it dilatory?

Mr. CRISP. It is dilatory because under the rules of the House when a report from the Committee on Rules is under consideration the Speaker may entertain one motion that the House adjourn. Afterwards he shall not entertain any dilatory motion.

Mr. SABATH. Mr. Speaker, will the gentleman yield for a question?

Mr. CRISP. Yes.

Mr. SABATH. This amendment is not the amendment of the committee, and was not reported out by the Committee on Rules, and therefore the contention of the gentleman is erroneous.

Mr. CRISP. That makes no difference whatever in the case before the House. The matter before the House is a report from the Committee on Rules providing an order of business for the consideration of a bill. Under the rules of the House from the floor of the House an amendment was offered changing the method of consideration of the bill; but the matter before the House is the report from the Committee on Rules for the consideration of the Senate bill; and I think the Speaker can not escape the conclusion, from what has transpired in this House for the last several hours, of which he has cognizance, that this motion is a dilatory motion [applause], and under the rules of the House the Speaker can not entertain a dilatory motion. I refer the Speaker to Rule XIII of the House, with which he is quite familiar.

Mr. CALDWELL. Mr. Speaker, will the Chair hear me on the subject?

The SPEAKER. The Chair thinks, without any more argumentation about it, that this motion is dilatory. [Applause.] The question is on the motion for the previous question.

Mr. STAFFORD. Mr. Speaker, a question of order. The yeas and nays have already been ordered.

The SPEAKER. If the gentleman will take his seat, the Chair will rule on it. The question is on the previous question by yeas and nays. Those in favor of the previous question will, when their names are called, answer "yea"; those opposed will answer "nay."

Mr. CLARK of Florida rose.

The SPEAKER. For what purpose does the gentleman from Florida rise?

Mr. CLARK of Florida. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Florida. Is that the previous question on the adoption of this new rule?

The SPEAKER. It is the previous question on the original rule and the Garrett substitute and all amendments and everything in connection with it.

Mr. TREADWAY. Mr. Speaker, can the Garrett substitute be again reported, please?

The SPEAKER. Without objection, the Garrett substitute will again be reported. The House will be in order. There is no sense in reading this paper again, unless people can hear it. The Clerk will read.

The Clerk read as follows:

Strike out all after the word *"Resolved,"* and insert: "That immediately upon the adoption of this resolution the House shall proceed to the consideration of Senate bill No. 1082, as the same passed the Senate. The Clerk shall read said bill as same passed the Senate, and at the conclusion of such reading the previous question shall be considered as ordered upon same to final passage without intervening motion, except one motion to recommit."

The SPEAKER. The Clerk will call the roll. Those in favor of the previous question will answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 249, nays 166, answered "present" 1, not voting 18, as follows:

YEAS—249.

Abercrombie	Fields	Kitchin	Rucker, Mo.
Adair	Flood	Kreider	Russell, Mo.
Adamson	Foss	Lafean	Russell, Ohio
Aiken	Foster	La Follette	Saunders
Alexander	Frear	Langley	Sells
Almon	Fuller	Lee	Shackleford
Anderson	Gandy	Lenroot	Shallenberger
Anthony	Garner	Lever	Shouse
Aswell	Garrett	Lewis	Sims
Austin	Glass	Lindbergh	Sinnott
Ayres	Godwin, N. C.	Littlepage	Sisson
Barkley	Good	Lloyd	Slemp
Barnhart	Goodwin, Ark.	London	Sloan
Bell	Gray, Ala.	Loud	Small
Benedict	Gray, Ind.	McClintic	Smith, Idaho
Borland	Green, Iowa	McCorkle	Smith, Mich.
Bowers	Gregg	McCracken	Smith, Minn.
Britt	Guernsey	McCulloch	Smith, Tex.
Bruckner	Hadley	McFadden	Snell
Buchanan, Tex.	Hamilton, Mich.	McGillicuddy	Steagall
Burnett	Hamilton, N. Y.	McKellar	Stedman
Butler	Hamlin	McKenzie	Steele, Iowa
Byrnes, S. C.	Harrison, Miss.	McKinley	Steenerson
Byrns, Tenn.	Harrison, Va.	McLaughlin	Stephens, Miss.
Campbell	Hastings	Mapes	Stephens, Nebr.
Candler, Miss.	Haugen	Mays	Stephens, Tex.
Caraway	Hawley	Miller, Del.	Sterling
Carlin	Hayden	Miller, Pa.	Stone
Carter, Okla.	Heflin	Mondell	Sumners
Chiperfield	Helgesen	Montague	Sutherland
Church	Helvering	Moon	Sweet
Cline	Hernandez	Morgan, La.	Switzer
Collier	Hicks	Morgan, Okla.	Tavenner
Connelly	Hilliard	Morrison	Taylor, Ark.
Cooper, Ohio	Hinds	Mott	Taylor, Colo.
Cooper, W. Va.	Holland	Murray	Temple
Cooper, Wis.	Hollingsworth	Neely	Thomas
Copley	Hood	Nelson	Thompson
Cox	Hopwood	Nicholls, S. C.	Tillman
Cramton	Houston	North	Timberlake
Crisp	Howard	Norton	Towner
Dale, Vt.	Howell	Oldfield	Venable
Dallinger	Huddleston	Oliver	Vinson
Davenport	Hughes	Padgett	Volstead
Davis, Tex.	Hull, Tenn.	Page, N. C.	Walker
Decker	Humphrey, Wash.	Park	Watkins
Dickinson	Hutchinson	Parker, N. Y.	Watson, Va.
Dies	Jacoway	Peters	Webb
Dill	James	Powers	Whaley
Dillon	Johnson, Ky.	Pratt	Williams, T. S.
Dixon	Johnson, S. Dak.	Price	Williams, W. E.
Doolittle	Johnson, Wash.	Quin	Williams, Ohio
Doughton	Jones	Ragsdale	Wilson, Ill.
Dowell	Kearns	Raker	Wilson, La.
Dunn	Keating	Ramseyer	Wingo
Edwards	Keister	Randall	Wise
Ellsworth	Kelley	Rauch	Woods, Iowa
Emerson	Kennedy, Iowa	Rayburn	Woodyard
Estopinal	Kent	Reavis	Young, N. Dak.
Evans	Kettner	Ricketts	Young, Tex.
Farr	Kiess, Pa.	Rowe	
Ferris	Kincheloe	Rubey	
Fess	King	Rucker, Ga.	

NAYS—166.

Allen	Cantrill	Davis, Minn.	Flynn
Ashbrook	Capstick	Dempsey	Focht
Bacharach	Carter, Mass.	Denison	Fordney
Bailey	Cary	Dent	Freeman
Barchfeld	Casey	Dewalt	Gallagher
Beales	Chandler, N. Y.	Dooling	Gallivan
Black	Charles	Doremus	Gard
Blackmon	Clark, Fla.	Driscoll	Gardner
Booher	Coady	Drukker	Garland
Britten	Coleman	Dupré	Gillett
Browne	Costello	Dyer	Glynn
Browning	Crago	Eagan	Gordon
Brumbaugh	Crosser	Eagle	Gould
Buchanan, Ill.	Cullop	Edmonds	Gray, N. J.
Burgess	Curry	Elston	Greene, Mass.
Burke	Dale, N. Y.	Esch	Greene, Vt.
Caldwell	Danforth	Farley	Griest
Cannon	Darrow	Fitzgerald	Griffin
Hamill	McArthur	Platt	Sparkman
Hardy	McDermott	Porter	Stafford
Hart	McLemore	Pou	Steele, Pa.
Haskell	Madden	Reilly	Stiness
Hayes	Magee	Riordan	Sullowway
Heaton	Maher	Roberts, Mass.	Swift
Henry	Martin	Roberts, Nev.	Taggart
Hulbert	Meeker	Rodenberg	Tague
Hull, Iowa	Miller, Minn.	Rogers	Talbott
Husted	Moore, Pa.	Rouse	Tilson
Igoe	Moores, Ind.	Rowland	Tinkham
Kahn	Morin	Sabath	Treadway
Kennedy, R. I.	Moss	Sanford	Van Dyke
Key, Ohio	Mudd	Schall	Vare
Kenop	Nichols, Mich.	Scott, Mich.	Walsh
Lazaro	Nolan	Scott, Pa.	Ward
Lehlbach	Oakey	Scully	Wason
Lesher	Olney	Sears	Watson, Pa.
Liebel	O'Shaunessy	Sherley	Wheeler
Linthicum	Overmyer	Sherwood	Wilson, Fla.
Lobeck	Paige, Mass.	Siegel	Winslow
Loft	Parker, N. J.	Slayden	Wood, Ind.
Longworth	Patten	Smith, N. Y.	
McAndrews	Phelan	Snyder	

ANSWERED "PRESENT"—1.

Bennet

NOT VOTING—18.

Beakes	Graham	Kinkaid	Oglesby
Callaway	Helm	Lieb	Rainey
Carew	Hensley	Mann	Stout
Conry	Hill	Matthews	
Fairchild	Humphreys, Miss.	Mooney	

So the previous question was ordered.

The following additional pairs were announced:

Until further notice:

Mr. BENNET (for previous question) with Mr. CONRY (against).

Mr. HELM with Mr. GRAHAM.

Mr. HUMPHREYS of Mississippi with Mr. FAIRCHILD.

Mr. OGLESBY with Mr. MATTHEWS.

Mr. RAINEY with Mr. KINKAID.

Mr. CAREW with Mr. HILL.

Mr. HENSLEY with Mr. MOONEY.

Mr. BENNET. Mr. Speaker, I desire to change my vote from "yea" to "present."

Mr. KINKAID. Mr. Speaker, I ask unanimous consent to be permitted to vote. I missed getting here by just a minute.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to be permitted to vote, notwithstanding the rule.

Mr. STAFFORD. I think, Mr. Speaker, that would be a bad precedent.

The SPEAKER. The gentleman from Wisconsin objects.

The result of the vote was then announced as above recorded.

The SPEAKER. The previous question is ordered, and the first thing is a vote on the Garrett substitute for the original resolution.

Mr. STAFFORD. And on that, Mr. Speaker, I demand the yeas and nays.

Mr. FITZGERALD. Mr. Speaker, I demand a division. There are about five different substantive propositions in the substitute.

The SPEAKER. Does the gentleman want a separate vote on each one?

Mr. FITZGERALD. Yes.

The SPEAKER. The first substantive proposition is that immediately after the adoption of this rule the House shall proceed with the consideration of Senate bill 1082, the same as it passed the Senate.

The second is, the Clerk shall read said bill as same passed the Senate.

The third is, at the conclusion of such reading the previous question shall be considered as ordered upon the same to final passage without intervening motion except one motion to recommit.

Mr. FITZGERALD. The last clause is a separate proposition. The House should determine whether that language should be permitted to remain in or not. It is a separate substantive proposition.

The SPEAKER. At the conclusion of such reading, the previous question shall be considered as ordered upon the same to final passage without intervening motion.

Mr. FITZGERALD. Well, Mr. Speaker, I will not insist on a division of that.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. The amendment offered as a substitute is a substitute for the report from the Committee on Rules. If the House should adopt that substitute then there would have to be another vote taken as to whether the House would adopt the report of the Committee on Rules as amended. Under these conditions, is it in order to take this one amendment offered as a substitute or amendment and divide it up into different substantive propositions and have a vote on each one of them?

The SPEAKER. The gentleman knows the rules, and the Chair will hear him. The Chair is inclined to think, although he is not to be bound by his inclination, that the same rule applies to this that applies to any other proposition, but the Chair will hear the gentleman with his mind open.

Mr. CRISP. Mr. Speaker, I have said often, and I say it again, that I think the present occupant of the chair is the fairest presiding officer I ever saw in my life. [Applause.] I have always said that he would hear you and his mind was open for conviction.

The SPEAKER. It is.

Mr. CRISP. I am frank to say that on this proposition I have no precedent, but I am going on the common sense of the proposition. Here is an amendment offered to a rule from the Committee on Rules, and I do not see how it is divisible. It seems to me that every one of these propositions must stand or fall on the first clause of the amendment—the first being that the House shall proceed to consider the bill, and if the House does proceed to consider the bill, the amendment simply provides the method in which it shall be considered. It seems to me it is one substantive and indivisible proposition. I wanted to present this thought to the Speaker, and if the Chair decides against me I shall cheerfully acquiesce, because I know the Speaker will do what he thinks is absolutely right under the rules.

The SPEAKER. The Chair would like to ask the gentleman how there is any difference between dividing this into substantive propositions and an amendment.

Mr. CRISP. In answer to the proposition I will adopt the suggestion made to me by the gentleman from Missouri [Mr. BORLAND], standing beside me. It seems to me that it is a reasonable rule that the test should be, if either one of the propositions are substantive enough to stand alone, if one was voted down, the other would stand and be intelligent and workable, then it is divisible, and if not, it is not. It seems to me under this test that all of these propositions are not divisible, because if the first is voted down the others fall.

Now, the Chair will pardon me a moment, but I can say nothing else except to reiterate what I have already said, that it seems to me that all of the latter propositions that are sought to be voted on as separate substantive propositions are not substantive propositions, but all are dependent on the first proposition, and if the first proposition is voted down and the House refuses to consider the bill, the other falls, and the amendment therefore is not divisible.

Mr. FITZGERALD. Mr. Speaker, this question has been decided not only by the present occupant of the chair but by other occupants of the chair. On April 8, 1908, the following resolution was reported from the Committee on Rules:

Resolved, That on this day and on Friday of this week the House shall take a recess at 5 o'clock p. m. until 11.30 o'clock a. m. of the next calendar day; that on Friday, April 10, at 11.30 o'clock a. m., the Speaker shall declare the House in Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill; that at 5 o'clock on Friday, April 10, the Chairman of the Committee of the Whole House on the state of the Union shall declare the committee in recess until 11.30 o'clock a. m. on Saturday, April 11; that at 5 o'clock p. m. on April 11 the Chairman of the Committee of the Whole House on the state of the Union shall declare the committee in recess until 11.30 o'clock a. m. Monday, April 13; that general debate on the naval appropriation bill shall close not later than 5 o'clock p. m. Saturday, the time to be equally divided between the majority and minority and controlled by the chairman of the Naval Committee and by the senior member of the minority; that if general debate shall be concluded prior to 5 o'clock p. m. on Saturday, the 11th, the Chairman of the Committee of the Whole House on the state of the Union shall at once declare the committee in recess until Monday, April 13, at 11.30 o'clock a. m.

That resolution was held to contain five substantive propositions. There are decisions which hold that House amendments if they contain substantive propositions can be voted upon separately. This is an amendment to the rule, and it contains distinct substantive propositions. It is not true that if one of those substantive propositions be defeated the others do not stand alone. They are amendments, Mr. Speaker, to a resolution reported from the Committee on Rules. They are in a different category than if this were a resolution from the Committee on Rules, and if the first proposition were voted down, the others would not have anything to stand upon. If the first proposition is voted down, then the proposition reported from the Committee on Rules will be in its place, so that there is something on which to hang each one of these substantive propositions.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. CRISP. The proposition that is before the House proposes to strike out all of the original rule after the resolving clause and insert the amendment. If the first is voted down, then what is before the House? What does it hang to?

Mr. FITZGERALD. It still hangs to the original proposition.

Mr. CRISP. Oh, no. The proposition is to strike out all after the resolving clause and to insert a new text.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. LENROOT. Will not the gentleman state what he thinks the different substantive propositions are?

Mr. FITZGERALD. The Speaker has already ruled what they are. Why should I express an opinion?

Mr. LENROOT. Oh, I beg the gentleman's pardon. I was not in the Chamber at the time.

Mr. FITZGERALD. The Speaker's ruling is conclusive upon me, and I shall not argue about it.

Mr. LENROOT. He held them to be different substantive propositions?

Mr. FITZGERALD. The Speaker so stated.

The SPEAKER. The Chair would like to ask the gentleman from New York a question. If the Garrett proposition is substituted for the original rule, then, when the vote is taken on the amended rule, would the gentleman from New York have a right to demand a severance of the composition and have separate votes upon each different proposition?

Mr. FITZGERALD. Undoubtedly. The question will come on the resolution as amended. If the House agrees to the amendment, it does not agree to the resolution as amended. That is a separate proposition. This is a proposition to amend the resolution reported from the Committee on Rules, and if that amendment has more than one substantive proposition, they can be divided, and there are decisions to that effect. Even a House amendment to a bill that contains substantive propositions can be divided.

Mr. GARRETT rose.

The SPEAKER. Does the gentleman from Tennessee desire to be heard?

Mr. GARRETT. Mr. Speaker, I simply want to suggest this. There are two substantive propositions in the proposed amendment upon which the House would be entitled under general parliamentary law to vote separately on demand. One of them is to strike out and the other is to insert. The different clauses that are in the amendment are not different substantive propositions. The resolution which the gentleman from New York [Mr. FITZGERALD] has read upon which the ruling was made at the time contained various propositions, each of which was complete within itself. No part of the proposed amendment is complete without the other. There are two propositions upon which the House is entitled to vote separately, as I said.

Mr. NORTON. Mr. Speaker, it seems to me that this is an amendment offered as a substitute for the resolution by motion to strike out and insert. Such an amendment is not divisible under the rules. Paragraph 7 of Rule XVI is to the effect that a motion to strike out and insert is indivisible. On a motion to strike out, section 6124 of Hinds' Precedents, volume 5, holds:

On a motion to strike out a resolution and insert, a division of the question so as to vote separately on each substantive proposition of the matter to be inserted was decided not to be in order.

It is held that if the amendment is adopted then a vote may be had on each of the substantive parts of the amendment, but that the whole must be voted on, either voted up or voted down.

And that seems to me to be reasonable and good parliamentary practice. This question was before the House in the first session of the Thirty-first Congress:

On June 28, 1850, the House had under consideration a resolution reported from the Committee on Elections, as follows——

The SPEAKER. The Chair will inquire what the gentleman is reading from?

Mr. NORTON. From Hinds' Precedents, volume 5, section 6124.

On June 28, 1850, during the first session of the Thirty-first Congress, the House had under consideration a resolution reported from the Committee on Elections, as follows:

"*Resolved*, That William Thompson is entitled to the seat which he now holds as a Representative from the first congressional district of Iowa.

"Mr. John Van Dyke, of New Jersey, moved as an amendment to this to strike out all after the word 'resolved' and insert the following:

"'1. *Resolved*, That the seven votes cast at Pleasant Grove with the middle letter of the contestant's name omitted be allowed and counted for him.'"

And so on through six similar resolutions relating to the votes at different places and concluded with the following:

"8. *Resolved*, That Daniel F. Miller is entitled to a seat in this House as a Representative from the first congressional district of Iowa.

"Mr. William S. Ashe, of North Carolina, called for a division of the amendment and the Speaker announced that the question would be first taken on the first resolution. Mr. Robert C. Winthrop, of Massachusetts, made the point of order that on a motion to strike out a resolution and insert several resolutions connected together the question was not divisible.

"The Speaker stated that his attention having been called to the point of order made by the gentleman from Massachusetts, he had examined it and had referred to a precedent in the Twenty-ninth Congress and expressed the opinion that the motion to strike out and insert was divisible to the extent of inserting any substantive part of the resolutions."

"It would not be in order to vote first on the motion to strike out and then on the motion to insert."

The decision of the Speaker in this case was overruled by a vote of the House.

"On June 2, 1858, the House was considering a resolution in five parts, relating to the sale of Fort Snelling Military Reservation"——

The SPEAKER. Where is the gentleman reading from?

Mr. NORTON. This is section 6125 of Hinds' Precedents, volume 5.

"Mr. Charles J. Faulkner moved to amend by striking out all after the word 'resolved' and inserting substitute resolutions, two in number, the first beginning with the word 'that' and the second beginning with the word 'resolved.' Thereupon Mr. Horace F. Clark, of New York, moved to amend the substitute proposed by Mr. Faulkner by striking out all after the word 'that' and inserting a series of four resolutions, all but the first beginning with the word 'resolved.'

"Mr. John Letcher, of Virginia, asked for a separate vote on the several branches of Mr. Clark's amendment. The Speaker, Mr. James L. Orr, said:

"The Chair doubts whether a division can be had of such an amendment. It must be taken as an entirety. If not, the effect of it practically would be to allow a gentleman, instead of offering one amendment, to offer two or three, and instead of there being an amendment, an amendment to an amendment pending, it might result in there being five or ten amendments pending."

That is the same proposition we have before us. This substitute or amendment is in itself an entirety. It provides a complete procedure for voting upon this bill, and I maintain, Mr. Speaker, that under the rule I have cited it must be voted upon without division and must be voted up or voted down as an entirety.

Mr. LENROOT. Mr. Speaker——

Mr. GARRETT. Mr. Speaker, will the gentleman from Wisconsin permit me one moment?

Mr. LENROOT. Certainly.

Mr. GARRETT. I suggested a moment ago the question of the divisability of the motion to strike out and insert. Of course that is true under general parliamentary law. I had overlooked for the moment paragraph 7 of Rule XVI of the House.

Mr. LENROOT. Mr. Speaker, with reference to the citation read by the gentleman from New York and every other citation which can be found where propositions have been held to be divisible, each one is complete in itself, and that certainly was true of the one read by the gentleman from New York. Now, on April 18, 1912, the present occupant of the chair ruled upon this proposition, citing the precedents, and then used this language, section 725:

So it seems to the Chair that the precedents are in favor of the contention of the gentleman from Illinois [Mr. MANN] and against the point of order of the gentleman from Texas [Mr. HENRY]. In addition to that, it seems to the Chair that the reason of the thing is the same way. There are several substantive legislative propositions embraced in this rule that have no connection whatever with one another. A Member might, and most probably would, be in favor of some and against others. He has a right to vote his sentiments on each, which he can not do if they are bunched together.

Now, bear in mind the reason of the rule as stated by the Speaker. What are the three substantive propositions in the amendment before us? I understand the Chair indicated, but did not rule there were three. Let us see. The first one is, "That immediately upon the adoption of this resolution the House shall proceed to the consideration of Senate bill No. 1082."

Now, that might be treated as one substantive proposition, providing there is nothing in the language following connecting them up with the language which I have read. But the next proposition is, "The Clerk shall read said bill as same passed the Senate." That is indicated as a second substantive proposition. Now, let us see if that be true. The language that I have read could be voted down, and the last part of the amendment could be voted down, leaving only the language I have read, "The Clerk shall read said bill as same passed the Senate," What bill? No reference is made to any. It would mean nothing if that alone were adopted as a substitute to the resolution reported by the Committee on Rules.

Mr. FITZGERALD. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. FITZGERALD. Is not the gentleman aware of the fact that sometimes it is necessary to reconstruct the language in order to supply omitted words?

Mr. LENROOT. Certainly; but I do not understand that under the guise of a division of a question you can rewrite an entire proposition.

Mr. FITZGERALD. Then the gentleman is not familiar with the decisions made upon the question.

Mr. LENROOT. Well, that may be; but I insist if the language be "the Clerk shall read said bill as same passed the Senate" was adopted, it would mean nothing to this House and would not furnish any means of action. What would there be for the House to do except to go through the idle ceremony of reading a bill?

Let us go to the next proposition, and the last one, namely:

At the conclusion of such reading the previous question shall be considered as ordered upon same to final passage without intervening motion, except one motion to recommit.

Is not that, Mr. Speaker, directly connected up with the proposition immediately preceding, and is not that connected directly up with the first one? In other words, is it not one entire proposition? You can not adopt any one of the three and leave the others standing independently.

Mr. SAUNDERS. Mr. Speaker, I maintain that a proposition is divisible only when it can be resolved into several substantive legislative propositions respectively and independently complete within themselves, so that intelligent action will result, whatever may be the disposition of the integral component propositions. Otherwise a separate vote might be demanded on the different sentences in a paragraph, though the sentences when taken apart might be completely meaningless, or the disposition of one sentence render futile either affirmative or negative action on the remaining sentences. Again if the component parts of a proposition are so related, and tied together that inevitably they should be considered as a single coherent whole, not to be picked to pieces without doing violence to the plain meaning of the paragraph, then the right to require a separate vote on the alleged subdivisions does not arise. Applying these principles to the pending substitute it must be apparent that a complete and indivisible rule of action is presented for the disposition of the bill under consideration. The substitute provides that on the adoption of the rule the House shall proceed to the consideration of the Senate bill as it passed the Senate. Is this a divisible proposition? Suppose the House should vote No, on this proposition, what of the remaining propositions? Having voted No on considering the bill, would an affirmative vote requiring the Clerk to read the bill, represent intelligent action? Would a vote to the effect that at the conclusion of the reading of a bill that we had refused to consider, the previous question should be considered as ordered, represent intelligent action? Having voted No to the first sentence of the substitute relating to the consideration of the bill, are there any substantive remaining propositions on which intelligent action may be taken, or with respect to which any action will be desired? Hence if this first sentence is submitted, and the vote of the House is in the negative, that action means the defeat of the entire substitute. But why resort to this circuity to defeat the substitute, when a simple vote of "No" to the entire substitute will effect the same result? On the other hand would the House vote to proceed to the consideration of the bill, and then refuse to allow a measure to be read which it had first agreed to consider?

It is true, as pointed out, that by refusing to consider the bill we would defeat the substitute; but why pick to pieces the interrelated sections of a complete plan of procedure, to accomplish a result that would be attained by a negative vote on the substitute? The defeat of the substitute is apparently all that would be accomplished by submitting the first part of the sentence under consideration to a separate vote, and to accomplish this result, the breaking-up process is not required. An affirmative vote on the portion of the sentence submitted to a vote, would certainly mean that the House would take the next step contemplated by the substitute. The parts of the one sentence that form the substitute are so related to each other that for the purpose of action on the part of the House they form but one proposition.

The SPEAKER. Let the Chair ask the gentleman: Suppose it was the intention—I am not going to assume it at all—suppose it was the intention of the Members to vote down one proposition out of three, for instance, for the very purpose of nullifying the bill, what is the reason they have not the right to do it?

Mr. SAUNDERS. By voting down the entire substitute you would reach exactly the same result, and if the House is opposed to the substitute, this would be the obvious and natural thing to do. Vote out the first part of the sentence and what remains would be perfectly meaningless. No intelligent action could be taken on it. Why, I repeat, should this sentence be broken up into incongruous fragments to enable the House to vote upon and reject one of these fragments, thereby defeating the entire substitute, when without resorting to this complicated process of disruption, the same defeat could be secured by a vote in the negative on the substitute? The following citation from Reed's ruls, page 109, is in point:

When the main question is composed of more than one distinct proposition, it may be divided so as to enable the assembly to vote on each proposition separately, but each proposition into which it is proposed to separate the question, must be distinct and capable of standing by

itself as a substantive proposition, so that either can be adopted alone without the other, or others, and still be an intelligible expression of the opinion of the assembly. A division of the proposition between a clause and its proviso could not be had, for instance, because the provision standing alone would mean nothing.

The first part of the substitute is as follows:

That immediately upon the adoption of this rule, the House shall proceed to the consideration of Senate bill 1082, as the same passed the Senate.

Submit this part to a vote, and strike it out, and the conclusion of the sentence, if agreed to, would mean nothing. If a division of a question is demanded, and it is apparent that on such a division a vote in the negative on one part will render impossible intelligent affirmative action on the other part, or parts, then the division should be refused. Subject the demand for a division of the pending substitute to this test and it will be apparent that the demand should be refused.

Mr. POWERS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. POWERS. I want to make this suggestion, that the rule as prepared by the gentleman from Tennessee [Mr. GARRETT] has already passed the House. That rule provides what the procedure shall be. I submit that that rule itself——

The SPEAKER. The gentleman is entirely wrong about it.

Mr. FITZGERALD. Mr. Speaker, the argument of the gentleman from Wisconsin compels me to call the attention of the Speaker to two decisions which show the error of the gentleman from Wisconsin. In section 6116 is the following:

On June 11, 1870, Mr. William B. Allison, of Iowa, submitted the following——

The SPEAKER. What is it the gentleman is reading from?

Mr. FITZGERALD. I am reading from page 582, section 6116, Hinds' Precedents.

Resolved, That the matter of privilege, being an assault upon Hon. Charles H. Porter, be referred to the Judiciary Committee of this House for examination and report what action this House should take in the premises; that the committee have power to send for persons and papers, and that in the meantime the person at the bar be retained in the control of the Sergeant at Arms.

Mr. Samuel J. Randall, of Pennsylvania, demanded a division of the resolution so as to vote separately on the words:

"And that in the meantime the person at the bar be retained in the custody of the Sergeant at Arms."

Mr. NORTON. Will the gentleman yield?

Mr. FITZGERALD. No; I will not yield. I am addressing the Speaker.

The Speaker permitted such a division, and the question was taken, first on the first portion and then on the words above quoted.

It happened, Mr. Speaker, that Mr. Samuel J. Randall, who demanded the division in that instance, was one of the most notable parliamentarians in the history of the House, and the Speaker occupying the chair, and who allowed the division, was an equally noted parliamentarian, the late James G. Blaine.

Again, on the same page, is another decision:

On March 4, 1871, during the consideration of the credentials of the Members elect from the State of Mississippi, Mr. John A. Bingham, of Ohio, ruled—

That the credentials of the Members elect from the State of Mississippi be referred to the Committee on Elections, and that they now be sworn in.

Mr. Michael C. Kerr, of Ohio, rising to a parliamentary inquiry, asked if the motion could be divided.

The Speaker (Mr. Blaine) said:

"It presents two substantive propositions and is divisible."

Accordingly the question was taken on the portion referring the credentials and then on the portion providing for the swearing in of the Members elect.

If the first portion of either one of those two resolutions had been voted down, it would have been necessary to reconstruct the resolution by supplying the necessary words to make resolving clauses out of the remaining portions of the resolution. In the first instance a resolution declaring "That the matter of privilege, being an assault upon Hon. Charles H. Porter," and providing that a committee should examine and determine what action the House should take, empowering it to send for persons and papers, and "that in the meantime the person should be retained in the control of the Sergeant at Arms." If the first portion of the resolution had been voted down, there would simply have been before the House a resolution that the person named in the portion of the resolution that had been voted down should be committed to the custody of the Sergeant at Arms. In the second instance, where the first portion of the resolution provided that the credentials should be referred to a committee, and that the Members should be sworn in, if the first portion of the resolution had been voted down, the resolution must have been reconstructed by providing that the persons, naming them in the reconstructed resolution, should be sworn in, in order that that question might be passed upon by the House.

In the pending amendment there are some portions of it which, even if the first portion of the resolution be voted down, are distinct and substantive and separate propositions. It is not for the Speaker to determine that the House proposes to do some idiotic thing. Certainly, the Speaker in his own experience in the House has known committees to report resolutions and bills, and amendments to be proposed to pending resolutions and bills, that from his standpoint were absolutely preposterous. But that is not a question to be determined by the Chair. It can only be determined by the vote of the House.

The SPEAKER. The Chair would like to ask the gentleman a question. According to his contention this presents the same proposition as an amendment or original resolution; the same rule applies to an amendment as to a resolution. What does the gentleman think of that?

Mr. FITZGERALD. Well, it does not. I shall not mislead the Speaker. The fact that the pending motion is to strike out and insert makes some difference. It would not if it were a simple amendment.

Mr. GARRETT. Mr. Speaker, is the gentleman from New York through?

Mr. FITZGERALD. Yes.

Mr. GARRETT. As I understand, the gentleman is insisting on this particular division at this particular time in view of his last statement.

The SPEAKER. The gentleman from New York will give heed to the gentleman from Tennessee.

Mr. FITZGERALD. It might make some difference. I have not confessed anything yet. [Laughter.]

Mr. NORTON. Mr. Speaker——

Mr. GARRETT. I desire to call the Speaker's attention to two decisions that are directly in point, if the gentleman is insisting on it at this time.

Mr. FITZGERALD. I would be glad to have the gentleman read the decisions. It might be informing to the House.

The SPEAKER. The Chair is ready to rule. He does not think the division is allowable on the motion to strike out and insert. [Applause.] The question is on the Garrett substitute or amendment. The Clerk will report it, so that everybody will know.

The Clerk read as follows:

Strike out all after the word "Resolved" and insert: "That immediately upon the adoption of this resolution the House shall proceed to the consideration of Senate bill No. 1082, as the same passed the Senate. The Clerk shall read said bill as same passed the Senate, and at the conclusion of such reading the previous question shall be considered as ordered upon same to final passage without intervening motion, except one motion to recommit."

The SPEAKER. The question is on the Garrett substitute.

Mr. STAFFORD. On that, Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Wisconsin demands the yeas and nays. Those in favor of taking this vote by yeas and nays will rise and stand until they are counted. [After counting.] Ninety-four gentlemen have arisen, a sufficient number, and the Clerk will call the roll on the Garrett amendment. Those in favor will say "yea"; those opposed "nay."

The question was taken; and there were—yeas 242, nays 172, answered "present" 1, not voting 19, as follows:

YEAS—242.

Abercrombie	Cox	Gray, Ala.	Johnson, S. Dak.
Adair	Cramton	Gray, Ind.	Johnson, Wash.
Adamson	Crisp	Green, Iowa	Kearns
Aiken	Dale, Vt.	Guernsey	Keating
Alexander	Dallinger	Hadley	Keister
Almon	Davenport	Hamilton, Mich.	Kelley
Anderson	Davis, Tex.	Hamilton, N. Y.	Kennedy, Iowa
Anthony	Decker	Hamlin	Kent
Aswell	Dempsey	Harrison, Miss.	Kettner
Austin	Dickinson	Harrison, Va.	Kiess, Pa.
Ayres	Dies	Hastings	Kincheloe
Bailey	Dillon	Haugen	King
Barkley	Dixon	Hawley	Kinkaid
Barnhart	Doolittle	Hayden	Kitchin
Bell	Doughton	Heflin	Lafean
Benedict	Dowell	Helgesen	La Follette
Borland	Dunn	Helm	Langley
Bowers	Edwards	Helvering	Lee
Britt	Ellsworth	Hernandez	Lever
Burnett	Elston	Hicks	Lewis
Butler	Emerson	Hilliard	Lindbergh
Byrnes, S. C.	Evans	Hinds	Littlepage
Byrns, Tenn.	Farr	Holland	Loud
Campbell	Ferris	Hollingsworth	McClintic
Candler, Miss.	Fess	Hood	McCorkle
Caraway	Fields	Hopwood	McCracken
Carlin	Flood	Houston	McCulloch
Carter, Okla.	Foss	Howard	McFadden
Charles	Foster	Howell	McKellar
Chiperfield	Fuller	Huddleston	McKenzie
Church	Gallivan	Hughes	McKinley
Cline	Gandy	Hull, Tenn.	McLaughlin
Collier	Garrett	Humphrey, Wash.	Mapes
Connelly	Glass	Hutchinson	Mays
Cooper, Ohio	Godwin, N. C.	Jacoway	Miller, Del.
Cooper, W. Va.	Good	James	Miller, Pa.
Copley	Goodwin, Ark.	Johnson, Ky.	Montague

Moon	Ramseyer	Smith, Tex.	Timberlake
Morgan, La.	Randall	Snell	Towner
Morgan, Okla.	Rauch	Steagall	Venable
Morrison	Rayburn	Stedman	Vinson
Mott	Reavis	Steele, Iowa	Volstead
Murray	Ricketts	Steenerson	Walker
Neely	Rowe	Stephens, Miss.	Wason
Nelson	Rubey	Stephens, Nebr.	Watkins
Nicholls, S. C.	Rucker, Ga.	Stephens, Tex.	Watson, Va.
North	Rucker, Mo.	Sterling	Webb
Oldfield	Russell, Mo.	Stone	Whaley
Oliver	Russell, Ohio	Stout	Williams, T. S.
Padgett	Sells	Sumners	Williams, W. E.
Page, N. C.	Shackleford	Sutherland	Williams, Ohio
Park	Shallenberger	Sweet	Wilson, Ill.
Parker, N. Y.	Shouse	Switzer	Wilson, La.
Peters	Sims	Taggart	Wingo
Powers	Sinnott	Tavenner	Wise
Pratt	Sisson	Taylor, Ark.	Woods, Iowa
Price	Slemp	Taylor, Colo.	Woodyard
Quin	Sloan	Temple	Young, N. Dak.
Ragsdale	Smith, Idaho	Thomas	Young, Tex.
Rainey	Smith, Mich.	Thompson	
Raker	Smith, Minn.	Tillman	

NAYS—172.

Allen	Drukker	Kennedy, R. I.	Porter
Ashbrook	Dupré	Key, Ohio	Pou
Bacharach	Dyer	Konop	Reilly
Barchfeld	Eagan	Kreider	Riordan
Beales	Eagle	Lazaro	Roberts, Mass.
Black	Edmonds	Lehlbach	Roberts, Nev.
Blackmon	Esch	Lenroot	Rodenberg
Booher	Estopinal	Lesher	Rogers
Britten	Fairchild	Liebel	Rouse
Browne	Farley	Linthicum	Sabath
Browning	Fitzgerald	Lobeck	Sanford
Bruckner	Flynn	Loft	Schall
Brumbaugh	Focht	London	Scott, Mich.
Buchanan, Tex.	Frear	Longworth	Scott, Pa.
Burgess	Freeman	McAndrews	Scully
Burke	Gallagher	McArthur	Sears
Caldwell	Gard	McDermott	Sherley
Cantrill	Gardner	McGillicuddy	Sherwood
Capstick	Garland	McLemore	Siegel
Carter, Mass.	Garner	Madden	Slayden
Cary	Gillett	Magee	Small
Casey	Glynn	Maher	Smith, N. Y.
Chandler, N. Y.	Gordon	Mann	Snyder
Clark, Fla.	Gould	Martin	Sparkman
Condy	Gray, N. J.	Meeker	Stafford
Coleman	Greene, Mass.	Miller, Minn.	Steele, Pa.
Cooper, Wis.	Greene, Vt.	Moore, Pa.	Stiness
Costello	Gregg	Moores, Ind.	Sulloway
Crago	Griest	Morin	Swift
Crosser	Griffin	Moss	Tague
Cullop	Hamill	Mudd	Talbott
Curry	Hardy	Nichols, Mich.	Tilson
Dale, N. Y.	Hart	Nolan	Tinkham
Danforth	Haskell	Norton	Treadway
Darrow	Hayes	Oakey	Van Dyke
Davis, Minn.	Heaton	Olney	Vare
Denison	Henry	O'Shaunessy	Walsh
Dent	Hulbert	Overmyer	Ward
Dewalt	Hull, Iowa	Paige, Mass.	Watson, Pa.
Dill	Husted	Parker, N. J.	Wheeler
Dooling	Igoe	Patten	Wilson, Fla.
Doremus	Jones	Phelan	Winslow
Driscoll	Kahn	Platt	Wood, Ind.

ANSWERED "PRESENT"—1.

Bennet

NOT VOTING—19.

Beakes	Conry	Humphreys, Miss.	Mooney
Buchanan, Ill.	Fordney	Lieb	Oglesby
Callaway	Graham	Lloyd	Rowland
Cannon	Hensley	Matthews	Saunders
Carew	Hill	Mondell	

So the amendment of Mr. GARRETT was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. BENNET (for) and Mr. CONRY (against).

Until further notice:

Mr. BUCHANAN of Illinois with Mr. FORDNEY.

Mr. CALLAWAY with Mr. GRAHAM.

Mr. HUMPHREYS of Mississippi with Mr. MATTHEWS.

Mr. LLOYD with Mr. MONDELL.

Mr. LIEB with Mr. ROWLAND.

Mr. SAUNDERS with Mr. CANNON.

Mr. BENNET. Mr. Speaker, I desire again to announce my pair with my colleague Mr. CONRY, who is in the city ill and unable to vote. I withdraw my vote in the affirmative and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The Garrett amendment or substitute for the original resolution is agreed to. The question is on the resolution reported by the committee as amended by the Garrett substitute.

Mr. FITZGERALD. Mr. Speaker, I demand a division of the resolution.

The SPEAKER. The gentleman demands a division, and the Chair thinks that he is entitled to it, the situation having changed. The other time it was a motion to strike out and insert. This time it is a resolution. It is a very close question. The principle is clear, but the application thereof is sometimes difficult and sometimes of doubtful propriety. There are several decisions, one way and another, but the most important one, according to the judgment of the Chair, considering the character and ability of the men who were mixed up in it, is the one cited in section 6116, page 582, Volume V, of Hinds' Precedents.

On June 11, 1870, William B. Allison, of Iowa, submitted the following:

Resolved, That the matter of privilege, being an assault upon Hon. Charles H. Porter, be referred to the Judiciary Committee of this House for examination, and report what action this House should take in the premises; that the committee have power to send for persons and papers, and that in the meantime the person at the bar be retained in the control of the Sergeant at Arms.

Mr. Samuel J. Randall, of Pennsylvania, demanded a division of the resolution, so as to vote separately on the words—

And that in the meantime the person at the bar be retained in the control of the Sergeant at Arms.

Mr. Speaker Blaine permitted such a division, and the question was taken first on the first portion and then on the words above quoted.

Three of the most distinguished men who ever served the Federal Government in the House of Representatives were mixed up in that transaction. Mr. Allison served longer in the House and Senate than any other man, except Justin S. Morrill, of Vermont. Mr. Speaker Blaine and Mr. Speaker Randall are recognized as two of the greatest Speakers, and in the next paragraph another Speaker, Michael C. Kerr, of Indiana, was mixed up in the same proposition. So the Chair thinks the gentleman is entitled to his division. Any Speaker would hesitate long before dissenting from any proposition of parliamentary procedure on which Blaine, Randall, Allison, and Kerr agreed.

Mr. GARRETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT. How many divisions?

The SPEAKER. The Chair will hear the gentleman on that. In the meantime the House will be in order, as the Chair must hear this if nobody else on earth does.

Mr. GARRETT. Mr. Speaker, the Speaker having ruled that the House is entitled to have separate votes, I do not wish to enter into any controversy about that at this time. I think, however, if I may be permitted, if the Speaker will look at section 6158, page 599, of Hinds' Precedents, he will see that there is quite a distinction between legislative propositions and rules of procedure. But the Speaker having ruled upon that, I do not want to waste any time in talking about the matter.

The SPEAKER. The Chair considered the citation that the gentleman refers to in connection with these other decisions.

Mr. GARRETT. I suppose there are only two separate votes.

Mr. FITZGERALD. The Speaker said there were three.

The SPEAKER. The Chair thinks there are two propositions that ought to be voted on if a severance is demanded, as it has been. The first is—

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of Senate bill 1082 as the same passed the Senate.

That is one substantive proposition undoubtedly, and it seems to the Chair that the rest of the resolution ought to be voted on as one substantive proposition, although the Chair is in some doubt about that.

The Clerk shall read said bill as same passed the Senate, and at the conclusion of such reading the previous question shall be considered as ordered upon same to final passage without intervening motion except one motion to recommit.

Mr. GLASS. Mr. Speaker, let me make this inquiry: If the House should vote down the first proposition, where would there be any other proposition to act on?

Mr. GARRETT. There would not be any.

Mr. GLASS. What would be the need for the Clerk to read the bill if the House should decline to consider it?

Mr. FITZGERALD. They might want to know what is in it.

Mr. GLASS. They know what is in it now. It has been read.

The SPEAKER. The Chair did not draw this resolution.

Mr. GARRETT. Mr. Speaker, the resolution is absolutely indivisible. The question just suggested by the gentleman from Virginia [Mr. GLASS] is very pertinent. If it is divided and the House refuses to consider the first part, why, then, of course, there is nothing else to consider. The whole matter is connected in such a way that there is absolutely no good sense in adopting one part without the other.

Mr. DENISON. Will the gentleman yield for a question?

Mr. GARRETT. I will.

Mr. DENISON. Suppose the House should not refuse to consider the first part of the resolution. Then would not the second part be a substantive proposition?

The SPEAKER. The Chair thinks clearly that that is a substantive proposition.

Mr. GARRETT. I will not take an appeal. Then, Mr. Speaker, there are two propositions, and the first vote will be upon the first paragraph of the rule.

The SPEAKER. Yes.

Mr. GARRETT. I ask unanimous consent that that may be reported.

The SPEAKER. It is—

That immediately upon the adoption of this resolution the House shall proceed to the consideration of Senate bill No. 1082 as the same passed the Senate.

Mr. GARRETT. Question!

The SPEAKER. The question is on the paragraph just read.

Mr. HULBERT. On that I demand the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays. All those in favor of taking the vote by yeas and nays will rise and be counted. [After counting.] Eighty-nine Members have arisen, a sufficient number.

Mr. SABATH. Mr. Speaker, owing to the lateness of the hour I move that the House adjourn.

The SPEAKER. But one motion to adjourn is permissible under the rules, and the Clerk will call the roll.

The question was taken; and there were—yeas 253, nays 151, answered "present" 1, not voting 29, as follows:

YEAS—253.

Abercrombie	Farr	Kreider	Russell, Ohio
Adair	Ferris	Lafean	Saunders
Adamson	Fess	La Follette	Sears
Aiken	Fields	Langley	Sells
Alexander	Flood	Lee	Shackleford
Almon	Foster	Lenroot	Shallenberger
Anderson	Frear	Lever	Shouse
Anthony	Fuller	Lewis	Sims
Aswell	Gandy	Lindbergh	Sinnott
Austin	Garrett	Littlepage	Sisson
Ayres	Glass	Lloyd	Slemp
Bailey	Godwin, N. C.	Loud	Sloan
Barkley	Good	McClintic	Smith, Idaho
Barnhart	Goodwin, Ark.	McCorkle	Smith, Mich.
Bell	Gray, Ala.	McCracken	Smith, Tex.
Benedict	Gray, Ind.	McCulloch	Snell
Black	Green, Iowa	McFadden	Steagall
Bowers	Gregg	McKellar	Stedman
Britt	Griest	McKenzie	Steele, Iowa
Burnett	Guernsey	McKinley	Steenerson
Butler	Hadley	McLaughlin	Stephens, Miss.
Byrnes, S. C.	Hamilton, Mich.	Mapes	Stephens, Nebr.
Byrns, Tenn.	Hamilton, N. Y.	Mays	Stephens, Tex.
Callaway	Hamlin	Miller, Del.	Sterling
Campbell	Harrison, Miss.	Miller, Pa.	Stone
Candler, Miss.	Harrison, Va.	Mondell	Stout
Caraway	Hastings	Montague	Sumners
Carlin	Haugen	Moon	Sutherland
Carter, Mass.	Hawley	Morgan, La.	Sweet
Carter, Okla.	Hayden	Morgan, Okla.	Switzer
Charles	Heflin	Morrison	Taggart
Chiperfield	Helgesen	Moss	Tavenner
Church	Hein	Mott	Taylor, Ark.
Clark, Fla.	Helvering	Murray	Taylor, Colo.
Cline	Hernandez	Neely	Temple
Collier	Hilliard	Nelson	Thomas
Connelly	Hinds	Nicholls, S. C.	Thompson
Cooper, Ohio	Holland	North	Tillman
Cooper, W. Va.	Hollingsworth	Norton	Timberlake
Copley	Hood	Oldfield	Towner
Cox	Hopwood	Oliver	Venable
Cramton	Houston	Padgett	Vinson
Crisp	Howard	Page, N. C.	Volstead
Cullop	Howell	Park	Walker
Dale, Vt.	Huddleston	Parker, N. Y.	Wason
Dallinger	Hughes	Peters	Watkins
Davenport	Humphreys, Miss.	Powers	Watson, Va.
Davis, Tex.	Hutchinson	Pratt	Whaley
Decker	Jacoway	Price	Wheeler
Dickinson	James	Quin	Williams, T. S
Dies	Johnson, Ky.	Ragsdale	Williams, W. E.
Dill	Johnson, S. Dak.	Rainey	Williams, Ohio
Dillon	Johnson, Wash.	Raker	Wilson, Ill.
Dixon	Kearns	Ramseyer	Wilson, La.
Doolittle	Keating	Randall	Wingo
Doughton	Keister	Rauch	Wise
Dowell	Kelley	Rayburn	Wood, Ind.
Dunn	Kennedy, Iowa	Reavis	Woods, Iowa
Edwards	Kettner	Ricketts	Woodyard
Ellsworth	Kiess, Pa.	Rowe	Young, N. Dak.
Elston	Kincheloe	Rubey	Young, Tex.
Emerson	King	Rucker, Ga.	
Evans	Kinkaid	Rucker, Mo.	
Fairchild	Kitchin	Russell, Mo.	

NAYS—151.

Allen	Browning	Capstick	Crago
Ashbrook	Bruckner	Cary	Crosser
Bacharach	Brumbaugh	Casey	Curry
Barchfeld	Buchanan, Tex.	Chandler, N. Y.	Dale, N. Y.
Blackmon	Burgess	Coady	Danforth
Booher	Burke	Coleman	Darrow
Britten	Caldwell	Cooper, Wis.	Davis, Minn.
Browne	Cantrill	Costello	Dempsey
Denison	Gray, N. J.	McLemore	Sabath
Dent	Greene, Mass.	Madden	Sanford
Dewalt	Greene, Vt.	Magee	Schall
Dooling	Griffin	Maher	Scott, Mich.
Doremus	Hamill	Mann	Scott, Pa.
Driscoll	Hart	Martin	Scully
Drukker	Haskell	Meeker	Sherley
Dupré	Heaton	Miller, Minn.	Sherwood
Dyer	Henry	Moore, Pa.	Siegel
Eagan	Hicks	Moores, Ind.	Slayden
Eagle	Hulbert	Morin	Small
Edmonds	Hull, Iowa	Mudd	Smith, N. Y.
Esch	Husted	Nichols, Mich.	Snyder
Estopinal	Igoe	Nolan	Stafford
Farley	Kennedy, R. I.	Olney	Stiness
Fitzgerald	Key, Ohio	O'Shaunessy	Sulloway
Flynn	Konop	Overmyer	Swift
Focht	Lazaro	Paige, Mass.	Tague
Fordney	Lehlbach	Parker, N. J.	Talbott
Foss	Lesher	Phelan	Tilson
Freeman	Liebel	Platt	Tinkham
Gallagher	Linthicum	Porter	Treadway
Gallivan	Lobeck	Pou	Van Dyke
Gard	Loft	Reilly	Vare
Gardner	London	Riordan	Walsh
Garner	Longworth	Roberts, Mass.	Ward
Gillett	McAndrews	Roberts, Nev.	Watson, Pa.
Glynn	McArthur	Rodenberg	Wilson, Fla.
Gordon	McDermott	Rogers	Winslow
Gould	McGillicuddy	Rouse	

ANSWERED "PRESENT"—1.

Bennet

NOT VOTING—29.

Beakes	Graham	Kahn	Rowland
Beales	Hardy	Kent	Smith, Minn.
Borland	Hayes	Lieb	Sparkman
Buchanan, Ill.	Hensley	Matthews	Steele, Pa.
Cannon	Hill	Mooney	Webb
Carew	Hull, Tenn.	Oakey	
Conry	Humphrey, Wash.	Oglesby	
Garland	Jones	Patten	

So the first proposition of the Garrett substitute was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. HUMPHREY of Washington (for) with Mr. KAHN (against).

Mr. BENNET (for) with Mr. CONRY (against).

Mr. BUCHANAN of Illinois with Mr. MATTHEWS.

Mr. BORLAND with Mr. CANNON.

Mr. GANDY with Mr. BEALES.

Mr. HARDY with Mr. GARLAND.

Mr. HULL of Tennessee with Mr. HAYES.

Mr. JONES with Mr. OAKEY.

Mr. SPARKMAN with Mr. ROWLAND.

Mr. STEELE of Pennsylvania with Mr. SMITH of Minnesota.

Mr. WEBB with Mr. GRAHAM.

The result of the vote was then announced as above recorded.

The SPEAKER. The vote will now be taken on the second proposition of the Garrett substitute.

Mr. SABATH. Upon that I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays.

The question on ordering the yeas and nays was taken, and the Speaker announced that 47 had arisen, not a sufficient number.

Mr. SABATH. I demand the other side.

The SPEAKER. The gentleman from Illinois demands the other side. [After counting.] Not a sufficient number, and the yeas and nays are refused. The question now is on the second half of the Garrett substitute.

The question was taken; and on a division (demanded by Mr. SABATH) there were 193 ayes and 79 noes.

So the second proposition was agreed to.

The SPEAKER. The Clerk will report the Senate bill.

Mr. STAFFORD. Is not the question now on the original resolution as amended by the Garrett substitute?

The SPEAKER. The resolution has been adopted.

Mr. STAFFORD. It has not been submitted to the House as an integral proposition.

The SPEAKER. The two propositions have been agreed to, and the Clerk will read the Senate bill.

The Clerk read as follows:

An act (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes.

Be it enacted, etc., That on and after the 1st day of November, A. D. 1917, no person or persons, or any house, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, directly or indirectly, shall, in the District of Columbia, manufacture for sale or gift, import for sale or gift, sell, offer for sale, keep for sale, traffic in, barter, export, ship out of the District of Columbia, or exchange for goods or merchandise, or solicit or receive orders for the purchase of, any alcoholic or other prohibited liquors for beverage purposes or for any other than scientific, medicinal, pharmaceutical, mechanical, sacramental, or other nonbeverage purposes.

Wherever the term "alcoholic liquors" is used in this act it shall be deemed to include whisky, brandy, rum, gin, wine, ale, porter, beer,

cordials, hard or fermented cider, alcoholic bitters, ethyl alcohol, all malt liquors, and all other alcoholic liquors.

That any person or persons, or any house, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, who shall directly or indirectly violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $300 nor more than $1,000, and shall be imprisoned in the District Jail or workhouse for a period of not less than 30 days nor more than one year for each offense.

SEC. 2. That the provisions of this act shall not be construed to prevent the manufacture, importation, exportation, or sale of denatured or of methyl alcohol, or of ethyl alcohol, for scientific, medicinal, pharmaceutical, or mechanical purposes, nor to prevent the sale of alcoholic or other prohibited liquors by druggists for medicinal purposes on prescriptions of physicians under the regulations set out in section 3 of this act: *Provided*, That the manufacture and sale of ethyl alcohol or of alcoholic liquors for sacramental purposes within the District of Columbia shall be restricted to manufacturers and druggists licensed, respectively, to make and sell such alcohol and alcoholic or other prohibited liquors, as hereinafter provided, for scientific, mechanical, pharmaceutical, medicinal, or sacramental purposes only.

SEC. 2a. All railroad, steamboat, or other boat companies, express and transportation companies of any kind, which shall in any manner at any time transport intoxicating liquors into the District are hereby required to keep a record, alphabetically arranged, in which shall be entered immediately upon receipt thereof the name of every person shipping or to whom intoxicating liquors are shipped, the amount and kind of liquor, the date of delivery, by whom and to whom delivered, and the affidavit of the person receiving the liquor as provided herein. After this record is made and before delivery it shall be signed by the consignee. The book shall be open to the inspection of any person during the business hours of the company. Such books or a copy of such records, attested by an officer of the company or verified by affidavit, shall be admissible as evidence in any court and shall be prima facie evidence of the fact therein stated in any trial or proceeding for the enforcement of the provisions of this act.

An employee or agent of any express company, railroad company, steamboat company, or transportation company charged with the duty of keeping such record who shall fail to keep such record shall be guilty of a misdemeanor.

Any railroad company, express company, steamboat company, or transportation company who shall not require some one of its employees to keep such record shall be fined not less than $25 nor more than $100 for every day or portion thereof during which such failure shall continue.

No railroad or other transportation company shall receive a package of liquor to be shipped or carried into the District without having attached to it the affidavit of the consignee stating the amount of the liquors, the kinds of liquors ordered, and that it is not purchased for, nor will such liquors be used by the consignee for, an illegal purpose.

SEC. 3. That regularly licensed and registered druggists or pharmacists in the District of Columbia shall not sell alcoholic or other prohibited liquors nor compound nor mix any composition thereof, nor sell any malt extract or other proprietary medicines containing alcohol, except such compounds, compositions, malt extracts, or proprietary medicines be so medicated as to be medicinal preparations or compounds unfit for use as beverages, except upon a written and bona fide prescription of a duly licensed and regularly practicing physician in the District of Columbia, whose name shall be signed thereto. Such prescription shall contain a statement that the disease of the patient requires such a prescription, shall be numbered in the order of receiving, and shall be canceled by writing on it the word "canceled" and the date on which it was presented and filled, and kept on file in consecutive order, subject to public inspection at all times during business hours. No such prescription shall be filled more than once. Every druggist or pharmacist selling intoxicating liquors as herein provided shall keep a book provided for the purpose, and shall enter therein at the time of every sale a true record of the date of the sale, the name of the purchaser, who shall sign his name in said book as a part of the entry, his residence (giving the street and house number, if there be such), the kind and quantity and price of such liquor, the purpose for which it was sold, and the name of the physician giving the prescription therefor. Such book shall be open to public inspection during business hours, and shall be in form substantially as follows:

Date.	Name of purchaser.	Residence.	Kind and quantity.	Purpose of use.	Price.	Name of physician.	Signature of purchaser.

Said book shall be produced before the Commissioners of the District of Columbia or the courts when required, and shall also contain a statement of the kind and amount of alcoholic and other prohibited liquors on hand when this act shall go into effect, and thereafter such druggist or pharmacist shall, on the order of the court or the Commissioners of the District, make a statement of the amount of intoxicating liquor sold or used in any manner since the last statement and the amount on hand at the date when such court or commissioners require such statement: *Provided*, That ethyl alcohol may be sold without a physician's prescription for mechanical, medicinal, pharmaceutical, or scientific purposes by registered and licensed druggists or pharmacists, or by licensed manufacturers, each and all of whom shall keep a book for the purpose of registering such sales in a similar manner and form as required for the sale of other alcoholic and other prohibited liquors by the provisions of this section: *Provided further*, That any person who shall make any false statement as to the purpose or use of alcohol purchased under the provisions of this section shall be deemed guilty of a misdemeanor and be fined for each offense not less than $50 nor more than $300, and in default of the payment of such fine shall be imprisoned in the jail or workhouse of said District not more than six months.

Any druggist or pharmacist who shall sell or dispense any alcoholic or other prohibited liquors, except in such manner as provided in this section, or who shall fail or refuse to keep the record herein required, or who shall refill any prescription, or who shall violate any other provisions of this act, shall be guilty of illegal selling, and upon conviction thereof shall be subject to the penalties prescribed in section 1 of this act. Upon a second conviction for said offense, in addition to the penalties prescribed in said section 1, it shall be a part of the judgment of conviction that the license of such druggist or pharmacist to practice pharmacy shall be revoked, and the court before which such person is tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue license to practice pharmacy in the District of Columbia.

Any physician who shall prescribe any alcoholic or other prohibited liquor except for treatment of disease, which, after his own personal diagnosis, he shall deem to require such treatment, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $100 nor more than $500, and in default of payment of said fine shall be imprisoned in the District jail or workhouse for not less than 30 nor more than 90 days, and upon a second conviction for said offense, in addition to the penalty above provided, it shall be a part of the judgment of conviction that the license of such physician to practice medicine be revoked, and the court before which such physician is tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue licenses to practice medicine in the District of Columbia.

SEC. 4. That when any minister, pastor, or priest of a religious congregation or church desires wine for sacramental purposes in the usual religious exercises of his denomination, he may apply to the Commissioners of the District of Columbia for a permit, stating the amount desired, for what period, and for what purpose, and said commissioners, if satisfied of the good faith of the application, shall grant a written permit to the applicant permitting the shipment to him, or the purchase by him, of such amount as is shown to be reasonably necessary, which amount shall be stated in the permit, together with the purpose for which it is to be used and the period to be covered by such use; the amount of wine permitted to be shipped or purchased under one permit shall not exceed 5 gallons, and the said permit shall be attached to the outside of the package by the shipper and remain so attached until delivered to the consignee, when it shall be canceled by the carrier. Said permit shall be void after 20 days, and shall not be used for more than one shipment.

SEC. 5. Any person, company, or corporation desiring to manufacture alcoholic or other prohibited liquors for the purposes permitted in this act shall on or before the 1st day of November of each year obtain a license from the Commissioners of the District of Columbia for the year beginning November 1 upon the payment of $100, which money shall be deposited with other license funds of the District. Druggists, wholesale or retail, desiring to sell alcoholic or other prohibited liquors for the purposes permitted in this act shall obtain a license in the same way for the same period, the fee for wholesale druggists being $25, for retail druggists $10. The commissioners shall have power to refuse or revoke all licenses referred to in this section if doubtful of the good faith of the licensee and his intention to comply with this act. Manufacturers licensed according to this section shall sell alcoholic and other prohibited liquors within the District of Columbia to druggists, hospitals, and scientific laboratories only, and only to such druggists as are licensed under the terms of this section. No others than druggists and manufacturers licensed according to this section may manufacture or sell alcoholic and other prohibited liquors in the District of Columbia, and these only for the purposes permitted by this act. Violations of this section shall be punished by fine of not less than $300 nor more than $1,000, and by imprisonment in the District jail or workhouse for not less than 30 days nor more than one year: *Provided*, That nothing in this act shall prevent any executive department or other establishment of the United States Government from purchasing or importing into the District of Columbia, free of tax and for its own uses, denatured, methyl, or ethyl alcohol for scientific, medicinal, pharmaceutical, or mechanical purposes.

SEC. 5a. That every licensed manufacturer of alcoholic liquor not herein prohibited shall keep a permanent record of all sales and shipments of alcoholic liquor. Such record shall set forth the following information: The name of the consignee or purchaser, the quantity of liquor, the express company or other carrier by which such liquor was shipped, the date of sale or shipment, and the purpose of the purchase as set forth in the affidavit accompanying the order. Each common or special carrier of alcoholic liquors within the District shall keep a record as above provided, and a certified copy of such record with a copy of the affidavits shall be filed with the District Commissioners not later than the 5th day of each month for the calendar month preceding. No shipment of alcoholic liquors shall be made until the purchaser signs an affidavit that such alcoholic liquors are not purchased for nor will such liquors be used or sold by the consignee for beverage purposes. The District Commissioners shall keep a public record of such sales, shipments, and affidavits, alphabetically arranged. Copies of the affidavit shall be attached permanently at the end of the record of each shipment or sale, and to each package containing liquor until delivered to the consignee. Any violation of this section shall be deemed a misdemeanor and be subject to the same penalties as provided in section 1 of this act.

SEC. 6. That it shall be unlawful for any common or other carrier, express company, or any person to deliver to any person, company, corporation, club, or association or order, his, or its agents, clerks, or employees, any liquors in the District of Columbia knowing the same to be such, and in the case of shipments of liquors for purposes not prohibited it shall be unlawful to bring the same into the District of Columbia, or to deliver the same therein, in original packages or otherwise, on any Sunday or on any other day before 6 o'clock a. m. and after 5 o'clock p. m. Any common or other carrier, express company, or any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 or more than $500, or be confined in the District jail or workhouse not less than one nor more than six months, or by both fine and imprisonment in the discretion of the court.

SEC. 7. That every person who shall directly or indirectly keep or maintain by himself or by associating with others, or who shall in any manner aid, assist, or abet in keeping or maintaining any clubhouse, or other place in which any alcoholic liquor is received or kept for the purpose of gift, barter, or sale, or for distribution or division among the members of any club or association by any means whatsoever, or who shall maintain what is commonly known as the "locker system" or other device for evading the provisions of this act, and every person who shall use, barter, sell, or assist or abet in bartering, selling any liquors so received or kept, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties prescribed in section 1 of this act; and in all cases the members, shareholders, associates, or employees in any club or association mentioned in this section shall be competent witnesses to prove any violations of the provisions of this section of this act, or of any fact

tending thereto; and no person shall be excused from testifying as to any offense committed by another against any of the provisions of this act by reason of his testimony tending to criminate himself, but the testimony given by such person shall in no case be used against him.

SEC. 8. The keeping or giving away of alcoholic or other prohibited liquors for the purpose of evading the provisions of this act shall be deemed an unlawful selling, subject to the penalties provided in section 1 of this act.

SEC. 9. That if any person shall advertise or give notice by signs, billboards, newspapers, periodicals, or otherwise for himself or another the manufacture, offering for sale, or keeping for sale of alcoholic or other prohibited liquors for purposes forbidden or prohibited under this act, or shall circulate or distribute any price list, circulars, or order blanks advertising such liquors, or publish or distribute any newspaper, magazine, periodical, or other written or printed paper in which such advertisements of liquors appear, or shall permit to be posted upon his premises, or premises under his control (including billboards) or shall permit the same to so remain upon such premises, he shall be guilty of a misdemeanor and be fined not less than $100 nor more than $500.

SEC. 10. That if one or more persons who are competent witnesses shall charge, on oath or affirmation before the corporation counsel of the District of Columbia or any of his assistants duly authorized to act for him, presenting that any person, company, copartnership, association, club, or corporation has or have violated or is violating the provisions of this act by manufacturing, offering for sale, keeping for sale, trafficking in, bartering, exchanging for goods, or otherwise furnishing alcoholic liquor, shall request said corporation counsel or any of his assistants duly authorized to act for him to issue a warrant, said attorney or any of his assistants shall issue such warrant, in which warrant the room, house, building, or other place in which the violation is alleged to have occurred or is occurring shall be specifically described, and said warrant shall be placed in the hands of the captain or acting captain of the police precinct in which the room, house, building, or other place above referred to is located, commanding him to at once thoroughly search said described room, house, building, or other place, and the appurtenances thereof, and if any such be found, to take into his possession and safely keep, to be produced as evidence when required, all alcoholic liquors and all the means of dispensing the same, also all the paraphernalia or part of the paraphernalia of a barroom or other alcoholic liquor establishment, and any United States internal-revenue tax receipt or certificate for the manufacture or sale of alcoholic liquor effective for the period of time covering the alleged offense, and forthwith report all the facts to the corporation counsel of the District of Columbia, and such alcoholic liquor or the means for dispensing same, or the paraphernalia of a barroom or other alcoholic liquor establishment, or any United States internal-revenue tax receipt or certificate for the sale of alcoholic liquor effective as aforesaid, shall be prima facie evidence of the violation of the provisions of this act.

SEC. 11. That any person who shall, in the District of Columbia, in any street, or public or private road, alley, or in any public place or building or in or upon any street car, any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, or waiting station, drink any alcoholic liquor of any kind, or if any person shall be drunk or intoxicated in any street, alley, or public or private road or in any railroad passenger train, street car, or any public place or building, or at any public gathering, or if any person shall be drunk or intoxicated and shall disturb the peace of any person anywhere, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $10 nor more than $100, or by imprisonment for not less than 5 days nor more than 30 days in the workhouse or jail of the District of Columbia, or by both such fine and imprisonment.

SEC. 12. The payment of the special tax required of wholesale or retail liquor dealers by the United States by any person or persons other than manufacturers or druggists licensed under section 5 of this act, within the District of Columbia, shall be prima facie evidence that such person or persons are engaged in keeping and selling, offering, and exposing for sale alcoholic liquors contrary to the provisions of this act, and a certificate from the collector of internal revenue, his agents, clerks, or deputies showing the payment of such tax, and the name or names of persons to whom issued, and the names of the person or persons, if any, associated with the person to whom such tax receipt is issued, shall be sufficient evidence of the payment of such tax and of the association of such persons for the selling and keeping, offering and exposing for sale of liquors contrary to the provisions of this act in all trials or legal inquiries.

SEC. 13. All houses, boathouses, buildings, clubrooms, and places of every description, including drug stores, where alcoholic liquors are manufactured, sold, vended, or furnished contrary to law (including those in which clubs, orders, or associations sell, barter, distribute, or dispense intoxicating liquors to their members, by any means or device whatever, as provided in section 8 of this act) shall be held, taken, and deemed common and public nuisances. And any person who shall maintain, or shall aid or abet, or knowingly be associated with others in maintaining such common and public nuisance, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties prescribed in section 1 of this act, and judgment shall be given that such house, building, or other place, or any room therein, be abated or closed up as a place for the sale or keeping of such liquor contrary to law, as the court may determine.

SEC. 14. The United States district attorney for the District of Columbia, or any citizen of the District of Columbia, may maintain an action in equity in the name of the United States to abate and perpetually enjoin such a nuisance as defined in the preceding section. The injunction shall be granted at the commencement of the action, and no bond shall be required. Any person violating the terms of any injunction granted in such proceedings shall be punished for contempt by a fine of not less than $100 nor more than $500 and by imprisonment in the District jail or workhouse for not less than 30 days nor more than six months, in the discretion of the court.

SEC. 15. That when any violation of this act is threatened, or shall have occurred, or is occurring, the doing of, or the continuance or repetition of the unlawful act, or any of like kind by the offending party may be prevented by a writ of injunction out of a court of equity upon a bill filed in all respects as in cases of liquor nuisances; in like manner the writ of injunction may be employed to compel obedience to any provision of this act.

SEC. 16. If a tenant of a building or tenement uses such premises, or any part thereof, in maintaining a common nuisance as hereinbefore defined, or knowingly permits such use by another, such use shall render void the lease under which he holds, and shall cause the right of possession to revert to the owner or lessor, who may, without process of law, make immediate entry upon the premises, or may avail himself of the remedy provided for the forcible detention thereof.

SEC. 17. Anyone who knowingly permits any building owned or leased by him or under his control, or any part thereof, to be used in maintaining a common nuisance hereinbefore described in section 14 of this act, after being notified in writing of such use, neglects to take all reasonable measures to eject therefrom the person so using the same, shall be deemed guilty of assisting in maintaining such nuisance.

SEC. 18. That no property rights of any kind shall exist in alcoholic liquors or beverages illegally manufactured, received, possessed, or stored under this act, and in all such cases the liquors are forfeited to the District of Columbia and may be searched for and seized and ordered to be destroyed by the court after a conviction when such liquors have been seized for use as evidence, or upon satisfactory evidence to the court presented by the corporation counsel that such liquors are contraband.

SEC. 19. Every wife, child, parent, guardian, or employer, or other person who shall be injured in person or property or means of support by any intoxicated person, or in consequence of intoxication, habitual or otherwise, of any person, such wife, child, parent, or guardian shall have a right of action, in his or her own name, against any person who shall, by selling or bartering intoxicating liquors, have caused the intoxication of such person, for all damages actually sustained, as well as for exemplary damages; and a married woman shall have the right to bring suit, prosecute, and control the same, and the amount recovered the same as if unmarried; and all damages recovered by a minor under this act shall be paid either to such minor or to his or her parents, guardian, or next friend, as the court shall direct.

SEC. 20. If any person while in charge of a locomotive engine, or while acting as a conductor or brakeman of a car or train of cars, or while in charge of any street car, steamboat, launch, or other water craft, and while in charge of or operating any automobile or horse vehicle in the District of Columbia shall be intoxicated, he shall be guilty of a misdemeanor, and if convicted shall be punished by a fine of not less than $25 nor more than $300, and in default in payment of said fine shall be imprisoned in the District jail or workhouse for not exceeding three months, or both fine and imprisonment in the discretion of the court.

SEC. 21. It shall be the duty of the Commissioners of the District of Columbia to enforce the provisions of this act. They shall detail qualified members of the police force to detect violations of the act, if any, and to report promptly all knowledge or information they may have concerning such violations, together with the names of any witnesses by whom they may be proven to the corporation counsel; but it shall be the duty of all members of the police force to detect violations of the act and to promptly report any information or knowledge concerning the same to the corporation counsel, together with the names of witnesses, by whom such violations may be proven; and the corporation counsel shall bring such alleged violators of the law to trial with all due diligence.

If any such officer shall fail to comply with the provisions of this section, he shall upon conviction be fined in any sum not less than $100 nor more than $500; and such conviction shall be a forfeiture of the office held by such person, and the court before whom such conviction is had shall in addition to imposition of the fine aforesaid order and adjudge the forfeiture of his said office. For a failure or neglect of official duty in the enforcement of this act any official herein referred to may be removed by court action.

SEC. 22. That prosecutions for violations of the provisions of this act shall be on information filed in the police court by the corporation counsel of the District of Columbia or any of his assistants duly authorized to act for him; and said corporation counsel or his assistants shall file such information upon the presentation to him or his assistants of sworn information that the law has been violated; and such corporation counsel and his assistants shall have power to administer oaths to such informant or informants and such others as present themselves; and anyone making a false oath to any material fact shall be deemed guilty of perjury and subject to the same penalties as now provided by law for such offense.

When, however, it appears to the Commissioners of the District of Columbia that it will be in the interest of more effective enforcement of the provisions of this act they may request the United States district attorney for the District of Columbia to prosecute persons charged with offenses against the law, and when so requested by said commissioners the said district attorney shall proceed before the grand jury and in the Supreme Court of the District of Columbia to prosecute such offenders in manner now prescribed by law for the prosecution of persons charged with violations of the laws against crime in the District of Columbia.

SEC. 23. That if for any reason any section, paragraph, provision, clause, or part of this act shall be held unconstitutional or invalid, that fact shall not affect or destroy any other section, paragraph, provision, clause, or part of the act not in and of itself invalid, but the remaining parts of sections shall be enforced without regard to that so invalidated.

SEC. 24. That in the interpretation of this act words of the singular number shall be deemed to include their plurals, and words of the masculine gender shall be deemed to include the feminine, as the case may be.

SEC. 25. That this act shall be in full force and effect on and after the 1st day of November, 1913, and all laws and parts of laws inconsistent herewith be, and they are hereby, repealed; and that the excise board for the District of Columbia, provided for and established under the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, be, and it is hereby, abolished upon the taking effect of this act.

During the reading of the bill,

Mr. EDWARDS (interrupting the reading). Mr. Speaker, I ask unanimous consent that the bill be considered as read, and that it proceed to its final passage.

The SPEAKER. The rule provides that the bill be read.

Mr. EDWARDS. Mr. Speaker, I understand that anything can be done in the House by unanimous consent.

The SPEAKER. The rule has been adopted which provides that the bill shall be read, and the Chair will hold that it must be read.

The Clerk continued the reading.

Mr. CARY (interrupting the reading). Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and twenty-five Members present, a quorum. The Clerk will read.

The Clerk concluded the reading of the bill.

The SPEAKER. The question is on the third reading of the Senate bill.

Mr. CARY. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from Wisconsin demands the yeas and nays on the third reading of the Senate bill. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Twenty-nine gentlemen have risen, not a sufficient number, and the yeas and nays are refused.

The question was taken, and the bill was ordered to be read a third time.

Mr. CARY. Mr. Speaker, I did not hear the count of those who wanted the yeas and nays.

The SPEAKER. Twenty-nine Members rose, not a sufficient number, and the yeas and nays were refused.

Mr. CARY. I would like to know what the other side is.

The SPEAKER. That demand comes too late. The Clerk will read the bill the third time.

The bill was read the third time.

Mr. GALLIVAN. Mr. Speaker, I move to recommit the bill S. 1082 to the Committee on the District of Columbia, with instructions to report the bill forthwith with an amendment striking out all after the enacting clause and inserting in lieu thereof the following, which I send to the Clerk's desk. In that connection, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read.

The Clerk proceeded to read the motion to recommit.

Mr. GALLIVAN (interrupting the reading). Mr. Speaker, I have no desire to have this entire motion read, if I may be permitted to explain to the House that it is a motion to recommit and that the motion provides for a referendum to the citizens of the District of Columbia and a "bone-dry" proposition.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that the matter may be printed in the RECORD. Is that satisfactory to the gentleman?

Mr. GALLIVAN. Certainly.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the reading of the bill may be dispensed with?

Mr. GARRETT. Yes, Mr. Speaker; I ask unanimous consent that the reading of the motion be dispensed with and that the gentleman may be permitted to proceed for five minutes; also that the amendment be inserted in the RECORD.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the reading of the motion to recommit may be dispensed with and that it be printed in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, is this a matter that we are going to vote on?

The SPEAKER. Yes.

Mr. MANN. Then we ought to know what it is, and I object.

The SPEAKER. The gentleman from Illinois objects, and the Clerk will read.

The Clerk read as follows:

That upon the application of 25 per cent of the taxpayers over 21 years of age, resident citizens of the District of Columbia, by petition in writing signed in person by such resident citizens, addressed to and filed with the Commissioners of the District of Columbia, asking that an election be held in such District for the purpose of submitting to the qualified voters thereof the question of whether or not the manufacture and sale of spirituous, vinous, or malt liquors shall be licensed therein, they shall within 30 days after the presentation of such petition order an election to be held in such District within 40 days from the time of making such order to determine the question of whether or not the manufacture and sale of spirituous, vinous, or malt liquors shall be licensed in compliance with existing law, or whether the sale of spirituous, vinous, or malt liquors within the District of Columbia shall be prohibited under the terms prescribed in this act.

SEC. 2. That all persons domiciled in the District of Columbia, who are citizens of the United States, who are over the age of 21 years, of sound mind, and have not been convicted of an offense involving moral turpitude, and who have been so domiciled in the District of Columbia and the voting precinct of their domicile for more than one year prior to the date of the holding of said election, whether they maintain or have maintained a voting status elsewhere or not, and who can read and write and who has paid all taxes and assessments due from them and unpaid by them to the Federal Government and the government of the District of Columbia, shall constitute the qualified voters at said election. The managers of the said election shall be the judges of the qualifications of the voters.

SEC. 3. That notice of such election shall be published for 20 days preceding the election in some newspaper published in said District. The Commissioners of the District of Columbia shall provide for and give the publication and notice required in this section, and shall divide the District of Columbia into convenient precincts and prescribe the voting places in said precincts, and give notice of the boundaries of said precincts and of the voting places at the time the notice is given of the holding of said election.

SEC. 4. That the Commissioners of the District of Columbia shall, within 10 days after the election is so ordered, appoint three managers, two clerks, and one returning officer for each precinct or voting place in said district to manage, conduct, and make returns of said election. Such managers, clerks, and returning officers so appointed shall, so far as practicable, be equally divided between those who favor and those who oppose the licensing of the manufacture and sale of said liquors.

SEC. 5. That as soon as practicable after the appointment of such managers, clerks, and returning officers for said election the commissioners shall notify each of them, in writing, of his appointment. Before opening the polls the managers, clerks, and returning officers appointed to conduct the election shall take an oath to support the Constitution of the United States and to faithfully perform their duties as officers of the election.

SEC. 6. That in the elections authorized under this act, submitting the question of licensing the manufacture and sale of liquors, the issue shall be, first, whether or not such manufacture and sale shall be permitted under existing law, or, second, whether such manufacture and sale of said liquors shall be prohibited under the terms prescribed in this act. The ballot issued in said election shall have printed thereon such phraseology as will enable each voter to express intelligently and clearly his or her choice on the issue to be voted upon by making a cross mark opposite to certain of the phrases so printed on the ballot, and the choice of the voter shall be so expressed. No ballot or vote shall be rejected or the count thereof refused for any failure to comply with this section if the ballot clearly shows or indicates the choice of the voter as to such of the issues submitted in the election as he or she attempts to vote upon. The purpose hereof is to provide for the determination of the issues indicated by a majority vote at the elections hereby authorized, and not to deprive any voter of his or her vote merely because of any technical inaccuracy or informality in his or her ballot.

SEC. 7. That the commissioners shall prepare and provide the necessary ballots, poll list, tally sheets, return sheets, instructions for holding the election, ballot boxes, voting booths, and other stationery or material necessary for the proper holding of the election, and the commissioners shall see that the same are delivered to one of the managers of each election precinct or voting place before the day of election. The Commissioners of the District of Columbia are authorized and directed to appoint a registrar, or registrars, in each election precinct, whose duty it shall be to register the qualified voters of said precincts at such time and place, and in such manner as may be prescribed by the Commissioners of the District of Columbia, and the said commissioners are hereby authorized to make such other rules and regulations and issue such orders as may be necessary, in their discretion, for the management of and the fair and orderly conduct of the said election; and shall order that all bars, saloons, and other places where intoxicating liquors are sold in the District of Columbia shall be closed on the day of election.

SEC. 8. That immediately after the polls are closed the managers shall duly ascertain the result of the election at their respective voting places and make a certificate thereof, and also a copy of said certificate, and deliver the original certificate and ballot box containing the returns so made, together with the ballots, poll list, tally sheets, and other necessary papers to the returning officer for said polling place, who shall deliver the same to the commissioners at their office on or before noon of the second day after the election, and at the time of the delivery of said documents to the said returning officer, the managers shall post a copy of their said certificate at the voting place.

SEC. 9. That said commissioners shall, in open session five days after the election, canvass the returns so made, and under oath make a written declaration of the result of the election, showing the number of votes cast at each voting place for licensing the manufacture and sale of said liquors and the number of votes cast against licensing the manufacture and sale of said liquors. Said report shall be filed and recorded at once in the office of said commissioners and published in a newspaper published in the District of Columbia.

SEC. 10. That if in any election held under the authority of this act, a majority of legal votes cast in said election shall be for the licensing the manufacture and sale of said liquors, thereafter the manufacture and sale of said liquors shall continue under the law as it exists in the District of Columbia at the time of the passage of this act, subject to any modifications that may be subsequently made by the Congress of the United States, but if in any election held under the authority of this act a majority of legal votes cast in said election shall be for the prohibition of the manufacture and sale of said liquors in the District of Columbia, then sections 11 to 34, both inclusive, of this act shall become operative and remain in effect until a subsequent election held for the purpose of determining whether or not the licensed manufacture and sale of said liquors shall be permitted in the District of Columbia changes the result.

SEC. 11. That on and after 30 days after the Commissioners of the District of Columbia shall declare that a majority of the qualified voters of the District of Columbia have voted in favor of the prohibition of the manufacture and sale of spirituous, vinous, or malt liquors under the terms of this act no person or persons, or any house, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, directly or indirectly, shall, in the District of Columbia manufacture for sale or gift, import for sale or gift, sell, offer for sale, keep for sale, traffic in, barter, export, ship out of the District of Columbia, or exchange for goods or merchandise, or solicit or receive orders for the purchase of, any alcoholic or other prohibited liquors for beverage purposes or for any other than scientific, medicinal, pharmaceutical, mechanical, sacramental, or other nonbeverage purposes.

Wherever the term "alcoholic liquors" is used in this act it shall be deemed to include whisky, brandy, rum, gin, wine, ale, porter, beer, cordials, hard or fermented cider, alcoholic bitters, ethyl alcohol, all malt liquors, and all other alcoholic liquors.

Any person or persons, or any house, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, who

shall directly or indirectly violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $300 nor more than $1,000, and shall be imprisoned in the District Jail or workhouse for a period of not less than 30 days nor more than one year for each offense.

SEC. 12. That the provisions of this act shall not be construed to prevent the manufacture, importation, exportation, or sale of denatured or of methyl alcohol, or of ethyl alcohol for scientific, medicinal, pharmaceutical, or mechanical purposes, nor to prevent the sale of alcoholic or other prohibited liquors by druggists for medicinal purposes on prescriptions of physicians under the regulations set out in section 14 of this act: *Provided*, That the manufacture and sale of ethyl alcohol or of alcoholic liquors for sacramental purposes within the District of Columbia shall be restricted to manufacturers and druggists licensed, respectively, to make and sell such alcohol and alcoholic or other prohibited liquors, as hereinafter provided, for scientific, mechanical, pharmaceutical, medicinal, or sacramental purposes only.

SEC. 13. That all railroad, steamboat, or other boat companies, express and transportation companies of any kind, which shall in any manner at any time transport intoxicating liquors into the District, are hereby required to keep a record, alphabetically arranged, in which shall be entered immediately upon receipt thereof the name of every person shipping or to whom intoxicating liquors are shipped, the amount and kind of liquor, the date of delivery, by whom and to whom delivered, and the affidavit of the person receiving the liquor as provided herein. After this record is made and before delivery it shall be signed by the consignee. The book shall be open to the inspection of any person during the business hours of the company. Such books or a copy of such records, attested by an officer of the company or verified by affidavit, shall be admissible as evidence in any court and shall be prima facie evidence of the fact therein stated in any trial or proceeding for the enforcement of the provisions of this act.

An employee or agent or any express company, railroad company, steamboat company, or transportation company charged with the duty of keeping such record who shall fail to keep such record shall be guilty of a misdemeanor.

Any railroad company, express company, steamboat company, or transportation company who shall not require some one of its employees to keep such record shall be fined not less than $25 nor more than $100 for every day or portion thereof during which such failure shall continue.

No railroad or other transportation company shall receive a package of liquor to be shipped or carried into the District without having attached to it the affidavit of the consignee stating the amount of the liquors, the kinds of liquors ordered, and that it is not purchased for, nor will such liquors be used by the consignee for, an illegal purpose.

SEC. 14. That regularly licensed and registered druggists or pharmacists in the District of Columbia shall not sell alcoholic or other prohibited liquors nor compound nor mix any composition thereof, nor sell any malt extract or other proprietary medicines containing alcohol, except such compounds, compositions, malt extracts, or proprietary medicines be so medicated as to be medicinal preparations or compounds unfit for use as beverages, except upon a written and bona fide prescription of a duly licensed and regularly practicing physician in the District of Columbia, whose name shall be signed thereto. Such prescription shall contain a statement that the disease of the patient requires such a prescription, shall be numbered in the order of receiving, and shall be canceled by writing on it the word "canceled" and the date on which it was presented and filled, and kept on file in consecutive orders, subject to public inspection at all times during business hours. No such prescription shall be filled more than once. Every druggist or pharmacist selling intoxicating liquors as herein provided shall keep a book provided for the purpose, and shall enter therein at the time of every sale a true record of the date of the sale, the name of the purchaser, who shall sign his name in said book as a part of the entry, his residence (giving the street and house number, if there be such), the kind and quantity and price of such liquor, the purpose for which it was sold, and the name of the physician giving the prescription therefor. Such book shall be open to public inspection during business hours, and shall be in form substantially as follows:

Date.	Name of purchaser	Residence.	Kind and quantity.	Purpose of use.	Price.	Name of physician.	Signature of purchaser.

Said book shall be produced before the Commissioners of the District of Columbia or the courts when required, and shall also contain a statement of the kind and amount of alcoholic and other prohibited liquors on hand when this act shall go into effect, and thereafter such druggist or pharmacist shall, on the order of the court or the Commissioners of the District, make a statement of the amount of intoxicating liquor sold or used in any manner since the last statement and the amount on hand at the date when such court or commissioners require such statement: *Provided*, That ethyl alcohol may be sold without a physician's prescription for mechanical, medicinal, pharmaceutical, or scientific purposes by registered and licensed druggists or pharmacists, or by licensed manufacturers, each and all of whom shall keep a book for the purpose of registering such sales in a similar manner and form as required for the sale of other alcoholic and other prohibited liquors by the provisions of this section: *Provided further*, That any person who shall make any false statement as to the purpose or use of alcohol purchased under the provisions of this section shall be deemed guilty of a misdemeanor and be fined for each offense not less than $50 nor more than $300, and in default of the payment of such fine shall be imprisoned in the jail or workhouse of said District not more than six months.

Any druggist or pharmacist who shall sell or dispense any alcoholic or other prohibited liquors, except in such manner as provided in this section, or who shall fail or refuse to keep the record herein required, or who shall refill any prescription, or who shall violate any other provisions of this act, shall be guilty of illegal selling, and upon conviction thereof shall be subject to the penalties prescribed in section 11 of this act. Upon a second conviction for said offense, in addition to the penalties prescribed in said section 11, it shall be a part of the judgment of conviction that the license of such druggist or pharmacist to practice pharmacy shall be revoked, and the court before which such person is tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue license to practice pharmacy in the District of Columbia.

Any physician who shall prescribe any alcoholic or other prohibited liquor except for treatment of disease, which, after his own personal diagnosis, he shall deem to require such treatment, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $100 nor more than $500, and in default of payment of said fine shall be imprisoned in the District Jail or workhouse for not less than 30 nor more than 90 days, and upon a second conviction for said offense, in addition to the penalty above provided, it shall be a part of the judgment of conviction that the license of such physician to practice medicine be revoked, and the court before which such physician is tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue licenses to practice medicine in the District of Columbia.

SEC. 15. That when any minister, pastor, or priest of a religious congregation or church desires wine for sacramental purposes in the usual religious exercises of his denomination, he may apply to the Commissioners of the District of Columbia for a permit, stating the amount desired, for what period, and for what purpose, and said commissioners, if satisfied of the good faith of the application, shall grant a written permit to the applicant permitting the shipment to him, or the purchase by him, of such amount as is shown to be reasonably necessary, which amount shall be stated in the permit, together with the purpose for which it is to be used and the period to be covered by such use; the amount of wine permitted to be shipped or purchased under one permit shall not exceed 5 gallons, and the said permit shall be attached to the outside of the package by the shipper and remain so attached until delivered to the consignee when it shall be canceled by the carrier. Said permit shall be void after 20 days, and shall not be used for more than one shipment.

SEC. 16. That any person, company, or corporation desiring to manufacture alcoholic or other prohibited liquors for the purposes permitted in this act shall on or before the 1st day of November of each year obtain a license from the Commissioners of the District of Columbia for the year beginning November 1 upon the payment of $100, which money shall be deposited with other license funds of the District. Druggists, wholesale or retail, desiring to sell alcoholic or other prohibited liquors for the purposes permitted in this act shall obtain a license in the same way for the same period, the fee for wholesale druggists being $25, for retail druggists $10. The commissioners shall have power to refuse or revoke all licenses referred to in this section if doubtful of the good faith of the licensee and his intention to comply with this act. Manufacturers licensed according to this section shall sell alcoholic and other prohibited liquors within the District of Columbia to druggists, hospitals, and scientific laboratories only, and only to such druggists as are licensed under the terms of this section. No others than druggists and manufacturers licensed according to this section may manufacture or sell alcoholic and other prohibited liquors in the District of Columbia, and these only for the purposes permitted by this act. Violations of this section shall be punished by fine of not less than $300 nor more than $1,000, and by imprisonment in the District jail or workhouse for not less than 30 days nor more than one year: *Provided*, That nothing in this act shall prevent any executive department or other establishment of the United States Government from purchasing or importing into the District of Columbia, free of tax and for its own uses, denatured, methyl, or ethyl alcohol for scientific, medicinal, pharmaceutical, or mechanical purposes.

SEC. 17. That every licensed manufacturer of alcoholic liquor not herein prohibited shall keep a permanent record of all sales and shipments of alcoholic liquor. Such record shall set forth the following information: The name of the consignee or purchaser, the quantity of liquor, the express company or other carrier by which such liquor was shipped, the date of sale or shipment, and the purpose of the purchase as set forth in the affidavit accompanying the order. Each common or special carrier of alcoholic liquors within the District shall keep a record as above provided, and a certified copy of such record with a copy of the affidavits shall be filed with the District Commissioners not later than the 5th day of each month for the calendar month preceding. No shipment of alcoholic liquors shall be made until the purchaser signs an affidavit that such alcoholic liquors are not purchased for nor will such liquors be used or sold by the consignee for beverage purposes. The District Commissioners shall keep a public record of such sales, shipments, and affidavits, alphabetically arranged. Copies of the affidavit shall be attached permanently at the end of the record of each shipment or sale, and to each package containing liquor until delivered to the consignee. Any violation of this section shall be deemed a misdemeanor and be subject to the same penalties as provided in section 11 of this act.

SEC. 18. That it shall be unlawful for any common or other carrier, express company, or any person to deliver to any person, company, corporation, club, or association, or order, his or its agents, clerks, or employees, any liquors in the District of Columbia, knowing the same to be such; and in the case of shipments of liquors for purposes not prohibited it shall be unlawful to bring the same into the District of Columbia, or to deliver the same therein, in original packages or otherwise, on any Sunday or on any other day before 6 o'clock a. m. and after 5 o'clock p. m. Any common or other carrier, express company, or any person violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than $100 nor more than $500, or be confined in the District jail or workhouse not less than one or more than six months, or by both fine and imprisonment, in the discretion of the court.

SEC. 19. That every person who shall directly or indirectly keep or maintain by himself or by associating with others, or who shall in any manner aid, assist, or abet in keeping or maintaining any clubhouse or other place in which any alcoholic liquor is received or kept for the purpose of gift, barter, or sale, or for distribution or division among the members of any club or association by any means whatsoever, or who shall maintain what is commonly known as the "locker system" or other device for evading the provisions of this act, and every person who shall use, barter, sell, assist or abet in bartering or selling any liquors so received or kept shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalties prescribed in section 11 of this act; and in all cases the members, shareholders, associates, or employees in any club or association mentioned in this section shall be competent witnesses to prove any violations of the provisions of this section of this act, or of any fact tending thereto; and no person shall be excused from testifying as to any offense committed by another against any of the provisions of this act by reason of his testimony tending to criminate himself, but the testimony given by such person shall in no case be used against him.

SEC. 20. That the keeping or giving away of alcoholic or other prohibited liquors for the purpose of evading the provisions of this act shall be deemed an unlawful selling, subject to the penalties provided in section 11 of this act.

SEC. 21. That if any person shall advertise or give notice by signs, billboards, newspapers, periodicals, or otherwise, for himself or another, the manufacture, offering for sale, or keeping for sale of alcoholic or other prohibited liquors for purposes forbidden or prohibited under this act, or shall circulate or distribute any price list, circulars, or order blanks advertising such liquors, or publish or distribute any newspaper, magazine, periodical, or other written or printed paper in which such advertisements of liquors appear, or shall permit to be posted upon his premises, or premises under his control (including billboards), or shall permit the same to so remain upon such premises, he shall be guilty of a misdemeanor and be fined not less than $100 nor more than $500.

SEC. 22. That if one or more persons who are competent witnesses shall charge on oath or affirmation before the corporation counsel of the District of Columbia or any of his assistants duly authorized to act for him, presenting that any person, company, copartnership, association, club, or corporation has or have violated or is violating the provisions of this act by manufacturing, offering for sale, keeping for sale, trafficking in, bartering, exchanging for goods, or otherwise furnishing alcoholic liquor, shall request said corporation counsel or any of his assistants duly authorized to act for him to issue a warrant, said attorney or any of his assistants shall issue such warrant, in which warrant the room, house, building, or other place in which the violation is alleged to have occurred or is occurring shall be specifically described, and said warrant shall be placed in the hands of the captain or acting captain of the police precinct in which the room, house, building, or other place above referred to is located, commanding him to at once thoroughly search said described room, house, building, or other place, and the appurtenances thereof, and if any such be found, to take into his possession and safely keep, to be produced as evidence when required, all alcoholic liquors and all the means of dispensing the same, also all the paraphernalia or part of the paraphernalia of a barroom or other alcoholic liquor establishment, and any United States internal-revenue tax receipt or certificate for the manufacture or sale of alcoholic liquor effective for the period of time covering the alleged offense, and forthwith report all the facts to the corporation counsel of the District of Columbia, and such alcoholic liquor or the means for dispensing same, or the paraphernalia of a barroom or other alcoholic liquor establishment, or any United States internal-revenue tax receipt or certificate for the sale of alcoholic liquor effective as aforesaid, shall be prima facie evidence of the violation of the provisions of this act.

SEC. 23. That any person who shall, in the District of Columbia, in any street, or public or private road, alley, or in any public place or building or in or upon any street car, any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, or waiting station, drink any alcoholic liquor of any kind, or if any person shall be drunk or intoxicated in any street, alley, or public or private road or in any railroad passenger train, street car, or any public place or building, or at any public gathering, or if any person shall be drunk or intoxicated and shall disturb the peace of any person anywhere, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $10 nor more than $100, or by imprisonment for not less than 5 days nor more than 30 days in the workhouse or jail of the District of Columbia, or by both such fine and imprisonment.

SEC. 24. That the payment of the special tax required of wholesale or retail liquor dealers by the United States by any person or persons other than manufacturers or druggists licensed under section 16 of this act, within the District of Columbia, shall be prima facie evidence that such person or persons are engaged in keeping and selling, offering and exposing for sale alcoholic liquors contrary to the provisions of this act, and a certificate from the collector of internal revenue, his agents, clerks, or deputies showing the payment of such tax, and the name or names of persons to whom issued, and the names of the person or persons, if any, associated with the person to whom such tax receipt is issued, shall be sufficient evidence of the payment of such tax and of the association of such persons for the selling and keeping, offering, and exposing for sale of liquors contrary to the provisions of this act in all trials or legal inquiries.

SEC. 25. That all houses, boathouses, buildings, clubrooms, and places of every description, including drug stores, where alcoholic liquors are manufactured, sold, vended, or furnished contrary to law (including those in which clubs, orders, or associations sell, barter, distribute, or dispense intoxicating liquors to their members, by any means or device whatever, as provided in section 20 of this act) shall be held, taken, and deemed common and public nuisances. And any person who shall maintain or shall aid or abet, or knowingly be associated with others in maintaining such common and public nuisance, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties prescribed in section 11 of this act, and judgment shall be given that such house, building, or other place, or any room therein, be abated or closed up as a place for the sale or keeping of such liquor contrary to law, as the court may determine.

SEC. 26. That the United States district attorney for the District of Columbia, or any citizen of the District of Columbia, may maintain an action in equity in the name of the United States to abate and perpetually enjoin such a nuisance as defined in the preceding section. The injunction shall be granted at the commencement of the action, and no bond shall be required. Any person violating the terms of any injunction granted in such proceedings shall be punished for contempt by a fine of not less than $100 nor more than $500 and by imprisonment in the District jail or workhouse for not less than 30 days nor more than 6 months, in the discretion of the court.

SEC. 27. That when any violation of this act is threatened, or shall have occurred, or is occurring, the doing of, or the continuance or repetition of the unlawful act, or any of like kind by the offending party may be prevented by a writ of injunction out of a court of equity upon a bill filed in all respects as in cases of liquor nuisances; in like manner the writ of injunction may be employed to compel obedience to any provision of this act.

SEC. 28. That if a tenant of a building or tenement uses such premises, or any part thereof, in maintaining a common nuisance as hereinbefore defined, or knowingly permits such use by another, such use shall render void the lease under which he holds, and shall cause the right of possession to revert to the owner or lessor, who may, without process of law, make immediate entry upon the premises, or may avail himself of the remedy provided for the forcible detention thereof.

SEC. 29. That anyone who knowingly permits any building owned or leased by him or under his control, or any part thereof, to be used in maintaining a common nuisance hereinbefore described in section 26 of this act, after being notified in writing of such use, neglects to take all reasonable measures to eject therefrom the person so using the same, shall be deemed guilty of assisting in maintaining such nuisance.

SEC. 30. That no property rights of any kind shall exist in alcoholic liquors or beverages illegally manufactured, received, possessed, or stored under this act, and in all such cases the liquors are forfeited to the District of Columbia and may be searched for and seized and ordered to be destroyed by the court after a conviction when such liquors have been seized for use as evidence, or upon satisfactory evidence to the court presented by the corporation counsel that such liquors are contraband.

SEC. 31. That every wife, child, parent, guardian, or employer, or other person who shall be injured in person or property or means of support by any intoxicated person, or in consequence of intoxication, habitual or otherwise, of any person, such wife, child, parent, or guardian shall have a right of action, in his or her own name, against any person who shall, by selling or bartering intoxicating liquors, have caused the intoxication of such person, for all damages actually sustained, as well as for exemplary damages; and a married woman shall have the right to bring suit, prosecute, and control the same, and the amount recovered the same as if unmarried; and all damages recovered by a minor under this act shall be paid either to such minor or to his or her parents, guardian, or next friend, as the court shall direct.

SEC. 32. That if any person while in charge of a locomotive engine, or while acting as a conductor or brakeman of a car or train of cars, or while in charge of any street car, steamboat, launch, or other water craft, and while in charge of or operating any automobile or horse vehicle in the District of Columbia shall be intoxicated, he shall be guilty of a misdemeanor, and if convicted shall be punished by a fine of not less than $25 nor more than $300, and in default in payment of said fine shall be imprisoned in the District jail or workhouse for not exceeding three months, or both fine and imprisonment in the discretion of the court.

SEC. 33. That it shall be the duty of the Commissioners of the District of Columbia to enforce the provisions of this act. They shall detail qualified members of the police force to detect violations of the act, if any, and to report promptly all knowledge or information they may have concerning such violations, together with the names of any witnesses by whom they may be proven to the corporation counsel; but it shall be the duty of all members of the police force to detect violations of the act and to promptly report any information or knowledge concerning the same to the corporation counsel, together with the names of witnesses, by whom such violations may be proven; and the corporation counsel shall bring such alleged violators of the law to trial with all due diligence.

If any such officer shall fail to comply with the provisions of this section, he shall upon conviction be fined in any sum not less than $100 nor more than $500; and such conviction shall be a forfeiture of the office held by such person, and the court before whom such conviction is had shall in addition to imposition of the fine aforesaid order and adjudge the forfeiture of his said office. For a failure or neglect of official duty in the enforcement of this act any official herein referred to may be removed by court action.

SEC. 34. That prosecutions for violations of the provisions of this act shall be on information filed in the police court by the corporation counsel of the District of Columbia or any of his assistants duly authorized to act for him, and said corporation counsel or his assistants shall file such information upon the presentation to him or his assistants of sworn information that the law has been violated; and such corporation counsel and his assistants shall have power to administer oaths to such informant or informants, and such others as present themselves, and anyone making a false oath to any material fact shall be deemed guilty of perjury and subject to the same penalties as now provided by law for such offense.

When, however, it appears to the Commissioners of the District of Columbia that it will be in the interest of more effective enforcement of the provisions of this act, they may request the United States district attorney for the District of Columbia to prosecute persons charged with offenses against the law, and when so requested by said commissioners the said district attorney shall proceed before the grand jury and in the Supreme Court of the District of Columbia to prosecute such offenders in manner now prescribed by law for the prosecution of persons charged with violations of the laws against crime in the District of Columbia.

SEC. 35. That if for any reason any section, paragraph, provision, clause, or part of this act shall be held unconstitutional or invalid, that fact shall not affect or destroy any other section, paragraph, provision, clause, or part of the act not in and of itself invalid, but the remaining parts of sections shall be enforced without regard to that so invalidated.

SEC. 36. That in the interpretation of this act words of the singular number shall be deemed to include their plurals, and words of the masculine gender shall be deemed to include the feminine, as the case may be.

SEC. 37. That sections 11 to 34, both inclusive, of this act when put in operation by a vote of the qualified electors of the District shall remain in force until the Commissioners of the District shall declare that the majority of the qualified voters of said District have voted in favor of the licensed sale of spirituous, vinous, or malt liquors in said District, when said sections shall cease to be operative unless they are put into force and effect by a subsequent vote of said electors.

SEC. 38. That whoever, for the purpose of influencing or controlling the vote of any person entitled to vote at such election, shall pay or offer or promise to pay to any such voter any sum of money, or who shall deliver or promise to deliver to such voter anything of value, or who shall promise such voter any position, or office, or employment of any kind, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than $100 nor more than $1,000, and imprisoned not less than 3 nor more than 12 months.

SEC. 39. That whoever shall vote or attempt to vote more than once at such election, or whoever shall advise, counsel, or attempt in any way to induce any person to so vote more than once, shall be guilty of a misdemeanor, and be fined not less than $100 nor more than $1,000, and imprisoned not less than 3 nor more than 12 months.

SEC. 40. That whoever shall contribute or pay out any money to be used for any purpose in connection with said election, except for printing and publishing facts and arguments relating to the same, or for the necessary expenses of public meetings called for the purpose of considering and hearing discussed the issues involved in such election, shall be guilty of a misdemeanor and fined not less than $500, to which may be added imprisonment for a period of not exceeding one year.

SEC. 41. That any manager, clerk, or returning officer, or any other person who shall destroy, change, mutilate, or falsify any paper, record or return required by this act to be kept or made out, or who shall do any act the effect of which will be to defeat the will of the voters of said District as expressed at said election, shall be guilty of a misdemeanor, and on conviction shall be fined in any sum not less than $100 nor more than $1,000, and be imprisoned in the District jail or workhouse for not less than six months nor more than one year.

SEC. 42. That when an election has been held under the provisions of this act, subsequent elections may be petitioned for and held hereunder, but not sooner than three years from the date of the last preceding election.

SEC. 43. That the managers, clerks, returning officers, and registrars shall be entitled to $3 per diem each for their services in conducting the said election. The expenses and all claims arising under the provisions of this act shall be paid out of the District treasury, on proper proof, from money in the Treasury not specially otherwise appropriated.

SEC. 44. That any manager, clerk, returning officer, or registrar, or any voter or other person, who is guilty of misconduct, fraud, or corruption in the performance of any duty required of him under the provisions of this act or in the exercise of his right to vote, or in connection with the lawful holding of said election, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than $1,000 or shall be imprisoned in the District jail or workhouse for a period of not more than one year, or both, in the discretion of the court.

SEC. 45. If a majority of the qualified voters of the District of Columbia have voted in favor of the prohibition of the manufacture and sale of spirituous, vinous, or malt liquors under the terms of this bill, whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce, except for scientific, sacramental, medicinal, and mechanical purposes, into the District of Columbia shall be punished as aforesaid: *Provided*, That nothing herein shall authorize the shipment of liquor into the District of Columbia contrary to the laws of such District.

SEC. 3. That this resolution shall not take effect until the end of the fiscal year, November 30, 1917.

Mr. BARKLEY. Mr. Speaker, on that motion I move the previous question.

Mr. GALLIVAN. Mr. Speaker, pending that motion I ask unanimous consent to address the House for seven minutes.

Mr. GOOD. Mr. Speaker, I make the point of order on the——

The SPEAKER. The gentleman from Kentucky moves the previous question. Now, what does the gentleman from Iowa suggest.

Mr. GOOD. Mr. Speaker, I make the point of order that the amendment is not germane to the bill.

The SPEAKER. The Chair overrules the point of order.

Mr. GALLIVAN. Now, Mr. Speaker, I ask unanimous consent, pending the motion——

The SPEAKER. The gentleman from Massachusetts asks unanimous consent, pending this motion, to address the House for seven minutes. Is there objection?

Mr. BARKLEY. Mr. Speaker, reserving the right to object, I have no objection to the gentleman making his speech for seven minutes providing it is understood that that does not interfere with my motion for the previous question.

The SPEAKER. It does not interfere. Is there objection?

Mr. HAMLIN. Mr. Speaker, I object.

Mr. GALLIVAN. There will be a point of no quorum if the gentleman objects, and a roll call.

The SPEAKER. Is there objection?

Mr. GOOD. Mr. Speaker, I object.

Mr. GALLIVAN. Mr. Speaker, a point of order that there is no quorum present.

The SPEAKER. The Chair will count.

Mr. GOOD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GOOD. For a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GOOD. Did the Speaker rule on the point of order that I made?

The SPEAKER. Yes; the Chair overruled the point of order.

Mr. GOOD. I did not understand the Speaker to overrule the point of order. I wanted to be heard on the point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. GOOD. Mr. Speaker, the rule provides that the prohibition bill as it passed the Senate should be taken up and read and then voted upon—without any intervening motion, except one motion to recommit.

The SPEAKER. Well, that has been done.

Mr. GOOD. That has been done. The motion to recommit must not contain anything which, if offered as an amendment on the floor of the House, could be said to be foreign to the bill. This motion to recommit provides an altogether different piece of machinery. It provides for the election by certain persons in the District of Columbia, and if a majority of those persons vote in favor of prohibition then there shall be prohibition. If they vote in such election against prohibition, Washington shall remain wet. There is no provision in the Senate bill for an election, not one word in regard to submitting the question to anyone. The Senate bill provides for prohibition, and there is no election even referred to. The present occupant of the chair held, when the Underwood tariff bill was before the House, that a motion to recommit which provided for a reference to a tariff commission was not in order, because it was not germane. Here is a proposition for prohibition, and the motion to recommit provides that this matter shall be submitted to a vote of the District, an altogether different proposition, a proposition entirely foreign to the bill under consideration.

Mr. GARRETT. Will the gentleman permit an interruption?

Mr. GOOD. Yes.

Mr. GARRETT. I make an appeal to the gentleman not to press his point of order.

Mr. GOOD. I will say to the gentleman unquestionably, under a former ruling of the Speaker made to-day, this whole matter is divisible, and we may have a great many roll calls.

Mr. GARRETT. No; it is not divisible.

Mr. GOOD. There are several different substantive propositions here——

Mr. GARRETT. No.

The SPEAKER. The Chair ruled this thing is in the nature of an amendment—a good motion if it is germane and not divisible. The Chair ruled that very thing this evening.

Mr. GARRETT. Of course the rule provided for one motion to recommit, and I want to appeal to the gentleman not to make his point of order. It possibly may be well taken; I will not undertake to say.

Mr. GOOD. I think there is no question about it being well taken, and with the present ruling of the Chair it seems to me that I can not well withdraw the point of order. The point of order is so well founded under every decision of this House that it seems to me that it can not be held that a referendum vote should be held germane to a bill laying down certain propositions or enacting certain provisions into law. I can not conceive that that kind of a proposition is germane to a bill such as we have here.

Mr. BORLAND. Will the gentleman yield just for a moment?

The SPEAKER. The Chair overrules the point of order.

Mr. GALLIVAN. Now, Mr. Speaker, I ask unanimous consent to address the House for seven minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to address the House for seven minutes. Is there objection?

Mr. HAMLIN. Mr. Speaker, I object.

Mr. GALLIVAN. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order there is no quorum present. The Chair will count.

Mr. HAMLIN. Mr. Speaker, I withdraw the objection.

The SPEAKER. The gentleman withdraws his objection, and the gentleman from Massachusetts withdraws his point of order that there is no quorum present.

Mr. BARKLEY. Mr. Speaker, before the gentleman from Massachusetts begins I desire to have it understood that at the conclusion of his remarks the previous question shall be considered as ordered on the motion to recommit.

The SPEAKER. The gentleman couples with that that as soon as the gentleman from Massachusetts concludes the previous question shall be considered as ordered. Is there objection to considering the previous question ordered when the gentleman from Massachusetts concludes his seven minutes?

Mr. GARNER. Mr. Speaker, the gentleman from New York [Mr. FITZGERALD], who has been looked to more than anybody else to take care of the interests of those who oppose the passage of this bill, stated frankly to the gentleman from Tennessee [Mr. GARRETT] that he could not agree to considering the previous question being ordered, and in his absence I can not agree that the previous question should be considered as ordered. I say that frankly.

Mr. BARKLEY. I will say then, Mr. Speaker, with the understanding that I can be recognized after he closes to move the previous question——

The SPEAKER. The gentleman has already moved the previous question.

Mr. GARNER. I have no objection to that.

The SPEAKER. The vote on the previous question will be taken immediately after the gentleman from Massachusetts [Mr. GALLIVAN] finishes. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. GALLIVAN. Mr. Speaker, rum has more enemies in public and more friends in private than any other substance the world has even known. I do not hope to persuade any "dry" man in this House by what I shall have to say about this bill. I do not believe that argument is of any avail in this hour when from appearances this prohibition bill must

pass. Argument is unnecessary, too, because, in my judgment, not 20 men in this House of the number that will vote in favor of prohibition for the District of Columbia believe in prohibition. [Applause.] I can not let this opportunity go by without congratulating some of my Democratic colleagues, who have been leaders in this Congress in other days, upon having returned to the ranks of those who sit here to take orders. However, I can not congratulate my party upon its change of leadership, and I very much doubt how long it will be possible for me to stay with that party when its policies and principles are to be formulated by its new leaders, Randall, Dinwiddie & Co. I must admire the gentleman from California. In this hour of national alarm, with a national crisis here in America, with thousands crying for food and clamoring for relief from this Congress, and with an international crisis of such importance that the President of the United States finds it necessary to come before the Congress twice in less than a month, at the signal from the gentleman from California all these questions of gigantic importance must be laid on the shelf, and the Representatives of a hundred millions of people are ordered to consider a proposition to close certain places of business here in Washington now licensed by law. The gentleman from California has grown great since the poll was taken as to the political line-up of the next Congress. I have noticed that he has become an organizer of a new party. Evidently the Democratic leaders who desire to continue in the high places that they have enjoyed for some few years past have also noticed this fact. [Applause.] I can not help thinking that the gentleman from California must have frightened these leaders (?)—God save the mark—almost to death. [Laughter.] Why, he has grown so great in the past month that even old Julius Cæsar would have grudged him the meat upon which he hath fed. [Laughter.]

However, if the Democratic Party is going to become a prohibition party, for one, I am going to leave the Democratic Party. I do not believe in prohibition. Prohibition is not temperance, since temperance means and comprehends moderation, calmness, judgment, and justice. Prohibition is radicalism run wild; it is an attempt to bring back to American life that Puritanism which made the scourge, the branding iron, and the penal law the agencies of its perverted moralities, and which rejected the peaceful, kindly ministrations of the Man of Sorrows and substituted therefor the fire and ferocity of the zealot and the violences and vagaries of the fanatic. Like any other perversion of a desirable thing, this perversion of temperance called prohibition appears to be cradled in ignorance, fostered in hysteria, voiced by intolerance, and marshaled by tyranny. In principle and in practice prohibition is a negation of American freedom and personal liberty; in its essence it is a denial of the laws of nature; and in its purpose a pathetic attempt to stifle a human instinct as old as humanity itself.

It will hardly be gainsaid that any propaganda and policy which transforms a peaceful, temperate, law-abiding city or town into a lawless community is false in its teaching, vicious in its results, and dangerous to the morals and civilization of the Nation. This is exactly what prohibition does.

With prohibition here in the District of Columbia there will be adventure if not romance in getting a drink. [Laughter.] That will be something—defiance of a law which we do not respect. There is now no more adventure about stepping into a licensed saloon and buying a high ball or a stein of beer than there is about going to the post office to buy a postage stamp or into a grocery store to buy a pound of coffee. There is not a thrill of romance to be found in making the round of all the saloons in town under the present arrangement. There is no temptation about the licensed saloon, and it has not one-tenth of the appeal to the venturesome youth that the cabaret show has or even the moving-picture houses. With prohibition all this will be changed. There will be plenty of adventure and even hazard about the search for a drink. Blind tigers will be places surrounded by romance to make them sought after, however vile they may be in reality. Moonshiners and bootleggers will be mysterious characters inviting the romantic youth to make their acquaintance. Here in Washington you will have the same opportunities for romantic adventure that they now have in the mountains of prohibition Georgia and North Carolina [laughter], where men make moonshine and men buy moonshine, not because they like moonshine but because Uncle Sam's revenue agents are hunting for illicit stills and chasing bootleggers until every native is ready to defend the sacred institutions of home and expel the invader from the soil. Georgia and the Carolinas are but types of their sister States in the leafy aisles of that terrestrial paradise called Dixie.

The most thrilling tales of adventure to-day are to be found in the official reports of the Commissioner of Internal Revenue, where are recorded the hairbreadth escapes of revenue agents from moonshiners in the dry States of the Southland. There you will learn how these men risked their lives and buried their dead comrades in the mountains of prohibition Georgia, in Kentucky, in Tennessee, and in the Everglades of Florida, because their business is to force obnoxious laws upon communities that do not believe in it and have the courage to protect themselves from its enforcement. Moonshine can be made in a tea kettle, in a closet, cellar, or soap box, yes, in a prohibition Congressman's office in Washington as quietly as it is made in a cave or a mountain cabin in North Carolina. [Laughter.] And beer can be brewed in the kitchen and from almost anything that grows; the greater the decay, the easier the fermentation.

It will be an adventure worthy the romance of Robin Hood to go out in search of moonshine or smuggled whisky and beer in Washington when we have prohibition here; yes, and it will call for an Army bigger than that recommended even by Gen. Scott in these days of the Nation's peril to round up the moonshiners, the bootleggers, and the congressional and other patrons among the haunts of the cave dwellers of the Nation's capital. [Loud applause and laughter.] [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken and the Speaker announced that the noes seemed to have it.

Mr. GALLIVAN. Mr. Speaker, I ask for the yeas and nays.

Mr. CARY. Mr. Speaker——

The SPEAKER. The question is on ordering the yeas and nays. The Chair will count. [After counting.] One hundred and eleven gentlemen have risen, a sufficient number, and the Clerk will call the roll.

The question was taken; and there were—yeas 174, nays 232, answered "present" 1, not voting 27, as follows:

YEAS—174.

Allen	Doremus	Husted	Pou
Anthony	Driscoll	Igoe	Reilly
Ashbrook	Drukker	Kearns	Riordan
Bacharach	Dupré	Kennedy, R. I.	Roberts, Mass.
Bailey	Dyer	Key, Ohio	Roberts, Nev.
Barchfeld	Eagan	Konop	Rodenberg
Beales	Eagle	Kreider	Rogers
Bennet	Edmonds	Lafean	Rouse
Blackmon	Elston	Lazaro	Rowland
Booher	Emerson	Lehlbach	Sabath
Britten	Esch	Lesher	Sanford
Browne	Estopinal	Lewis	Schall
Browning	Farley	Liebel	Scott, Mich.
Bruckner	Farr	Linthicum	Scott, Pa.
Brumbaugh	Fitzgerald	Lobeck	Scully
Buchanan, Ill.	Flynn	Loft	Sears
Buchanan, Tex.	Focht	Longworth	Sherwood
Burke	Frear	McAndrews	Siegel
Cannon	Freeman	McArthur	Slayden
Cantrill	Gallagher	McCulloch	Small
Capstick	Gallivan	McDermott	Smith, N. Y.
Carter, Mass.	Gard	McGillicuddy	Snyder
Cary	Gardner	McLemore	Stafford
Casey	Garland	Madden	Steele, Pa.
Charles	Garner	Magee	Stiness
Clark, Fla.	Gillett	Maher	Stone
Coady	Glynn	Martin	Sulloway
Coleman	Gordon	Meeker	Swick
Cooper, W. Va.	Gould	Miller, Minn.	Tague
Cooper, Wis.	Gray, N. J.	Mondell	Talbott
Copley	Greene, Mass.	Moore, Pa.	Tavenner
Costello	Greene, Vt.	Moores, Ind.	Tilson
Crago	Gregg	Morin	Tinkham
Crosser	Griest	Mudd	Treadway
Cullop	Griffin	Nichols, Mich.	Van Dyke
Curry	Hamill	Nolan	Vare
Dale, N. Y.	Hardy	Oakey	Ward
Danforth	Hart	Olney	Watson, Pa.
Darrow	Haskell	Overmyer	Wilson, Fla.
Davis, Minn.	Heaton	Paige, Mass.	Winslow
Dempsey	Henry	Parker, N. J.	Wood, Ind.
Dent	Hicks	Parker, N. Y.	Woodyard
Dewalt	Hulbert	Phelan	
Dooling	Hull, Iowa	Porter	

NAYS—232.

Abercrombie	Bell	Candler, Miss.	Dale, Vt.
Adair	Benedict	Caraway	Dallinger
Adamson	Black	Carlin	Davenport
Aiken	Borland	Carter, Okla.	Davis, Tex.
Alexander	Bowers	Chiperfield	Decker
Almon	Britt	Cline	Denison
Anderson	Burnett	Collier	Dickinson
Aswell	Butler	Connelly	Dies
Austin	Byrnes, S. C.	Cooper, Ohio	Dill
Ayres	Byrns, Tenn.	Cox	Dillon
Barkley	Callaway	Cramton	Dixon
Barnhart	Campbell	Crisp	Doolittle

Doughton	Howard	Moon	Smith, Idaho
Dowell	Howell	Morgan, La.	Smith, Mich.
Dunn	Huddleston	Morgan, Okla.	Smith, Minn.
Edwards	Hughes	Morrison	Smith, Tex.
Ellsworth	Hull, Tenn.	Moss	Snell
Evans	Humphreys, Miss.	Mott	Steagall
Ferris	Hutchinson	Neely	Stedman
Fess	Jacoway	Nelson	Steele, Iowa
Fields	James	Nicholls, S. C.	Steenerson
Flood	Johnson, Ky.	North	Stephens, Miss.
Fordney	Johnson, S. Dak.	Norton	Stephens, Nebr.
Foss	Johnson, Wash.	Oliver	Stephens, Tex.
Foster	Jones	Padgett	Sterling
Fuller	Keating	Page, N. C.	Stout
Gandy	Keister	Park	Sutherland
Garrett	Kelley	Peters	Sweet
Glass	Kennedy, Iowa	Powers	Switzer
Godwin, N. C.	Kent	Pratt	Taggart
Good	Kiess, Pa.	Price	Taylor, Ark.
Goodwin, Ark.	Kincheloe	Quin	Taylor, Colo.
Gray, Ala.	King	Ragsdale	Temple
Gray, Ind.	Kinkaid	Rainey	Thomas
Green, Iowa	Kitchin	Raker	Thompson
Guernsey	La Follette	Ramseyer	Tillman
Hadley	Langley	Randall	Timberlake
Hamilton, Mich.	Lee	Rauch	Towner
Hamilton, N. Y.	Lenroot	Rayburn	Venable
Hamlin	Lever	Reavis	Vinson
Harrison, Miss.	Lieb	Ricketts	Volstead
Harrison, Va.	Lindbergh	Rowe	Walker
Hastings	Littlepage	Rubey	Walsh
Haugen	Loud	Rucker, Ga.	Wason
Hawley	McClintic	Rucker, Mo.	Watkins
Hayden	McCorkle	Russell, Mo.	Watson, Va.
Heflin	McCracken	Russell, Ohio	Webb
Helgesen	McFadden	Saunders	Whaley
Helm	McKellar	Sells	Williams, T. S.
Helvering	McKenzie	Shackleford	Williams, W. E.
Hernandez	McKinley	Shallenberger	Williams, Ohio
Hilliard	McLaughlin	Sherley	Wilson, Ill.
Hinds	Mann	Shouse	Wilson, La.
Holland	Mapes	Sims	Wingo
Hollingsworth	Mays	Sinnott	Wise
Hood	Miller, Del.	Sisson	Woods, Iowa
Hopwood	Miller, Pa.	Slemp	Young, N. Dak.
Houston	Montague	Sloan	Young, Tex.

ANSWERED "PRESENT"—1.

Oldfield

NOT VOTING—27.

Beakes	Fairchild	Kettner	O'Shaunessy
Burgess	Graham	Lloyd	Patten
Caldwell	Hayes	London	Platt
Carew	Hensley	Matthews	Sparkman
Chandler, N. Y.	Hill	Mooney	Sumners
Church	Humphrey, Wash.	Murray	Wheeler
Conry	Kahn	Oglesby	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. KAHN (for) with Mr. HUMPHREY of Washington (against).

Mr. CHANDLER of New York (for) with Mr. MURRAY (against).

Mr. CALDWELL (for) with Mr. OLDFIELD (against).

Mr. O'SHAUNESSY (for) with Mr. LLOYD (against).

Until further notice:

Mr. CONRY with Mr. GRAHAM.

Mr. CHURCH with Mr. HAYES.

Mr. KETTNER with Mr. MATTHEWS.

Mr. PATTEN with Mr. PLATT.

Mr. SUMNERS with Mr. WHEELER.

Mr. BEAKES with Mr. FAIRCHILD.

Mr. CAREW with Mr. HILL.

Mr. HENSLEY with Mr. MOONEY.

Mr. BENNET. I am paired with my colleague, Mr. CONRY. However, I understand that he would vote yea and therefore I disregard the pair and vote yea.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill. Those in favor will say "yea"; those opposed "nay."

Mr. ADAIR, Mr. WOOD of Indiana, Mr. CARY, Mr. STAFFORD, and Mr. SABATH demanded the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and there were—yeas 274, nays 138, answered "present" 2, not voting 21, as follows:

YEAS—274.

Abercrombie	Bennet	Candler, Miss.	Copley
Adair	Benedict	Caraway	Cox
Adamson	Black	Carlin	Cramton
Aiken	Booher	Carter, Mass.	Crisp
Alexander	Borland	Carter, Okla.	Cullop
Almon	Bowers	Charles	Dale, Vt.
Anderson	Britt	Chiperfield	Dallinger
Anthony	Browne	Church	Danforth
Ashbrook	Brumbaugh	Clark, Fla.	Davenport
Aswell	Burnett	Cline	Davis, Tex.
Austin	Butler	Collier	Decker
Ayres	Byrnes, S. C.	Connelly	Denison
Barkley	Byrns, Tenn.	Cooper, Ohio	Dickinson
Barnhart	Callaway	Cooper, W. Va.	Dies
Bell	Campbell	Cooper, Wis.	Dill
Dillon	Hood	Montague	Smith, Mich.
Dixon	Hopwood	Moon	Smith, Minn.
Doolittle	Houston	Moores, Ind.	Smith, Tex.
Doughton	Howard	Morgan, La.	Snell
Dowell	Howell	Morgan, Okla.	Steagall
Dunn	Huddleston	Morrison	Stedman
Edwards	Hughes	Moss	Steele, Iowa
Ellsworth	Hull, Tenn.	Mott	Steenerson
Elston	Humphreys, Miss.	Neely	Stephens, Miss.
Emerson	Hutchinson	Nelson	Stephens, Nebr.
Esch	Jacoway	Nicholls, S. C.	Stephens, Tex.
Evans	James	North	Sterling
Farr	Johnson, Ky.	Norton	Stone
Ferris	Johnson, S. Dak.	Oliver	Stout
Fess	Johnson, Wash.	Padgett	Sullaway
Fields	Jones	Page, N. C.	Sumners
Flood	Kearns	Paige, Mass.	Sutherland
Fordney	Keating	Park	Sweet
Foss	Keister	Parker, N. Y.	Switzer
Foster	Kelley	Peters	Taggart
Frear	Kennedy, Iowa	Powers	Tavenner
Fuller	Kent	Pratt	Taylor, Ark.
Gandy	Kettner	Price	Taylor, Colo.
Garrett	Kiess, Pa.	Quin	Temple
Glass	Kincheloe	Ragsdale	Thomas
Godwin, N. C.	King	Rainey	Thompson
Good	Kinkaid	Raker	Tillman
Goodwin, Ark.	Kitchin	Ramseyer	Timberlake
Gray, Ala.	Kreider	Randall	Towner
Gray, Ind.	Lafean	Rauch	Venable
Green, Iowa	La Follette	Rayburn	Vinson
Greene, Mass.	Langley	Reavis	Volstead
Griest	Lee	Ricketts	Walker
Guernsey	Lenroot	Roberts, Mass.	Walsh
Hadley	Lever	Rowe	Wason
Hamilton, Mich.	Lewis	Rubey	Watkins
Hamilton, N. Y.	Lieb	Rucker, Ga.	Watson, Va.
Hamlin	Lindbergh	Rucker, Mo.	Webb
Harrison, Miss.	Littlepage	Russell, Mo.	Whaley
Harrison, Va.	Loud	Russell, Ohio	Wheeler
Hastings	McClintic	Saunders	Williams, T. S.
Haugen	McCorkle	Schall	Williams, W. R.
Hawley	McCracken	Sears	Williams, Ohio
Hayden	McCulloch	Sells	Wilson, Ill.
Heflin	McFadden	Shackleford	Wilson, La.
Helgesen	McKellar	Shallenberger	Wingo
Helm	McKenzie	Shouse	Wise
Helvering	McKinley	Sims	Wood, Ind.
Hernandez	McLaughlin	Sinnott	Woods, Iowa
Hicks	Mapes	Sisson	Woodyard
Hilliard	Mays	Slemp	Young, N. Dak.
Hinds	Miller, Del.	Sloan	Young, Tex.
Holland	Miller, Pa.	Small	
Hollingsworth	Mondell	Smith, Idaho	

NAYS—138.

Allen	Eagan	Key, Ohio	Reilly
Bacharach	Eagle	Konop	Riordan
Bailey	Edmonds	Lazaro	Roberts, Nev.
Barchfeld	Estopinal	Lehlbach	Rodenberg
Beales	Fairchild	Lesher	Rogers
Blackmon	Farley	Liebel	Rouse
Britten	Fitzgerald	Linthicum	Rowland
Browning	Flynn	Lobeck	Sabath
Bruckner	Focht	Loft	Sanford
Buchanan, Ill.	Freeman	Longworth	Scott, Mich.
Buchanan, Tex.	Gallagher	McAndrews	Scott, Pa.
Burke	Gallivan	McArthur	Scully
Cannon	Gard	McDermott	Sherley
Cantrill	Gardner	McGillicuddy	Sherwood
Capstick	Garland	McLemore	Siegel
Cary	Garner	Madden	Slayden
Casey	Gillett	Magee	Smith, N. Y.
Coady	Glynn	Maher	Snyder
Coleman	Gordon	Mann	Stafford
Costello	Gould	Martin	Steele, Pa.
Crago	Gray, N. J.	Meeker	Stiness
Crosser	Greene, Vt.	Miller, Minn.	Swift
Curry	Gregg	Moore, Pa.	Tague
Dale, N. Y.	Griffin	Morin	Talbott
Darrow	Hamill	Mudd	Tilson
Davis, Minn.	Hardy	Nichols, Mich.	Tinkham
Dempsey	Hart	Nolan	Treadway
Dent	Haskell	Oakey	Van Dyke
Dewalt	Heaton	Olney	Vare
Dooling	Henry	Overmyer	Ward
Doremus	Hulbert	Parker, N. J.	Watson, Pa.
Driscoll	Hull, Iowa	Phelan	Wilson, Fla.
Drukker	Husted	Platt	Winslow
Dupré	Igoe	Porter	
Dyer	Kennedy, R. I.	Pou	

ANSWERED "PRESENT"—2.

Bennet Oldfield

NOT VOTING—21.

Beakes	Graham	Lloyd	O'Shaunessy
Burgess	Hayes	London	Patten
Caldwell	Hensley	Matthews	Sparkman
Carew	Hill	Mooney	
Chandler, N. Y.	Humphrey, Wash.	Murray	
Conry	Kahn	Oglesby	

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. CAREW with Mr. HILL.

Mr. HENSLEY with Mr. MOONEY.

Mr. BEAKES with Mr. MATTHEWS.

Mr. HAYES with Mr. PATTEN.

On the vote:

Mr. BENNET (for) with Mr. CONRY (against).

Mr. HUMPHREY of Washington (for) with Mr. KAHN (against).
Mr. MURRAY (for) with Mr. CHANDLER of New York (against).
Mr. OLDFIELD (for) with Mr. CALDWELL (against).
Mr. LLOYD (for) with Mr. O'SHAUNESSY (against).

The result of the vote was announced as above recorded.

On motion of Mr. BARKLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. SCHALL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to revise and extend his remarks. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I will ask the gentleman if the remarks are to be upon the bill which has just been passed?

Mr. SCHALL. Yes.

Mr. MANN. Well, Mr. Speaker, the House determined by a strong vote—I have no criticism of that—that it would not permit any remarks to be made on that bill. That being the case, I am not going to permit the RECORD to lie about it by showing that remarks were made.

The SPEAKER. The gentleman from Illinois objects.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. PAGE of North Carolina. Mr. Speaker, I call up the conference report on the District of Columbia appropriation bill.

Mr. BROWNE. Mr. Speaker, I reserve all points of order on the conference report.

The SPEAKER. The gentleman from Wisconsin reserves all points of order on the conference report. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 1595).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8 and 88.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the construction of a culvert to carry Klingle Valley Creek underneath Connecticut Avenue, in order to enable adjoining property owners to make an earth viaduct on the line of Connecticut Avenue where it crosses said valley, $25,000, or so much thereof as may be necessary: *Provided*, That no part of this money shall be available until the Commissioners of the District of Columbia shall have secured satisfactory guaranty of sufficient fill and base to bring said area up to the proper level of Connecticut Avenue."

And the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 16, 76, and 98.

ROBERT N. PAGE,
JAS. MCANDREWS,
C. R. DAVIS,
Managers on the part of the House.

JOHN WALTER SMITH,
JOE T. ROBINSON,
WM. P. DILLINGHAM,
Managers on the part of the Senate.

Mr. BROWNE. Mr. Speaker, I make a point of order on the amendment known as amendment 87, on the ground that it is not germane, and also on the ground that the conferees exceeded their power. The Senate amendment was to amend the House bill by providing for an appropriation of $87,000 to buy what is known as Klingle Valley, which was to become an addition to Rock Creek Park. The House conferees amended this, and instead of appropriating $87,000 to purchase land for an addition to Rock Creek Park they simply appropriated $25,000 to build a culvert in Klingle Valley. That valley to-day is owned by individuals, and the purpose of putting in the culvert is to fill up the valley, which is just the opposite to the Senate's proposal, and will prevent it ever becoming a park if the conferees' report is adopted. My point is that the conferees exceeded their authority, and the amendment is not germane.

My position is that the conferees might just as well have amended so as to provide for putting up a monument or a meetinghouse upon that private property as to build a culvert on this private land. The only thing they could have done would have been either to concur in the proposition of buying the land or else disagree to it. As it is to-day they have appropriated $25,000 to build a culvert in this valley, which will prevent it ever becoming a park. The ownership of this land is in private persons, and those individuals will be benefited, and nobody else. This valley is a part of the park plan of the city of Washington. It is one of the beauty spots of Washington, and the commissioners and the people have always thought it would some time become a part of Rock Creek Park. This action of the conferees prevents this land from ever becoming a park, and benefits private owners $25,000 by putting a culvert on their land to run off that creek bottom, so it will be filled up, to make salable lots of it. Instead of a beauty spot it will simply be covered with houses owned by private individuals. I think the report is clearly subject to a point of order.

Mr. REAVIS. Mr. Speaker, I would like to be heard on this. Senate amendment 87 provided for the appropriation of $87,000 for the purchase of 8¾ acres of land for park purposes. The conferees receded from their disagreement to that amendment and inserted language calling for an appropriation of $25,000 to build a culvert. The point of order is that it is new matter, not germane to the Senate amendment, and that it presents a subject matter which was not committed to the conferees for adjustment. The appropriation called for by Senate amendment 87 was for the purchase of certain land for park purposes. The conference agreement is the appropriation of a different sum for the building of a culvert, a proposition that was not in conference, that is not germane to the Senate amendment, and is entirely new matter. For that reason I think the point of order lies.

Mr. PAGE of North Carolina. Mr. Speaker, the original language of Senate amendment No. 87 was:

For the acquisition of a park in Klingle Valley from Woodley Road to Connecticut Avenue near the Zoological Park, in general accordance with a map on file in the office of the Engineer Commissioner of the District of Columbia, dated February 10, 1916, with an area of approximately 8¾ acres, $87,000, the same to become a part of the park system of the District of Columbia.

Immediately following that amendment in the bill was amendment 88, appropriating $2,000 for plans for a bridge to be built across Klingle Valley on Connecticut Avenue.

The language in the conference report as reported by the conferees was offered in the Senate as an amendment. It was not adopted in the Senate, but it is a part of the same general plan of improvement in this vicinity. A part of the land that was proposed to be purchased for this $87,000 was west of Connecticut Avenue, over which there is a bridge, and a part of it was east of that bridge. It was contemplated in the acquisition of the land to prepare plans for the construction of a bridge that would span the proposed park which is now private land. The amendment appropriating $87,000 for acquiring the land proposed an amendment of $2,000 for the preparation of plans for the construction of a bridge across the valley.

The Senate receded from amendment 87 with an amendment, that amendment being exactly the language proposed in the Senate amendment, and instead of acquiring the land for park purposes to allow the adjacent landowner to move the dirt from the high land into Connecticut Avenue and build a permanent span with the dirt across the valley, instead of making plans for the construction of the bridge in the future.

The original appropriation was for $87,000. The language in the conference report is $25,000 for the purpose of building a culvert under the proposed fill in Connecticut Avenue.

Mr. REAVIS. Will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. REAVIS. That portion of the Senate amendment which provides $2,000 for a bridge is amendment 88, and the Senate receded from that?

Mr. PAGE of North Carolina. The Senate receded.

Mr. REAVIS. Amendment 87 provided for the appropriation to buy land for park purposes.

Mr. PAGE of North Carolina. That is true, including the land under the bridge.

Mr. REAVIS. That park was to be constructed in accordance with the park plans of the District as shown by the map in the District Building?

Mr. PAGE of North Carolina. That language is used in the amendment; and I will say to the gentleman that if there was any park plan on the part of the District to acquire this particular land, I know nothing about it.

Mr. REAVIS. The language is $87,000 to buy property, to purchase eight and a fraction acres of land for park purposes,

"in accordance with the map on file in the office of the engineer commissioner of the District of Columbia."

Mr. PAGE of North Carolina. That is the language.

Mr. REAVIS. In place of that amendment that provides $87,000 to buy land for park purposes, the conferees report an amendment appropriating $25,000 to build a culvert.

Mr. PAGE of North Carolina. Under the fill in Connecticut Avenue.

Mr. REAVIS. It is to build a culvert so that the adjacent landowners can make what is called an earth viaduct. The culvert is to permit the running of the Klingle Valley stream through it. Would not the building of this culvert absolutely destroy the prospect of it ever being used for park purposes?

Mr. PAGE of North Carolina. That is the reason I put it in the bill; because I wanted to destroy it.

Mr. REAVIS. Admitting the purpose to destroy it, is it germane?

Mr. PAGE of North Carolina. I think it is, because it is a contemplated improvement of this particular place. Mr. Speaker, before the Chair rules upon the point of order I want to remove from the minds of certain gentlemen here who are using the rules of the House to make a point of order to get clear of something that they do not understand, that they do not know about—I want to give them a little information; and, however the Chair may rule on this point of order, I am satisfied that if these gentlemen understood, as I think I understand, the situation in that particular locality, they would not insist upon the point of order.

I want to say to them and to the House that these 8½ or 9 acres of land that is proposed to be acquired by the original Senate provision in Klingle Valley is land which will cost something over $10,000 an acre. There is not a single one of these gentlemen that would pay $2,000 an acre for it.

It is the purpose on the part of the real estate people to unload on the District of Columbia land that could not be improved for building purposes at a price five times what it is worth, and these gentlemen are fostering it by making the point of order. That is not all. If they insist on helping to unload this land at ten times its value and allowing plans for the construction of a bridge over Connecticut Avenue across the fill it will cost $200,000, an absolutely unnecessary expenditure of the people's money. I want the House to know the effect of it.

Mr. SHACKLEFORD. Will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. SHACKLEFORD. Is it the purpose of the gentleman to give the people who own this land $25,000 to build a culvert in order to induce them not to ask for it?

Mr. PAGE of North Carolina. We are putting it under a street where we propose to fill in with dirt instead of building a bridge at great expense.

Mr. BROWNE. Will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. BROWNE. If this park is desirable, can not it be condemned by the District of Columbia?

Mr. PAGE of North Carolina. Oh, yes; but not at $10,000 an acre, but likely under proceedings that are usual in this city at $15,000 an acre. We have tried to acquire land by condemnation in that very locality at twice what anybody thought it was worth.

Mr. BROWNE. One more question. Let me ask the gentleman, if it is not desirable on the part of the District to buy this park, what reason is there for giving these private owners $25,000 for a viaduct?

Mr. PAGE of North Carolina. It is not giving it to private owners. The building of this viaduct makes possible the building of a permanent earth structure across this valley on Connecticut Avenue, thereby saving, if the park plan is carried out, the construction of a bridge that will cost at least $200,000. I want the House and I want the gentlemen to understand what they are doing.

Mr. BROWNE. Mr. Speaker, I understand. I have walked up that valley. It is one of the beauty spots of the District.

Mr. PAGE of North Carolina. I suppose the gentleman wants to pay $10,000 an acre for it?

Mr. BROWNE. No; I want to get it just as cheaply as we do other land for parks.

Mr. PAGE of North Carolina. Let me ask the gentleman whether he would buy every beauty spot in the District of Columbia and acquire it for park purposes, regardless of the price?

Mr. BROWNE. This is tributary to Rock Creek Park.

Mr. PAGE of North Carolina. There is a great deal of other land that is tributary to Rock Creek Park.

Mr. BROWNE. If we do not want it for park purposes, then there is no sense in giving private owners a culvert worth $25,000. As I understand it, the owners of this land would prefer not to have it taken by the District of Columbia.

Mr. PAGE of North Carolina. This $25,000 culvert is a benefit to the city, in order that we may build a permanent structure and save the building of a bridge. I am not considering whether the private owners want it or do not want it. I know they want to sell that land at the price they are offering it for. I am not in favor of it. Provided the Speaker sustains their point of order, I simply wanted the gentlemen to know what they are doing.

Mr. BROWNE. I understand thoroughly, and I am willing to take the responsibility for it. I think it is clearly subject to the point of order.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. CRAMTON. Do I understand, if the legislation goes through as reported by the conference committee, that the present driveway from Rock Creek Park through—up into—this valley will be closed up and the possibility of ever acquiring or utilizing Klingle Valley as a park be done away with?

Mr. PAGE of North Carolina. Not entirely so.

Mr. CRAMTON. I am asking for information.

Mr. PAGE of North Carolina. Because the Engineer commissioner of the District has a plan by which still a road will go up at not a very heavy grade from the east side in Rock Creek Park into Connecticut Avenue. That is a part of the plan of the Engineer commissioner—still to have a road leading from Connecticut Avenue into Rock Creek Park.

Mr. CRAMTON. I will say to the gentleman that while I am entirely in sympathy with his desire to get the property at a reasonable value, I consider that drive one of the most beautiful drives in the city of Washington or in its vicinity, and if it can be had at a reasonable price the Government ought to own it.

Mr. PAGE of North Carolina. If the gentleman had had as much experience as some of use have had in undertaking to condemn land for the purpose of parks and other city purposes, he would find it much better to deal directly with the owners.

Mr. SHERWOOD. Mr. Speaker, why not strike the whole item out and save that much money?

Mr. PAGE of North Carolina. I want to say to the House that what action may be taken in conference, providing this point of order is sustained, is one that I am not ready to commit myself upon. I am not in favor of buying this land at the price they want.

Mr. SHERWOOD. If they do not want it for park purposes, why not strike it out?

Mr. PAGE of North Carolina. There is a great deal in what the gentleman says.

Mr. COOPER of Wisconsin. Mr. Speaker, does not the gentleman from North Carolina think it would be a great addition to the park system to retain that permanently as a part of it?

Mr. PAGE of North Carolina. I have not put the emphasis upon the value that that would be to the parking system that the gentleman and other people do. I have been there very often. I am perfectly familiar with the situation. I do not see the same value in it as a park as some other people seem to see.

Mr. COOPER of Wisconsin. Perhaps not the value at the price which the gentleman considers exorbitant, but does the gentleman not think it would be a fine thing to obtain that as a part of the beautiful park system of Washington?

Mr. PAGE of North Carolina. I will say to the gentleman that the adoption of this amendment, which would allow the building of a permanent structure on Connecticut Avenue instead of an expensive bridge, in the very near future, would not necessarily preclude the acquisition of this land above and below as a park.

Mr. COOPER of Wisconsin. I know nothing about it, and I do not know who owns any land there, and no landowner out there has ever spoken to me about it.

Mr. PAGE of North Carolina. The gentleman has been fortunate.

Mr. COOPER of Wisconsin. But I have seen that particular place, and it is a very beautiful spot through there.

Mr. PAGE of North Carolina. Yes. There are a great many beautiful places in the northern end of the District of Columbia, and if we are going to acquire them all at a price comparable to this offered here we will have a very expensive park system in the District of Columbia.

Mr. COOPER of Wisconsin. The gentleman speaks of exorbitant figures. I am not advising purchasing at exorbitant figures but at reasonable figures. I remember on the floor some years ago the House was informed that if we bought land that was offered at—I have forgotten, $600,000 or something of that kind—that that was an extravagant figure. Part of it has since been cut off and subdivided. I remember it was stated that that was an exorbitant figure, and so the House voted it down and

refused to take it. It has since been subdivided and sold and is valued at—I do not know, but many times the amount——

Mr. PAGE of North Carolina. Is the gentleman sure it was sold?

Mr. COOPER of Wisconsin. A large portion of it was sold. I have seen houses on it.

Mr. PAGE of North Carolina. I understand a very small portion of it has been sold.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. PAGE of North Carolina. I yield for a question.

Mr. SMITH of Michigan. What is absolutely the necessity or emergency why this should be purchased at this time?

Mr. PAGE of North Carolina. Well, there is none as far as I know.

Mr. SMITH of Michigan. Why not abandon it?

Mr. PAGE of North Carolina. Well, I will say to the gentleman there is in the near future a necessity for a construction of a bridge on Connecticut Avenue across the valley; so the estimate proposed in the conference report is to put a viaduct and fill it in with dirt.

Mr. MANN. Will the gentleman yield?

Mr. PAGE of North Carolina. I will.

Mr. MANN. There is a road now that runs up to the bridge on the east side of Connecticut Avenue.

Mr. PAGE of North Carolina. Yes; it is a road. The gentleman has, of course, traveled that and knows about it.

Mr. MANN. I have walked over it 50 times, I suppose, and rode over it in an automobile the last time; but it is a public road.

Mr. PAGE of North Carolina. Yes.

Mr. MANN. There is no way to close it up, so far as the property owners are concerned?

Mr. PAGE of North Carolina. No; they can not close it up.

Mr. MANN. Is there any way by which they can avoid keeping that open, whether the public buys it or not?

Mr. PAGE of North Carolina. Why, absolutely none, unless Congress or the governing body should allow them to repeal the use of that road there as a public highway.

Mr. MANN. There is a public highway there——

Mr. PAGE of North Carolina. Yes.

Mr. MANN. At the bottom of quite a steep descent?

Mr. PAGE of North Carolina. Yes.

Mr. MANN. The property owners can not level off their property and fill up the road?

Mr. PAGE of North Carolina. No; they can not.

Mr. MANN. Being in that fix, of course, they would like to sell the property to the Government. Who owns the property?

Mr. PAGE of North Carolina. Why, the valley that this acreage that is proposed in the original amendment in the Senate bill is owned by Senator NEWLANDS and a company; I think it is the Chevy Chase Land Co., of which Senator NEWLANDS is the largest owner, or one of the large stockholders.

Mr. JOHNSON of Kentucky. Mr. Speaker, I desire to say a few words relative to the point of order. It seems to me that the gentleman from Minnesota who made the point of order made it perfectly clear that this amendment is subject to a point of order, but if he did not make it clear then the gentleman from North Carolina by his statement about it made it indisputable that it was subject to the point of order. The statement is this, that the Senate put on an amendment appropriating $87,000 with which to buy 8½ acres of land. That amendment put on by the Senate has been receded from by the Senate, and in its stead is placed this language appropriating $25,000 for an entirely different purpose. The $25,000 which the conference report has brought in is not for buying a single foot of land, yet it is offered as a substitute or in lieu of the proposition to appropriate $87,000 with which to buy land. Now, this proposition when succinctly put is a departure from the Senate amendment to expend $87,000 with which to buy land and appropriates $25,000 for another purpose, to wit, with which to build a culvert under Connecticut Avenue. But, Mr. Speaker, inasmuch as the argument on the point of order has been departed from and the history of the case has been gone into somewhat it may not be amiss for me to say here now that for years and years gone by the Klingle Park Valley has been a stench to the nostrils of Congress. More than six years ago, seven years ago perhaps, I made a point of order several times upon the floor of this House to defeat this very proposition. At that time there was a greater acreage, to just what extent I do not know, than there is now, but they commenced some seven or eight years ago to ask $250,000 for the park out there at Klingle Ford. Then they got to $285,000, and then they got to $310,000, all the time threatening that if you did not take it now you never will be able to get it within a reasonable price, that the prices are going up and up. But when they saw Congress hesitated through these years, or declined, rather, to take it, then the price commenced to go down. A few little pieces were sold off, and now they come and say they will let us have that park, not at $310,000 as originally asked, but have dropped down to $87,000.

Congress refuses to take it at that, and then comes this substitute to depart from the Senate amendment and appropriate $25,000, not to buy any part of that tract but to use it for other purposes. And to my mind it is unquestionably and indisputably subject to a point of order.

Mr. GARDNER. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. GARDNER. In the gentleman's opinion, ought Congress to buy it for $87,000?

The SPEAKER. The price of it has nothing to do with it. The point of order is sustained.

Mr. JOHNSON of Kentucky. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Kentucky. The point of order being sustained to that item, the point of order lies good to the whole conference report?

The SPEAKER. Yes.

HOUR OF MEETING TO-MORROW.

Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent that when the House adjourn to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. KEY of Ohio. Mr. Speaker——

Mr. PARKER of New Jersey. Mr. Speaker, I desire to print for the information of the Members a copy of a statute approved in 1839, giving the President additional powers in the defense of the United States. I wish to have it printed now as a part of my remarks, for the information of the House to-morrow on a like question.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. On what subject?

Mr. PARKER of New Jersey. It is on the subject of the defense of the United States. It will come up to-morrow.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The following is the statute referred to:

[25th Cong., 3d sess., ch. 89; approved Mar. 3, 1839; vol. 5, p. 355.]

Chapter LXXXIX. An act giving to the President of the United States additional powers for the defense of the United States, in certain cases, against invasion, and for other purposes:

Be it enacted, etc., That the President of the United States be, and he hereby is, authorized to resist any attempt on the part of Great Britain, to enforce, by arms, her claim to exclusive jurisdiction over that part of the State of Maine which is in dispute between the United States and Great Britain; and for that purpose to employ the Navy and military forces of the United States and such portions of the militia as he may deem it advisable to call into service.

SEC. 2. *And be it further enacted*, That the militia, when called into the service of the United States by virtue of this act, or of the act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrection, repel invasions, and to repeal the act now in force for these purposes," may, if in the opinion of the President of the United States, the public interest require it, be compelled to serve for a term not exceeding six months after the arrival at the place of rendezvous in any one year unless sooner discharged.

SEC. 3. *And be it further enacted*, That in the event of actual invasion of the territory of the United States by any foreign power, or if imminent danger of such invasion discovered, in his opinion, to exist before Congress can be convened to act upon the subject, the President be, and he is hereby, authorized if he deem the same expedient, to accept the services of any number of volunteers not exceeding 50,000, in the manner provided for by an act entitled "An act authorizing the President of the United States to accept the service of volunteers and to raise an additional regiment of dragoons or mounted riflemen, approved May 23, 1836."

SEC. 4. *And be it further enacted*, That in the event of either of the contingencies provided for in this act the President of the United States shall be authorized to complete the public armed vessels now authorized by law and to equip, man, and employ, in actual service, all the naval force of the United States, and to build purchase, or charter, arm, equip, and man such vessels and steamboats on the northern lakes and rivers, whose waters communicate with the United States and Great Britain, as he shall deem necessary to protect the United States from invasion from that quarter.

SEC. 5. *And be it further enacted*, That the sum of $10,000,000 is hereby appropriated and placed at his disposal for the purpose of executing the provisions of this act, to provide for which the Secretary of the Treasury is authorized to borrow money on the credit of the United

States and to cause to be issued certificates of stock signed by the Register of the Treasury, for the sum to be borrowed, or any part thereof, and the same to be sold upon the best terms that may be offered after public notice for proposals for the same: *Provided*, That no engagement or contract shall be entered into which shall preclude the United States from reimbursing any sum or sums thus borrowed after expiration of five years from the 1st of January next, and that the rate of interest shall not exceed 5 per cent, payable semiannually.

SEC. 6. *And be it further enacted*, That the sum of $18,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for outfit and salary of a special minister to Great Britain: *Provided*, The President of the United States shall deem it expedient to appoint the same.

SEC. 7. *And be it further enacted*, That in the event of either of the contingencies provided for in the first and third sections of this act, the President of the United States shall be authorized to apply a part not exceeding $1,000,000 of the appropriation made in this act to repairing or arming fortifications along the seaboard and frontier.

SEC. 8. *And be it further enacted*, That whenever militia or volunteers are called into the service of the United States, they shall have the organization of the Army of the United States and shall receive the same pay and allowances.

SEC. 9. *And be it further enacted*, That the several provisions of this act shall be in force until the end of 60 days after the meeting of the first session of the next Congress and no longer.

Approved, March 3, 1839.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. PAGE of North Carolina. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAGE of North Carolina. The House having rejected this conference report, and the House conferees having had all the papers, I desire to inquire if it would not be proper if I asked for a further conference?

The SPEAKER. The Chair thinks it would.

Mr. PAGE of North Carolina. Then I ask for a further conference.

The SPEAKER. The gentleman from North Carolina moves to further insist on the House disagreement to the Senate amendments and ask for a conference. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. JOHNSON of Kentucky. To make a motion to instruct the House conferees.

The SPEAKER. That comes after. The question is on the motion of the gentleman from North Carolina [Mr. PAGE].

The question was taken, and the motion was agreed to.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the conferees on the part of the House be instructed to insist upon their disagreement with the Senate as to Senate amendment No. 97, relative to the tax upon intangible property.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] moves that the House instruct the conferees to adhere to the disagreement of the House to Senate amendment No. 97.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. JOHNSON of Kentucky. Division, Mr. Speaker.

Mr. MANN. I guess on that we will have to have a roll call.

Mr. JOHNSON of Kentucky. Did the Speaker announce that the ayes seemed to have it?

The SPEAKER. Yes.

Mr. JOHNSON of Kentucky. Then I will withdraw the motion—for a division only—Mr. Speaker.

Mr. MANN. And I will make the point of no quorum.

Mr. DENISON. Mr. Speaker, I make the point of no quorum.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. FLOOD. Mr. Speaker, will the gentleman withhold it a moment until I get up a conference report?

The SPEAKER. Does the gentleman from Illinois [Mr. DENISON] withhold his point of order?

Mr. DENISON. I do.

Mr. FLOOD. Mr. Speaker, I ask to take up the conference report on the bill H. R. 19300, the Diplomatic and Consular appropriation bill; and I ask unanimous consent that the statement may be read in lieu of the report.

Mr. JOHNSON of Kentucky. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Kentucky. If I do not object to the motion which is made by the gentleman from Virginia [Mr. FLOOD], what would be the status of my motion to instruct the House conferees?

Mr. MANN. The gentleman can not object. The other is a privileged matter.

The SPEAKER. It would be considered as pending.

The gentleman from Virginia [Mr. FLOOD] asks to take up the conference report on the Diplomatic and Consular appropriation bill. The Clerk will report it.

The Clerk read as follows:

Conference report on the bill H. R. 19300, making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the statement may be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

Mr. HULBERT. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from New York makes the point of no quorum. The Chair will count. [After counting.] One hundred and forty-three Members are present, not a quorum.

Mr. FOSTER. Mr. Speaker, I move a call of the House.

Mr. MANN. Not to-night. We had an agreement to-night that none of these things should come up. As a matter of fact the Members were so told.

Mr. FOSTER. Then I withdraw it.

ADJOURNMENT.

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 35 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Thursday, March 1, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of communication of the Secretary of War, submitting an estimate of deficiency required by the Board of Managers, National Home for Disabled Volunteer Soldiers, for the service of the fiscal year 1917 (H. Doc. No. 2099); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, together with a report of Col. T. H. Rees, Corps of Engineers, on preliminary examination of Eel River, Cal. (H. Doc. No. 2100); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy, submitting a proposed clause of legislation for inclusion in the general deficiency bill authorizing the use of the naval emergency fund for such additional expenses and temporary employees as may be necessary to carry out the purposes of the naval act (H. Doc. No. 2101); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MOON, from the Committee on the Post Office and Post Roads, to which was referred the bill (H. R. 21034) excepting certain classes of manufacturers and dealers from the operation of the provisions of section 5 of House bill 19410, "making appropriation for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," reported the same without amendment, accompanied by a report (No. 1585), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 381) deferring the operation of section 5 (Senate amendment 34) to Post Office appropriation bill (H. R. 19410) until July 1, 1917, reported the same without amendment, accompanied by a report (No. 1586), which said bill and report were referred to the House Calendar.

Mr. GLASS, from the Committee on Banking and Currency, to which was referred the bill (H. R. 20540) to authorize national banking associations to establish branches, reported the same without amendment, accompanied by a report (No. 1588), which said bill and report were referred to the House Calendar.

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (S. 8148) to punish espionage and acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, and better to enforce the criminal laws of the United States, and for other purposes, reported the same with amendment, accompanied by a report (No. 1591), which said bill and report were referred to the House Calendar.

Mr. IGOE, from the Committee on the Judiciary, to which was referred the bill (S. 6286) to confer jurisdiction on the Court of Claims, reported the same without amendment, accompanied by a report (No. 1592), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLOOD, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes, reported the same with amendment, accompanied by a report (No. 1594), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (S. 1579) for the relief of Jacob Nice, reported the same without amendment, accompanied by a report (No. 1583), which said bill and report were referred to the Private Calendar.

Mr. SHALLENBERGER, from the Committee on Military Affairs, to which was referred the bill (S. 6133) authorizing the Secretary of War to grant to John D. Sherwood, of Spokane, Wash., the right to overflow certain lands on the Fort George Wright Military Reservation at Spokane, Wash., and to accept the conveyance to the United States of other lands to be designated by the Secretary of War and suitable for a rifle range in exchange for the land so overflowed, reported the same without amendment, accompanied by a report (No. 1589), which said bill and report were referred to the Private Calendar.

Mr. MORIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 16920) to correct the military record of John A. Swartzwelder, reported the same with amendment, accompanied by a report (No. 1590), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. NELSON: A bill (H. R. 21059) to increase the limit of cost for the proposed new Federal building and the site therefor; to the Committee on Public Buildings and Grounds.

By Mr. RAINEY: A bill (H. R. 21060) to amend an act entitled "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878; to the Committee on the District of Columbia.

Also, a bill (H. R. 21061) to provide for an annual assessment of real property in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 21062) providing for the condemnation of the Keokuk Dam and to repeal the act of February 9, 1905, granting certain privileges to the Keokuk & Hamilton Water Power Co., to repeal section No. 124 of the act of June 3, 1916, to repeal certain portions of the act of August 29, 1916, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HUSTED: A bill (H. R. 21063) authorizing the Secretary of the Navy to offer a prize for a device or plan to protect vessels against submarine attack; to the Committee on Appropriations.

By Mr. DYER: A bill (H. R. 21064) to provide a commission to determine and fix the valuation of property confiscated, destroyed, and made valueless by reason of prohibition, and to report the result to the Congress in December, 1917; to the Committee on Appropriations.

By Mr. BENNET: Resolution (H. Res. 541) authorizing further consideration of House bill 19410, the Post Office appropriation bill; to the Committee on Rules.

By Mr. ABERCROMBIE: Resolution (H. Res. 542) for the consideration of Senate bill 4429; to the Committee on Rules.

By Mr. FLOOD: Resolution (H. Res. 543) providing for the consideration of House bill 21052; to the Committee on Rules.

Also, resolution (H. Res. 544) providing for the consideration of House bill 21052; to the Committee on Rules.

By Mr. CARTER of Massachusetts: Memorial of the Legislature of the State of Massachusetts, favoring an amendment to the Constitution giving Congress the power to regulate the hours of labor; to the Committee on the Judiciary.

By Mr. BEALES: Memorial of the Legislature of the State of Pennsylvania, expressing disapproval of the proposed plan to impose a Federal tax upon the profits of corporations, joint-stock companies, etc., by the Federal Government; to the Committee on Ways and Means.

By Mr. ROWE: Memorial of the Legislature of the State of New York, favoring the passage of House bill 20080, and urging Congress to make adequate appropriation for carrying into effect the provisions contained in said bill; to the Committee on Foreign Affairs.

By Mr. HAWLEY: Memorial of the Legislature of the State of Oregon, favoring the erection of "peace memorial halls" at Gettysburg and Chickamauga; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII,

Mr. ASHBROOK introduced a bill (H. R. 21065) granting an increase of pension to Charles W. Sasser, which was referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Central Labor Union of Washington, D. C., opposing prohibition for the District of Columbia; to the Committee on the District of Columbia.

By Mr. BRUCKNER: Telegrams from Joseph Auerbach, Ernest Bohn, R. P. Brindell, Herman Blausse, Frank Field, G. D. Gaillard, R. P. Glenn, Arthur Hesse, M. Lynch, V. T. Rybicki, W. D. Recknal, H. Schneider, H. J. Smith, Fred Scheurer, C. D. Sturcel, Paul Tilli, and W. C. Turnson, citizens of New York City, protesting passage of Sheppard bill; to the Committee on the District of Columbia.

By Mr CANNON: Petition of sundry citizens of Illinois, protesting against war; to the Committee on Foreign Affairs.

By Mr. CAREW: Petition of Maryland League for National Defense, relative to suspending clause of national-defense act of June 3, 1916; to the Committee on Military Affairs.

Also, petition of the Crockery Board of Trade of New York, opposing the Kitchin bill for amending Federal reserve act; to the Committee on Banking and Currency.

Also, memorial of the Republican county committee of county of New York, approving action of the President in severing relations with Germany; to the Committee on Foreign Affairs.

Also, petition of Farmers' National Congress, protesting against Underwood oleomargarine amendment to the revenue bill; to the Committee on Ways and Means.

By Mr. CHARLES: Petition of residents of Schenectady, N. Y., for the enactment of compulsory military training legislation; to the Committee on Military Affairs.

By Mr. DALE of New York: Petition of Cumann Na MBan (Inc.), protesting against war; to the Committee on Foreign Affairs.

Also, memorial adopted by the national executive committee at the Murray Hill Hotel, New York City, protesting against Chapters VI and VII of Senate bill 8148; to the Committee on the Judiciary.

Also, memorial of National Association of Master Bakers, Chicago, Ill., indorsing the President in his management of the foreign affairs; to the Committee on Foreign Affairs.

Also, petition of District of Columbia Referendum Association, asking for a referendum vote on the question of prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of Chamber of Commerce of the State of New York, relative to restriction of war profits; to the Committee on Foreign Affairs.

By Mr. DOOLING: Memorial of Chamber of Commerce of the State of New York, relative to protection of American lives and property at sea; to the Committee on Foreign Affairs.

Also, memorial of National Association of Master Bakers, pledging to the Government, if necessary, the industrial resources of the National Association of Master Bakers; to the Committee on Interstate and Foreign Commerce.

By Mr. EAGAN: Petition of Cigar Makers' International Union of America, against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of District of Columbia Referendum Association, relative to allowing people of the District of Columbia to vote on prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ESCH: Petition of William Brasda and 81 other residents of La Crosse County, Wis., protesting against entering the European war; to the Committee on Foreign Affairs.

Also, petition of members of the Second German Methodist Church, at La Crosse, Wis., and also the Chipmonts Congregation, to be kept out of war; to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of the National Temperance Bureau, for prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petitions of the Chicago Federation of Labor and of several citizens of Illinois, in opposition to becoming involved in the European war; to the Committee on Foreign Affairs.

Also, petition of the United Charities of Chicago, favoring an appropriation of $200,000 for the enforcement of the child-labor law; to the Committee on Appropriations.

Also, petition of several citizens of Illinois, favoring an embargo on the shipment abroad of food products; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLIVAN: Petition of citizen of Dorchester, Mass., favoring referendum vote before a declaration of war; to the Committee on Foreign Affairs.

Also, petition of citizen of Boston, Mass., opposing a referendum vote before a declaration of war; to the Committee on Foreign Affairs.

Also, petition of J. D. M. Beath, Dorchester, Mass., member of the Massachusetts branch of the League to Enforce Peace, relative to the adoption of the league's proposals by the United States; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Boston, Mass., protesting against mail-exclusion bills and prohibition legislation; to the Committee on the Post Office and Post Roads.

By Mr. GANDY: Petition of 100 people of Deadwood, S. Dak., for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. GLASS: Memorial of Fredericksburg (Va.) Chamber of Commerce, relative to maintenance, etc., of a system of national highways; to the Committee on Roads.

By Mr. GOOD: Petitions signed by publishers of newspapers in Iowa to exclude advertisements from the mails; to the Committee on the Post Office and Post Roads.

By Mr. GOODWIN of Arkansas: Petition favoring nationwide prohibition from the citizens of Urbana, Union County, Ark.; to the Committee on the Judiciary.

By Mr. GREENE of Vermont: Petitions of various Woman's Christian Temperance Union organizations in the first congressional district of Vermont in convention, favoring the adoption of an amendment to the Constitution prohibiting the sale, manufacture for sale, transportation for sale, importation for sale, and exportation for sale of intoxicating liquors for beverage purposes in the United States; to the Committee on the Judiciary.

By Mr. GRIEST: Petitions of sundry citizens of Lancaster County, Pa., for referendum on peace or war; to the Committee on Foreign Affairs.

Also, petitions of sundry citizens of Lancaster County, Pa., for referendum on war, the exportation of munitions and food supplies, etc.; to the Committee on Foreign Affairs.

By Mr. GRIFFIN: Petition of sundry citizens of New York, opposing war; to the Committee on Foreign Affairs.

Also, memorial passed by Central Labor Union, Washington, D. C., favoring a referendum vote on the question of prohibition for the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of National Association of Master Bakers, indorsing President Wilson in his management of foreign affairs; to the Committee on Foreign Affairs.

By Mr. HAYES: Memorials adopted by the citizens of Santa Barbara, Cal., opposing war; to the Committee on Foreign Affairs.

By Mr. HOWELL: Petition of 240 people of First Baptist Church of Ogden, Utah, and 100 people Methodist Episcopal Church, Tremonton, Utah, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HULBERT: Memorial of National Association of Master Bakers, adopted in convention, in re legislation pending before Congress; to the Committee on the Judiciary.

Also, memorial of Emergency Peace Federation in re foreign situation; to the Committee on Foreign Affairs.

By Mr. LAFEAN: Memorial of Central Labor Union of Washington, D. C., relative to Sheppard-Barkley prohibition bill; to the Committee on the Judiciary.

Also, petition of Branch 48, G. R. K. Knights of St. George, of Latrobe, Pa., opposing war; to the Committee on Foreign Affairs.

By Mr. LEWIS: Memorial of sundry citizens of Brunswick, Md., opposing war; to the Committee on Foreign Affairs.

By Mr. LOUD: Protest by William C. Finger and 37 other citizens of Prescott, Mich., against war with Germany and against draft war; to the Committee on Foreign Affairs.

By Mr. MAGEE (by request): Petition of citizens of Onondaga County, N. Y., relative to national prohibition; to the Committee on the Judiciary.

By Mr. MILLER of Pennsylvania: Petition of citizens of Ridgway, Elk County, Pa., for a constitutional amendment prohibiting polygamy in the United States; to the Committee on the Judiciary.

Also, petition of citizens of Pleasantville; Woman's Bible Class of 44 people, of Rouseville; 100 Woman's Christian Temperance Union people, of Rouseville; 28 members Young Men's Bible Class, of Rouseville; 40 members Young Men's Bible Class, of Rouseville; 100 people of Methodist Episcopal Church, of Kellettville; Woman's Christian Temperance Union of 45 people, of Kellettville, all in the State of Pennsylvania, for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. PAIGE of Massachusetts: Petitions from 400 people of Evangelical Church; 271 members of Athol Grange; 362 members of Athol (Mass.) Young Woman's Christian Association; 30 members of Athol (Mass.) Woman's Christian Temperance Union; 12 voters of Athol, Mass.; and 500 people of Athol Methodist Church, of Athol, Mass., all in favor of the national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. PRATT: Petition of J. C. Laurence, G. W. West, and sundry other citizens of Waverly, N. Y., favoring certain prohibition measures; to the Committee on the Judiciary.

By Mr. REILLY: Petition of sundry citizens of Berlin, to keep country out of war; to the Committee on Foreign Affairs.

By Mr. ROWE: Petition of citizens of Minneapolis, opposing war; to the Committee on Foreign Affairs.

Also, memorial of national executive committee of the Socialist Labor Party, opposing war; to the Committee on Foreign Affairs.

Also, petition of Fort Orange Paper Co., New York City, opposing a portion of House bill 20573, to provide increased revenue; to the Committee on Ways and Means.

Also, petition of Michael Finst, Brooklyn, N. Y., favoring the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Corrugated Bar Co., Buffalo, N. Y., relative to Federal tax on excess profits; to the Committee on Ways and Means.

Also, petition of O. C. Leyfarth, Brooklyn, N. Y., favoring the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Farmers' National Congress, protesting against Underwood oleomargarine amendment to the revenue bill; to the Committee on Ways and Means.

Also, petition of John E. O'Mara, Brooklyn, N. Y., favoring universal military training; to the Committee on Military Affairs.

By Mr. SMITH of Michigan: Petition of Rev. H. K. Freeman and 108 citizens of Charlotte, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEELE of Pennsylvania: Petition of 50 citizens of Northampton County, Pa., for a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. TINKHAM: Memorial of national executive committee of Friends of Irish Freedom against chapters 6 and 7 of Senate bill 8148; to the Committee on the Judiciary.

By Mr. WINSLOW: Petitions of 420 citizens of Worcester, Mass., favoring an embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *March 1, 1917.*

The Senate met at 12.55 o'clock a. m.

ORDER OF BUSINESS.

Mr. STONE. Mr. President, I ask what the order of business now is.

The VICE PRESIDENT. The order of business is the reading of the Journal of the proceedings of the preceding session.

Mr. STONE. I ask unanimous consent to dispense with the reading of the Journal.

Mr. PENROSE. Mr. President, before that is given I will——

Mr. LA FOLLETTE. Mr. President, I object to that. I call for the reading of the Journal.

Mr. PENROSE. Mr. President, as having some bearing on the request of the Senator from Missouri, I should like to inquire from him what is the purpose of the majority during the present session of the Senate? Is it the purpose to go on for many hours during the night, or, after the bill in which the Senator is particularly interested is disposed of, to adjourn?

Mr. HITCHCOCK. Mr. President, I should like to ask another question, if the Senator from Pennsylvania will permit me.

Mr. PENROSE. All right.

Mr. HITCHCOCK. We should like to know what the purpose is on the other side of the Chamber. Is it proposed to consume uselessly the time of the Senate in a filibuster?

Mr. PENROSE. Mr. President, I object to the tone of that inquiry. I have not seen any filibuster yet, and that expression "consumption of time" is most offensive to me. If the Senator's purpose is to cut off deliberation, I want to tell him emphatically that the minority intend to deliberate and debate this great measure, carrying $500,000,000; and when the time comes I intend to submit to the Senate the facts which will show the reprehensible procrastination of the majority in bringing these bills in so late that the minority do not have a fair chance to consider them.

Mr. STONE. I really do not know what bill the Senator from Pennsylvania refers to; but the bill I have in mind does not propose any expenditure of $500,000,000.

Mr. PENROSE. No, Mr. President; but if it is the purpose of the majority to go on after this particular bill is disposed of, it seems to me we ought to open the session with all the solemnity of the precedents; and if no chaplain is present, I would ask the Senator from Missouri to act as Chaplain, or some other Senator of a pious turn of mind and a religious bringing up, and then that the Journal be read in due course and the question put as to whether it shall be approved, and then that the morning hour proceed. I have several bills here that I want to introduce, hoping to get unanimous consent for their consideration later in the day.

Mr. STONE. I will not indulge in frivolity——

Mr. PENROSE. There is no frivolity about that.

Mr. STONE. On such a serious question as that suggested by the Senator, that so unworthy a Senator should act as Chaplain of the Senate. Possibly the Senator from Pennsylvania will violate the precedent in that regard.

Mr. PENROSE. I merely wanted to know whether an adjournment is contemplated as soon as the Senator from Missouri has the action which he has in mind taken on the bill; that is, I understand, a reference to the committee.

Mr. STONE. Which bill?

Mr. PENROSE. I understand the Senator intends to bring up before the Senate—I am not a mind reader but somehow or other I got the impression—the bill to give certain powers to the President.

Mr. STONE. Yes; I have that in mind, and I will state with perfect frankness that as soon as I can reach a point in the proceedings when that may be done I shall ask for the second reading of the bill (S. 8322) which was introduced on yesterday and for its reference to the Committee on Foreign Relations. After that reference is made, under the direction of that committee, I am ready to report it back to the Senate.

Mr. WILLIAMS. With instructions.

Mr. STONE. With instructions, as the Senator from Mississippi interpolates, to move for its immediate consideration. If the Senate concurs in that motion, it will make the measure the unfinished business of the Senate. Now, as to what the Senate may do thereafter to-night—that is to say, whether it will proceed with the consideration of it to-night or come to some agreement among ourselves for an early adjournment to an early hour to-morrow—I do not undertake to assure the Senator.

Mr. PENROSE. The Senator from Missouri would certainly know his own intentions, and I would ask whether it is his purpose, as chairman of the committee and having the bill in charge, to ask the Senate to go on indefinitely with the consideration of the measure.

Mr. STONE. I will say that, so far as I am concerned, my present purpose is to proceed with it to the point of making it the unfinished business.

Mr. PENROSE. I understand that.

Mr. STONE. Beyond that I have nothing to say.

THE JOURNAL.

Mr. LA FOLLETTE. Regular order, Mr. President.

The VICE PRESIDENT. The regular ordering being called for, the Secretary will read the proceedings of the preceding session.

Mr. STONE. I do not know how long that will take, but I ask whether a motion to dispense with the reading of the Journal is in order?

The VICE PRESIDENT. It takes unanimous consent to dispense with the reading of the Journal.

Mr. PENROSE. I object, Mr. President. Let it be read.

Mr. BORAH. To what is the objection just entered?

The VICE PRESIDENT. To dispensing with the reading of the Journal.

Mr. BORAH. Mr. President, I think the reading ought to be dispensed with. I can not see any possible reason for occupying the time of the Senate in reading the Journal. I hope the Senator from Pennsylvania will not undertake to represent——

Mr. STONE. I think the Senator from Pennsylvania——

Mr. PENROSE. Perhaps the Senator from Idaho has not been here all the time.

Mr. BORAH. Yes; I have been here all the time, and I have been hearing some things I was not interested to hear. I feel that we ought to make progress on the measure the Senator from Missouri has in charge. When we come to consider it upon its merits, that is a different question, but it ought to be permitted to come before the Senate for consideration and I trust that the minority will assist in having it made the unfinished business. After that those who have convictions in regard to it and difference of views will certainly be allowed sufficient time to express those views, and I am in favor of their having all the time they want to present their views. I think the measure ought to come before the Senate.

Mr. FALL. Will the Senator yield to me?

Mr. LA FOLLETTE. I call for the regular order.

The VICE PRESIDENT. The Chair has nothing to do, if the Senator from Wisconsin calls for the regular order, but to order the reading of the Journal.

Mr. FALL. I want to re-echo the sentiments of the Senator from Idaho [Mr. BORAH].

The VICE PRESIDENT. There being objection to the request to dispense with the reading of the Journal, it will be read. The Secretary will read it.

Mr. POINDEXTER. I move that the reading of the Journal be dispensed with.

The VICE PRESIDENT. The Chair has ruled that a motion of that kind can not be entertained. It is the right of any Senator to have the Journal read, and if any Senator objects to dispensing with the reading it must be read.

Mr. POINDEXTER. For myself, I am in favor of the bill which the Senator from Missouri has spoken of. As I have read it, I think it is a bill of the most vital and far-reaching consequences.

Mr. LA FOLLETTE. Mr. President, I demand the regular order.

The VICE PRESIDENT. The Secretary will read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of the proceedings of the legislative day Tuesday, February 27, 1917, and after having read for some time,

Mr. BRADY. I ask unanimous consent that the further reading of the Journal be dispensed with.

The VICE PRESIDENT. Is there objection?

Mr. LA FOLLETTE. Mr. President, if the chairman of the committee will state that this bill is to take the usual course, go to the committee to-day, the 1st day of March, be reported back from the committee to-day, the 1st day of March—immediately, I understand, the committee has instructed him to report it—I do not object to that, and then go over until Friday, the 2d day of March, as it should under the rule. That is all I ask. Then there will be a little time to prepare for debate on the bill that I think——

Mr. STONE. Of course, under the rule it would go over necessarily upon a single objection.

Mr. LA FOLLETTE. I understood that, but I did not know——

Mr. STONE. It could only be taken up by unanimous consent when reported.

Mr. LA FOLLETTE. I did not know but the Senator proposed to make it the unfinished business to-day.

Mr. STONE. I desired to do so, but a single objection prevents it.

Mr. President, I again ask that the further reading of the Journal may be dispensed with.

Mr. LA FOLLETTE. With the understanding that the bill is to take the course under the rule which I have suggested, I withdraw my objection.

The VICE PRESIDENT. Without objection, the further reading of the Journal is dispensed with, and the Journal will stand approved. The presentation of petitions and memorials is in order.

PETITIONS.

Mr. O'GORMAN presented petitions of 1,500 citizens of New York, praying that the United States remain at peace, which were referred to the Committee on Foreign Relations.

Mr. ROBINSON presented a petition of F. C. Cannon and sundry other citizens of Emmett, Ark., praying for national prohibition, which was ordered to lie on the table.

Mr. WEEKS presented a petition of the city council of Malden, Mass., indorsing the action of the President in severing diplomatic relations with the Imperial Government of Germany, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were ordered to lie on the table.

EMPLOYEES IN CLASSIFIED CIVIL SERVICE.

Mr. POMERENE. Mr. President, I desire to present a written notice of a motion to suspend the rule for the purpose of presenting an amendment to the sundry civil appropriation bill (H. R. 20967).

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

I hereby give notice that I will move to suspend the following part of Rule XVI, paragraph 3:

"No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter of the bill be received."

For the purpose of offering as an amendment to the sundry civil appropriation bill, S. 3079, entitled "A bill for the retirement of employees in the classified civil service."

This notice is given in pursuance of Rule XL.

ATLEE POMERENE.

ARMED MERCHANT SHIPS.

Mr. STONE. I now ask unanimous consent out of order for the second reading of the committee bill introduced on yesterday and its reference to the Committee on Foreign Relations.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The bill (S. 8322) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing the registry of the United States, with defensive arms, and for other purposes, was read the second time by its title.

The VICE PRESIDENT. The bill having been read twice will be referred to the Committee on Foreign Relations.

Mr. STONE. Have we reached the order of reports of committees?

The VICE PRESIDENT. Reports of committees are now in order.

Mr. STONE. By direction of the Committee on Foreign Relations I report back without amendment, and with favorable recommendation, the bill which I send to the desk.

The SECRETARY. A bill (S. 8322) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing the registry of the United States, with defensive arms, and for other purposes.

Mr. STONE. I give notice that as soon as it is possible I shall move that the Senate proceed to the consideration of the bill.

The VICE PRESIDENT. Are there further reports of committees?

REPORTS OF COMMITTEES.

Mr. HUGHES, from the Committee on Pensions, to which was referred the bill (H. R. 18566) for the relief of Mrs. Nancy E. Mullins, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs, which was agreed to.

Mr. HITCHCOCK, from the Committee on Military Affairs, to which was referred the bill (H. R. 1764) for the relief of John Minahan, alias John Bagley, reported it without amendment and submitted a report (No. 1128) thereon.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 6814) to prohibit and punish the manufacture or counterfeiting of coin or paper intended to be used or passed as money, or of securities issued or intended to be issued by an unrecognized government, faction, or body of insurgents in a country with which the United States are at peace, reported it with an amendment.

Mr. JAMES, from the Committee on the District of Columbia, to which was referred the bill (H. R. 7621) prohibiting the interment of the body of any person in the cemetery known as the Cemetery of the White's Tabernacle, No. 39, of the Ancient United Order of Sons and Daughters, Brethren and Sisters of Moses, in the District of Columbia, reported it without amendment and submitted a report (No. 1129) thereon.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 8411) for the relief of James R. McGuire, reported it without amendment and submitted a report (No. 1127) thereon.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. CHAMBERLAIN. From the Committee on Military Affairs, I report back favorably without amendment the joint resolution (H. J. Res. 335) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, and I ask unanimous consent for its present consideration.

Mr. NORRIS. Mr. President, I should like to see the report and talk a little with the Senator regarding the matter. I hope he will not ask that the joint resolution be taken up to-night for consideration. I do not want to object to it.

Mr. CHAMBERLAIN. Then I will ask that the joint resolution lie on the table for the present.

Mr. NORRIS. Very well; and I will talk the matter over with the Senator.

Mr. CHAMBERLAIN subsequently said: I have explained to the Senator from Nebraska [Mr. NORRIS] the purpose of asking that House joint resolution 335 be considered at this time, and I think the Senator will withdraw his objection. I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there any objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 335) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, which was read, as follows:

Resolved, etc., That John W. West, of Maine; James W. Wadsworth, of New York; H. H. Markham, of California; and George Black, of Kansas, be, and they are hereby, appointed members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States, to succeed Frederick J. Close, of Kansas; James W. Wadsworth, of New York; H. H. Markham, of California; and Thomas S. Bridgham, of Maine, whose terms of office expired April 21, 1916.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DIVERSIONS OF WATER FROM NIAGARA RIVER.

Mr. SAULSBURY. By instruction of the Committee on Foreign Relations I report back favorably without amendment the joint resolution (S. J. Res. 218) extending the time within which the "Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River" shall remain in effect, and I call the attention of the junior Senator from New York [Mr. WADSWORTH] to the joint resolution.

Mr. WADSWORTH. I ask unanimous consent for the immediate consideration of the joint resolution.

The VICE PRESIDENT. Is there any objection?

Mr. HUSTING. I object, and I ask that the joint resolution go over under the rule.

The VICE PRESIDENT. Objection is made. The joint resolution will be placed on the calendar.

Mr. HUSTING subsequently said: Mr. President, I rise to a parliamentary inquiry. I made objection to the consideration of the joint resolution relating to the diversion of water at Niagara Falls, and asked that it go over under the rule. Did the Chair so order?

The VICE PRESIDENT. Joint resolutions do not go over under the rule. When there is objection to unanimous consent for the consideration of a bill or joint resolution reported by a committee, it goes to the calendar, and that is where the joint resolution has gone.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ROBINSON submitted an amendment proposing to appropriate $10,000 for the improvement of the Hot Springs Reservation of Arkansas, intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment providing that Cornet John Conyngham Stevens, First Troop, Philadelphia City Cavalry, shall receive pay at the rate allowed a second lieutenant for service in the Federal Government from June 22, 1916, to January 22, 1917, inclusive, intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

RECESS.

Mr. THOMAS. I move that the Senate take a recess until 10 o'clock a. m.

Mr. OWEN. I ask the Senator to withhold that motion for a moment.

Mr. THOMAS. I withhold it.

Mr. OWEN. I desire to ask unanimous consent that the Senate take up the bill embodying proposed amendments to the Federal reserve act at 11 o'clock.

Mr. HARDWICK. I object.

Mr. SMOOT. The Senator from North Dakota [Mr. GRONNA] is absent from the Chamber on account of illness. I know how he feels about the matter——

Mr. OWEN. The Senator from North Dakota, as I am informed, is attending the wedding of his daughter. He is not ill.

Mr. SMOOT. I had been otherwise informed. The Senate will meet to-morrow at 10 o'clock, and the Senator from North Dakota will be here at that time. The Senator from Oklahoma can then make his request.

Mr. THOMAS. I renew my motion, Mr. President.

The VICE PRESIDENT. The question is on the motion of the Senator from Colorado that the Senate take a recess until 10 o'clock a. m. this morning.

The motion was agreed to; and (at 1 o'clock and 25 minutes a. m., Thursday, March 1, 1917) the Senate took a recess until 10 o'clock a. m.

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I notice but three Senators on the other side of the Chamber, and I think before we begin business we ought to have a quorum present. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gronna	Martin, Va.	Simmons
Brady	Hardwick	Nelson	Smith, Ga.
Bryan	Hollis	Oliver	Smoot
Chamberlain	James	Page	Sutherland
Clapp	Jones	Penrose	Swanson
Clark	Kenyon	Pittman	Thomas
Culberson	Kirby	Reed	Wadsworth
Curtis	Lea, Tenn.	Robinson	Weeks
Dillingham	Lodge	Sheppard	Works
Fletcher	McCumber	Sherman	

The VICE PRESIDENT. Thirty-nine Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. OVERMAN, Mr. STERLING, and Mr. TILLMAN answered to their names when called.

Mr. CATRON entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present.

Mr. JAMES. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instruction of the Senate.

Mr. FERNALD, Mr. WARREN, Mr. LA FOLLETTE, Mr. HARDING, Mr. MCLEAN, Mr. POINDEXTER, and Mr. NEWLANDS entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. JAMES. I ask that the order to the Sergeant at Arms be vacated, as a quorum is now present.

The VICE PRESIDENT. Without objection, the order will be vacated.

STATUS OF ROUTINE BUSINESS.

The VICE PRESIDENT. The Chair ventures to make a brief statement. The Chair believes the Chair was in error last night in entertaining a motion to take a recess, but it was acquiesced in and has done no harm. There was no pending question when the motion was made, and we were on morning business. The Chair believes that until the morning business is closed or until one hour has elapsed no motions are in order. This is the hour for the formal receipt of morning business. The Chair states this view so that if there is any objection in the future Senators will know the opinion of the Chair. The Chair rules that morning business was transacted for 30 minutes some time in the past. Commencing at 10 o'clock the morning business proceeds. We were on the receipt of bills and joint resolutions when the recess was taken.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes.

PETITIONS.

Mr. WATSON presented a petition of Thomas J. Harrison Post, Grand Army of the Republic, Department of Indiana, of Lebanon, Ind., praying for universal compulsory military training, which was ordered to lie on the table.

Mr. GRONNA. I have a telegram from Thomas Hall, secretary of state of the State of North Dakota, which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

BISMARCK, N. DAK., *February 28, 1917.*

Senator A. J. GRONNA,
Washington, D. C.:

Fifteenth Legislative Assembly of North Dakota adopts the following concurrent resolution, introduced by Senator Jacobsen:

"Whereas the Underwood amendment to the internal-revenue bill would practically remove all tax on oleomargarine; and

"Whereas such reduction would react to the detriment of butter producers and creameries of this State: Therefore be it

"*Resolved by the Senate of the State of North Dakota (the House of Representatives concurring)*, That we, the legislative assembly, do earnestly request our Senators and Representatives in Congress to use their influence to defeat the proposed Underwood amendment reducing the tax on oleomargarine; and be it further

"*Resolved*, That in view of the fact that said amendment will be brought up for final consideration in the United States Senate at 5 o'clock p. m. on February 28 that the secretary of state be authorized to transmit by wire copies of this resolution to the Senators and Representatives of North Dakota in Congress."

Please acknowledge receipt by letter.

THOMAS HALL, *Secretary of State.*

Mr. DILLINGHAM. I desire to say that I have received a telegram addressed to my colleague and myself from Hon. George F. Edmunds, who for 25 years was a distinguished Member of this body. I ask to have the telegram read and referred to the Committee on Foreign Relations.

There being no objection, the telegram was read and referred to the Committee on Foreign Relations, as follows:

[Telegram.]

PASADENA, CAL., *February 28, 1917.*

Hons. DILLINGHAM and PAGE,
United States Senate, Washington, D. C.:

I beg and petition you, once my constituents and later my representatives, to urge the Senate to insert in any act proposed for the protection of life and property on the high seas and as partial retribution for the awful crime committed by the submarine vessels of Germany to provide that the naval forces of the United States shall without delay proceed to capture or destroy such German submarine war vessels wherever found upon the high seas.

GEORGE F. EDMUNDS.

REPORTS OF COMMITTEES.

Mr. WALSH, from the Committee on the Judiciary, to which was referred the bill (H. R. 10110) to increase the salary of the United States district attorney for the district of Rhode Island, reported it without amendment.

He also, from the Committee on Mines and Mining, to which was referred the bill (H. R. 18826) to relieve the owners of mining claims who have been mustered into the service of the United States as officers or enlisted men of the Organized Militia or National Guard from performing assessment work during the term of such service, reported it without amendment and submitted a report (No. 1134) thereon.

Mr. BROUSSARD, from the Committee on Claims, to which was referred the bill (S. 3910) for the relief of Capt. Thomas R. Clark, reported it without amendment and submitted a report (No. 1135) thereon.

STEAMER "HARRY A. BERWIND."

Mr. HARDING. From the Committee on Commerce I report back favorably without amendment the bill (S. 8301) to authorize the change of name of the steamer *Harry A. Berwind*

to *Harvey H. Brown*, and I submit a report (No. 1132) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole. It authorizes the Commissioner of Navigation, upon application of the owner, the Headwaters Steamship Co., of Mentor, Lake County, Ohio, to change the name of the steamer *Harry A. Bericind*, official No. 205072, to the *Harvey H. Brown*.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEAMER "FRED G. HARTWELL."

Mr. HARDING. From the Committee on Commerce I report back favorably without amendment the bill (S. 8300) to authorize the change in the name of the steamer *Fred G. Hartwell* to *Harry W. Croft*, and I submit a report (No. 1131) thereon. I ask consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application of the owner, the Headwaters Steamship Co., of Mentor, Lake County, Ohio, to change the name of the steamer *Fred G. Hartwell*, official No. 204987, to the *Harry W. Croft*.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORT BERTHOLD LANDS IN NORTH DAKOTA.

Mr. GRONNA. From the Committee on Indian Affairs I report back favorably without amendment the bill (H. R. 12030) to amend an act entitled "An act to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, North Dakota," approved August 3, 1914, and I submit a report (No. 1130) thereon. This is a unanimous report of the committee. The bill has passed the House. It affects only a few sections of land in my State, and I ask unanimous consent for its immediate consideration.

Mr. SMOOT. I merely wish to ask the Senator a question. The bill provides for the sale of certain lands in the State of North Dakota?

Mr. GRONNA. It permits the Secretary of the Interior to dispose of sections 16 and 36, certain sections in the Fort Berthold Indian Reservation which were overlooked in the original act.

Mr. SMOOT. To dispose of them in what way?

Mr. GRONNA. In any way that the Secretary may direct. It is left in his discretion. The land has been appraised, I will say to the Senator.

Mr. SMOOT. The bill does not contemplate giving the Secretary authority to lease the land?

Mr GRONNA. It gives no title. It must be sold for not less than a certain amount—I do not remember the sum, but I think $7 an acre.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SENATE MANUAL (S. DOC. NO. 743).

Mr. OVERMAN, from the Committee on Rules, reported the following resolution (S. Res. 380), which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Rules be instructed to prepare a new edition of the Senate Manual, and that there be printed 4,500 copies of the same for the use of the committee, of which 300 copies shall be bound in full morocco and tagged as to contents.

The PRESIDENT pro tempore. The order of business is now the introduction of bills and joint resolutions, the Chair is informed.

Mr. STONE. We convened this morning after a recess.

Mr. BRYAN. I understood we took a recess until this morning.

The PRESIDENT pro tempore. The Chair is unable to hear, Senators. Conversation on the floor must be suspended.

BILL INTRODUCED.

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CATRON (by request):

A bill (S. 8326) creating the National Park of the Cliff Cities; to the Committee on Public Lands.

AMENDMENT TO APPROPRIATION BILL.

Mr. LEA of Tennessee submitted an amendment proposing to appropriate $4,000 to pay John W. Keener for compiling and indexing the public-land statutes of the United States, printed as Senate Document No. 547, Sixty-fourth Congress, first session, intended to be proposed by him to the general deficiency appropriation bill (H. R. 21069), which was referred to the Committee on Public Lands and ordered to be printed.

STANDING COMMITTEES OF THE SENATE.

Mr. KERN submitted the following resolution, S. Res. 381, which was read, considered by unanimous consent, and agreed to:

Resolved, That the standing committees of the Senate as constituted at the end of this session be, and they are hereby, continued until the next session of Congress, or until their successors are duly elected.

PROPOSED SUSPENSION OF THE RULES.

Mr. SMITH of Georgia. Mr. President, in connection with certain appropriation bills which have passed the House there is a provision looking toward the establishment of shops at two penitentiaries. If that legislation is embraced in the report of the Senate committees, it may become necessary to add some provisions concerning the institutions where the work shall be done, and I send to the desk notices of motions to suspend the rules, so that such legislation can be added to the appropriation bills. I am not sure that it will be necessary.

The PRESIDENT pro tempore. The Secretary will read the notices submitted by the Senator from Georgia.

The Secretary read as follows:

MARCH 1, 1917.

I hereby give notice that I will move to suspend the following part of Rule XVI, paragraph 3, "No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter of the bill be received," for the purpose of offering as an amendment to the sundry civil bill, H. R. 20967, a new section providing for the equipment of the United States penitentiaries at Atlanta, Ga., and Leavenworth, Kans., for the manufacture of supplies for the use of the Government, for the compensation of prisoners for their labor, and for other purposes, as follows:

"That an act entitled 'An act for the erection of United States prisons and for the imprisonment of United States prisoners, and for other purposes,' approved March 3, 1891, be, and the same is hereby, amended so that hereafter the superintendent of prisons shall be appointed by the President, by and with the advice and consent of the Senate, for a period of four years, or until their successors are appointed and qualified, at an annual salary of $4,000, payable monthly, his powers and duties to be fixed as now provided for by law.

"That the warden for each of such prisons shall be appointed in like manner and for a like term, at annual salaries, as follows, payable monthly:

"At Atlanta, Ga., and at Leavenworth, Kans., warden, $4,000; and at McNeil Island, Wash., warden, $2,000.

"That so much of section 4 of the act entitled 'An act for the erection of United States prisons and for the imprisonment of United States prisoners, and for other purposes,' approved March 3, 1891, as conflicts with the provisions of this clause is hereby repealed."

MARCH 1, 1917.

I hereby give notice that I will move to suspend the following part of Rule XVI, paragraph 3, "No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter of the bill be received," for the purpose of offering as an amendment to the general deficiency bill a new provision to amend an act entitled "An act for the erection of United States prisons and for the imprisonment of United States prisoners, and for other purposes," to fix the terms of office of the superintendent of prisons and the wardens, to provide for their appointment, and for other purposes, as follows:

"That the Attorney General of the United States is authorized and directed to establish, equip, maintain, and operate, at the United States penitentiary, Atlanta, Ga., a factory or factories for the manufacture of textiles and mail sacks and other similar mail-carrying equipment for the use of the United States Government, and at the United States penitentiary, Leavenworth, Kans., a factory or factories for the manufacture of furniture and office equipment for the use of the United States Government. The factories shall not be so operated as to abolish any existing Government workshop or curtail the production within its present limits of any such Government workshop.

"The Attorney General is hereby authorized to acquire by purchase or condemnation proceedings such tracts of land at such points as he may determine, which may be cleared, graded, and cultivated. And the Attorney General is authorized to employ the inmates of the institutions herein mentioned under such regulations as he may prescribe in the work of clearing, grading, and cultivation of such acquired tracts of land. The products of any such agricultural development shall be utilized in supplying such correctional institutions as the Attorney General may designate, or in his discretion may be sold.

"That from and after July 1, 1918, articles so manufactured shall not be purchased from any source other than governmental for the United States Government, or any department, bureau, or other agency thereof, unless the Attorney General, or his authorized agent, shall certify that the same can not be furnished by such prison factory or factories, and no claim shall be audited or paid without such certificate.

"That articles so manufactured shall be sold at the current market prices as determined by the Attorney General, or his authorized agent, and all moneys or reimbursements received from such sales shall be deposited to the credit of the respective working capital fund created by this section.

"That the Attorney General is authorized and empowered to provide for the payment to the inmates or dependents upon the inmates of said penitentiaries such pecuniary earnings as he may deem proper, under such rules and regulations as he may prescribe. Such earnings shall be paid out of the working capital of the penitentiary in which the prisoner is confined.

"That the following sums are authorized to be appropriated to carry out the purposes of this section: United States penitentiary, Atlanta, Ga., for the erection of shop buildings and their appurtenances, $129,500; for the purchase of machinery and other equipment, $315,500.

United States penitentiary, Leavenworth, Kans., for the erection of shop buildings and appurtenances, $82,500; for the purchase of machinery and other equipment, $202,500; for the purchase of land, tools, implements, equipment, and stock with which to acquire land and conduct agricultural activities, $200,000; in all, $930,000.

"That there is created for each the United States penitentiary at Atlanta, Ga., and at Leavenworth, Kans., a fund to be known as the working capital, which fund shall be available for carrying on the industrial enterprises authorized herein or which may be authorized hereafter by law to be carried on in the said penitentiaries. The working capitals shall consist of $250,000 for the penitentiary at Atlanta, Ga., and $150,000 for the penitentiary at Leavenworth, Kans., which sums are authorized to be appropriated. The receipts from the sale of products or by-products of the said industries and the sale of condemned machinery or equipment shall be credited to the respective working-capital funds and be available for appropriation by Congress, annually, for the purposes set forth in this section.

"That the said working capitals shall be disbursed under the direction of the Attorney General, and shall be available for the purchase, repair, or replacement of machinery or equipment, for the purchase of raw material or parts, for the employment of necessary civilian officers and employees at the penitentiary and in Washington, for the repair and maintenance of buildings and equipment, and for all other necessary expenses in carrying out the provisions of this section.

"That the products of said industries shall not be disposed of except as provided in this section.

"That all laws and parts of laws to the extent that they are in conflict with this section are repealed."

Mr. LEE of Maryland. I desire to present the following motions to suspend the rules.

The PRESIDENT pro tempore. The Senator from Maryland submits motions to suspend the rules, which the Secretary will read.

The Secretary read as follows:

On Friday, March 2, or as soon thereafter as possible, I shall move to suspend that provision of paragraph 3 of Senate Rule XVI prohibiting any amendment proposing general legislation to any general appropriation bill for the purpose of offering the following amendment to the bill (H. R. 20783) making appropriation for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes, by inserting, after line 5, page 66, a new paragraph providing for equal and similar medical treatment to that accorded the Regular Army for members of the National Guard and Regular Army Reserve Corps, and as follows:

"*Provided*, That enlisted men of the Regular Army Reserve, enlisted men in the National Guard in the active service, and enlisted men in the National Guard reserve shall be treated free of expense by the Medical Department of the United States Army whenever such treatment can be given without operating to exclude enlisted men of the Regular Army from such treatment and from the Army hospitals, and that in giving such treatment there shall be a preference given to National Guardsmen injured in service under call of the President of June 18, 1916, and mustered out of the service while suffering from such injuries."

On Friday, March 2, or as soon thereafter as possible, I shall move to suspend that provision of paragraph 3 of Senate Rule XVI prohibiting any amendment proposing general legislation to any general appropriation bill for the purpose of offering the following amendment to the bill (H. R. 20783) making appropriation for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes, by inserting, after line 10, page 89, a new paragraph providing a like preference under the civil rules for certain National Guardsmen mustered out of the Federal service as is accorded veterans of the Spanish and other wars, and as follows:

"That all commissioned officers and enlisted men of the National Guard or Organized Militia who responded to the call of the President of June 18, 1916, and those who enlisted thereafter, and all who served pursuant to said call under the authority and orders of the President of the United States until the unit of which they were parts was duly mustered out or restored to the usual service of the National Guard, and all who were mustered out of such service on account of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointment to civil offices in the manner in which veterans of the Spanish and other wars are now preferred under the civil-service rules pursuant to the provisions of section 1754, Revised Statutes (sec. 1, joint resolution Mar. 3, 1865): *Provided*, They are found to possess the business capacity necessary for the proper discharge of the duties of said offices."

On Friday, March 2, or as soon thereafter as possible, I shall move to suspend that provision of paragraph 3 of Senate Rule XVI prohibiting any amendment proposing general legislation to any general appropriation bill for the purpose of offering the following amendment to the bill (H. R. 20783) making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes, by inserting after line 9, page 20, a new paragraph providing for partial pay on the basis of the enlisted men of the Regular Army, for men enlisted in the National Guard qualifying as marksmen, sharpshooters, expert riflemen, etc., and as follows:

"*Provided*, That enlisted men in the National Guard now qualified or hereafter qualifying in the usual instruction courses as marksmen shall receive $1 per month, as sharpshooters $1.50 per month, as expert riflemen $2.50 per month, as second-class gunners $1 per month, as first-class gunners $1.50 per month, as expert first-class gunners, Field Artillery, $2.50 per month; as gun pointers, gun commanders, observers second class, chief planters, chief loaders, $3.50 per month; as plotters, observers first class, casemate electricians and coxswains, $4.50 per month, all in addition to their pay, under such regulations as the Secretary of War may prescribe, but no man shall receive at the same time additional pay for more than one of the classifications named in this section."

ARTICLE BY DR. W. L. HEIZER.

Mr. JAMES. Mr. President, I ask that the article I send to the desk, by Dr. W. L. Heizer, of Kentucky, upon "Motherhood and the care of children," be referred to the Committee on Printing, with my request that it be printed as a public document.

The PRESIDENT pro tempore. The article will be referred to the Committee on Printing for action.

AUTHENTICITY OF ZIMMERMANN NOTE.

Mr. LODGE. Mr. President, I send to the desk a resolution, which I desire to have read, and then I shall ask for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 379), as follows:

Resolved, That the President be requested to inform the Senate whether the note signed "Zimmermann," published in the newspapers of the morning of March 1, inviting Mexico to unite with Germany and Japan in war against the United States, is authentic and in the possession of the Government of the United States, and when it came into the possession of the United States, and if authentic to send to the Senate, if not incompatible with the public interest, any further information in the possession of the Government of the United States relative to the activities of the Imperial German Government in Mexico.

Mr. SWANSON and Mr. REED addressed the Chair.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SWANSON. I will state that I have talked with the President about the letter referred to in the resolution which has just been read, and he authorized me to state that the letter therein referred to is substantially correct. I have no objection to the consideration and passage of the resolution.

Mr. LA FOLLETTE. Mr. President, I have no objection to the present consideration of the resolution if it be so modified as to call for information as to when that communication came into the possession of the Government of the United States. It is time that we knew exactly how long the Government of the United States, or any branch of it, has been in possession of such information.

Mr. HARDWICK. Mr. President, I do not think a matter of this importance ought to be acted upon without some investigation so as to see exactly what it means; and so I am going to object to the present consideration of the resolution.

Mr. REED. Mr. President, I should like, before the Senator from Georgia makes his objection, to have the resolution again read.

Mr. HARDWICK. I will withhold my objection for a moment.

The VICE PRESIDENT. The resolution will be again read.

The Secretary again read the resolution.

Mr. LODGE. Mr. President, I desire to modify the resolution by adding after the words "in the possession of the Government of the United States" the words "and when it came into the possession of the Government of the United States."

Mr. SWANSON. I think there ought to be an amendment to the latter part of the resolution by inserting "if not incompatible with the public interest."

Mr. LODGE. Those words are in the resolution.

Mr. SWANSON. But they simply apply to the first inquiry and not to the last. If those words apply to both inquiries, then it is all right.

Mr. LODGE. They apply to both.

Mr. HARDWICK. Mr. President, I do not know, when this resolution has been through the usual course, that I shall have any objection at all to its passage; but on a matter so grave as this, and without any consideration whatever by the committee charged with this sort of affairs, merely on a statement from any Member of this body or any other body that the President says that the letter is authentic—which statement, of course, I accept absolutely—this looks to me like a very dangerous way of doing business.

Mr. LODGE. Mr. President——

Mr. HARDWICK. I yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, this is a mere resolution of inquiry.

Mr. HARDWICK. But the Senator from Massachusetts, of course, understands that this is a most touchy proposition.

Mr. LODGE. That is the reason I introduced the resolution. This news appears in the Associated Press this morning—not in an individual newspaper, but in the Associated Press, a great news-gathering association of this country, the greatest probably in the world—which put forward seriously and solemnly what purports to be a dispatch from the secretary of state for foreign relations in Germany inviting Mexico and Japan to unite with them in war upon the United States. If it is false, the country ought to know it in order to allay the popular excitement which this publication will cause. If it is true, then the Congress of the United States and the people ought to know it. This is not a time when a truth so grave as that should be suppressed.

I have been careful to say as to this, as to other information, "if not incompatible with the public interest." I do not want to embarrass the President; far from it. I understand from the statement of the Senator from Virginia [Mr. SWANSON], on this floor, that the dispatch is authentic, and if it is I think that we certainly ought to know it, and that the country ought to know it. I am sorry any objection should have been made to the resolution.

Mr. HARDWICK. Mr. President, if the Senator from Massachusetts has concluded his interruption I desire to say that it seems to me that if a matter of this grave importance rests within the knowledge of the President, and the President believes that Congress and the country ought to know it, we can rely on him to furnish us as speedily as possible the information if it is vital that we should have it. I am inclined to think, before any action of this sort is taken, that the committee charged with foreign relations ought to have some opportunity to consider the wisdom and advisability of taking this step on the part of the Senate.

The Senator from Missouri [Mr. STONE], the chairman of the Committee on Foreign Relations, has now arrived in the Chamber. He was not present when I made the objection to the consideration of the resolution.

Mr. LODGE. For my own protection, Mr. President, let me say that I tried to find the Senator from Missouri and sent for him——

Mr. HARDWICK. I am sure the Senator from Massachusetts is guilty of no discourtesy.

Mr. LODGE. No; but I was informed that the Senator from Missouri was not in the Capitol. I desired to show the resolution to him, of course, before submitting it, but I understand there is nothing objectionable to the President in the resolution I have offered.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from California?

Mr. HARDWICK. I yield to the Senator from California.

Mr. WORKS. Mr. President, I merely want to suggest that I suppose we are about to be asked to place in the hands of the President the power to determine practically whether or not we shall go to war. I think it exceedingly important, under those circumstances, that we should have explicit information upon this question and be informed whether the President at the time he asked Congress to confer this power upon him knew of these conditions as they are disclosed in the newspapers this morning.

It seems to me, Mr. President, that if the President of the United States had this information in his possession when he called upon Congress to confer this extraordinary power upon him it was due to Congress and due to the people of the United States that he should have laid before Congress all of the circumstances that might affect the action of Congress in dealing with that important question. I think we should have that information now before taking any such step as he has asked of us.

Mr. REED. Mr. President, this is a very solemn moment. I regret that at such a time there should be manifested a disposition to criticize the President; especially do I deplore the fact that criticism has, by implication at least, been indulged in advance of definite information. I regret that Senators can be found who are willing to imply criticism by demanding to know "whether the President knew of the existence of the correspondence now under discussion at the time he asked Congress to confer upon him certain extraordinary powers." The question itself seems to suggest that the President has not dealt frankly with Congress.

Let us proceed here in due order. Let us neither criticize nor condemn. Whatever information Congress may properly desire, let it be asked for. When the facts are ascertained, let us act in the light of the facts. I do not care to proceed further at this time. Perhaps I ought not to have said so much. This, sir, is a time for Americans to close their ranks, to face in one direction, to respond to one sentiment. There should be no division in our councils.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Colorado.

Mr. HARDWICK. I yield to the Senator from Colorado.

Mr. THOMAS. Mr. President, I am very deeply impressed with the gravity of our international relations and with the fact that we are confronted with a request which may be extremely serious; but we are also, in the closing hours of the Congress, considering two great supply bills—one for the Army and the other for the Navy Establishment. They carry appropriations unprecedented in time of peace and have parallels only in the enormous drafts that are made upon the Public Treasury in time of war.

I have the most abundant confidence in the President of the United States, and I have always been one of his supporters. I know that what he is endeavoring to do is in accord with his conceptions of duty; but, Mr. President, it is a coincidence that this Associated Press dispatch appears at a time when the Senate is to consider these two great bills. I have noticed in the past that the Associated Press has occasionally carried a rumor, not so grave as this and not so authentic perhaps, but which afterwards seemed to have been designed to work upon the fears of the American people and their representatives on just such occasions.

If that letter is authentic—and it must be, from what has been said by the Senator from Virginia—it is all the more important that we should know it, and know it now. I hope, therefore, that the resolution introduced by the Senator from Massachusetts will be immediately acted upon, as I am sure the President will respond to it.

Mr. HARDWICK. Now, if the Senator will yield to me for just a moment——

Mr. THOMAS. Certainly.

Mr. HARDWICK. If the Senator is correct in that position, then the Senate and Congress ought to know about this matter at once. Why is not the President, who has the knowledge, if Senators are right in their assumptions, under just as much obligation to send it to us as we are to ask for it?

Mr. THOMAS. Well, Mr. President, there may be reasons for the withholding of this information that affect the public interest; and if so, the President will so declare.

Mr. HARDWICK. If so, we ought not to embarrass him.

Mr. THOMAS. But the fact is, however, that the Associated Press has given to the country this entire story and publishes what seems to be a most important document, under the signature of the German minister of foreign affairs. Presumably it is authentic; but I think that one of the important features connected with it, and which demands immediate action, is the fact that we are now about to vote on very large appropriations for the Army and the Navy, and we ought to have it in connection with our consideration of those two great bills. Any delay just now may deprive us of information which, when it does come, will have an important bearing upon those two measures. I hope, therefore, that the Senator will withdraw his objection and allow us immediately to act upon the resolution.

Mr. LODGE. Mr. President——

Mr. HARDWICK. I yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, I care very little about what form the resolution takes. Nothing is further from my mind than to suggest any criticism whatever; but we ought to know, and the people ought to know, whether that document, signed "Zimmermann," that was published by the Associated Press is true or not. If we are to act together, we ought to know that fact; that is all.

I have every reason to believe that the inquiry is in no way distasteful to the President. I can not imagine that it should be; but it would guide all our deliberations here. We should act upon it. We must not act on a newspaper publication; we ought to have the authentic statement of the President of the United States. He is asking for great powers, and I for one think he ought to have them; but we ought to know the evidence on which we are proceeding.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. HARDWICK. I yield.

Mr. POMERENE. Mr. President, in addition to the fact that the Associated Press carries this dispatch is the statement made by the Senator from Virginia to the effect that the dispatch as published is substantially correct. If there is any variance at all between the dispatch——

Mr. SWANSON. I meant the letter from the minister of foreign affairs of Germany as contained in the publication is substantially correct.

Mr. POMERENE. I so understood.

Mr. SWANSON. I said the letter.

Mr. POMERENE. And yet, if there is any variance at all between the published note and the note which is in existence, we ought to know that fact. The Senator from Massachusetts has amply protected the President, by providing that this shall be done only in the event that it is, in the President's judgment, compatible with the public interest. We all realize the gravity of this situation, and I, for one, want the most explicit information that is obtainable before acting upon a matter which may

be so grave in its consequences. I do hope that the Senator from Georgia will withdraw his objection.

Mr. SMITH of Georgia and Mr. POINDEXTER addressed the Chair.

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Washington?

Mr. HARDWICK. I yield first to my colleague, who asked me to do so. I beg pardon of the Senator from Washington.

Mr. SMITH of Georgia. Mr. President, it occurs to me that there might be especial propriety for us to ask for the letter, and for such information as the President may have in reference to it. Such a request coming from us is quite different from the President's sending it to us without the request. The President might be gratified for us to have it, and yet hesitate to formally send it to us, as emanating from his own action. I see a distinction, a very great distinction, between the two lines of action, and I hope very much that the resolution may be adopted.

Mr. HARDWICK. Mr. President, if the Senator from Washington will pardon me, I will yield next to the Senator from Missouri.

Mr. LODGE. I was only going to say to the Senator's colleague that the statement the senior Senator from Georgia [Mr. SMITH] makes is a perfectly accurate one. If the President, of his own motion, were to send those papers in to the Senate without comment, according to our precedents, it would mean that he could do nothing diplomatically, and he wrote to Congress for war.

Mr. SMITH of Georgia. It would be practically a request for a declaration of war.

Mr. LODGE. It would; but if we take it up, there is no such situation.

Mr. SMITH of Georgia. That was just the distinction I was desiring to present.

Mr. STONE. Mr. President——

Mr. HARDWICK. I yield to the Senator from Missouri.

Mr. STONE. Mr. President, it seems to me that the resolution ought to go to the Committee on Foreign Relations. Here is a newspaper report that the secretary of foreign relations of the German Government had sent to the German ambassador at Washington a certain letter which appears in the morning papers. We are not informed as to the source of this information. We have no facts upon which to base our judgments as to its accuracy. There may be information in the hands of the State Department of a confidential nature that it might not be thought compatible with the public interests to reveal and to send to the Senate. Then, again, this alleged dispatch may not be authentic. It may not be true. We do know that every possible agency that can be invoked or used is appealed to to excite the public opinion of the American people. There may be something behind all this that we do not know about. It seems to me, in the exigencies of this moment, that it is the part of prudence and sound judgment to proceed deliberately and with caution.

I think the wiser course would be to send the resolution to the committee and have that committee make necessary investigation and inquiry into the whole matter, and then report what action, in their opinion, should be taken by the Senate. But, Mr. President, if that view is not coincided in by the Senate, then we ought at least to have the resolution broadened so as to call upon the President for all information respecting the sources of this statement, said to have been given out officially or semiofficially by the department.

I should like to know all about it—how it was obtained and from whom. I want to know the facts tending to establish its authenticity; and so I say, in going into that, it might involve a situation that we would not care to develop. And yet I do not see how we can act upon a matter of this kind until we know the facts. If the President has knowledge and information of this kind in his possession, as these papers say, if we are to act upon it, it seems to me that we ought to be not only as fully advised—as the Senator from Georgia [Mr. HARDWICK] interpolates—as the Associated Press, but as fully advised as the State Department, or the President. But I think it is wiser to let it go to the committee.

Mr. SMITH of Michigan. Mr. President, will the Senator allow me to ask him a question?

Mr. STONE. Certainly.

Mr. SMITH of Michigan. Suppose the Senate were called upon to act to-day upon the resolution reported this morning from the Committee on Foreign Relations, and the information which is sent broadcast through the press regarding this development should be within the knowledge of Senators. Does not the Senator from Missouri think that a more intelligent and well-considered determination upon the part of the Senate could be reached with that information than otherwise? And if the President, in his opinion, does not think that this information can be given to the Senate, he has the right to withhold it.

I do not mean by my inquiry to suggest to the Senator that I am at all opposed to the resolution which comes from the Committee on Foreign Relations, giving the President power to arm merchant ships, for I am not opposed to it, and I shall support it cordially. I was opposed to one phase of it, because I thought it needless to give the President legislative power to do what he had a right to do under the Executive power. After that was settled, and it was decided that he should be given this legislative power, my opposition ceased, and I not only favor the resolution but I favored its report from the committee, and I hope it will be adopted. But why we should be called upon this morning to adopt that resolution, in the face of the situation created by the news of the morning, is beyond my comprehension.

This resolution, if it is couched in the ordinary form in which such resolutions are couched—I did not hear it read—says that if the President feels that he may appropriately do so, or words to that effect, he is requested to furnish the information, or if not incompatible with the public interest. But at least we ought to ask for it; and I see no virtue in sending it to the committee at all. We ought to ask for this information. If we are counsellors of the Executive, we ought to ask for it. I have sustained him in every crisis that has arisen since this war began, and I am going to sustain him now, but I think we are entitled to all of the information which is properly in his possession and which may be properly communicated to us without any hesitation or delay.

Mr. POMERENE. Mr. President——

Mr. HARDWICK. Mr. President, before I make the objection, I want to yield to the Senator from Washington [Mr. POINDEXTER], whose pardon I beg for not doing so just now; but the Senator from Missouri had asked me to yield to him.

Mr. POINDEXTER. Mr. President, when I rose I was not aware that the Senator from Georgia had the floor. I was just going to ask a question of the Senator from Ohio [Mr. POMERENE], who was speaking at the time.

Mr. HARDWICK. I beg the Senator's pardon.

Mr. TOWNSEND. Mr. President——

Mr. POINDEXTER. I should like to ask that question now.

Mr. HARDWICK. I yield to the Senator with pleasure. I am sorry I did not do it just now.

Mr. POINDEXTER. The Senator from Ohio spoke of the great gravity of the situation created by the publication of this news. I was a little surprised to hear that, and I wanted to inquire of the Senator from Ohio in what respect a grave situation is created by this. In the first place, I have been unable to see very much news in the item. I have been reading in the newspapers for a month about the very situation of which this Zimmermann letter would be a mere incident. I suppose every Senator in this body has read about the inciting of insurrection in Cuba and various machinations going on in Mexico. Now, we can form our own opinion under the circumstances as to whether or not those rumors and those reports published in the newspapers are founded on fact; but so far as the publications, so far as the reports are concerned, they have been going on for weeks, and even for months. But even if they are true, what is the occasion for excitement about it? What change in the situation is it going to make? What are we called on to do in the face of this proposition that it has not been our duty to do ever since this session of Congress has convened?

Mr. POMERENE. Mr. President——

Mr. TOWNSEND. Mr. President——

Mr. POMERENE. As the question was asked of me, I shall answer in a few words.

I have seen rumors, and rumors of rumors, in the press as to what was being done by the German Government and their emissaries in this country; but these reports appeared merely as rumors. There was no evidence upon which we could found action, in my judgment. This morning for the first time we have a concrete statement, purporting to be a note issued by one of the high officials in the German Government. I am not saying now that it is true. I pray God that it is not true. But at the same time, when we are confronted with what seems to be documentary evidence, when we have a formal statement made by the distinguished Senator from Virginia [Mr. SWANSON] to the effect that the President says this document as published is substantially correct, I think I am within the bounds of reason when I say that it creates a very grave situation; and I, for one, am not willing to act without having exact information, and as full information as the President can give us, compatible with what he believes to be the public interest.

That is my answer.

Mr. POINDEXTER. In response to that, I will simply make the comment that it would be impossible to add any gravity to the situation in Mexico that we have all known to exist there for the last five years. So far as any new element in the situation is concerned, every Senator here knows that it is impossible for Germany to send an army to Mexico at the present time, or to send a navy there.

Mr. SMITH of Michigan. Mr. President——

Mr. POINDEXTER. There is no change in the situation physically, materially, or in so far as the attitude of the two countries toward each other is concerned.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. HARDWICK. If the Senator will pardon me, I want to get through with my part of it.

Mr. SMITH of Michigan. Just one word, and I am through.

Mr. HARDWICK. No; I want to get through with my part of it first. I have yielded to the Senator——

Mr. SMITH of Georgia. Did the Senator have the floor?

Mr. HARDWICK. Yes; I have the floor.

Mr. SMITH of Michigan. Oh, I beg pardon. I did not understand that.

Mr. HARDWICK. Mr. President, my judgment is confirmed by the judgment of the chairman of the Foreign Relations Committee of the Senate. The authenticity of this document and all the circumstances connected with it might well be laid before the Senate later; but it is a matter of too grave importance to be disposed of without some regard to orderly procedure. I therefore object to the unanimous consent asked for.

The PRESIDENT pro tempore. The resolution will go over under the rule.

Mr. WADSWORTH. I merely wish to inquire in what position the resolution introduced by the Senator from Massachusetts now is?

The PRESIDENT pro tempore. It has gone over on objection under the rule until to-morrow.

Mr. WADSWORTH. It has not been referred to the Committee on Foreign Relations as suggested by the chairman?

The PRESIDENT pro tempore. It has not.

Mr. JAMES. I do not imagine the Senator from Georgia meant by his objection to prevent the reference of the resolution to the Committee on Foreign Relations. I think that was his idea.

The PRESIDENT pro tempore. The Chair will say to the Senator that he understands there was no motion made to refer the resolution. There was merely an objection made to the consideration of the resolution.

Mr. TOWNSEND obtained the floor.

Mr. STONE. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Michigan yield to the Senator from Missouri?

Mr. STONE. I wish simply to have the resolution offered by the Senator from Massachusetts referred to the Committee on Foreign Relations.

Mr. CLARK. It has gone over.

Mr. HARDWICK. I did not intend to do anything except to object to the immediate consideration of the resolution. That sent it to the committee, I understand.

The PRESIDENT pro tempore. No; it is postponed for one day under the rule. That is the effect of the objection.

Mr. HARDWICK. I am perfectly willing that it shall be referred immediately to the Committee on Foreign Relations, as far as I am concerned.

The PRESIDENT pro tempore. Unless some request is made——

Mr. LODGE. Of course, unless there is unanimous consent for a reference, the motion to refer goes over with the resolution.

Mr. HARDWICK. If the Senator will yield just a moment, I interpose no objection to the reference to the committee. I just want some little regard paid to orderly procedure. That is all I ask.

Mr. TOWNSEND. Mr. President, I have the floor.

The PRESIDENT pro tempore. To whom does the Senator from Michigan yield?

Mr. TOWNSEND. To no one just for the present.

The PRESIDENT pro tempore. The Senator from Michigan declines to yield.

Mr. TOWNSEND. Mr. President, I desired to be recognized before the Senator from Georgia made his objection to the present consideration of the resolution, because there are some things which seem to me to be of the utmost importance for the Senate to consider. First, I do not know whether there will be a to-morrow, so far as this Congress is concerned. The Senate may remain in continuous session until the 4th of March. We are approaching the end of the session. We shall have up for immediate consideration the bill the Senator from Missouri has in charge. The startling information appearing in the press this morning is related intimately to that bill. It was hoped that the Senate could be in practically unanimous agreement in its action conferring power upon the President. This new element which has been injected into the controversy this morning has made it very doubtful as to what the Senate ought to do and whether the measure proposed by the Senator from Missouri is the proper one. We are now in doubt as to what we ought to do, and the sooner this fact or alleged fact which has been published in the press this morning is determined the sooner the Senate will be able to act upon the proposition of the Senator from Missouri.

I am very confident that there is not a Senator in this body who believes that the resolution offered by the Senator from Massachusetts is intended to embarrass anyone. He offered it as a friend of the bill introduced by the Senator from Missouri. The Senate is ready to act in any patriotic manner in which it may be called upon to act, but we ought to know the facts in regard to this startling information, and we have only three days more of the session.

Now, the status of this resolution is in doubt. It has gone over under the rule until to-morrow. When will that time come in this body? When would a committee have an opportunity to act upon it?

Mr. President, I regret exceedingly that it seemed wise to the Senator from Georgia to ask to have the resolution go over. I believe it is not in the interest of the speedy and wise determination of this important matter.

Mr. JAMES. Will the Senator yield?

Mr. TOWNSEND. I yield.

Mr. JAMES. If the resolution was referred to the Committee on Foreign Relations, it would not take very long for them to meet and report it back to-day.

Mr. TOWNSEND. It would require unanimous consent, even if it were so referred, to get consideration of its report. One objection would carry it over.

Mr. JAMES. I do not imagine any Senator will object if the committee did report it favorably after investigation.

Mr. TOWNSEND. I hope no one would object.

Mr. JAMES. Of course, I have no objection myself to its consideration at this time. I would be glad to see it adopted.

Mr. POMERENE. I ask unanimous consent that the resolution be referred to the Committee on Foreign Relations with a request for immediate action.

Mr. LODGE. If the resolution can be dealt with in the Foreign Relations Committee to-day and reported back to the Senate to-morrow I have no possible objection. If it is to be killed, let it be killed here in public.

Mr. WILLIAMS. It would not be sent to the Committee on Foreign Relations to be killed. The Senator knows that because he knows the feeling——

Mr. LODGE. I dislike to controvert the Senator. I have been on the Foreign Relations Committee for a good many years and I have seen a great many things killed there.

Mr. WILLIAMS. So have I; but things that the Foreign Relations Committee wanted to kill, and the Senator knows this is not one of them.

Mr. LODGE. I am delighted that the Senator from Mississippi thinks so.

Mr. WILLIAMS. I think the Senator from Massachusetts joins with the Senator from Mississippi in the thought, too.

Mr. LODGE. I do.

Mr. WILLIAMS. So this is the situation. The Senator from Ohio asks unanimous consent that the resolution may be referred to the Committee on Foreign Relations to report it back as soon as possible. That is all. He asks for that unanimous consent.

Mr. POMERENE. If I may say a word, nothing is further from my thought than to suggest that the resolution might be killed in this way. We want immediate action, and I am satisfied the committee will act upon it immediately.

Mr. NORRIS. Will the Senator from Ohio yield to me?

Mr. POMERENE. Yes.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent that the resolution proposed by the Senator from Massachusetts be referred to the Committee on Foreign Relations with a request for as early a report as possible.

Mr. NORRIS. If the Senator will change that request so that the Foreign Relations Committee will be required to report the resolution back to the Senate at the beginning of the session of the Senate to-morrow I would not object.

Mr. POMERENE. Mr. President, I have hopes that it may be reported to-day.

Mr. NORRIS. I have, too. I agree with the Senator.

Mr. POMERENE. I tried to put my request in such a way that there could be no possible objection to it, as I believe.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Ohio?

Mr. NORRIS. I will object in the form in which the request is put. I would have no objection if there were coupled with it——

Mr. SMITH of Michigan. What form does the Senator want?

Mr. NORRIS. I will ask unanimous consent, if no one else will, that it be referred to the Committee on Foreign Relations with instructions——

The PRESIDENT pro tempore. The matter before the Senate is the request of the Senator from Ohio, which must be disposed of.

Mr. NORRIS. I am objecting to that.

The PRESIDENT pro tempore. The unanimous consent as requested by the Senator from Ohio is refused.

Mr. NORRIS. Now, I should like to submit a request for unanimous consent. I ask unanimous consent that the resolution be referred to the Committee on Foreign Relations with instructions to report the same back to the Senate with their recommendations thereon not later than the convening of the Senate to-morrow.

Mr. WILLIAMS. Mr. President, if this matter goes to the Foreign Relations Committee, it might be possible, getting into immediate communication with the State Department, that we could report it back in half an hour or an hour or two hours. It might be inadvisable to report it back within 48 hours or at all with a recommendation, and it might be possible that every Member of the Senate, after learning what the Foreign Relations Committee would learn, would agree that the wise thing would be not to report it back to-morrow morning, but to wait for another 24 hours or another.

Everybody who understands my position with regard to these matters knows that I want it reported back just as soon as we get at the facts. Let me just suppose a case, because the child's way of supposing things is not always a bad way of arguing. Suppose it should turn out as to the paper purporting to be a document from the German Government that the State Department are not assured of its authenticity, that it has come in some way through the Secret Service, and they are not sure of its genuineness and are not prepared to pass upon that point, would it be well for us to come back here and pronounce it genuine or pronounce it a forgery?

Mr. NORRIS. Mr. President——

Mr. WILLIAMS. I plead with the Senator from Nebraska.

Mr. NORRIS. Will the Senator permit me to ask him a question right there?

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Nebraska?

Mr. WILLIAMS. Yes.

Mr. NORRIS. Let me suggest to the Senator, suppose the committee does find just what the Senator has intimated it might find? That might be possible. I concede that. There would be nothing inconsistent then in the committee reporting back to the Senate, if it saw fit, that such was the case, and ask that it be given further time to investigate.

Mr. WILLIAMS. You mean we might then report back that there was a purported or alleged document?

Mr. NORRIS. No; not unless the committee wanted to. You could report back that you had not completed the investigation and wanted more time. That would not hurt anybody.

Mr. SMITH of Michigan. If the Senator from Nebraska will permit me——

The PRESIDENT pro tempore. The Senator from Mississippi is entitled to the floor.

Mr. WILLIAMS. I yield.

Mr. SMITH of Michigan. We will not get this information at all even if it is authentic and yet incompatible with the public interest, in the opinion of the President, to give it out. Therefore our adoption of the resolution would not necessarily put that information either in inaccurate or in accurate form.

Mr. STONE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. WILLIAMS. I do.

Mr. STONE. My remark will settle this matter, because I object to the request for unanimous consent.

The PRESIDENT pro tempore. Objection is made to the request for unanimous consent.

Mr. WILLIAMS. Now, I want to renew the request for unanimous consent and in a proper shape. I want to appeal to the Senator from Nebraska to let it go through and to trust to the good faith of his colleagues upon the Foreign Relations Committee, whose opinions he knows or ought to know, and to let us do the best that we can with it, in accordance with our views of the public interests and after we have communicated with the State Department. I renew the request for unanimous consent that the resolution be referred to the Committee on Foreign Relations, with instructions to report it back as early as possible compatible, in their opinion, with the public interest.

Mr. STONE. Mr. President, if it were amendable I would amend the request for unanimous consent by simply asking consent to have the resolution referred to the Committee on Foreign Relations without anything more. I am not willing to give unanimous consent with conditions, even in the polite language used by the Senator from Mississippi, implying thereby the possibility of the committee failing to act upon the resolution in a proper way.

Mr. WILLIAMS. I agree with the Senator about that. I do not think the matter could be gotten through implying that. Then I renew the other unanimous-consent request that the resolution be referred to the committee because I think the Senator from Nebraska and everybody will imply all that I have put into the other unanimous-consent request. I now renew the request for unanimous consent that the resolution be referred to the Committee on Foreign Relations with——

Mr. STONE. That is enough.

Mr. WILLIAMS. With permission to report to-day. As I understand the rule, if it is merely referred, the committee can not report until to-morrow without unanimous consent and one man can prevent action then. Now, I ask that it be referred to the Committee on Foreign Relations with permission to report to-day.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Mississippi?

Mr. NORRIS. Mr. President, if the resolution takes the regular course and lies on the table until to-morrow there will be no reason why the Foreign Relations Committee can not take it up with the State Department to the same extent and with the same degree as though it was formally referred to them. I believe if the resolution is to be killed, as has been said, it ought to be killed here. I, therefore, object.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Objection is made by the Senator from Nebraska.

Mr. SUTHERLAND. Before the Senator from Nebraska insists upon that objection I should like to appeal to him. I say to the Senator that I am confident if the resolution is referred to the Committee on Foreign Relations with instructions to report or with permission to report during the day we shall get action upon it a great deal more quickly than we would to permit to lie upon the table.

I say to the Senator from Nebraska that I have been a member of the Committee on Foreign Relations for several years, and I think I know the temper of the committee. I can assure him that from what I know about the members of the committee they entertain a favorable attitude toward the resolution. If it lies upon the table, and we take a recess until to-morrow instead of adjourning, then no opportunity comes on that Calendar Day to call it up, because the rule contemplates that it shall lie over one day, and that, I understand, means the legislative day.

Mr. NORRIS. Will the Senator permit me?

Mr. SUTHERLAND. Certainly.

Mr. NORRIS. I think it is generally understood that we are going to adjourn; that it is necessary to adjourn in order to get the bill before the Senate which was referred to the committee this morning about 1 or 2 o'clock. So an adjournment will be necessary.

I hope the Senator and every other Senator will disabuse his mind of the fact that any discourtesy to the committee is intended.

The Senator says the committee will have a friendly feeling toward the resolution, if it is referred without any instructions. Why should not the Senate, if it wants to act, and it ought to act, on the resolution? It ought if possible to get the information before it is called upon to act on the bill pending that is going to be called up to-morrow. If this information can be given to the Senate, it ought to be given before we act on the bill. It has a direct bearing on it. If the resolution is referred to the committee with instructions to report to-morrow when we meet, that is not any insult to the committee.

Mr. SUTHERLAND. No; if the Senator will permit me——

Mr. NORRIS. If the committee find there is any reason why they can not report, they can make a recommendation one way

or the other. They could certainly report back to the Senate, and the Senate would not object to giving the committee more time.

Mr. SUTHERLAND. I want the Senator from Nebraska to understand my own position. I have not any objection to the request for unanimous consent as it was put by the Senator from Nebraska, but somebody else has objected to it, and it is evident that unanimous consent in that form can not be obtained. Now, I appeal to the Senator from Nebraska to at least yield a part of his convictions upon the matter and let the resolution go to the committee in the form of a unanimous consent that we can all agree to.

I am just as anxious as the Senator from Nebraska that the resolution should be considered. I think it ought to be considered now and passed, but that is impossible. Let us do the thing which is calculated to bring about action most speedily. I feel quite sure that a reference to the committee with the request for unanimous consent as stated by the Senator from Mississippi will bring about that result and will bring it about more speedily than to permit it to lie on the table.

Mr. CLARK. I understand that that form of unanimous consent is objected to by the chairman of the committee.

Mr. SUTHERLAND. I do not understand that the last form put by the Senator from Mississippi was objected to, with permission to the committee to report.

Mr. CLARK. The chairman just wishes to have it referred.

Mr. SUTHERLAND. I have not any doubt if the resolution is referred to the committee the committee will see a way to report out the resolution promptly.

Mr. WORKS. Mr. President, I think the Committee on Foreign Relations recognizes its responsibility in a serious matter of this kind. It seems to me we might quite safely leave it to that committee to report this resolution at the proper time. For that reason, I think a mere general reference of the resolution to the committee ought to be satisfactory, leaving the committee with the responsibility to deal with it as to it seems best.

The PRESIDENT pro tempore. The Chair will again inquire, Is there objection to the request for unanimous consent by the Senator from Missouri?

Mr. PITTMAN. Mr. President, I also want to appeal to the Senator from Nebraska [Mr. NORRIS] with regard to this matter. Apparently he is simply trying to get a disposition of it as early as possible. I think his objection heretofore has been based upon the fear that there might not be an early disposition of it. If that fear be well founded, his objection would be well taken; but a number of the members of the Foreign Relations Committee have spoken on this matter this morning. The Senator from Massachusetts [Mr. LODGE], who introduced the resolution, is the senior member on the Republican side of the Foreign Relations Committee; the Senator from Michigan [Mr. SMITH] is a member of that committee; the Senator from Mississippi [Mr. WILLIAMS] is a member of that committee; the Senator from Ohio [Mr. POMERENE] is a member of that committee; the Senator from Utah [Mr. SUTHERLAND] is a member of that committee; I also am a member of the committee; and the Senator from Missouri [Mr. STONE] is the chairman of the committee.

Every member of the committee who has spoken here this morning on this subject, with the exception of the chairman of the committee, has indicated most plainly that he is willing to act on this resolution. There was no member of the Foreign Relations Committee who objected to the consideration of the resolution this morning. The objection was made by the Senator from Georgia [Mr. HARDWICK], who is not a member of the Foreign Relations Committee. There were seven or eight members of the Foreign Relations Committee sitting here, and none of them objected to the consideration of the resolution. I venture to say right now that there is not a member of the Foreign Relations Committee present who would object to the consideration of the resolution at this time, except possibly the chairman of the committee. Under those circumstances, is it not apparent that every member of the Foreign Relations Committee, with the possible exception of the chairman, is anxious to dispose of this resolution now, and that, if given authority to report it back to-day, they will report it back inside of an hour if we can get a meeting of the committee?

Mr. McCUMBER. Mr. President——

Mr. PITTMAN. I yield to the Senator from North Dakota.

Mr. McCUMBER. I think if the Senator from Nebraska [Mr. NORRIS] will allow this resolution to be referred to the Committee on Foreign Relations without any conditions that there are a sufficient number of members of the committee who will immediately ask the chairman to call a meeting of the committee without any further delay; and I believe that we can act on the resolution, report it back to-day, and then ask for unanimous consent to make the report. I hope there will be no objection to the reference, so that we may get the resolution back to the Senate at the earliest possible time.

Mr. PITTMAN. I will simply say now that the Senator from North Dakota who has just spoken is also a member of the Foreign Relations Committee. So I think nearly all the members of the committee have now expressed themselves.

Mr. STONE. Mr. President, there was no need of some things being said which have been said. If the resolution is referred to the committee, there is no doubt about the committee being called together at once. There will be no need for the Senator from North Dakota [Mr. MCCUMBER] to circulate a petition among the members of the committee for a call. The very suggestion of that was altogether gratuitous.

Mr. McCUMBER. I desire to say to the Senator from Missouri that there was no such suggestion. There was, however, a suggestion that there are so many Senators in favor of the resolution that I was certain that a request to the chairman of the committee to call a meeting would be immediately responded to.

Mr. STONE. Yes. Well, the committee will be called. Just how long it will take to get all the facts, so far as they are ascertainable or necessary in relation to this matter I do not know; I should think during the day, and a report should easily be made during the day. That is my impression.

Now, I again ask unanimous consent to have the resolution referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Missouri?

Mr. NORRIS. Mr. President, it seems, as nearly as I can ascertain, that I am about the only Member of this great assembly who objects to the reference of this resolution unconditionally. Of course, as I myself once preferred the request, and that was objected to by the chairman of the committee, it shows clearly that I am only moved by a desire to have an earlier report on the resolution. I do not want to interpose my will against that of all other Senators, yet the will of the chairman of the committee is interposed against all others. I did not intend when I asked that the committee be instructed to report within a certain time to cast any insinuation on the committee, that it is not fair or is not patriotic or is not willing to do its full duty; yet it almost seems as though such a request is taken to cast an insinuation upon the committee, that it does not intend to try to do its duty fairly and fully.

Mr. President, I am loath to submit to that kind of a feeling when I know that so far as I am concerned, and so far as I know anybody else has expressed his view, there is no cause for any feeling that there is any suspicion about the committee. Here is a resolution which I think all Senators want disposed of as soon as possible. It ought to be disposed of, if we can get that information, before we are called upon even to consider the bill which we are going to be asked to consider as soon as we have another legislative day. My only desire was to bring the matter before the Senate in what I believed would be its proper order and in proper time. It was therefore for that reason that I made the suggestion. I am not, however, unmindful of what all the members of the committee have said and of their anxiety about acting speedily. Of course, I take what they say at absolutely face value. Acting on that, I am not going to raise any further objection.

The PRESIDENT pro tempore. The Chair understands there is no objection to the request of the Senator from Missouri.

Mr. HARDWICK. Mr. President, I am glad that the consent which has been asked for by the Senator from Missouri [Mr. STONE] has been granted. There my connection with that matter for the present, at least, will end.

I do not propose, however, to submit to the Senator from Nevada [Mr. PITTMAN] or any other Senator challenging the right of any Senator when his consent as a Member of the Senate is asked to a proceeding to register his individual judgment on the question. The Senator from Nevada seems to think that when the consent of the whole Senate is requested for certain action by the Senate no Senator is at liberty to object or to have any judgment unless he happens to be a member of the particular committee having charge of such a question.

SEVERAL SENATORS. Question!

Mr. PITTMAN. Mr. President, I am not going to take any length of time——

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Missouri? The Chair hears none, and the resolution is referred to the Committee on Foreign Relations.

Mr. PITTMAN. The Senator from Georgia was possibly not listening when I made my remarks. I did not object to the Senator from Georgia making the objection which he did.

Mr. HARDWICK. I thought the Senator did.

Mr. PITTMAN. What I was discussing at the time was what would be the probable action of the members of the committee. I said that none of the members of the committee had objected, and that most of them had spoken in favor of immediate action on the resolution.

Mr. HARDWICK. All right; I possibly misunderstood the Senator.

Mr. FLETCHER. Regular order!

POST OFFICE APPROPRIATIONS—CONFERENCE REPORT (S. DOC. NO. 727).

Mr. BANKHEAD submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19419) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 20, 28, and 30.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 11, 13, 16, 17, 18, 21, 22, 24, 25, 26, 27, 29, and 31, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out the word "seventy-five" of the Senate amendment and insert in lieu thereof the word "eighty-five"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out the word "five" of the Senate amendment and insert in lieu thereof the word "fifteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out the word "five" of the Senate amendment and insert in lieu thereof the word "fifteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out the word "seventy-five" of the Senate amendment and insert in lieu thereof the word "eighty-five"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out the word "five" and insert in lieu thereof the word "fifteen." On page 10, in line 22 of the engrossed bill of the House of Representatives, change the total to "$50,200,000." On page 11, in line 2 of the engrossed bill of the House of Representatives, after the word "of," where it first occurs in said line, insert the following: "this act and also"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Strike out the word "seventy-five" of the Senate amendment and insert in lieu thereof the word "eighty-five"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Strike out the word "seventy-five" of the Senate amendment and insert in lieu thereof the word "eighty-five"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out the word "five" of the Senate amendment and insert in lieu thereof the word "fifteen," and on page 13, in line 17, of the engrossed bill, change the totals to "$10,590,000"; and the Senate agree to the same.

That the House recede from its amendment to the amendment of the Senate numbered 15, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Strike out the Senate amendment and insert in lieu thereof the following: "*Provided*, That hereafter the Postmaster General is hereby authorized and empowered to enter into contracts with American citizens for the carrying of the mail between the United States and Great Britain on steamships built in the United States capable of maintaining a speed of 30 knots an hour at sea in ordinary weather and of a gross registered tonnage of not less than 35,000 tons, the said service to commence not more than four years after the contract shall be let. The rate of compensation to be paid for the said ocean mail service shall not exceed the sum of $8 per mile by the shortest practicable route for each outward voyage. The Postmaster General shall have the right to reject all bids not in his opinion reasonable for the attaining of the purposes named: *Provided further*, That all of the provisions of the act of March 3, 1891, entitled 'An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce,' so far as they are not inconsistent herewith shall control and apply to the methods to be used and contracts to be made hereunder"; and the Senate agree to the same.

That the House recede from its amendment to the amendment of the Senate numbered 32, and agree to the same.

That the House recede from its amendment to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Strike out the amendment of the Senate and insert in lieu thereof the following:

"SEC. 4. In order to promote economy in the distribution of supplies, and in auditing and accounting, the Postmaster General may hereafter designate district and central offices in such districts through which supplies shall be distributed and accounts rendered."

And the Senate agree to the same.

J. H. BANKHEAD.
E. D. SMITH
N. P. BRYAN,
CHAS. E. TOWNSEND,
JOHN W. WEEKS,
Managers on the part of the Senate.

JOHN A. MOON,
THOS. M. BELL,
W. E. COX,
HALVOR STEENERSON,
MARTIN B. MADDEN,
Managers on the part of the House.

Mr. NORRIS. I wish to ask the Senator from Alabama if he will not ask that the conference report be printed?

Mr. BANKHEAD. I expected that to be done. I ask unanimous consent to have the conference report printed.

The PRESIDING OFFICER. Without objection, the conference report will lie on the table and be printed.

The PRESIDENT pro tempore. Are there further bills and joint resolutions? Concurrent and other resolutions are in order. [A pause.] Morning business is closed.

NAVAL APPROPRIATIONS.

Mr. SWANSON. I move that the Senate proceed to the consideration of House bill 20632, being the naval appropriation bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Virginia.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes.

Mr. OVERMAN. Mr. President, I ask the Senator from Virginia if he will not yield to me for the purpose of moving the consideration of the conference report on the legislative, executive, and judicial appropriation bill?

Mr. SWANSON. I can not yield for that purpose. That matter can be disposed of while the naval bill is in conference.

Mr. OVERMAN. The legislative, executive, and judicial appropriation bill is a great supply bill, and unless it goes to the House of Representatives to-day or to-morrow it is bound to fail.

Mr. SWANSON. The naval bill takes immediate effect; the other bills are not necessary until after the 1st of July. Of all the bills that are urgent in the present emergency the naval bill takes precedence, and therefore I can not yield.

Mr. OVERMAN. If we are to have an extra session that would be all right, but if we are not we will have no money to go on with.

Mr. BRYAN. I call for the regular order.

The PRESIDENT pro tempore. The Secretary will state the next amendment reported by the Committee on Naval Affairs.

The next amendment of the Committee on Naval Affairs was, on page 22, line 11, after the word "be," to insert "immediately"; in the same line, after the word "available," to insert "and to continue available"; and, at the beginning of line 13, to strike out "$4,131,174" and insert "$4,731,174," so as to make the clause read:

Batteries for merchant auxiliaries: For batteries for merchant auxiliaries (to cost not exceeding $6,381,174), to be immediately available and to continue available until June 30, 1920, $4,731,174.

The amendment was agreed to.

The next amendment was, on page 22, in line 15, before the word "available," to insert "immediately"; in the same line, after the word "available," to insert "and to continue available"; and, in line 16, after the date "nineteen hundred and twenty," to strike out "$7,281,941" and insert "$7,731,941," so as to make the clause read:

Ammunition for merchant auxiliaries: For ammunition for merchant auxiliaries, to be immediately available and to continue available until June 30, 1920, $7,731,941.

Mr. WADSWORTH. Mr. President, I do not intend to express my opposition to the appropriations carried in the paragraphs relating to batteries for merchant auxiliaries and the following paragraph providing ammunition for merchant auxiliaries, but in my judgment, Mr. President, these appropriations are particularly interesting at this time. May I inquire of the Senator in charge of the bill whether or not, if this appropriation is made as at present provided for, and if later on the so-called authority bill is passed, it would be within the power of the President to use the $6,381,000 worth of guns provided for in this paragraph on page 9 for some other purpose?

Mr. SWANSON. I should not think so. This appropriation is confined to the purpose designated by Congress. It seems to me that it makes a specific appropriation of the money for this use.

Mr. WADSWORTH. I was wondering whether the bill which I assume will be passed later on, and which I hope will be passed, will have the effect of superseding a legislative direction of this sort?

Mr. SMITH of Georgia. Mr. President, could there be any doubt about the fact that if we appropriate money to build batteries for merchant auxiliaries those batteries would belong to the National Government, and we could subsequently use those batteries for something else if it were deemed advisable? It seems to me that that is perfectly clear.

Mr. LODGE. Mr. President, if the Senator will yield to me——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. WADSWORTH. I yield to the Senator from Massachusetts.

Mr. LODGE. Under the appropriation bill as it stands now no power is conferred except to have these guns cast and made for the purpose of putting them on merchant auxiliaries, if in time of war we commandeer merchant ships and make them a part of the Navy under the name of auxiliaries. But if, as I hope, within a few hours—within a day or two, certainly—we pass what is known as the authority bill for the President, then, of course, under that authority he can take any guns that are in the possession of the United States for the purpose of arming merchantment. He has no such power now.

Mr. SMITH of Georgia. That authority covers any gun.

Mr. LODGE. Absolutely.

Mr. SMITH of Georgia. No matter for what purpose it was originally made.

Mr. LODGE. No matter what the original purpose of the gun was. He can take it off a battleship if he chooses.

Mr. WADSWORTH. Mr. President, as I read the so-called authority bill, every kind of gun is covered, including this kind.

Mr. LODGE. Yes; absolutely.

Mr. WADSWORTH. Then my observation, I think, was correct, that the authority bill, if passed, will supersede this item if in the discretion of the President it is wise to use these guns for a more valuable purpose.

Mr. SWANSON. Mr. President, if the Senator will permit me for just a minute, this money is appropriated for this purpose. Unless you get a general-authority bill it can not be used for any other purpose. But if you pass what has been reported by the Committee on Foreign Relations you give authority to arm merchant ships with these guns, and consequently that authority would permit these guns or any others to be used for that purpose, leaving the discretion with the Navy as to where is the best place for them to be used.

Mr. WADSWORTH. That is exactly what I had in mind, Mr. President, and I was somewhat disturbed, when I first made the inquiry, to hear the Senator from Virginia say that the authority bill, which I hope will be passed later on, will not have the effect that I thought it would.

Mr. SWANSON. I thought the Senator asked whether it would have the effect of superseding this. It would only supersede it so far as permitting its use for any purpose under that bill for merchant ships is concerned. It does not supersede it, but it broadens the power to use it.

Mr. WADSWORTH. The reason for my inquiry was the fact that in the letter written by the Secretary of the Navy to the chairman of the committee, urging an increase in this appropriation over the figure carried in this bill, the Secretary refers only to small patrol boats, mine sweepers, and submarine chasers; and I had it in mind to inquire of the Senator in charge of the bill whether, in the event of the passage of the authority bill, the President would be confined to using these guns merely on little patrol boats or whether he would then have the opportunity and the power to use $6,000,000 worth of guns, if they may be built promptly, upon passenger vessels, where they should be used?

Mr. SWANSON. If subsequent authority is given, there is no question about having the authority.

Mr. WADSWORTH. I am very glad to hear it.

Mr. SWANSON. Such authority is contained in that bill, I think.

Mr. WADSWORTH. I am very glad to hear it.

Mr. WEEKS. Mr. President, before leaving this paragraph I desire to ask the Senator in charge of the bill how these figures were reached, and, in a definite way, what is provided for, what kind of arms, what kind of ammunition, and to what extent this appropriation will go in providing for ships in the merchant service, for mine vessels, or for small craft to be armed and ammunition furnished?

Mr. SWANSON. The letter in reference to that was read at the session of the Senate a few days ago. The Secretary has there and can read the letter of February 17, 1917, which explains it entirely. In that letter he says:

The sum asked for includes 150 6-pounder guns and mounts, at a cost of $4,000 each.

That is, the additional amount.

It is now desired to include an amount of $600,000—

That is the increase over the House appropriation—

to be utilized in the construction of 6-pounder, 3-pounder, or 3-inch guns for small patrol vessels, as may be decided upon. The sum asked for includes 150 6-pounder guns and mounts, at a cost of $4,000 each.

That is the increase.

Mr. WADSWORTH. Will the Senator read the next sentence?

Mr. SWANSON (reading)—

The vessels that will be used for patrols, submarine chasers, and mine sweepers will all require a certain armament, and the type of gun used will depend upon the construction and size of vessels adopted.

Mr. WEEKS. Mr. President, let me ask the Senator if there are any such guns on hand now?

Mr. SWANSON. There are some guns of that character on hand.

Mr. WEEKS. How many?

Mr. SWANSON. Last year we appropriated $1,600,000 for this purpose. I will state to the Senator that the Navy Department has ascertained every merchant vessel that can be utilized and has had it inspected for naval purposes in case of war. They have been listed; information has been given as to what yards or shipyards they must go to for repairs, and what repairs are needed. Last year we made an appropriation to supply them partially with guns, and this year this completes it.

Mr. WEEKS. Mr. President, supposing that all of this appropriation of $4,700,000 were expended for guns of the type which it is now intended to supply to these vessels, how many rounds of ammunition would the appropriation for ammunition supply for those guns?

Mr. SWANSON. I do not know the number of rounds of ammunition it would supply; but we have given the department all they asked for to furnish the ammunition which they think would be sufficient in case these auxiliaries should be made part of the Navy. I do not know the exact number.

Mr. WEEKS. Mr. President, I am not asking to criticize the department because it has suggested too much ammunition, but I want to be sure that there is enough ammunition furnished to answer every possible contingency. For that reason I should like definite information about the amount of ammunition that will be supplied by this appropriation.

Mr. SWANSON. I do not know the exact price. This is all the department ask, and they certainly have asked for very liberal appropriations this year for these purposes. Last year there was a large appropriation for ammunition, and the committee was satisfied that this was ample.

Mr. WEEKS. Is there any ammunition on hand now provided for by the appropriation last year?

Mr. SWANSON. There is. It is being manufactured rapidly here at Indianhead and elsewhere. They are making rapid accumulations, I understand.

Mr. WEEKS. Can the Senator tell the Senate how much reserve ammunition there is on hand now—how much the Navy has on hand?

Mr. SWANSON. It is against public policy for us to tell the exact supply, the number of pounds, and to what extent it has been accumulated. The Bureau of Ordnance has been very reluctant, if you write for information on that subject, to furnish that information for public use.

Mr. WEEKS. Well, Mr. President, let me ask if that information is in the hands of the committee?

Mr. SWANSON. It was furnished the House committee confidentially.

Mr. WEEKS. I have no disposition to expose any information which the department thinks should not be furnished the public; but I am especially insistent that we shall take this time and this opportunity to supply the Government with an ample stock of reserve ammunition. We have not had any heretofore, or at least not any considerable amount, and this is the time for us to make provision for it.

Mr. SWANSON. If the Senator will permit me, last year, for ammunition alone of all kinds, the appropriation bill carried $29,000,000. If the Senator wants the information, the department will give it to him confidentially.

Mr. WEEKS. Well, I will ask the department for that information.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The Secretary will state the next amendment of the committee.

Mr. WEEKS. Mr. President, before going on to the next amendment I should like to ask a question about the next item in the bill, which has not been changed from the House provision. Have we any antiaircraft guns now, mounted?

Mr. BRYAN. There were 134 provided for last year.

Mr. WEEKS. Have they been constructed?

Mr. BRYAN. On some of the ships they are already mounted. The others have been and are being manufactured as rapidly as possible after that appropriation bill was passed.

Mr. WEEKS. How many guns will this appropriation provide of the type that is being furnished?

Mr. BRYAN. They cost about $10,000 apiece, my recollection is. The Senator can figure that out.

The PRESIDENT pro tempore. If there be no other remarks on the subject the Secretary will proceed with the reading of the bill.

Mr. WEEKS. I do not think I have received an answer to the question I asked.

Mr. BRYAN. I will say to the Senator that in the fortifications bill last year there were 134 provided for, 84 appropriated for, and the others authorized; and an appropriation was made to carry out that authorization in the bill of this year, and a further authorization was made. There are 104 antiaircraft guns provided for in this bill in addition to those that were provided for in the naval appropriation bill of last year.

Mr. WEEKS. Mr. President, does this appropriation provide any antiaircraft guns?

Mr. BRYAN. It provides for 104.

Mr. WEEKS. To be mounted on shore?

Mr. BRYAN. No.

Mr. WEEKS. It does not? These are to be used on the vessels of the Navy entirely, are they?

Mr. BRYAN. Yes.

Mr. SWANSON. No; these are to be used on shore.

Mr. BRYAN. No.

Mr. SWANSON. This is for protection of navy yards on shore, as I understand; and last year we provided for the ships. Antiaircraft guns, I think, were provided for the ships last year.

Mr. WEEKS. Mr. President, does the Senator know how many antiaircraft guns are mounted in the defense of London?

Mr. SWANSON. I do not.

Mr. WEEKS. Does he know how many would be required if we wanted to suitably defend the city of New York against that form of attack?

Mr. SWANSON. I do not. I hope the Senator knows.

Mr. WEEKS. I do not know. I am seeking information, because I want to provide for enough.

Mr. SWANSON. If the Senator will permit me, the defense of New York, the defense of other cities, and all inside of the 3-mile limit, is left to the Army, except the navy yards and magazines. Now, we have nothing to do with the mines, and inside of the 3-mile limit nothing to do with the antiaircraft guns.

Mr. WEEKS. I understand.

Mr. SWANSON. This is mostly to provide antiaircraft guns for the ships, which was done last year, and for the navy yards and magazines this year. The department says it is ample.

Mr. WEEKS. Simply those facilities which are within the control of the Navy and which are appropriated for in the Navy bill?

Mr. SWANSON. Entirely. We have nothing to do with the fortifications.

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the bill.

The reading of the bill was resumed.

The next amendment was, under the subhead "Bureau of Yards and Docks," on page 25, line 2, after the word "leave," to strike out "$2,000,000" and insert "$2,709,000," and in line 7, after the word "exceed," to strike out "$625,000" and insert "$780,000," so as to make the clause read:

Maintenance, Bureau of Yards and Docks: For general maintenance of yards and docks, namely: For books, maps, models, and drawings; purchase and repair of fine engines; fire apparatus and plants; machinery, operation or repair, purchase; maintenance of horses and driving teams; carts, timber wheels, and all vehicles, including motor-propelled and horse-drawn passenger-carrying vehicles to be used only for official purposes, and including motor-propelled vehicles for freight-carrying purposes only for use in the navy yards; tools and repair of the same; stationery; furniture for Government houses and offices in navy yards and naval stations; coal and other fuel; candles, oil, and gas; attendance on light and power plants; cleaning and clearing up yards and care of buildings; attendance on fires, lights, fire engines, and fire apparatus and plants; incidental labor at navy yards; water tax, tolls, and ferriage; pay of watchmen in navy yards; awnings and packing boxes; and for pay of employees on leave, $2,709,000: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, inspection, drafting, messenger, and other classified work in the navy yards and naval stations for the fiscal year ending June 30, 1918, shall not exceed $780,000.

The amendment was agreed to.

The next amendment was, on page 25, line 19, after "$20,000," to insert "for improvement of the central power plant, $150,000; for extension of chain shop, $60,000," and in line 21, after the words "in all," to strike out "$46,500" and insert "$256,500," so as to make the clause read:

Navy yard, Boston, Mass.: Sterilizing and disinfecting plant, $9,000; improved drainage and filling arrangements, Dry Dock No. 2, $17,500; locomotive and crane shed, $20,000; for improvement of the central power plant, $150,000; for extension of chain shop, $60,000; in all, $256,500.

The amendment was agreed to.

Mr. WEEKS. Mr. President, I want to ask some questions about the development which was provided for in the last year's appropriation bill relative to equipping navy yards for the purpose of constructing battleships and other classes of ships. What has been done with the last year's appropriation for that purpose?

Mr. LODGE. The $6,000,000?

Mr. WEEKS. Yes.

Mr. LODGE. I understand—the Senator from Virginia will correct me if I am wrong—that no expenditures have been made, and that they ask this year for a larger sum, but that no expenditures have yet been made.

Mr. WEEKS. Mr. President, were those matters looked into by the so-called Helm Commission, which investigated navy yards and naval stations recently?

Mr. LODGE. They were; and we had a report of the Helm Commission before us; but, with a single exception, the committee have not undertaken to adopt the recommendations of the Helm Commission, which opened such a large subject and involved such enormous appropriations.

Mr. TILLMAN. Mr. President, I will say for the benefit of the Senator from Massachusetts that some time ago I offered a resolution calling on the Secretary of the Navy to explain just what he had done with that $6,000,000. The report is in the document room, and my son has gone after it. It will be here in a minute.

Mr. WEEKS. In general terms what does the report state?

Mr. TILLMAN. Most of the money is to go to Norfolk and Philadelphia.

Mr. WEEKS. Is that based on the report of the Helm Commission?

Mr. TILLMAN. Oh, the Helm Commission had nothing to do with this side except south of Cape Hatteras.

Mr. WEEKS. Who has determined where the money shall be expended?

Mr. TILLMAN. The Secretary of the Navy felt that he was authorized to do it.

Mr. WEEKS. In what way?

Mr. TILLMAN. If the Senator will get the resolution, he will see.

Mr. WEEKS. I wanted to know whether the Secretary had sent a commission to examine the different yards to determine

whether yards should be prepared in some specific way for the construction of certain classes of ships.

Mr. TILLMAN. I understand that the Secretary of the Navy, through reports of his officers at these different navy yards, has made up his mind what is available for each yard and has assigned it there. Very little of the money has been spent so far. Only about $6,000 has been spent as yet, because it only became available last August, as the Senator knows.

Mr. WEEKS. The reason why I am asking particularly about this matter is because I have been informed that some steps have been taken relating to the Boston Navy Yard. Personally I am not in favor of equipping navy yards for the construction of major ships except in one or two instances, so that the Government may, in ordinary times, have a means of competing with outside bidders, if the outside bids seem to be unreasonable. I am perfectly satisfied that the privately controlled yards can build ships in ordinary times much cheaper than they can be built at navy yards, and I regret ordinarily to see any construction of that kind carried on at the navy yards. I am perfectly content to have some preparation made for the construction of major ships, because I do not wish a price imposed upon the Government which is going to be extortionate. I think it should have facilities to protect itself in that way, but I think there should be a fair consideration by the best experts the Navy has about where these preparations should be made.

We build capital ships at the New York yard, and if one other yard were fitted for that purpose, in my judgment it would be sufficient; but I think there should be some definite plan, and it should be in the hands of Congress as to where this money is to be expended, how much is to be expended, and how much is to be expended at each yard, so that we may have accurate information upon that subject.

AGRICULTURAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. SMITH of Georgia. I wish to call up the conference report on the Agricultural appropriation bill (H. R. 19359). The Senator from South Carolina [Mr. SMITH] in charge of the bill is not here and no action has been taken. I only desire to have the Senate agree to the further conference requested by the House and that the Chair appoint the conferees.

Mr. TILLMAN. I will state that the Senator from South Carolina [Mr. SMITH] has gone home because his wife is sick.

The PRESIDENT pro tempore. Without objection——

Mr. GRONNA. I should like to know whether it is a motion or a request for unanimous consent.

The PRESIDENT pro tempore. The Chair understood it to be a motion.

Mr. GRONNA. It was not put in that way.

Mr. SMITH of Georgia. I feel sure that unanimous consent will be given for a further conference.

The PRESIDENT pro tempore. Then the Chair will ask if there is objection.

Mr. GRONNA. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. SMITH of Georgia. Then I move that the Senate insist upon its amendments still in disagreement and grant the request of the House for a further conference, and that the Chair appoint the conferees.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Georgia that the Senate further insist upon its amendments and accede to the request of the House for a further conference.

Mr. GRONNA. I suggest the absence of a quorum before that motion is put.

The PRESIDENT pro tempore. The Senator from North Dakota suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	James	Page	Sutherland
Brandegee	Johnson, S. Dak.	Penrose	Thomas
Bryan	Jones	Poindexter	Thompson
Chamberlain	Kenyon	Pomerene	Tillman
Clapp	Kern	Reed	Townsend
Culberson	Kirby	Robinson	Underwood
Cummins	Lee, Md.	Saulsbury	Vardaman
Dillingham	Lippitt	Shafroth	Wadsworth
Fall	Lodge	Sheppard	Warren
Fernald	McCumber	Sherman	Watson
Gronna	McLean	Shields	Weeks
Harding	Martin, Va.	Simmons	Williams
Hardwick	Martine, N. J.	Smith, Ga.	Works
Hitchcock	Nelson	Smith, Md.	
Hollis	Norris	Smith, Mich.	
Husting	Oliver	Smoot	

The PRESIDENT pro tempore. Sixty-one Senators have answered to their names. There is a quorum present. The question is on the motion of the Senator from Georgia.

Mr. SMITH of Georgia. I do not think I ought to press the motion at present, if it is going to lead to debate and interfere with the procedure on the naval appropriation bill. I had hoped that it would not be strenuously resisted, but I am advised that the motion will lead to debate and consume considerable time. So I ask leave to withdraw it.

The PRESIDENT pro tempore. The motion is withdrawn.

SUNDRY CIVIL APPROPRIATIONS.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report back favorably, with amendments, the bill (H. R. 20967) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, and I submit a report (No. 1133) thereon.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PAGE of North Carolina, Mr. MCANDREWS, and Mr. DAVIS of Minnesota managers at the conference on the part of the House.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 1082. An act to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes;

H. R. 5948. An act for the relief of Hays Gaskill;

H. R. 20748. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1918, and for other purposes; and

H. J. Res. 335. Joint resolution for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. NORRIS. I ask unanimous consent that the report which has just come from the House relative to the District of Columbia appropriation bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. SMITH of Georgia in the chair). Is there objection?

Mr. SMOOT. Just a moment. I wish to ask the Senator from Nebraska if it would not be better to have it printed so that they could be used without going into the RECORD.

Mr. NORRIS. That would be satisfactory.

Mr. ROBINSON. I am unble to hear the request of the Senator from Nebraska or the statement of the Senator from Utah.

Mr. SMOOT. The Senator from Nebraska asked that the conference report on the District of Columbia appropriation bill be printed in the RECORD. I suggested to him that the best way would be to have it lie upon the table and be printed as conference reports are generally printed, so that Senators can have it in that form.

Mr. ROBINSON. I hardly think that would be necessary. I think the action of the House of Representatives makes necessary another conference. The House rejected the conference report and another conference will be held. I should hardly think it would be necessary to print the report. I thought the Senator from Nebraska urged that the action of the House should be printed.

Mr. NORRIS. If the Senator from Arkansas will permit me, as I heard the message from the House, the House did not ask for a conference, but simply insisted on their disagreement.

The PRESIDING OFFICER. The Chair lays before the Senate the action of the House of Representatives, which will be read.

The Secretary read as follows:

Resolved, That the House further insists on its disagreement to the amendments of the Senate to the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, and asks for a further conference with the Senate on the disagreeing votes of the two Houses thereon;

Ordered, That Mr. PAGE of North Carolina, Mr. MCANDREWS, and Mr. DAVIS of Minnesota be the managers of the conference on the part of the House.

Mr. ROBINSON. In the absence of the Senator from Maryland [Mr. SMITH] I ask that the Senate further insist upon its amendments, agree to the further conference asked for by

the House, and that the Chair appoint the conferees on the part of the Senate.

Mr. SMOOT. In this connection I desire to say that the request of the Senator from Nebraska would be——

Mr. NORRIS. I have no objection to the request made by the Senator from Arkansas.

The PRESIDING OFFICER. Is there objection? There being no objection, the Chair appoints the Senator from Maryland [Mr. SMITH], the Senator from Arkansas [Mr. ROBINSON], and the Senator from Vermont [Mr. DILLINGHAM] conferees at the further conference on the part of the Senate.

NAVAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes.

Mr. TILLMAN. In reply to the Senator from Massachusetts [Mr. WEEKS] I will state that I have a letter from the Secretary of the Navy on the matter about which he spoke a little while ago in response to a resolution that I offered. I ask that it may be read for his information and for the information of the Senate.

The PRESIDING OFFICER. The Secretary will read the letter.

The Secretary read as follows:

THE SECRETARY OF THE NAVY,
Washington, February 6, 1917.

SIR: In compliance with the resolution of the Senate, as follows:

"*Resolved*, That the Secretary of the Navy be directed to furnish the Senate a statement showing the present status of the appropriation of $6,000,000 made in the act of August 29, 1916, known as the naval appropriation bill, which authorized him to improve and equip the navy yards at Puget Sound, Philadelphia, Norfolk, New York, Boston, Portsmouth, Charleston, and New Orleans for the construction of ships at such yards, giving the amount expended and to be expended at such yards, and the conditions at each of those yards for building ships heretofore ordered to be constructed."

No fixed apportionment or distribution of the entire $6,000,000 appropriation has been made to these various yards, but it has been decided to fit up the Philadelphia yard for battle-cruiser construction, and the cost will be in the neighborhood of $3,000,000; the Norfolk yard for dreadnaught construction, to cost about $1,250,000; the Puget Sound yard for auxiliary ships of 12,000 tons, to cost about $750,000; the Charleston yard for gunboats and destroyers, to cost about $300,000; the Boston yard is already equipped to build a ship of 12,000 tons, and it will require $75,000 to extend ways and other improvements; and the Portsmouth yard for the construction of submarines, to cost about $200,000.

These plans are dependent upon the extent of the improvement of the various yards for shipbuilding, and it may be necessary to recast and alter some of the authorizations already made, the general plan at present being tentative and subject to change in case my recommendations for an additional appropriation of $12,000,000, for fitting the navy yards for shipbuilding, is approved by Congress.

Complying with the concluding question in the resolution, the Puget Sound Navy Yard has assigned to it an ammunition ship, which this yard at the present time in not equipped to construct. Steps are being taken to so equip it.

The Philadelphia yard has had assigned to it the construction of a hospital ship, which it is equipped to construct. It is contemplated improving and extending the shipbuilding equipment materially.

The Norfolk yard has assigned to it the construction of a destroyer, which it is equipped to construct. It is contemplated to materially enlarge its equipment so that it may construct larger vessels.

The New York yard has assigned to it for construction two battleships, one on the ways and one in preparation for building. It is at present equipped for this purpose.

The Boston yard has assigned to it the construction of a fuel ship. It is equipped, and its equipment is being increased for this purpose.

The Portsmouth yard has under construction two submarines. It is equipped for this purpose, and its equipment is being extended with a view to increasing its submarine-building facilities.

The Charleston yard has assigned to it the construction of a gunboat. It is equipped for this purpose, and its equipment is being extended with a view to construction by it of destroyers.

The New Orleans yard is not equipped for the construction of vessels, and it is not contemplated to so equip it, as it is believed this yard should at the present time be devoted exclusively to repair work.

Respectfully,

JOSEPHUS DANIELS,
Secretary of the Navy.

The PRESIDENT OF THE UNITED STATES SENATE,
Washington, D. C.

Mr. WADSWORTH. Mr. President, in relation to the project in the bill for the improvement of navy yards and in particular relation to the letter of the Secretary of the Navy which has just been read, I have thought it advisable to offer a comment or two. Last year when the naval appropriation bill was before the Senate an item was carried, as I remember, of $6,000,000 for the improvement of yards for the purpose of equipping them to such an extent that they may build ships for the Navy, and certain yards were named in the item. As the bill came from the committee, it appeared that the New York or Brooklyn yard, so called, was left out. The fact that it was left out was not important.

Mr. TILLMAN. Left out last year?

Mr. WADSWORTH. When the bill was reported from the committee, it was left out.

Mr. TILLMAN. It is in the naval appropriation act.

Mr. WADSWORTH. I said when the bill came from the committee the New York yard was left out. It so happened that about that time I had a conversation with a Navy officer high in the service. It was quite a casual conversation, but it turned out to be rather interesting from my viewpoint. He suggested to me that the New York yard might very well be considered as an ideal place for the further construction of battleships, as it had already to a reasonable degree succeeded in turning out first-class battleships and dreadnaughts. So I offered an amendment upon the floor of the Senate to insert in that item the name of the New York yard, and it was adopted.

I paid very little attention to it thereafter until in conversation again with other Navy officers whom I met casually I gained a very distinct impression that it would be a most economical proposal for the Government if another set of ways was installed in the New York yard in addition to the one set that is there now.

I was informed by gentlemen who certainly know what they are talking about that a considerable saving of money could be effected by building two battleships at the same place and practically at the same time, for if two ships are in the process of construction on ways adjoining each other the skilled mechanics and certain classes of machinery and facilities for shipbuilding can be shifted from one ship to another and much time saved which otherwise is wasted when only one ship is being built at a yard at a time, for it can be readily seen that when one ship alone is being built and a certain portion of its construction is completed the machinery and the skilled mechanics who are equipped for the carrying on of that certain kind of construction then must wait until the ship is completely finished and another ship laid down upon the same set of ways.

So I gained a very clear impression, and I think I am correct, that the Government would save a good deal of money if it would build two ships at the same time in the same place, so that all the labor and the instruments and machinery which are used for special purposes in the building of ships could be interchanged between the two in the course of construction.

I know that pressure has been brought upon the Navy Department to have laid down at the New York yard another set of ways in order to make that thing possible. It has been suggested by some of the officers in the department, not all of them, that there is no room at the New York yard for another set of ways. There is some doubt upon that question. I myself had a conversation with the Secretary of the Navy and urged him to immediately undertake an investigation, through his skilled advisers, to ascertain whether it would not be possible to provide a new set of ways at that yard and find out whether there was not room enough there for the erection of those additional ways. I was given to understand that the Navy Department was at that time discussing that very matter and would very shortly make up its mind whether or not an additional set of ways could be installed at that yard, and thereby, in my judgment—my judgment is not important—but in the judgment of many of the constructors in the Navy, save the Government of the United States many, many thousands of dollars to enable that yard to employ its skilled labor in the construction of battleships the year round instead of, as is the case to-day, employing them for a few months at a time and then discharging them, waiting for the single set of ways to be relieved of the battleship in course of construction when it is launched and the laying of the keel of another battleship. Since that time I have heard nothing more, and I wanted to know from the Senator in charge of the bill whether he has any information upon that point, whether the Navy Department has made up its mind that there is not sufficient room at the New York yard for the laying down of another set of ways.

Mr. TILLMAN. Mr. President, my impression has been from what I have heard that there is very little land at the New York Navy Yard for anything almost, that the Navy Department is hampered and has no facilities there, and they do not think that anything can be put there without the purchase of land, and land is very costly up that way.

Mr. WADSWORTH. The Senator gives me his own impression upon it.

Mr. TILLMAN. My impression is derived from what I have learned at the Navy Department.

Mr. WADSWORTH. The matter comes to a head under the appropriation referred to in the letter of the Secretary of the Navy. I noticed in listening to that letter that the Navy Department has tentatively assigned various sums of money to different navy yards. While I am not very rapid in my arithmetical calculation, it seemed to me as I listened to the letter that all the money practically is tentatively assigned, which led me to believe that the Navy Department has given up

any idea of laying down two battleships at the same place at the same time or having two battleships under construction at the same place at the same time.

Mr. BRYAN. Mr. President——

Mr. WADSWORTH. I want to assure the Senator from South Carolina and the Senator from Florida, who is about to address an inquiry to me, that I do not make this inquiry for the purpose, if I may say it, of getting something for the New York yard. That kind of proposal makes no appeal to me. The Government is going into the business apparently of building battleships, gunboats, destroyers, and submarines in its own yards upon a very large scale.

Mr. TILLMAN. It can not get them anywhere else.

Mr. WADSWORTH. I am not commenting upon that, Mr. President, but I do insist that if the Government is going into the business of building its own battleships, its own battle cruisers, and all the great vessels of war, in laying out the plans for the equipment of those yards some consideration should be given to economical construction, a very rare thing in governmental work. We are about to be asked, as I understand it, to appropriate $12,000,000 more in addition to the $6,000,000 that was appropriated in last year's bill.

We have appropriated and are going to be asked to appropriate a total of $18,000,000 to equip quite a number of navy yards for the construction of battleships; and my dread is, Mr. President, that we are going to have this kind of a situation: A battleship being built at Seattle, a battleship being built at Norfolk, a battleship at Philadelphia, a battleship at New York, and a battleship at Boston, with only one set of ways in each of those yards for the laying down of a battleship and continuing its construction. The result inevitably will be that at each and every one of those yards during a goodly portion of the time consumed in the construction of the several ships a large part of machinery and many, many skilled mechanics will be idle, for the very reason that when they have finished a certain portion of the work upon the ship there will be nothing else for them to do, and they will be discharged or be held on in employment at some kind of work that will not bring any complete value to the Government.

I have never had much faith myself in the economy of governmental construction on a wholesale program. I realize, as does the Senator from Massachusetts [Mr. WEEKS], that it is a wise thing for the Government to keep its hand in, as it were, in the building of battleships, to compete so far as is reasonable with private yards, in order to keep down their bids, and perhaps to standardize construction or constructive methods; but let me say that the great advantage a private yard has over a Government yard which is building only one battleship is that the private yard, in addition to building a battleship for the Government, is at the same time building merchant vessels, installing engines, and installing machinery for several other ships.

The mechanics who are needed for battleship purposes, when they have finished their part of the task, can be switched into the other vessels that are upon the ways of the private yards. Thereby the private yard saves money, holds its men, holds its skilled labor. If the Government yards do not adopt that same system, they can never compete with private yards, so far as cheapness of construction is concerned. When I heard the letter of the Secretary of the Navy read to the Senate, as it was a moment ago, containing no indication whatsoever that the Government intends to build more than one first-class ship in a yard at a time, I knew that we were in for wasteful work; that the Government will lose thousands and thousands of dollars; that its labor supply will be volatile and unreliable. That is the case at the Brooklyn yard now.

There is constant complaint at the Brooklyn yard for this very reason, that the Government from time to time employs hundreds and hundreds of skilled mechanics; that it gives them employment for a year or for 18 months; that a ship is nearly finished, or within 2 or 3 months of completion, and the men are discharged; that there is no more call for those men for work at that yard for 5, 6, or 7 months thereafter, and the men scatter and are lost to the Government in a large measure. That has held back construction on the ships that have been constructed; it has created uncertain labor conditions. There is no guaranty for the skilled mechanic who goes to Brooklyn that he will be able to live the rest of his life there, working at his trade as a skilled mechanic upon the construction of battleships. The same thing will result in every yard where the kind of business described in the letter of the Secretary of the Navy is attempted. The purpose of my question addressed to the chairman of the committee was to ascertain, first, whether there was any indication whatsoever on the part of the department to lay down an additional set of ways at the New York yard; and, second, is it the intention of the department to lay down more than one set of ways at any of these yards, or is it merely the intention of the department to scatter its work over the country in order to please people who are interested in the various local yards?

Mr. BRYAN. Mr. President, I regret to say that the Senator from Virginia [Mr. SWANSON], who is in charge of the bill, is unable on account of illness to be in the Senate at this time. I do not profess to be very familiar with the bill, but I see from the hearings that the General Board which has been appointed by the Navy Department reported to the Secretary of the Navy, the Secretary of the Navy has approved the report, and so far as the committee have been able to do so they have adopted the plan.

The difficulty at the Brooklyn Navy Yard seems to be that they have not enough space for the work to be done at that yard. There is carried in this bill an appropriation of a half million dollars to secure additional storage facilities. It may be interesting to the Senator from New York [Mr. WADSWORTH] to know that the board reports as follows:

> To be developed to the limit of its capabilities as the main supply base for the fleet in time of war. Navy yard to be developed as a ship-building and ship-repair yard. An additional site to be acquired.

That is as far as I can answer the Senator's question. It is wholly immaterial, anyway. The Senator from New York does not expect to get upon this bill a provision for the purchase of additional site or to have an additional plant erected. It can not be done; and I do trust, Mr. President, that any discussion that is perfectly useless, however enlightening it may be, may be postponed until a later date. There is no need now to discuss these questions. It may be that there should be two navy yards at Brooklyn or sufficient equipment to construct two or three or four battleships. The plan as outlined here is that battleships will be constructed there under contract. That is as far as I can answer the Senator. I want to appeal to Senators to let us consider things that can be done on this bill and not those which can not be dealt with here and now.

I do not know what the general plan of the Secretary of the Navy is as to starting to build battleships at all of the navy yards. I hope the department will not undertake to do that, but I do not know. That is within the control of Congress, at any rate. I have understood that it has been considered necessary for some time to have a plant on the Pacific coast, as well as at other places, for the building and repair of smaller ships.

Mr. WADSWORTH. Mr. President, if the Senator has concluded, in the first place let me assure him that I have not offered these observations merely in the rôle of a defender of the New York Navy Yard.

Mr. BRYAN. Nobody has accused the Senator from New York of that.

Mr. WADSWORTH. Well, the Senator from Florida has indicated in his remarks that I am particularly interested in that yard and that I want another set of ways laid down there. I do not care where the ways are laid down, let me assure the Senator. Perhaps, though, I have misunderstood the Senator from Florida.

Mr. BRYAN. Yes; the Senator did, because the Senator objected before any such insinuation had been made. I was very careful to avoid making it. I could have told the Senator how much has been spent there, and all that; but the Senator disclaimed having any particular interest in that yard because it was in his State, and I accepted his statement in good faith and did not refer to it at all. The Senator has merely kicked before he was spurred.

Mr. WADSWORTH. Perhaps I misunderstood the Senator from Florida.

In the second place, the Senator thinks that this is not the time to discuss this matter; but I call the Senator's attention to the fact that the inauguration of a great governmental policy—the construction of battleships upon a large scale by the Government itself, with an aggregate appropriation of $18,000,000, none of which has yet been spent; and I am of the impression that it is a rather healthy thing to discuss this matter before the money has been spent and the Government has been put under obligations. That was my purpose in doing it.

Of course, if it is the intention of Congress to appropriate these vast sums of money and to hand them over to the head of the department, without ever expressing any preference or idea or making any comments as to how the Government may economically conduct its business, well and good; if it is the intention to have the Senate convert itself into a rubber stamp, very well; let us understand it; but, I repeat, that I was under the impression that a great governmental policy, such as this, which is now to be inaugurated, was a proper subject for discussion upon the floor of the Senate; and it was in that spirit that I discussed it.

Mr. WEEKS. Mr. President, I think the Senator from New York is quite right in the suggestion which he makes. He has discussed this question in such a sound and businesslike way that if the Secretary of the Navy is making any note of the desires of Congress it will be an indication to him as to the manner in which Congress would like to have him proceed in making these great expenditures.

The difficulty is that these appropriations for navy yards remind one very much of the appropriation bills for rivers and harbors. They look too much like an attempt to satisfy this locality and that locality, without regard to the economic results which are going to come from the expenditures. The Senator from New York is entirely right when he says that one building way for battleships being in operation at New York, it is economy to have two building ways there. Certainly I can not be accused of having a brief to say anything in favor of the New York yard; and yet from the standpoint of the Government, it would be infinitely preferable to have an additional building way installed there than in any other navy yard in this country. It would produce economy.

What the Senator from New York says about the question of labor is pertinent; it is one of the most pertinent items relating to this whole matter. We ought to have this construction, if we are going to do it at all—which I deprecate—we ought to do it where the labor market is best, where it is the most placid, where we are certain to get labor which we need under the conditions which may obtain. Certainly we are likely to obtain at the New York yard better labor, better knowledge than at almost any other city in this country. Therefore, it is desirable that some consideration should be given to where these expenditures are to be made to install these Government building plants. To have building going on in a half dozen or eight or ten navy yards is going to produce this result: We are going to have ample employment for labor this year and have no employment for the same labor next year.

I have had constant complaints since I have been in Congress from the employees at the Boston Navy Yard about the irregularity of their employment; not about the wages paid them, which have generally been satisfactory, because they have been based upon the rates of wage obtaining in the community, but because they were employed one month and laid off the next month, and that they might lose their employment for a very considerable time unless they went elsewhere.

This construction, when it is undertaken, should be in such a way that labor will be continually employed, if possible. Then you will get better labor, and if there is any advantage to be obtained you will get it at a lower price. There can not be any two sides to that question.

Therefore, I hope that the Secretary of the Navy, even if we can not do anything in this bill, will note that the Senate is desirous of having this construction started where the interests of the Government will be best protected, where the labor market is best, where the economic results are going to be best, without any regard to whether the work is done in Boston, in Charleston, in Philadelphia, or in any other navy yard. I have not any desire to defend any of them, but I have a desire, if we are going to undertake something, which I do not think is economically sound, that we should undertake it in the best possible way. Therefore, I reecho everything that the Senator from New York has said on the subject.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment of the Committee on Naval Affairs was, on page 26, line 15, after the word "complete," to strike out "$400,000" and insert "$900,000, and the limit of cost is hereby increased to $1,100,000"; in line 17, after "$16,000," to insert "improvements, central power plant and distributing systems, $772,000"; and in line 19, after the words "in all," to strike out "$456,000" and insert "$1,728,000," so as to make the clause read:

Navy yard, Washington, D. C.: Gun shop, to complete, $900,000, and the limit of cost is hereby increased to $1,100,000; extending sight shop, $40,000; improving lighting facilities, $16,000; improvements, central power plant and distributing systems, $772,000; in all, $1,728,000.

Mr. WEEKS. Mr. President, may I ask the Senator in charge of the bill one question relating to that matter? How is it possible that the House could have appropriated $400,000 for a given project and the Senate appropriate two and a quarter times that amount of money? Is it intended to build a larger gunshop than was the purpose of the department when the estimates were made? Is that the reason for the very large increase in the appropriation?

Mr. BRYAN. Mr. President, the letter of the Secretary of the Navy explains that. The Senator has that letter before him, I have no doubt.

Mr. WEEKS. I think I have.

Mr. BRYAN. That answers the Senator's question. Of course, I can answer it again, if he so desires.

Mr. WEEKS. I am anxious to keep pace with the bill. I have not had time to read all of these letters, and I can not stop to read them now. If I do, the item will be approved while I am reading the letter.

Mr. BRYAN. Mr. President, there is no need for me to take time to answer the Senator, because he can read the letter as quickly as I can read it or state what it is. The letter is before the Senator; the Senator has it there.

Mr. WEEKS. I will ask that the Secretary read the letter.

Mr. BRYAN. Mr. President, that shows the purpose——

The PRESIDING OFFICER (Mr. PHELAN in the chair). The Chair will ask the Senator from Massachusetts to send the letter to the desk.

Mr. WEEKS. If the Senator from Florida will call my attention to which page the letter is on I will do so.

Mr. BRYAN. It is opposite page 26, and is the letter dated February 17. I do not know, however, why the Senator wants to do that, unless he can not read it. The Senator can read the letter, I presume, as well as the Secretary can. Mr. President, that only illustrates what is taking place here on this appropriation bill. If Senators want real information, they can ask for it and get it, but I want the Senate to know what is taking place. The Senator from Massachusetts very adroitly is consuming time. The Senator asks for information which is lying before him on his desk, and he is going to send the letter to the desk containing the information he asks to have furnished by the committee.

Mr. WEEKS. Mr. President, the Senator from Florida says that I am adroitly consuming time. I am taking time enough to find out why $535,000,000 are being appropriated for the naval service. If I get all the information I ask for, I may wish to appropriate more than the committee in its wisdom has proposed. I am not doing this because I desire to reduce appropriations or increase appropriations. What little I am doing is because I want to know how this vast amount of money is going to be spent. When the Naval Committee proposes to increase an appropriation two and a quarter times over the amount appropriated by the House for the same purpose, I think there is reason for asking for information, although it only involves the small amount of $500,000. It is not out of place for me to ask the Senator in charge of the bill to send the letter to which he refers to the Secretary's desk, and ask that it be read for the information of the Senate, and I do so.

Mr. BRYAN. I think the Senator has the letter.

Mr. WEEKS. It is just possible I have the letter, and that if I were to dig through my papers I might find it. I have not read the letter, and that is the reason I am asking for the information.

Mr. BRYAN. I send the letter to the desk and ask the Secretary to read it.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

NAVY DEPARTMENT,
Washington, February 17, 1917.

MY DEAR SENATOR: With reference to my previous letter in regard to increasing the limit of cost of the gun shop at the Washington yard, I wish to call your attention to the necessity of providing additional funds for this project. An amendment to this effect was offered in the House of Representatives, but was not agreed to.

The present limit of cost, $600,000, is not sufficient, owing to the increased cost of labor and materials, even to construct the building as originally contemplated—that is, with cranes of 200 short tons capacity. With the larger guns now in sight, cranes of 200 tons are inadequate and provision must be made for cranes of 300 gross tons capacity. Such cranes and the larger guns will require an increased height and width of building, greater spacing of columns, and much heavier steel framing to support the increased loads.

To provide a satisfactory building will necessitate increasing the limit of cost from $600,000 to $1,100,000, and the amount to be appropriated this year from $400,000 to $900,000. It is useless to attempt to construct a building within the limit of cost as now fixed, as the structure when completed will not handle the work in prospect.

Referring to naval appropriation bill, H. R. 20632, as reported to the House of Representatives, an amendment should be inserted as follows:

Page 25, line 7, strike out "$400,000" and insert "$900,000, and the limit of cost is hereby increased to $1,100,000."

Sincerely, yours,

JOSEPHUS DANIELS,
Secretary of the Navy.

Hon. B. R. TILLMAN,
United States Senate, Washington, D. C.

Mr. THOMAS. Mr. President, I very much regret that the committee is inclined to resent as criticisms questions regard-

ing some of these items. This is a bill which carries an enormous aggregate appropriation. It carries a larger amount of money, in the opinion of a few of us, than even the present exigencies demand, and I want to take this occasion to say that I think the Senator from Massachusetts [Mr. WEEKS] is doing a public service in directing attention to these increases. I appreciate it, at least. I am listening to get all the information I can regarding the measure; and before it comes to a final vote I am going to have something to say about it; I may have a good deal to say about it, and I want to get substantial information as we go along.

The Senator having charge of the bill has been conspicuous in this body in his opposition to extravagant expenditures. He has in that matter, as in others, been of great public service to the people, one of the most useful men we have had in this body since I have been here, one whose retirement to private life I regard as a public calamity; and I am sure that, when he stops to consider the enormous appropriations in the aggregate and the vast increase, sometimes, as stated by the Senator, more than 100 per cent over amounts which the House has thought sufficient for these purposes, he will realize that we are entitled to have this information and that the people at some time will have to pay this $535,000,000, with interest, and they will then want to know what the Senator from Massachusetts is now trying to find out.

Mr. NORRIS. Mr. President, I have wanted several times to say what I think I might as well say on this amendment, because it seems very appropriate to say it here.

I most heartily concur in what the Senator from Colorado [Mr. THOMAS] has said. The particular amendment before the Senate increases the limit of cost for a gun factory owned by the Government of the United States to $1,100,000 and increases the appropriation made in the House bill by $500,000. This is in line with what I have often advocated on naval appropriation bills and Army appropriation bills, which is that factories manufacturing powder, guns, and so forth, owned by the United States should be increased, if necessary, so as to enable them to manufacture a large part of these instrumentalities which the Government uses.

This appropriation is quite large, and, although I have an idea that when the information is all before us I will favor this increased appropriation, for I would rather favor governmental activity along this line than to increase appropriations to buy the same guns from private manufacturers, yet all of us, it seems to me, ought to welcome a full investigation as to the reasons for it. We ought to be just as economical as we can when we are doing this by increasing the Government manufacture of munitions of war as though it were to be done by private parties. Therefore it seems to me that any inquiry which seeks to bring out the facts ought to be looked upon with favor rather than with censure.

Mr. President, it seems to me, therefore, that the Senator from Massachusetts [Mr. WEEKS] is doing a public service in endeavoring to bring out this information. There ought to be nothing concealed; there ought to be reasons given, and if reasons can not be given the appropriation ought not to be increased.

I know it is said—it has been said so often that that is the reason I have taken the floor now—as to these bills, that we are nearing the end of the session and that if we debate these matters, if we make inquiries about the expenditure of the public money—and I am not now referring particularly to this bill any more than to any other bill or to this item any more than to any other item—we are likely to bring on an extra session. Mr. President, we have been in session since the first Monday in December. We took a recess for the holidays in December; we adjourned many times, it seemed to me, when we ought to have been in session, and these great appropriation bills, appropriating in the aggregate many hundred million dollars, some of them larger than they have ever been before in the history of the country—and that is saying a good deal—are crowded upon us in the last few days of the session. Shall it be said, therefore, that we must gulp down these enormous appropriations without the blink of an eye, without a question, and without a word simply for fear that if we do not an extra session will come upon us?

Mr. President, I believe it to be our duty to have a fair and honest and reasonable discussion of all appropriations, no matter whether it brings on an extra session or whether it does not. I have heard it stated often, and I presume I will hear it every day until noon on the 4th of March, that we must not make inquiries, we must not investigate, we must not debate, because that is going to delay the passage of measures. We have coming to our doors now, in addition to the naval appropriation bill, an Army appropriation bill, a sundry civil appropriation bill, a general deficiency appropriation bill, and another bill giving practically all the power that Congress ever had in regard to declaring war to the President and carrying with it an appropriation of a very large size—all of these measures pushed upon us, and we are expected to pass upon all of them within three days or to be subject to the criticism that we are trying to delay the deliberations of Congress, and that our action may bring on a special session.

Mr. President, it does not seem to me that we can completely perform our official duties if we permit appropriations to be made, especially of such large size, that we do not fully understand and without asking that they be explained. I am moved to make these remarks on this amendment because I feel friendly toward the amendment increasing this proposed appropriation, and I expect to vote for it.

Mr. TILLMAN. Mr. President, will the Senator yield to me?

Mr. NORRIS. I yield to the Senator.

Mr. TILLMAN. I can assure the Senator that the committee has no inclination to complain of inquiries. The Senator in charge of the bill [Mr. SWANSON] is at this time out of the Chamber, and I myself have not had much to do with it except on the subcommittee. As the Senator knows, my health is very poor, and my memory also; but I do assure him, on word of honor, that, so far as I know, this bill is entirely legitimate in every dollar, and we have the authority of the Navy Department and the recommendations of the Navy Department for all the expenditures we are asking for.

Mr. NORRIS. Mr. President, I am making no criticism of the Senator from South Carolina nor of the committee. I have no doubt but that every item in it is, in the judgment of the committee, reasonable and fair. I am not criticizing them. I do not want to be understood as doing so, and what I have said in the way of criticism is purely general. It has no particular application to any particular item or to any bill. But I have so often heard it said by Senators, and I presume with the best of intentions, "We must not take up the time to debate, or to inquire, or to discuss." Now, as far as I am concerned, I do not believe we can do good work, I do not believe we can do our duty to the country or to our constituents, if we remain in session all night for a week at a time, without having opportunity to rest or opportunity to sleep. I know that in the closing hours of the session we will necessarily have to do more, and I am willing to do more; but I would rather, Mr. President, have an extra session. If we have one a few times, probably we will find ourselves then with these bills before us before the closing days of the session. I know that they are important. I know that the time is short, but no matter what comes, it seems to me it would not be a bad precedent that we should insist on all the light we can get in a fair and reasonable discussion of all the items in every appropriation bill, and that without any intention or any reference to a special session. It is simply with reference to our own duty, the duty that we owe to the country.

Mr. TILLMAN. I agree entirely with what the Senator has just said, even in regard to the extra session. I deprecate the expenditure of money without knowing what it is to go for. As it happens, right now the Senator from Massachusetts [Mr. LODGE] and the Senator from Virginia [Mr. SWANSON], who were with me on this subcommittee, are out of the Chamber. If they were here, they could explain a good many things that I do not feel able to explain. I have sent for both of them, and I hope they will be here directly.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. THOMAS. Mr. President, I ask to have the amendment go over until the Senators, or one of them, shall be here to explain it.

Mr. TILLMAN. I am told that those two Senators are now attending a meeting of the Foreign Relations Committee.

Mr. THOMAS. I understand that, but they will probably be here before long. Let the amendment go over.

Mr. TILLMAN. Well, let the amendment go over.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

Mr. HUGHES. Mr. President, the remarks of the Senator from Nebraska [Mr. NORRIS] do him credit as a trustful and confiding gentleman, as we all know he is; and everybody is bound to cooperate in everything that is contained in his very reasonable statement. If it were not for the fact that there is a well-defined suspicion, based upon authentic information, that it is the intention of certain Members of the body to keep this bill before the Senate a day, at least, on these amendments, his remarks would be to the point; but if there is such an intention, and the effort is being made to carry it out, it shows how innocently a Senator like the Senator from Nebraska co-

operates with a movement of which perhaps he knows nothing and with which perhaps he is not in sympathy.

The difficulty about a situation like this is, if that is the situation, that a great deal of time will be spent in discussing amendments with which the Senators who are discussing the amendments are not familiar, and in which they have little or no interest. If this situation were brought about by a legitimate desire to obtain information with reference to the bill in order to predicate future action upon it, nobody could complain; but I certainly deplore a condition such as I have described—if it exists—that at a time like this any party, or any influential group of members of any party, should deliberately say that a bill of this importance should be delayed 24 hours, or any of these bills.

Mr. NORRIS. Mr. President, may I ask the Senator a question before he takes his seat?

Mr. HUGHES. Certainly.

Mr. NORRIS. Does the Senator think that a discussion of the various items and the vast amounts of money carried in this appropriation bill for this day would be unreasonable?

Mr. HUGHES. Not if the discussion were for the purpose of getting information or debating or improving the bill; but a discussion of this or any other bill, or of this or that item, or any other item, if the purpose of it is simply to delay is deplorable.

Mr. NORRIS. Has the Senator any criticism to offer for any of the debate on this amendment particularly?

Mr. HUGHES. I have no criticism to offer of what the Senator has said.

Mr. NORRIS. Has not everything so far been legitimate?

Mr. HUGHES. Well, if my information is correct, some of the debate has not been legitimate in the sense that the Senator uses the word.

Mr. NORRIS. The Senator, I think, ought to be able to judge whether or not the discussion is legitimate by the debate itself.

Mr. HUGHES. So far as I have been able to judge, some of the debate has not been legitimate in the sense in which I think the Senator is using the term.

Mr. NORRIS. Does the Senator refer to the debate on the amendment now before the Senate?

Mr. HUGHES. On the amendment now before the Senate or the prior amendment.

Mr. NORRIS. I confess I have not heard any that it seemed to me was in any way or in any sense out of place.

Mr. THOMAS. Mr. President, I regret to occupy the valuable time of the Senate; but in view of what has just been said I deem it my duty, before the bill is resumed, to define my attitude concerning it.

I know nothing about the intentions and purposes of the minority with regard to this bill. If there is a settled purpose on the part of any of them to defeat it for some partisan reason, the fact, at this juncture, is deplorable. Of course, I could not be expected to know anything about such a purpose if it existed, my affiliations being upon this side of the Chamber. But, Mr. President, it is far more deplorable that a bill carrying such an enormous appropriation of money, and designed to supply the Government with what some of us think it is already possessed of, should come up for consideration at so late an hour in the deliberations of an expiring Congress, because the most legitimate criticism is apt, by those honestly and earnestly believing the bill to be essential to the national welfare, to be regarded as having an ulterior purpose and to produce a consequent suspicion of the good faith of those who are endeavoring to obtain information.

This bill should have been before this Congress a month ago at least, and in saying that I am not reflecting upon the committee, and particularly not upon the Senate committee.

Mr. TILLMAN. I was going to say to the Senator that the House committee only sent it over here 10 days ago.

Mr. THOMAS. The Senate committee have worked with commendable zeal upon this bill since it has come into their possession, and they have presented it to the Senate at the earliest possible moment of time. There is no doubt about that. They are not to blame. I do not know that the House committee is to blame, but an unfortunate situation confronts us, and certainly we can not be asked to vote blindly upon these stupendous appropriations, especially when some of us feel that they are much larger than the emergency requires, and that a great deal of the money is devoted to subjects which are not at present essential to what is called national preparedness.

Mr. President, I have had the conviction that a special session of Congress was inevitable ever since we were foolish enough to take a long adjournment during the holidays. Since then we have expended most of the time that has expired up to this moment in fruitless discussion.

Mr. TILLMAN. And in filibustering.

Mr. THOMAS. In filibustering and in discussing matters which are not of immediate and prime importance. Now, when we have only a few days of the session remaining, can we be expected to sit like automatons and pass, as rapidly as they can be read, these enormous appropriation bills?

Mr. President, I think we ought to have a special session. The situation now confronting us is of supreme importance. It may prove to be the gravest crisis which the Nation has ever confronted. Consequently a special session has no terrors for me. The legislative department of the Government is coordinate with that of the Executive, and in some respects its prerogatives are greater; certainly greater with regard to our relations with other countries when they assume the phase of war. I think we ought to be here after the 4th day of March, and if these bills should go over for lack of time to properly consider them it may prove beneficial to the country in that a special session will be inevitable. Better, far better, that we have a special session, and that it continue until the next general session in December, than that these enormous supply bills should be rushed through without sufficient consideration.

If, in requesting and insisting upon this consideration, I am guilty of an unpatriotic act, so be it. I do not think I am. I am ready at any time to vote every dollar that is really necessary for the defense of my country. I am not in favor, in a period of excitement, of voting millions upon millions of money for which we must go in debt, and for which subsequent generations must pay with interest, simply because we only have two or three days of time in which to consider the situation. It seems to me that the duty of demanding and securing full information is far greater and more urgent than would be the case if we had abundant opportunity to make full examination ourselves.

Mr. SMITH of Georgia. Mr. President, I am very earnestly in favor of appropriating every dollar that can be intelligently spent to strengthen the defensive power of our country upon the water. I have favored it since August, 1914, because from that time I have thought that the probabilities all were that before this terrible struggle ended the United States would be dragged into it. I am ready to vote for any amount that can be intelligently spent, and spent promptly. Our greatest interest in a Navy involves its use within the next 12 months. I see here items that seem to me peculiar. I see here $300,000 for a clothing factory. I do not understand what that has to do with naval preparedness.

Mr. TILLMAN. Do not the sailors have to wear clothes?

Mr. SMITH of Georgia. Yes; but it is not the business of the Government to make them. There are plenty of clothes that can be bought for the sailors without spending our defensive money in building clothing factories. I have the utmost confidence in the great engineer who is at the head of construction in the Navy. If I could understand that each item in this bill expresses the judgment of experts in the Navy——

Mr. TILLMAN. I can assure the Senator that it does; at least we were assured that it did. They were sent down here by the Navy Department.

Mr. SMITH of Georgia. If I can satisfy myself of that—and I should like to see the language of Admiral Taylor with reference to a factory for making clothes as a necessary part of the Navy—as I said, if I am satisfied that this money is all to be spent in the way that men like Admiral Taylor or Admiral Fletcher and men of that kind approve, I am not only ready to vote for every dollar in this bill, but to double it.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from California?

Mr. SMITH of Georgia. I yield.

Mr. WORKS. I suppose, from what the Senator says, that he is willing to go to great lengths in making these appropriations to meet what may be a present emergency; but there are in this bill large items for construction work that can not be completed in less than 5 to 10 years from now. Does the Senator think we ought to make large appropriations now for that purpose?

Mr. SMITH of Georgia. I am not interested in construction that looks five years ahead or four years ahead.

Mr. TILLMAN. Does the Senator believe that a stone dock can be built in less than three or four years?

Mr. SMITH of Georgia. Then I do not think it is necessary to start a stone dock at this time.

Mr. TILLMAN. The Senate thought differently last year, and authorized two.

Mr. SMITH of Georgia. I am expressing my opinion at this time, not the opinion of the Senate. I believe that every energy of the department, backed by all the funds they wish, should be used for immediate preparation, and I am ready to vote any sum that I can be satisfied will be wisely and promptly spent for that purpose.

Mr. President, while I am on my feet I desire to reply to a publication that has appeared during the past day or two to the effect that I would filibuster against certain increases of pay to Government employees. That is a mistake. I am opposed to those increases, but I shall not indulge in a filibuster against any bill that is pending in the Senate. I am opposed to them, not because I am opposed to these people having more money; I am opposed to them at this time because I fear our country faces a most serious situation, where every dollar that it can command will be needed, and where, instead of increasing pay to anybody anywhere, we will need to call many others into the employment of the country, and that they may be called on to serve for nothing. I do not think it a time to increase the compensation of anyone anywhere, but rather for all to be ready to contribute liberally of everything they have and give up, down to the very lowest cent possible, compensation from the Government for their services.

That is my feeling about it. That is why I have been opposed to adding $26,000,000 to our pay roll, or possibly $75,000,000, which would be the case if it were extended on to the Army and to the Navy. In normal times, with no probable call upon this country for all its resources, I would not object to increasing the pay of Government employees.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Nabraska?

Mr. SMITH of Georgia. Certainly.

Mr. NORRIS. Referring to these employees and their increase of pay, one bill—the Indian appropriation bill—as I understand, has received the approval of the House and of the Senate and has been sent to the President for his signature. Does the Senator feel that it would be right for us to fix a different compensation in other bills after that matter had been thrashed out and put into law on that bill?

Mr. SMITH of Georgia. Yes. If that bill was wrong, if we spent on that bill what we ought not to have spent, it amounted to perhaps $100,000, as I am told.

Mr. SMOOT. Forty-five thousand dollars.

Mr. SMITH of Georgia. Forty-five thousand dollars. If we have improperly spent $45,000 on the Indian bill, why should we improperly spend $26,000,000 on other bills?

Mr. NORRIS. Mr. President, I think as a general proposition the Senator has stated it correctly; but he will admit, of course, that it is desirable, if we can possibly do so, to pay the same salary to the employees of the Government who are doing the same service. Whether they are in the Indian Service or whether they are in some other department, that is desirable.

Mr. SMITH of Georgia. Oh, undoubtedly.

Mr. NORRIS. Now, I understood, when we commenced with these various appropriation bills and with the various changes in salary, that when we once reached a conclusion in both Houses and passed one bill fixing the salaries in that particular department there would be acquiescence, and there would be no further debate on the others, because we had thrashed that out once and for all. I concede, of course, that the Senator is not bound by that, and I am not criticizing him—he must understand that—if he desires to change it in another bill, and have a different rate fixed upon the same service; yet it strikes me that it would be rather inconsistent if we had that kind of a pay roll.

Mr. SMITH of Georgia. Undoubtedly it would be inconsistent, and I want it inconsistent when to be consistent is to do what I think is wrong. It is the money I want to save, because we have a use for it now. It is the money I want guarded in this bill, that it may go, not to please a particular place, but where it will be worth most to the people in defense; and it is because I feel that a serious condition confronts this country.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. SMITH of Georgia. I do.

Mr. LANE. I wish to say that I understand that the Senator has called attention to the tacking of general legislation onto the conference report on the Indian bill a day or two ago as an evidence of the evil of placing general legislation upon appropriation bills. Is that right?

Mr. SMITH of Georgia. No; I have not called attention to the Indian bill at all.

Mr. LANE. Oh, I thought the Senator referred to that.

Mr. SMITH of Georgia. No; the Senator from Nebraska called my attention to the Indian bill, and insisted that when the Indian bill carried certain increases to employees all other bills ought to do likewise. I answered by saying that the total increase in the Indian bill is under $50,000, while a similar system of increase upon the other bills would be at least $26,000,000, and if carried on into the Army and Navy I am told it would be $75,000,000. What I was urging was that we are now confronted with a serious situation in the country, and that we ought not to spend a dollar that was not necessary, except for national defense.

Mr. LANE. If the Senator will allow me——

Mr. SMITH of Georgia. Yes.

Mr. LANE. I wish to say that that conference report came up the other night covering more crooked and dirty legislation than lies in any other measure which is presented to this body. I was against it, and I wanted to beat it for common decency's sake; but before it carried then there was placed upon it this other measure, if the Senator please, with which I was in favor, though perhaps not in that bureau. As a result, I was compelled to vote against my will in that instance. In order to defeat a vicious bill I was compelled to vote against my wishes in regard to what I consider a good and righteous cause. It is an evil, and an evil which should be stopped. These cases, as the Senator has said, should be taken on their merits and worked out on that basis, and that only.

Mr. SMITH of Georgia. Now, Mr. President, just a word or two more. I desire to repeat that while I am opposed to these increases solely for the reason I have given, our Government employees may be thankful 12 months from now for the privilege of peacefully performing their work. I may view with too great fear the situation which confronts this country. I may be too much impressed with the probability of our people being involved in a great struggle in the immediate future. But with the danger as great as I think it is, I have felt that every financial resource of the country ought to be turned, not to increasing compensation to anyone, but to preparing this country for the immediate future; and in spite——

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Vermont?

Mr. SMITH of Georgia. No; I will not yield for a moment. But in spite of that fact, I wish again to say that it is not my purpose to filibuster against any of these appropriation bills. Having expressed my views upon them and having cast my vote, I shall submit at all times to the action of the majority of the Senate.

Mr. PAGE. Mr. President, I should like to ask the Senator one question before he sits down. I should like to know if, to carry out his ideas to their natural sequence, we ought not to commence by reducing the salaries of Senators from $7,500 to $5,000?

Mr. SMITH of Georgia. If the Senator wants that, I am ready to contribute $2,500 of my salary, or all of it, if it is required.

Mr. PAGE. So am I; and I am much more ready to do that than to refuse to the poor, and those who need it, the little pittance which we are granting by this additional compensation.

Mr. SMITH of Georgia. Twenty-six million dollars is no little pittance to a National Treasury, and if extended on to the Army and Navy it would be $75,000,000; and such an additional sum at this time I do not consider called for.

Mr. PAGE. I am the employer of more or less men in my business. If I should go to them and say that I could not give them a proper advance in their salaries because during the next year I have got to put on a large addition to my plant to accommodate my increasing business I should expect them to say that I was guilty of great inconsistency. That is what we are doing to-day. We are building up in a great measure expensive additions and saying to those to whom we honestly owe an advance, "We can not give you that advance, because we have to spend so much money in other directions."

Mr. SMITH of Georgia. I utterly deny that we owe an advance to anybody. I do not know a Government employee in Washington who does not receive generally wages higher than he does in private employment, and the pressure that is being brought by merchants and newspapers in Washington for these increases are natural. The merchants will absorb this increase into their own stores. If they would pay their employees anything like what the Government employees are paid they would probably double the wages.

Mr. PAGE. Mr. President——

Mr. SMITH of Georgia. But I do not intend to be drawn into that discussion now, and I shall refrain from saying anything else upon the subject no matter what else may be said.

Mr. PAGE. I simply want to say in connection with the position taken by the Senator that if he advocated or if he refused to advocate an advance to these men because they did not deserve it, because they were not entitled to it, I might listen with some interest to his remarks, but when he says we can not do justice to these men he fails to appeal to my standard of justice and my sense of duty.

Mr. SMITH of Georgia. But I did not say that.

Mr. THOMAS. I would remind the Senator that the illustration with which he fortifies his position is all very good as far as it goes. If he desired to increase the compensation of his employees, of course, he would do it out of his own pocket. But we are asked to increase the salaries of hundreds and thousands of employees out of somebody else's pockets—that is, out of the pockets of the taxpayers, of which he is one. The analogy, therefore, does not apply.

Mr. PAGE. Mr. President, just one word more and I have no further discussion. The question to my mind is not whether we are or are not able to do justice to those men whom we have in our employ. If we owe it to them to give them an advance, we ought not to stop one minute to discuss whether we are able or not able.

Mr. THOMAS. Does the Senator think we owe it to anybody to increase his salary?

Mr. PAGE. If we are paying these men less than they are entitled to in consideration of the great advance in the cost of living, then we are in justice owing them an advance.

Mr. THOMAS. Then if the cost of living goes to 250 per cent more than it is now we must meet it by increasing all our expenses in a similar fashion?

Mr. PAGE. I can say that in the employment of my own men I pay what I think they are justly entitled to, and if the cost of living should advance 250 per cent I would expect to advance their wages 250 per cent.

Mr. THOMAS. Then I must say the Senator from Vermont is a philanthropist in his own class. I am very glad to know that we have such a man in the Senate.

Mr. PAGE. I disclaim that I am a philanthropist. I am simply acting up to my idea of right and equity and justice; nothing more and nothing less.

The next amendment of the Committee on Naval Affairs was, on page 26, line 17, after the numerals "$16,000," to insert "improvements, central power plant and distributing systems, $772,000."

The amendment was agreed to.

The next amendment was, on page 26, line 19, to strike out the total "$456,000" and insert "$1,728,000."

The amendment was agreed to.

Mr. SMOOT. I wish to ask whether the amendment on page 26, beginning in lines 14 and 19, was agreed to as I entered the Chamber?

The PRESIDING OFFICER. That amendment, providing for an increase to $1,100,000, was passed over.

Mr. SMOOT. I understood that it was passed over, but——

The PRESIDING OFFICER. The Secretary did not read the total.

Mr. SMOOT. I thought the whole amendment went over.

The PRESIDING OFFICER. No; the item of $1,100,000.

Mr. SMOOT. Of course if that is all that it was asked should go over I have no objection. I want to protect Senators who are away; that is all.

Mr. BRYAN. That was the request, as I understood it.

The PRESIDING OFFICER. That was the only request.

The next amendment was, in the item for marine recruiting station, Port Royal, S. C., on page 27, line 19, after the word "quarters," to strike out "$18,000" and insert "including not to exceed $5,000 for the acquisition, by purchase or condemnation, of a strip of land along the south boundary of the station, $23,000."

Mr. SHERMAN. Mr. President, about the amendment just read on page 27, I have no special information save as I read it on the tabulation and the hearings of the committee.

I am very much like the Senator from Nebraska [Mr. NORRIS]; I shall not for myself delay final action on the bill. It was not my purpose at any time that I have made inquiry from the chairman of the committee or the Senator in charge of the bill or others to delay action. This bill was prepared in all the leisure that attaches to the House preparation of bills of this character. Since the first Monday in last December they have had time or they have been charged with the responsibility of preparing the money bills of this character so that on their part there could be no precipitate action. On our part here we can not be charged with undue consumption of time if we take a reasonable period for the examination of these items.

I do not either covet nor do I avoid criticism, nor will I be hurried into any undue haste in consideration of these bills simply because they may be a part of the general preparedness plan. On all these items there will be wherever necessary an examination in spite of any clamor that may exist outside for their prompt action.

I am not unmindful of the fact, Mr. President, that for two and a half years the necessity has existed to prepare for just the emergencies we are facing now. Any person of ordinary foresight in public office could anticipate since August, 1914, that we were facing a condition where we would be compelled to preserve armed neutrality, to say the least of it. Until a year ago, this January, however, there were no indications of an awakening. Now that awakening has come, beginning in January, say, 1916. For one I decline to be hurried in the last few days in which this bill has appeared here in the Senate, after having been reported by the committee, to a consideration of it without fair opportunity to be informed on its sections.

Mr. President, there are some amendments of the committee which I shall vote against. There are certain amendments to be offered after the committee amendments are disposed of which I hope to see adopted. But in any event, Mr. President, whether those amendments are adopted or rejected, finally when the bill shall have reached a roll call it will have no opposition, whether it entirely meets with the approval of myself or not.

There are some provisions not immediately connected with this amendment which I will comment on in due time. I have only to say now in a general way, not immediately connected with this amendment to the bill, that it seems since the bill came here from the House very large additions have been made. Very little information is before the Senate on that save as it appears in the printed hearings and certain letters and documents that are printed in the tabulation prepared by the committee, which illuminate some of them and are entirely satisfactory so far as I have examined them. But the very great increases made by the Senate committee are at least worthy of some deliberate examination here. The addition in a general way of $115,000,000 which we will reach in due time has not been satisfactorily explained. It is addition here in the Senate. The House did not make this provision. This adds a very considerable sum. I have not the entire aggregate of the House bill as it came here. Can the chairman of the committee enlighten me on the aggregate as it came from the House? What was the total?

Mr. TILLMAN. $369,000,000.

Mr. SHERMAN. Then at least, without having regard to the smaller increase, there is an increase of $115,000,000 in a single item toward the latter part of the bill. This increase is of a general character. It places in a gross sum the fund in the hands of the Executive. It has no limitation save as in a very general way. In the item of $115,000,000 toward the latter part is the paragraph which seems to vest in the President very general power. It is intended to expedite or to accelerate the additions to the Navy that are mentioned in the amendments.

This general power that is added, Mr. President, is one that I think in such a large sum of money, $115,000,000, when it shall have been reached would justify the Senate in taking some time, especially with the assurance that has been made by the Senator from Nebraska [Mr. NORRIS], and in which I cordially join, that there will be no such consumption of time here as to delay the passage of the bill. That is not my purpose. It is only that we may have adequate information and an opportunity to present such amendments or to reject such amendments already offered as we may think proper, so that there will be a hearing.

The mere fact that everyone now favors some adequate degree of preparedness does not justify us in adding in wholesale sums these amounts in the manner I have indicated, and it is only in view of this very obvious duty that we are making these inquiries or interposing such reasonable delays in the examination of the bill as we think proper.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 27, line 22, after the words "in all," to strike out "$44,500" and insert "$49,500," so as to make the clause read:

Marine recruiting station, Port Royal, S. C.: Two bungalows for officers' quarters, $6,000; station improvements, $20,500; 12 sets of noncommissioned officers' quarters, including not to exceed $5,000 for the acquisition, by purchase or condemnation, of a strip of land along the south boundary of the station, $23,000; in all, $49,500.

The next amendment was, on page 27, line 24, after "$15,000," to insert "to enlarge dry dock (limit of cost, $1,085,000)," so as to read:

Navy yard, Charleston, S. C.: Dredging to continue, $15,000; to enlarge dry dock (limit of cost, $1,085,000), $750,000.

Mr. TILLMAN. Mr. President, I want to say that this same item was in the appropriation bill last year, and had to go out because the House did not know anything about it and objected to it.

I ask permission to insert in my remarks what the Helm Commission said about it. I quote, in my remarks, only fundamental extracts, but the whole report is good reading to those genuinely interested.

The PRESIDING OFFICER. Without objection, leave is granted.

Mr. TILLMAN. Mr. President, this same item for lengthening the Charleston Dry Dock was in the Naval appropriation bill last year, and I explained fully and justified the expenditure of this money. In conference the item went out because the House conferees would have none of it; and finally I gave way, because I felt that the Charleston Navy Yard must stand or fall on its merits and not on any activities of my own. The $175,000 carried in that bill for dredging the channel to the navy yard remained in, and the dredging will soon be completed, giving water deep enough at all stages of the tide from the entrance of the harbor to the yard for any of our battleships now in existence. We have no dry dock on the Atlantic coast that will now take the largest battleships under construction; and the two docks authorized last year, one for Philadelphia and one at Norfolk, will be the only ones that will dock the new battle cruisers ordered in the last naval appropriation bill. Those docks will cost $3,500,000 each and will require four years to build. The Charleston Dry Dock is wide enough to take any ship we now have up to and including the *Utah* class, and for $1,085,000 we can make it long enough to dock any of our battleships building and to be built, and battle cruisers also.

Charleston has been, by nature, given the best harbor on the south Atlantic coast and the navy yard is entirely landlocked. It is out of reach of shelling from the open sea.

The Helm Commission, authorized in last year's appropriation bill, says of this yard:

The growth of the Navy in recent years has been great. Figures compiled from official reports indicate that the displacement of vessels ready for service, under construction, and authorized in 1906 was 944,232 tons, while the displacement of vessels in service, under construction, and authorized on November 1, 1916, was more than 2,500,000 tons. In other words, the authorized increase in the size of the fleet, as measured by displacement, in the past 10 years has been more than 165 per cent.

The increase in docking, repair, and supply facilities at our navy yards during a corresponding period has been conspicuously meager. Let us consider first the subject of dry docks, probably the most important single element in connection with the repair and maintenance of the fleet. An examination of the record shows that only four dry docks have been authorized during the past 10 years. Of these, one is beyond the continental limits of the United States and two have only recently been authorized, and their construction is hardly begun.

The tabular statement given below sets forth briefly the dry-dock situation as it exists. There are at present only 17 graving docks and 1 floating dry dock actually available at navy yards on the entire continental coast line of the United States. Their location and capacity, as indicated by the largest class of naval vessels which can be docked therein under usual conditions, are as follows, the table being arranged in groups in accordance with capacity of docks:

Location.	Largest naval vessel which can be docked.	Total number of completed docks.
New York, N. Y.	All vessels now built or designed except battle cruisers.	1
Norfolk	do	1
Puget Sound	do	1
Portsmouth, N. H.	All vessels now built or designed up to and including Utah class.	1
Boston	do	1
Charleston	do	1
Norfolk, Va.	All vessels now built or designed up to and including North Dakota class.	1
Mare Island	do	1
New York, N. Y.	All vessels now built or designed up to and including Connecticut class.	1
Puget Sound	do	1
New Orleans (floating dock)	do	1
New York, N. Y.	All vessels now built or designed up to and including Missouri class.	1
Philadelphia	All vessels now built or designed up to and including Minneapolis class.	1
Norfolk	do	1
Mare Island	do	1
THREE SMALL STONE DRY DOCKS.		
Boston	Available for vessels of about 345 feet in length.	1
New York	Available for vessels of about 325 feet in length.	1
Norfolk	Available for vessels of about 300 feet in length.	1
Total		18

The above dry docks, when distributed geographically according to navy yards, group themselves as follows:

Portsmouth, N. H.	1
Boston, Mass.	2
New York, N. Y.	4
Philadelphia, Pa.	2
Norfolk, Va.	3
Charleston, S. C.	1
New Orleans, La.	1
San Francisco, Cal.	2
Puget Sound, Wash.	2
Total	18

Dry docks authorized, but whose construction is only about to begin:

Philadelphia (capable of docking all vessels up to limit of Panama Canal locks)	1
Norfolk (capable of docking all vessels up to limit of Panama Canal locks)	1

The whole question involved in this paragraph of the act of Congress defining the duties of the commission is vitally dependent upon naval policy and strategical considerations. The commission has no doubt whatever, nor, as evidenced in their recommendations, have the General Board, the Naval War College, and officers in high command afloat, that greatly increased basing facilities for the fleet are necessary, advisable, and desirable in the Caribbean Sea. The exact location of this base, however, is a matter in which there is a great difference of opinion. There are those who favor Guantanamo; others who prefer the San Juan-Culebra-St. Thomas region; others who regard Samana Bay as the appropriate location; while others advocate Guacanayabo, Colon, and Chiriqui Lagoon. There are also those who advocate, in addition, a first-class base on the southern continental coast of the United States.

As noted above, questions of naval strategy and the necessity for outlying naval bases are necessarily predominant in the consideration of this question, even though physical conditions on the southern continental coast line should subsequently prove more favorable than present information would indicate, and, until the commission can give this whole question complete consideration, including actual survey of the physical conditions involved, it is quite impracticable to submit definite conclusions.

The commission, therefore, is restricted in this preliminary report to a consideration of "improving existing navy yards or naval stations on the Atlantic coast south of Cape Hatteras," etc., and in making these recommendations the commission has been careful to confine them to such as would be entirely proper and necessary should it be found subsequently necessary to enlarge the activities of any particular station the improvement of which is now recommended.

The commission is of the opinion that it is "necessary, advisable, and desirable" to take immediate steps to improve this navy yard so as to permit full utilization of its docking and repair facilities for work of all kinds within the limits of the capacity of its dry dock and the depth of water which can be maintained, without undue annual expenditure, in the channel approaches from the sea to the navy yard.

The question which, in the opinion of the commission, permits immediate and satisfactory solution is, Considering present and prospective needs of the fleet, should the Charleston Navy Yard be improved so that it may care for an increased number of small vessels and also be equipped so that it may be utilized, under emergency conditions or whenever considered advisable by the Navy Department, for the docking and repairs of vessels of the fleet within the capacity of the dry dock now located at the navy yard?

This question really resolves itself into two main divisions: (a) Is the dock itself large enough to be made a very important factor in docking vessels of the fleet? (b) Can the approaches to the dock be maintained at an adequate depth for docking large ships without an unreasonable expenditure for dredging? Both of these questions can be answered in the affirmative.

Referring to the tabular list of vessels contained in paragraph 26, it will be noted that in 1921 the total number of effective vessels in the Navy will be 412, exclusive of tugs, vessels unserviceable for military purposes, converted yachts, and other miscellaneous craft. Of these 412 vessels 93 per cent can be docked in the dry dock at the Charleston Navy Yard. In fact, only 29 of these 412 vessels will have dimensions which would preclude their using the dry dock now in existence. Referring also to the list of dry docks given in paragraph 20, it will be seen that the dry dock at Charleston is one of those docks which can accommodate all vessels of the Navy up to and including the U. S. S. *Utah*. It may also be noted that it is one of four dry docks possessed by the Navy and situated on the continental coast line of the United States which carries 34 feet of water over the dock sill at mean high tide. This depth over the sill, however, can not be utilized to its full extent, since the distance of the floor of the dock below the dock sill is insufficient to permit an adequate height of keel blocks when the vessel just clears the dock sill. It may be well to note, in this connection, that in any comparison as to capacity of dry docks by statement of depth of water which can be carried over the dock sill the basis of measurement for depth over the sill is taken from mean high water, whereas in stating the limiting depths of water in the channel approaches and anchorage areas of harbors the basis of measurement is mean low water. Thus, at Charleston, when the water over the dock sill is given as 34 feet, the depth of water in the 30-foot channel approaches would, under the same conditions, be 35.2 feet, 5.2 feet being the average tidal range from low to high water at Charleston.

The foregoing statements of fact make it clear that the dry dock at Charleston, in its present condition, without enlargement, is a very valuable asset to the Navy, both under peace and war conditions.

At its last session, Congress made provision for a 30-foot channel from the lower harbor to the navy yard. The cost of maintenance of this channel can not now be accurately estimated, but reports indicate that it will not be great. The cost of maintaining the requisite dredged depth in navy-yard waters was, however, stated by the Chief of the Bureau of Yards and Docks in the above-noted hearing as $18,000 per annum, and this included a 50 per cent increase over a previous estimate to cover the present increased cost of labor and material.

In further reference to the question of dredging and maintenance of harbor depths at Charleston the following extract from a statement made by the Chief of Bureau of Yards and Docks at the above-noted hearing is illuminating:

"The Charleston yard is located on the Cooper River, which, while a tidal river at this location, is a silt-bearing stream. With heavy rainfall and consequent erosion in the upper reaches of the river its flow becomes charged with silt. But the quantity of water flowing

down the river within the restriction of its banks brings about a velocity that by means of the silt-carrying capacity of the river water at that velocity maintains a natural channel. When this natural channel is broadened out by dredging or other artificial means, as has been done at the so-called basin or slips at the Charleston Navy Yard, the area of the river at that point being increased the velocity decreases, the silt-carrying capacity of the stream decreases, and part of the silt coming down is dropped, especially in water areas such as these slips outside of the influence of the main channel flow. The eddying effect of the channel current on the water in the slips or basins blankets the flow and makes this comparatively quiet water, increasing the deposition and, consequently, when you locate any navy yard or any port on a river of this character you must expect a certain amount of periodic dredging in order to maintain the depth that you require. You must plan and be willing to do this when you start. If you do not so plan, you have simply been guilty of lack of foresight."

This officer also commented on silting conditions at the navy yard, New York, and in conclusion made the following statement concerning the relative areas adjacent to the navy yards, New York and Charleston, which required periodic dredging:

"The entire water area now subject to periodic dredging at the navy yard, Charleston, S. C., is 50,000 square yards and at the navy yard, Brooklyn, N. Y., is 286,000 square yards."

Now, as to lengthening the existing dry dock at Charleston to accommodate battle cruisers, a suggestion which has been made at various times in the past. These vessels are 874 feet in length over all. Their draft at full-load displacement is 34 feet. To provide an adequate depth of channel and area of turning basin to accommodate vessels of this size would involve expenditures for dredging alone, including first cost and maintenance, which would hardly be justified unless it was definitely decided to develop this yard as one of the first class, capable of accommodating the largest vessels now contemplated. While the depth over the sill of the Charleston Dock at normal high water is 34 feet, the distance of the floor of the dock below the dock sill is such, as already stated, that a vessel can not be properly docked when drawing as much as 34 feet. In fact, 32 feet would probably be a reasonable maximum. In a damaged condition vessels of the battle-cruiser class could easily reach a draft, forward or aft, of more than 40 feet. It must therefore be evident that the Charleston Dock, even though lengthened to accommodate a battle cruiser, under unusual conditions of moderately light draft, would have insufficient depth of water over the sill and in the channel approaches to accommodate such vessels under normal deep-load conditions. Under damaged conditions, involving unusual draft, the situation would be even more serious. It is this last condition, the docking of a damaged vessel, which is of especially serious consequence in time of war. Therefore it seems undesirable at this time to provide for the lengthening of the dock merely to accommodate these vessels under peace conditions. Moreover, questions of area and depth of turning basin opposite the dock would have to be considered. The problem of affording docking facilities for vessels of the battle cruiser and possibly larger classes at Charleston is inseparably associated with the final determination of whether or not Charleston should be developed as a first-class naval station, and this problem, as already stated, is necessarily dependent upon further examination of channel and harbor conditions and the entire South Atlantic-Gulf of Mexico-Caribbean situation.

The questions of lengthening the dock and developing Charleston as a first-class yard do not, however, affect the present determination of the question as to whether or not the Charleston yard should be improved to the extent of the capacity of its dock as it exists to-day. This dock can accommodate 383 of the 412 naval vessels which will be on the effective list of the Navy in 1921, not including tugs, merchant auxiliaries, and other miscellaneous craft. The improvement of the navy yard in which this dock is situated is, therefore, in the opinion of the commission, worthy of immediate and favorable consideration by Congress.

Before submitting definite recommendations and estimates for immediately desirable improvements at the navy yard, Charleston, in order to permit that yard to meet the present and emergency requirements of the fleet, the following important facts and data may be noted:

In hard-land area, requiring little or no grading, large areas of marsh land susceptible of reclamation, and great extent of water front, all of them elements permitting such further expansion of yard activities as may be necessary to meet the requirements of the fleet, the Charleston yard affords unusual opportunities for development. Its area is as follows:

	Acres.
High land	513.8
Marsh area susceptible of reclamation by deposit of river dredgings	1,716.7
Water area	21.0

Its water frontage extends for a length of more than 4 miles on the west or navy-yard side of the river, and more than 3 miles on the opposite bank, with good anchorage areas in the immediate vicinity, and in the lower harbor, as evidenced by the fact that in 1912 berths were assigned to 17 battleships of the Atlantic Fleet without interfering with the ranges or navigation of the approach channels.

After careful consideration of all data submitted and the conditions previously set forth in this report, the commission recommends as follows concerning the navy yard, Charleston:

(1) That it is necessary, advisable, and desirable to improve this navy yard in order to meet the requirements of such portions of the fleet as may be assigned to it for maintenance and repair, including additional facilities as a submarine and destroyer base, and to utilize to the greatest advantage its facilities within the limitations of the capacity of the dry dock and the 30-foot approach channel to the navy yard already provided for by Congress in the last naval appropriation bill.

(2) That recommendation concerning further development of the Charleston Navy Yard is dependent upon strategic and other conditions which can not be definitely determined until the commission has completed its survey of the South Atlantic-Gulf of Mexico-Caribbean region.

(3) That in order to provide necessary improvements indicated in item (1) above, including extension of basing facilities for submarines and destroyers, the commission recommends that an appropriation be now made of $1,200,000 for this purpose.

But because the Helm Commission did not specifically recommend the lengthening of the dry dock the chairman of the House committee objects to it going into the bill this year, too. It is true that the commission did not specifically recommend that the dock be lengthened sufficiently to take battle cruisers, but inferentially it did make the recommendation "if it was decided to develop the Charleston yard into a first-class one." That is precisely my position. The good of the Navy demands that a first-class navy yard be developed at Charleston. I am no strategist and pretend to no expert knowledge, but common sense—which ought to govern in naval matters and in Congress—tells me unerringly that if we fail to provide such a yard somewhere south of Hatteras—and Charleston is the only available site—we will be criminally negligent. I have been abused and lied on for years because of my advocacy of this yard, but when a great battle takes place in southern waters and our damaged battleships sink for lack of a port to put into for repairs the fight I have made will be justified.

Let us examine into this matter a little. All writers on naval strategy predict that if the United States ever gets into a fight on the high sea the great naval battle will come off somewhere in the neighborhood of Cuba, either north or south of it, and it stands to reason to believe that it is just as likely to come off on the north side of it as on the south, because the Panama Canal is well fortified. A hostile fleet might be tempted to raid our southern coast cities, which are poorly defended when compared with the northern cities. Consequently if such a battle does come the probability is that several of our battleships will be so badly damaged as to need repair. There is only one dry dock at the Panama Canal, and that is on the Pacific side. It follows, therefore, that no other argument is necessary to prove that the Charleston Dry Dock, if made long enough, will be a very valuable thing to have at such a time.

It is 430 miles from Charleston to Norfolk and 167 miles from Norfolk to Philadelphia, and 231 miles from Philadelphia to New York, and a wounded vessel might sink before it could reach either from the neighborhood of Cuba, whereas it might, and far more probably would, reach Charleston in time to be saved. The antagonism and prejudice against the improvement of the Charleston Navy Yard is almost inexplicable, remembering that it is 56 years since the Civil War. But it seems to me that the Navy Department itself is more to blame for this condition than anyone else. Naval officers do not like to be detailed at the Charleston yard and do not seem inclined to go there unless they are ordered. They are always deligted to go anywhere on the New England coast as far south as New York.

When we consider the cost of lengthening the Charleston dock as compared with building a new one, it seems inexplicable as to why there should be any objection to it. The Navy seems to be wedded to the idea of having a naval base somewhere on the West Indian Islands. St. Thomas, which we have recently purchased, has a magnificent harbor and two or three other places in the West Indies have been mentioned in this connection. But, for the life of me, I can not see why reasonable and sensible men would want to put any great naval base off the continent of the United States on an island. If we ever have a war with any foreign nation with a navy more powerful than ours and which could drive us from the sea, this would result in the capture of such a base as its very first act, and what ships we had left after the battle would be forced to take refuge behind some of our forts, while the naval base would be utilized by our enemy to repair its own ships. Then, too, an island base is out of the reach of railroads, and no supplies for the fleet could reach it at all. For this reason any Caribbean or other West Indian base is very objectionable to me at this time.

We will in time need both, perhaps, but that time is not yet in sight.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 28, line 4, after "$50,000," to insert "clothing factory, $300,000," and in the same line, after the words "in all," to strike out "$257,000" and insert "$1,307,000," so as to read:

New superstructure for pier No. 314, $50,000; improvements central power plant and distributing systems, $130,000; addition to dispensary, $12,000; storage facilities, $50,000; clothing factory, $300,000; in all, $1,307,000.

Mr. WADSWORTH. May I inquire of the Senator from South Carolina if he intends to press this amendment just now?

Mr. TILLMAN. I think so. It has been recommended by the department. It is estimated for, and the simple reason is that the clothing factory at New York was underworked and they made clothing at Charleston so much cheaper than they did

in New York that the Navy Department itself has fostered this factory there. It was an experiment, because they thought they could not get proper labor, and it has been a great success, as far as cheapening the cost of clothing goes.

Mr. WADSWORTH. I have listened with a good deal of interest to the statement of the Senator with respect to the Charleston yard and to the strategic importance which we may acquire through the expenditure of an additional sum of money. This particular item, however, has nothing to do with strategy. It has only to do with economy of operation. The Senator from South Carolina indicates that the clothing has been manufactured up to date at the New York yard. That statement should be modified to this extent: As I understand, it has not been the custom of the navy yard at New York to manufacture clothing, but for many, many years it has been the policy of the Navy Department to give out, as it were, the sewing of the sailors' uniforms to seamstresses who live in the vicinity of the navy yard. I do not know how many.

Mr. TILLMAN. This factory is not designed to make any clothing out of wool. It is intended for cotton jumpers, overalls, shirts, caps, and things like that.

Mr. WADSWORTH. I will come to that, Mr. President. I do not know how many years this custom has been going on.

Mr. TILLMAN. It has been only three years since they did start.

Mr. WADSWORTH. I refer to the custom in the neighborhood of the navy yard. Eventually I will describe it. As the result of this custom a considerable number of people, nearly all of them women, have built up the industry in the neighborhood of the New York yard. They started in many, many years ago at the request or with the understanding or contracts with the paymaster at that yard that they would have piecework assigned to them, and that in that way the clothing for the enlisted men of the Navy should in part be manufactured. As a result of this long custom there has grown up in that vicinity industries under the charge of these women which have developed to such an extent that they fall within the jurisdiction of the New York State factory-inspection laws. These women have invested from time to time their savings which they have earned as seamstresses, all of them being of exceedingly moderate means, in improved sewing machinery, adapted especially to the purpose. Everything that is based upon this work is invested in their little sewing machines.

Mr. TILLMAN. Will the Senator allow me?

Mr. WADSWORTH. I will yield to the Senator.

Mr. TILLMAN. This item will not interfere in the slightest degree with that industry.

Mr. WADSWORTH. I will come to that in a moment if I may be permitted to describe the situation. In so far as I have information on the subject, there has been no complaint on the ground of extortion or conspiracy to raise the prices on this piecework by these women. I think something like 200 or 250 or 300 of them are engaged in it. They were sewing not only upon woolen goods but, as I understand it, upon white duck goods that were submitted to them by the paymaster of the yard. Approximately two years ago, by an executive order issued from the department, the sewing on the white duck goods was taken away from them and placed at Charleston, not to private labor, if I may use that term, in Charleston, but into an unused building upon the grounds of the Charleston Navy Yard, where local labor was invited to come in and work under the Government itself.

To be perfectly frank about it, that was a very serious blow to these poor women outside the New York yard, who lost just that amount of work. A delegation of them appeared here last winter begging the Secretary of the Navy not to continue in that policy of withdrawing this work from them; that otherwise they would simply be ruined; for as I said before everything they possess in this world is invested in these little industries.

So much for the situation as it exists up to date. The department, as I understand, insists that it can make the clothing—white duck, we will assume, as is the statement of the Senator from South Carolina—more cheaply by direct Government manufacture than it can be made by having the sewing done by women working on piecework.

Mr. TILLMAN. The Senator from New York knows, I presume, that the men buy this clothing and pay for it, and that it is the policy of the Navy Department to sell them the clothing as cheaply as it can, and it ought to do it, for the Senator can understand that the poor Jacky has as much interest in getting his clothing cheaply as the Senator has in getting the work for the women in Brooklyn.

Mr. WADSWORTH. Of course, Mr. President, in order to carry that argument to its logical conclusion—and upon its face it would seem logical—it would be interesting to know whether the price of clothing to the jackies has been reduced as a consequence of this change.

Mr. TILLMAN. I have here a letter from the Secretary of the Navy which I ask to have read in explanation of this matter.

Mr. WADSWORTH. I do not desire to be taken off the floor, but I will yield for the reading of the letter.

Mr. TILLMAN. Of course, I expected that.

Mr. WADSWORTH. Yes.

Mr. TILLMAN. It can go into the Senator's speech as an illumination to it, and give him some information he has not now.

Mr. WADSWORTH. I am very glad to have all the information which is at the disposal of the Senator from South Carolina about the Charleston Navy Yard.

The VICE PRESIDENT. Is there objection to the reading of the paper?

Mr. WADSWORTH. I do not object, Mr. President, so long as it is not considered a part of my remarks.

The VICE PRESIDENT. There being no objection, the paper will be read, and the Senator from New York will not have lost his right to the floor.

The Secretary read as follows:

NAVY DEPARTMENT,
Washington, February 3, 1917.

MY DEAR SENATOR: There has been this day forwarded to the Secretary of the Treasury for transmittal to Congress an estimate for an appropriation of $300,000 for the erection of a clothing factory at the navy yard at Charleston.

The present clothing factory at Charleston was established in the spring of 1914, and there are manufactured there six articles of clothing and small stores used by enlisted men of the Navy. The cost of the manufacture of these articles has been materially reduced, thus effecting a concrete saving to the enlisted men by whom the articles are purchased.

The factory was established in one of the buildings at the Charleston Navy Yard, and at the present time every available foot of space in said building is utilized for the manufacture of clothing, and further expansion in this building is impossible.

It is necessary, therefore, in order to meet the demands of the Navy as increased by recent legislation, and in order to take on the manufacture of additional garments so that the low cost of production may to a certain extent offset the increase in the cost of material and thus protect the enlisted men from an undue expense for clothing, that a building sufficiently large to take care of increased work be provided, and it is therefore recommended that the item for the erection of a clothing factory at Charleston be included in the pending naval appropriation bill when it is considered by your committee.

Sincerely, yours.

JOSEPHUS DANIELS,
Secretary of the Navy.

Hon. B. R. TILLMAN,
Chairman Committee on Naval Affairs,
United States Senate.

Mr. WADSWORTH. Mr. President, as I hear that letter read, the Secretary of the Navy calculates that the reduced cost of producing the clothing at the Charleston clothing factory may offset the increase in the price of the material. As the price of materials varies from day to day, and prices can not be expected to continue at their present level after the abnormal conditions which exist in this country at the present time have ceased to exist, it comes about that, in my judgment, the estimate of the Secretary of the Navy relative to the saving is not much more than a guess so far as the future is concerned; for, mind you, this appropriation is for $300,000 to build a permanent clothing factory and to have the Government go into the business of manufacturing clothes at Charleston.

Mr. TILLMAN. Does the Senator from New York object to the Government's manufacturing clothing for its own sailors at Charleston instead of buying them in New York? Would he monopolize everything up there?

Mr. WADSWORTH. Mr. President, I will make myself quite thoroughly understood if the Senator from South Carolina will allow me an opportunity to do so. If the Government can itself manufacture clothing for the sailors more cheaply than it can by private labor, I am in favor of its doing so.

Mr. TILLMAN. It is doing that right now.

Mr. WADSWORTH. Mr. President, there is not a business man in the United States who would select Charleston as a site for a factory.

Mr. TILLMAN. And no man in New York would select Charleston for anything except to abuse it. [Laughter in the galleries.]

The VICE PRESIDENT. The Chair must warn occupants of the galleries that the galleries will be cleared if there are any manifestations of approval or disapproval. Such manifestations are contrary to the rules of the Senate.

Mr. WADSWORTH. If this factory were to be erected at some point where there were an ample labor supply, ample railway communication, and at some point where the battleship fleet would be expected from time to time to call for refitting and the taking on of supplies, I would not object; but I do say, in all

seriousness, that the Charleston Navy Yard is not the one which the average business man would select.

Mr. TILLMAN. Of course not, because it has been repressed and held down and not developed as it should have been.

Mr. WADSWORTH. The Charleston yard is not the one which the average business man would select as the place at which a manufacturing industry should be established. I say that with due regard and with all respect to the Senator from South Carolina, who, I know, is much interested, and properly so, and patriotically so, in the development of that yard as a part of our national defense; but this item, Mr. President, is not an emergency one. It does not relate immediately to the national defense; it relates purely and simply to a business problem.

I have visited the Charleston yard and have gone over it quite thoroughly. My recollection is that it is between 6 and 7 miles outside of the city of Charleston, up the river.

Mr. TILLMAN. It is 6 miles up the Cooper River from the city.

Mr. WADSWORTH. About 6 miles above the city. There is not close at hand any great available supply of labor.

Mr. TILLMAN. But there is enough for this clothing factory.

Mr. WADSWORTH. There are no industries upon any considerable scale of that kind in that neighborhood. Charleston is a delightful, picturesque city, which I have visited with great pleasure, and which I hope some day again to visit; but I think it but fair to say that it is not an industrial center, that it never will be, and probably does not desire to be.

Mr. TILLMAN. Probably not.

Mr. WADSWORTH. And in some respects it will be fortunate if it avoids that fate.

Mr. TILLMAN. Judging by the bread riots in New York, I should say so.

The VICE PRESIDENT. The Chair must insist that if the Senator from New York is to be interrupted he must be interrupted in a parliamentary way.

Mr. TILLMAN. I will try not to transgress again, Mr. President.

Mr. WADSWORTH. Mr. President, in the operation of a factory, whether it be by the Government or by a private individual, all such things as the labor supply and the railway communications, the freight charges, and the general availability of the site, in so far as that site may govern the promptness and cheapness with which the product turned out may be delivered to those who are to consume it—all such things, I say, should be taken into consideration. Frankly, I do not believe, as I said before, that the average business man would choose Charleston for the foundation of such an industry.

The Senator from South Carolina has indicated his hope and belief that the Charleston yard may become a base, as it were, from time to time for the Atlantic fleet, and he cited the fact that a large appropriation has been made for dredging out the river, which leads 6 miles up through the country, to this yard. It may be possible that by the expenditure of many thousands of dollars continued every year that such a state of affairs will exist; but it must not be forgotten, when you look at that river and consider it, that about as fast as it is dredged out it fills in with silt, and the dredging operations there will have to be continuous practically after the first dredging is complete. The river is narrow. It would be extremely difficult to turn a superdreadnaught in that stream. I doubt very much whether the yard can ever become the base for the Atlantic fleet. I doubt very much if the condition will ever come about where more than one or two great ships will call and be able to reach that yard and their men be supplied from it, particularly in relation to clothing.

There was some testimony taken before the House committee, a copy of which I have in my hand, about the general condition of the yard, and Admiral Harris said in the course of his testimony, referring to the Charleston yard:

> The probability is that you would have to bring labor down there or train the local labor.

That indicates that we start in under a handicap; it indicates, to my mind, that if the Government wants to go into the business of manufacturing clothing it could do so more economically in the neighborhood of some community that was accustomed to the manufacturing business and where labor was available. So I do not believe that this great sum of money should be expended at that point for this particular purpose.

The item was not included in the bill as it was reported by the House committee; it was not included in the bill when it passed the House, but it was inserted in the bill when the bill was reported from the Senate committee. The letter from the Secretary of the Navy upon this question seems to have been an afterthought. It was not dated until February 3. Apparently it had not occurred to him until February 3 that Charleston was the best place of all the navy yards at which to manufacture clothing; or at least if it had occurred to him he had not officially informed the committees that have these matters in charge.

I think that yard has its uses; I am not standing here upon the floor attacking it. I know that it can be of exceeding value as a torpedo boat and destroyer repair depot. I myself have seen several torpedo boats lying there undergoing repairs and held in reserve. This bill carries a considerable appropriation, and very properly, I think, for the building of a torpedo storehouse there, so that the torpedo vessels and the destroyers of the Navy may take on their supplies at that point and proceed upon their duties; but in my humble judgment it will be many a long day before superdreadnaughts of the Navy will make that place a base. The navigation is too uncertain. It never can become a great repair depot unless we move into that community thousands of workingmen who do not live there now and who have no cause to go there now, because there is no industrial activity in that vicinity.

I would not object, Mr. President, to the Government going into this business and erecting factories for the turning out of clothing for the enlisted men of the Navy, assuming that they can do it more cheaply than it can be done by private endeavor, if it were not apparent that the first effort of the Government to do that is to take place at a point which, in my judgment, offers the least encouragement for activities of that kind.

Mr. TILLMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from South Carolina?

Mr. WADSWORTH. I yield for a question.

Mr. TILLMAN. I want to say something about the dredging at the Charleston yard and at the New York yard. I have before me the report of the Helm Commission, and I find this:

> The entire water area now subject to periodic dredging at the navy yard, Charleston, S. C., is 60,000 square yards and at the navy yard, Brooklyn, N. Y., 286,000 square yards.

I understand that there is a project on foot in connection with the river and harbor bill, or at least I have seen it mentioned in the New York papers, to open up Hell Gate, so that an outlet from the Brooklyn Navy Yard to the east may not be closed up.

Mr. WADSWORTH. I am not comparing the dredging in the East River——

Mr. TILLMAN. The Senator made such a racket as to the dredging at Charleston that I thought I would tell him what was the relative amount of dredging involved.

Mr. WADSWORTH. Mr. President, once more let me say that I am not comparing the dredging problems in the East River, N. Y., with the dredging problems at Charleston. The engineers know all about that, and I have no opinion to express upon it. I am talking about the establishment of a clothing factory at a place and in a community where factories do not exist and, in all probability, never will exist; and I say that that will lead to a waste of Government funds. There are many navy yards, if it is intended to establish clothing factories, which are more suitable for the purpose than is Charleston.

Mr. TILLMAN. Will the Senator please mention one?

Mr. WADSWORTH. I think the Boston Navy Yard is more suitable for the purpose of establishing a clothing factory than is Charleston; I think the Philadelphia yard is; I think the Norfolk yard is; I think the San Francisco yard is; I think the Seattle yard is. At least, it can be said that in the vicinity of those yards there are great industrial communities, while in the vicinity of the Charleston yard there are no industrial communities.

Mr. TILLMAN. My Lord! does not the Senator know that South Carolina has almost as many cotton factories as Massachusetts, and is the second State in the Union in that respect?

Mr. WADSWORTH. Mr. President, I do not think those cotton factories are in the neighborhood of Charleston.

Mr. TILLMAN. They are accessible to Charleston; they can be reached by railroad.

Mr. WADSWORTH. Well, Mr. President, any part of the country can be reached by railroad, and, of course, it is physically possible to operate a clothing factory at Charleston. As Admiral Harris says, you can take the labor down there and build houses for it in the vicinity and ask it to live there, but it is going to cost the Government more money than if you took the factory to the labor instead of trying to take the labor to the factory.

Mr. President, if the Senator from South Carolina desires to press this amendment now, I shall suggest the absence of a

quorum, and then ask for the yeas and nays upon the amendment.

Mr. SWANSON. Mr. President, before the Senator does that I should like to make a statement.

Mr. WADSWORTH. Very well.

Mr. SWANSON. The impression is sought to be produced that the Senator from South Carolina [Mr. TILLMAN] because of his position as chairman of the Committee on Naval Affairs has possibly used his influence to get advantages for Charleston to which the navy yard at that place is not entitled on merit.

Mr. WADSWORTH. I have not uttered a word of that kind.

Mr. SWANSON. I think perhaps that impression might be gathered from the remarks of the Senator. Let us take the relative merits of the Charleston and the Brooklyn Navy Yards.

Mr. WADSWORTH. Mr. President, I dislike to interrupt the Senator, but I was not comparing them.

Mr. SWANSON. I am going to compare them; and I ask the Senator to withhold his point of no quorum until I can make the statement, as I am compelled to leave shortly. The Senator has yielded the floor, as I understand, and I am speaking in my own right.

The Government has spent $31,000,000 on the Brooklyn Navy Yard, while it has only spent $5,000,000 on the Charleston yard since its existence. There is no yard in this country that has been treated more generously by the Federal Government than the Brooklyn yard. It was the first yard equipped to construct battleships of the first class, and ever since it was so equipped a battleship has been in process of construction there. It seems to me it comes with poor grace from a Senator from that State, in which is located the Brooklyn yard, to leave the impression, whatever might be his intention, that the Charleston yard has been discriminated in favor of by being accorded advantages to which it was not entitled on merit, and, possibly, through the influence that the Senator from South Carolina, as chairman of the Naval Committee, possesses. The figures I have given are the relative appropriations that have been made for the two yards.

In the Brooklyn Navy Yard are manufactured woolens. Why? Because woolens can be manufactured in the North cheaper than they can in the South. At the Charleston yard there are manufactured white duck, hats, trousers, and other articles used by the enlisted men in the Navy. Why? Because it has been demonstrated that they can be manufactured there cheaper than anywhere else. The fact has been demonstrated that goods of that coarse, white character can be manufactured in the South cheaper than in any other section. There the raw material is near at hand, and there are better facilities for labor in the South——

Mr. TILLMAN. And we have a climate, too.

Mr. SWANSON. There are better facilities for labor for the manufacture of this particular class of goods than elsewhere, and, then, the climate is much better. Not so much coal is required to keep going.

Mr. WADSWORTH. Will the Senator yield?

Mr. SWANSON. I will.

Mr. WADSWORTH. How is the climate going to affect this factory?

Mr. SWANSON. It affects it to the extent that less coal is required. There is less expense in that respect to the operatives than in a climate farther north. They can live cheaper, and, under the conditions, it has been demonstrated by the Navy Department that the manufacture of these products can be carried on more cheaply than at Brooklyn.

The suggestion of favoritism comes up here. The effort is made, perhaps, to continue the manufacture of these products in Brooklyn as a matter of favoritism, when it has been demonstrated that they can be manufactured cheaper at Charleston. The Government has endeavored to be fair in this matter. At the Brooklyn yard woolen goods are still manufactured. That yard is the most-favored yard in all this country; and, I repeat, that it comes with poor grace for the Senator to come here, when the Brooklyn yard has been treated so generously by the Senator from South Carolina, who is chairman of the Committee on Naval Affairs, and make this attack on his yard at Charleston.

Mr. TILLMAN. It is not my yard; it is a United States yard, and can be made one of our best yards.

Mr. SWANSON. Well said—"a United States yard." The clothing factory has been approved, and it has been demonstrated by the authorities in the Navy Department that the manufacture of this particular class of goods can be carried on there cheaper than anywhere else.

Now, I come to the dry-dock and dredging proposition, to which the Senator from New York alluded. There has been a great deal of talk in the Senate in connection with that dry dock. What is the situation in connection with the dry dock at Charleston? Mr. President, I am tired of hearing the criticism that has been directed against the committee in connection with that dry dock.

Mr. WADSWORTH. I made no mention of the dry dock.

Mr. SWANSON. The Senator referred to the dredging at the Charleston yard, and he could not have criticized the dredging there unless he took the ground that the dry dock was useless. What is the condition in connection with that dry dock? There is no dry dock south of Norfolk that can accommodate a battleship. The ships of the Navy, a great deal of the time, are in the Caribbean Sea. The present dry dock at Charleston can take battleships up to the *Utah* class of 28,000 tons, and when the dredging, costing $175,000, is completed battle cruisers and the largest battleships will be able to go into Charleston. The Senator from New York complains of that dredging. That dredging is small in comparison to the amount of dredging required to insure access to the Brooklyn yard.

This is the condition in reference to the dry dock at Charleston: With an expenditure of $175,000 for dredging and $1,085,000 for a dry dock, we will have a dry dock that can take any battleship or any battle cruiser. It would cost three or four million dollars to construct a dry dock somewhere else. The department has recommended that the dredging be done. A proposition to that effect passed the Senate last year; an appropriation of $175,000 was put on the bill for the purpose of dredging the river at Charleston to make available this dry dock.

I want to say, in justice to the chairman of the committee, that the appropriations which have been put in the bill for Charleston have all been recommended by the Navy Department and estimated for, and I believe, as other members of the committee believe, they are designed to promote the best interests of the naval service. I have always done all I could to help the Brooklyn yard, to help the Charleston yard, and to help the other yards, because they all belong, as the Senator from South Carolina has well said, not to South Carolina, not to Virginia, not to New York, but they belong to the Union and make possible a great Navy.

Returning to the clothing factory, the Navy Department says that white duck can be manufactured cheaper at Charleston than at Brooklyn. If that is the case, why should it not be manufactured at Charleston? If woolen goods can be manufactured at Brooklyn cheaper than elsewhere, why should they not be manufactured there? That is right, and that is the condition this bill seeks to bring about.

As I have stated, it has been demonstrated that white duck can be manufactured at Charleston cheaper than anywhere else, and, as the Senator from South Carolina has well said in the manufacture of the coarser class of goods of that kind Charleston is second amongst all the States of the Union.

Why is it proposed to enlarge the factory? Now, let us look at that for a moment. Last year we increased the Navy from 57,000 enlisted men to 75,000 enlisted men, and we increased in the same ratio, of one-fifth, the Marine Corps. There is a greater demand for white duck, and consequently the facilities of the factory where this character of clothing is made must be increased. The department has urged that this be done. Why? On account of the action of Congress last year increasing the number of men in the enlisted force of the Marine Corps and of the Navy. It is a process of fairness; it is a process of economy; it is a process of justice; and it seems to me it comes with poor taste from Senators to always bring up the Charleston yard and insinuate that it has received some benefits to which it is not entitled on merit.

Mr. TILLMAN. Special favors.

Mr. SWANSON. Yes; special favors. Now, take the money expended at Charleston for a magazine. There is not enough ammunition in the South. The ships of the Navy are there a great deal, and the department recommended that the capacity of the magazine should be doubled. The estimate has been made; and I want to say for the Senator from South Carolina that there is not a provision in the bill that has not been estimated for, and I feel sure that, if the Senator from New York will examine the letters and recommendations, and not listen to rumors about this yard, he will, like the members of that committee, be satisfied that all these matters are right.

Mr. CURTIS. Mr. President, will the Senator please tell us the amount of the output of cotton goods in the factory at the Charleston Navy Yard?

Mr. SWANSON. I can not tell the Senator the output.

Mr. TILLMAN. I can get the report for the Senator from the department. I have the figures in my office.

Mr. SWANSON. I want to say that, in justice and fairness, I do not think anybody has a right to complain. There is but

one amendment in relation to the Norfolk yard that has been put in the bill, and that is for rental, which the department insisted on. None of the amendments which have been put on the bill have been placed there because of favoritism; and I am sure that the Senators on the committee will acquit the Senator from South Carolina of desiring to put on the bill anything except what the department has urgently recommended.

Mr. SMITH of Georgia. Mr. President, if the Senator will allow me, why does the department insist upon manufacturing some of these goods for the Navy? Why can we not buy them in the market cheaper than we can make them?

Mr. TILLMAN. Simply because we can not; that is all.

Mr. SMITH of Georgia. I did not ask the Senator from South Carolina. He is sitting down. I asked the Senator who is on his feet.

Mr. SWANSON. It has been demonstrated that they can be manufactured cheaper than they can be bought. They were manufactured at Brooklyn, and the factory was simply transferred to Charleston, was it not?

Mr. TILLMAN. Yes.

Mr. SWANSON. These goods were being manufactured in Brooklyn—coarse cotton goods, white duck. Woolen goods were being manufactured in Brooklyn. It was demonstrated that they had at Charleston buildings that were used for no purpose, which had been constructed there at that time. They thought they could be better used for this purpose. They transferred the work from one department to the other, making the transfer for economy and the benefit of the Navy. All they did, if the Senator will permit me, was to transfer the manufacture of white duck from the Brooklyn yard to the Charleston yard, where they had buildings, and it was demonstrated that they were manufactured cheaper than they had ever been manufactured before. It has been demonstrated that this is the best way to do it. In addition to that——

Mr. SMITH of Georgia. Let me ask the Senator a question. Can you manufacture white duck cheaper than you can go out and buy white duck from experienced manufacturers?

Mr. SWANSON. The department say you can.

Mr. SMITH of Georgia. It seems to me impossible.

Mr. SWANSON. My information is that the department say you can. Then, in addition to that, very frequently when you manufacture your own white ducking or your own woolen goods for the Navy you do not take the chance of infectious diseases. You absolutely know that they are sanitary. If you should happen to have some goods go on a battleship as to which you could not guarantee that no infectious or contagious diseases were conveyed by them, the whole crew of the battleship might get sick. We carry in this bill provision for a laundry; but it has been demonstrated that these goods are manufactured cheaper in this way. No complaint was made while they were made at Brooklyn—not a bit. It is only when the manufacture is carried to a place where they can be manufactured cheaper that you hear a complaint of it. Now, you have the factory, you have your machinery, you have been in the business for years, and all this appropriation is for is to increase the output of your present factory on account of the increase of your Navy.

Mr. WEEKS. Mr. President, I am sure that neither the Senator from South Carolina nor the Senator from Virginia will think that there is anything personal in what I say; but I do not believe in manufacturing clothing at the Charleston Navy Yard, nor the Norfolk Navy Yard, nor the Boston Navy Yard. I do not believe that cotton clothing or any other clothing can be manufactured as cheaply at those navy yards as it can be manufactured by experienced manufacturers who are doing that class of business. I think it is a wrong public policy for us to provide for any such expenditure. I do not care whose navy yard is affected or whose interests are affected. I am talking solely for what I believe to be the Government's interest in this matter. For that reason I hope that when this question comes to a vote the appropriation will not be made.

Mr. WADSWORTH. Mr. President, just a word.

I wish that the Senator from Virginia and other Senators on this floor could avoid referring in this debate to such and such a yard getting so much money and another yard getting so much money, and the inference being left that it is the turn of some other yard to get something. I have not asked that the Brooklyn yard have any money. I have not asked any member of this committee to increase an appropriation or to insert any new appropriation for the New York yard. I have left it entirely to their judgment. I did not even appear before the Committee on Commerce and ask or plead that the East River be dredged. I have left that to the judgment of Senators who view these things in a broad light. I have not intimated upon this floor that the Senator from South Carolina has used his influence to make the Charleston yard his favorite. I have simply asked the plain business question: Would you, other things being equal, choose Charleston for the erection of a manufacturing plant? That is all.

Mr. SMITH of Georgia. Mr. President, I want to suggest only one proposition to the Senator. South Carolina has an enormous quantity of cotton factories and probably more employees engaged in cotton-goods manufacture than all around New York; but I do not put it on that ground. I am opposed to the Government manufacturing duck anywhere when I believe it can be bought cheaper. I do not believe that naval officers can run a cotton factory as cheaply as cotton-factory experts.

Mr. WADSWORTH. I am in entire agreement with the Senator from Georgia.

Mr. SMITH of Georgia. And I would vote against it not because I doubted that South Carolina is as good a place to manufacture cotton as there is in the world—I think it is—but because I am opposed to manufacturing it anywhere by the Government and naval officers.

Mr. WEEKS. Let me ask the Senator from Georgia if he does not think it would be a better place to manufacture clothing where there are a great many manufacturers engaged in making clothing, and where the labor supply would be apt to be better than in an area of restricted labor supply, like that of Charleston, S. C.?

Mr. SMITH of Georgia. Undoubtedly.

Mr. WEEKS. There are a great many cotton factories in Massachusetts; it is the leading State in the Union in the manufacture of cotton goods; and yet I would vote against establishing a clothing factory at the Charlestown Navy Yard in Massachusetts. I do not believe in it. I do not think it is the thing to do.

Mr. SMITH of Georgia. I will vote against putting it anywhere. I think we can buy them cheaper from men engaged in the business.

The VICE PRESIDENT. The question is on the amendment of the committee.

Mr. WADSWORTH. On that I ask for the yeas and nays.

Mr. WEEKS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	James	Oliver	Smith, S. C.
Brandegee	Johnson, S. Dak.	Overman	Smoot
Broussard	Jones	Page	Sterling
Catron	Kenyon	Penrose	Stone
Chamberlain	Kirby	Phelan	Swanson
Colt	La Follette	Pittman	Thomas
Culberson	Lea, Tenn.	Pomerene	Thompson
Curtis	Lee, Md.	Reed	Tillman
Fletcher	Lewis	Robinson	Townsend
Gronna	Lippitt	Shafroth	Underwood
Hardwick	McCumber	Sheppard	Wadsworth
Hitchcock	Martin, Va.	Sherman	Walsh
Hollis	Martine, N. J.	Shields	Warren
Hughes	Norris	Smith, Ga.	Watson
Husting	O'Gorman	Smith, Mich.	Weeks

Mr. THOMPSON. I have been requested to announce that the junior Senator from Mississippi [Mr. VARDAMAN] is absent on official business.

Mr. ROBINSON. The Senator from Maryland [Mr. SMITH] and the Senator from Vermont [Mr. DILLINGHAM] are absent from the Chamber on business of the Senate.

Mr. HUSTING. I desire to announce the absence at a committee meeting of the Senator from California [Mr. WORKS], the Senator from Montana [Mr. MYERS], and the Senator from Wyoming [Mr. CLARK].

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present. The question is on the amendment of the committee on page 28, line 4.

The SECRETARY. Where the committee proposes to insert, with reference to the Charleston Navy Yard, S. C., an item as follows:

Clothing factory, $300,000.

Mr. WADSWORTH. I call for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. O'GORMAN (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. In his absence I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN] and therefore withhold my vote.

Mr. SIMMONS (when his name was called). I wish to inquire if the Senator from Minnesota [Mr. CLAPP] has voted?

The VICE PRESIDENT. He has not.

Mr. SIMMONS. I have a pair with that Senator. In his absence I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE] and withhold my vote. I wish to add that if I were at liberty to vote I would vote "nay."

Mr. ROBINSON (when the name of Mr. SMITH of Maryland was called). The Senator from Maryland [Mr. SMITH] is absent on business of the Senate. He is paired with the Senator from Vermont [Mr. DILLINGHAM], who is also absent on business of the Senate.

Mr. STONE (when his name was called). On account of the absence of my standing pair, the Senator from Wyoming [Mr. CLARK], I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. TOWNSEND (when his name was called). I have a pair temporarily with the junior Senator from Florida [Mr. BRYAN], who has been called from the Chamber. I therefore withhold my vote.

The roll call was concluded.

Mr. THOMPSON. I have been requested to announce that the junior Senator from Mississippi [Mr. VARDAMAN] is unavoidably absent on official business. He has a pair with the junior Senator from Idaho [Mr. BRADY].

Mr. CLAPP. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS], who is absent. I transfer that pair to the senior Senator from California [Mr. WORKS] and vote "yea."

Mr. WILLIAMS (after having voted in the affirmative). A moment ago I voted when I had no right to do so. I am informed that the Senator from Pennsylvania [Mr. PENROSE] did not vote. I transfer my pair with the Senator from Pennsylvania to the Senator from Arizona [Mr. ASHURST] and will let my vote stand.

Mr. TOWNSEND. I transfer the pair which I have with the junior Senator from Florida [Mr. BRYAN] to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. GRONNA. I have a general pair with the senior Senator from Maine [Mr. JOHNSON], which I transfer to the senior Senator from Minnesota [Mr. NELSON] and vote "nay."

Mr. BRADY. I have a general pair with the junior Senator from Mississippi [Mr. VARDAMAN], and therefore withhold my vote.

The result was announced—yeas 32, nays 33, as follows:

YEAS—32.

Bankhead	Johnson, S. Dak.	Myers	Saulsbury
Broussard	Kirby	Owen	Sheppard
Clapp	Lane	Page	Shields
Culberson	Lea, Tenn.	Phelan	Smith, S. C.
Fletcher	Lee, Md.	Pittman	Swanson
Hitchcock	Lewis	Poindexter	Tillman
Husting	Martin, Va.	Reed	Underwood
James	Martine, N. J.	Robinson	Williams

NAYS—33.

Borah	Hardwick	Oliver	Thompson
Catron	Hollis	Pomerene	Townsend
Chamberlain	Jones	Shafroth	Wadsworth
Colt	Kenyon	Sherman	Walsh
Cummins	La Follette	Smith, Mich.	Watson
Curtis	Lippitt	Smoot	Weeks
Fernald	McCumber	Sterling	
Gronna	McLean	Sutherland	
Harding	Norris	Thomas	

NOT VOTING—31.

Ashurst	du Pont	Lodge	Smith, Ariz.
Beckham	Fall	Nelson	Smith, Ga.
Brady	Gallinger	Newlands	Smith, Md.
Brandegee	Goff	O'Gorman	Stone
Bryan	Gore	Overman	Vardaman
Chilton	Hughes	Penrose	Warren
Clark	Johnson, Me.	Ransdell	Works
Dillingham	Kern	Simmons	

So the amendment of the committee was rejected.

AUTHENTICITY OF ZIMMERMANN NOTE.

Mr. HITCHCOCK. Mr. President, I desire to ask the Senator in charge of the bill [Mr. SWANSON] if he will temporarily lay aside the naval bill to permit me to present a report from the Committee on Foreign Relations?

Mr. SWANSON. I will temporarily lay aside the naval bill.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the bill is temporarily laid aside. The Senator from Nebraska presents a favorable report from the Committee on Foreign Relations.

Mr. HITCHCOCK. I present a favorable report from the Committee on Foreign Relations on the resolution (S. Res. 379) introduced by the Senator from Massachusetts [Mr. LODGE], with some amendments. It is reported as a substitute resolution.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the substitute resolution, as follows:

Resolved, That the President be requested to inform the Senate, if not incompatible with the public interest, whether the note signed "Zimmermann," published in the newspapers of the morning of March 1, 1917, inviting Mexico to unite with Germany and Japan in war against the United States, is, in his opinion, authentic, and is in the possession of the Government of the United States; and if, in his opinion, authentic to send to the Senate any further information in the possession of the Government of the United States relative to any activities of the Imperial German Government affecting the international relations of the United States.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. STONE. I offer the following amendment to come in at the end of the resolution.

The VICE PRESIDENT. It will be read.

The SECRETARY. Add at the end of the proposed amendment the following words:

And also to inform the Senate as to whether the information in his possession respecting the letter signed "Zimmermann" originated with any Government or official of any Government engaged in the present European war, and if so, to inform the Senate as to the facts relating thereto.

Mr. STONE. Mr. President, the Committee on Foreign Relations, in considering the resolution referred this morning, made certain amendments thereto, and the amended resolution has been reported by the Senator from Nebraska [Mr. HITCHCOCK]. In the main I agree to the amendments adopted by the committee. In fact, there was in my opinion but one amendment adopted which might be considered as important. That was the amendment striking out the words "and when it"—that is, the letter referred to in the resolution—"came into the possession of the United States." I agreed to the amendment striking that out.

The newspaper report upon which the resolution offered by the Senator from Massachusetts was predicated states that the letter or dispatch signed "Zimmermann" had been in the possession of the Government of the United States ever since the President notified the Congress in joint session that he had severed diplomatic relations between the German Government and this Government. I did not think it advisable to go further into that question, however interesting it might be.

As we proceed in the consideration of these delicate subjects we must not forget the obligation we are under to guard zealously and faithfully the diplomatic secrets, if there be any, with which the executive department is necessarily charged. I do not know, and I have no reason to believe, that there are any secrets relating to this matter that should be withheld, but out of an abundance of caution, and pursuing what I feel to be a prudent course on our part in this exigency, I have thought it would not be wise to open up an inquiry which might embarrass, and which could not throw any material light upon the question before us.

I repeat, therefore, that I agreed to the amendments adopted by the committee. But I myself offered an amendment which I deemed of vital importance, which was not agreed to in the committee and which I now desire to submit to the Senate. For that reason I requested the Senator from Nebraska to report the resolution. I did not feel that I ought to have control or management of the resolution unless I was in entire agreement with it.

Mr. President, the amendment I propose, to be inserted at the end of the resolution, reads as follows:

And also to inform the Senate as to whether the information in his possession respecting the letter signed "Zimmermann" originated—

That is, whether the information originated—

with any government or official of any government engaged in the present European war; and if so, to inform the Senate as to the facts relating thereto.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. STONE. I do.

Mr. BRANDEGEE. Will the Senator be kind enough to inform us whether he means that the information originated with the belligerent or was derived from a belligerent?

Mr. STONE. I am inclined to think that the suggestion contained in the question of the Senator is one that might improve the phraseology of the resolution.

Mr. BRANDEGEE. I did not know what idea the Senator intended to convey, and that is why I asked the question.

Mr. STONE. I should like to change the amendment so as to have it read:

And also to inform the Senate as to whether the information in his possession respecting the letter signed "Zimmermann" originated or was derived from any Government or official of any Government engaged in the present European war; and, if so, to inform the Senate as to the facts relating thereto.

Mr. HARDWICK. If the Senator will yield to me just a moment, I suggest that we ask the President if not incompatible with the public interest to state where he got the letter and all about it.

Mr. STONE. That is too broad. I can not agree to that. If I am not trespassing upon the privileges of the committee, I would venture to say that that very question was discussed in the committee, and the committee was practically unanimous, in which view I concurred, that it would not be advisable to ask the President to give the sources in general terms of his information respecting diplomatic questions. It might not be a prudent thing to do, and therefore possibly not a prudent thing to ask. I would rather not say why; I would rather not discuss it here, but there are clearly good reasons why the executive department of the Government should not be in general terms required or requested to disclose the sources of its information respecting such matters. We appropriate considerable sums of money from year to year, and put it subject to the control of the executive department for use in finding out anything they may desire to inquire into; and all that is supposed to be secret information.

Mr. HARDWICK. If the Senator will yield, my suggestion was that the phrase should be that the President be requested to give us the sources of this information if not incompatible with the public interest. The whole proposition is based upon the assumption that we are not asking for anything about any part of the proposition that is incompatible with the public interest; and if you use that same phraseology in connection with the suggestion I have made, you cover that part of the proposition like you cover the balance of it.

Mr. STONE. I prefer to confine and limit the amendment to the form in which I have proposed it. I am not willing to broaden it. When I say I am not willing to broaden it, it is not because of any knowledge or information I have, for I have none, respecting the particular matter before the Senate; but I say that on the general policy that should govern in such matters, I think we should not ask the President in general terms to give all the sources of his information respecting matters of diplomatic import.

Mr. HUGHES. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New Jersey?

Mr. STONE. I do.

Mr. HUGHES. I have not had an opportunity to read the resolution. I heard it read, but I am not certain that I fully comprehend either the resolution or the amendment. But the opportunity I have had to make myself familiar with it leaves me under the impression that the amendment of the Senator is likely to be embarrassing to the President not only to ask him to give us his opinion as to the authenticity but to cross-examine him on that opinion. Does the Senator think the amendment would have that effect?

Mr. STONE. If my friend and others will permit me to proceed, I will undertake to express my views regarding the matter. I can do it better that way than through colloquy.

This alleged letter was made public for some purpose. I do not know with any such certainty as to warrant me in asserting it from what source the newspapers obtained this document. If the document be authentic in fact, it is to be presumed, it is a necessary sequence, that the information was not given to the American press by the German Government or anybody connected with them. It must have been given out by some one else. Reading the newspaper accounts of the sources of information they had, the inference is unavoidable that it was obtained from the executive officials of this Government.

Mr. President, this alleged dispatch was published for some purpose. I can not and will not undertake to say what that purpose was further than to express the opinion that it was given publicity to affect either public opinion or legislative opinion, or both, in the United States.

We are passing through strenuous and dangerous days just now. A publication of this nature is calculated, however intended, to excite the public opinion and to inflame the public mind of the country, and thus develop a tendency toward working up a spirit of belligerency on our part.

Mr. President, I do not ask—I would not ask—the President to inform the Senate, and through the Senate to inform the world, as to the agencies he employs, and has a right to employ, and which no doubt it is his duty to employ, to ascertain what is going on in the world, and especially what is going on in the world relating to matters of great concern to us in America. I would not agree to the passage of any blanket resolution, general in its terms, asking for information that ought not to be made public; but, Mr. President, what I ask the Senate to incorporate in this resolution is a specific inquiry for definite information about a particular fact that, in the very nature of the case, was not discovered by the Government of the United States through any agency employed by it for that purpose. It must have been derived from some outside, independent source. It is not to be presumed that this Government, as a neutral power, has been in such close touch with the Government of any of the belligerent powers as would justify it in sending its special agents to confer confidentially with any such Government and to collaborate with it. I hear some Senator ask "Why not?" Why not? Because I hold, and I hope truly hold, that the attitude which we have declared on more occasions than one, of absolute and impartial neutrality between the warring powers, would make confidential and secret cooperation of that kind impossible.

Mr. President, the news, so called, which comes to the United States from Europe is filtered, as we all know, through the London news bureau presided over and managed by Lord Northcliffe, supplemented by the exacting censorship of the British Government, the managing Government of the entente allies. It follows inevitably that that news is partisan and not reliable. Only the other day I read in the press, under great headlines, what purported to be dispatches from London to the effect that the *Law*, an American ship, had been sunk in the Mediterranean by an Austrian submarine, and much was said about it intended to inflame the public opinion of this country; and yet, on yesterday or the day before, I read another account, under less conspicuous headlines, in which it was stated that the *Law* was not sunk by an Austrian submarine; that the first exciting story, told evidently to strain our relations with Austria, was a mistake; and then the pro-English writer of this last account proceeded to weaken his confession of error by speculation designed to cast a suspicion of guilt on Germany or on Turkey. There was uncertainty; there was utter lack of definite information respecting it. I give that as an example of the character of news we are permitted to have from London.

Mr. President, I want to know the facts about this letter before being swept off my feet, or seeing others swept off their feet, by the clamor of jingoes. I am not for war if it is not necessary to the just maintenance of American honor and American rights in their vital aspects. I want to know the facts with some certainty before I pass upon any question of grave importance. I am a Member of the Senate, I am under oath, I am clothed with great responsibilities, as all of you are, for each of us is a unit in the make-up of that body to which the Constitution commits the war-making power of the United States. I want to know, and have a right to know, whether there is a casus belli here; whether there is a deep offense which can be wiped out only in blood; whether there is such a violation of our national honor and rights as to make war necessary; and I can not determine this without the facts. I am not now asking for general, unconditional, and unrestricted information; I am asking only to be informed, to be advised whether the information in the possession of our State Department was derived from one of the belligerent Governments.

For example, did this information come from London? Was it given to us by that Government? I want to know about that, and that is all I am asking at this time. The resolution as reported does not ask for facts, but only for the opinion of the President as to the authenticity of the alleged dispatch.

Mr. SMITH of Georgia. Mr. President, will the Senator let me ask him a question?

Mr. STONE. I will.

Mr. SMITH of Georgia. Is it not the duty of every Senator to form his opinion upon this subject, and is the opinion of the President of any value to us?

Mr. STONE. Yes; it is of value.

Mr. SMITH of Georgia. I do not know whether it is or not.

Mr. STONE. Yes; it is of value, Mr. President; of great value to me and to the Senator from Georgia, if he will reflect, and to all of us. But, Mr. President, it is not for me or you, as Senators, to accept the mere opinion of the President or the Secretary of State, or of both, or of anybody, as to whether this letter is authentic and as to the character of the offense of it to us. I want myself to know the facts. I want a chance to make up my own opinion on the facts.

Mr. SUTHERLAND. Mr. President——

Mr. STONE. If the Senator will allow me, unless he considers it very important I would rather go on.

Mr. SUTHERLAND. I would not have risen unless I considered it important.

Mr. STONE. Well, then, I yield for a question.

Mr. SUTHERLAND. The Senator has stated that he opposed in the committee an amendment to this resolution which

proposed to call upon the President to give to the Senate the source of his information. The Senator said, and said very wisely—I agree with him about that—that he thought that that amendment should not be adopted. The reason for it is perfectly evident. The principal reason is that if we did that——

Mr. STONE. Now, Mr. President, I must beg the Senator's pardon——

Mr. SUTHERLAND. I am going to ask the Senator a question.

Mr. STONE. The Senator had better present his own views in his own time.

Mr. SUTHERLAND. I am not making an argument.

Mr. STONE. The Senator is starting upon an argument.

Mr. SUTHERLAND. No; I am merely laying the foundation for a question.

Mr. STONE. The question can be propounded without laying that foundation. [Laughter in the galleries.]

Mr. SUTHERLAND. If it irritates the Senator, I will not proceed.

Mr. STONE. I decline to be interrupted for a discussion, but if the Senator will propound a question I will consent to yield.

Mr. SUTHERLAND. I will ask the Senator a question.

The VICE PRESIDENT. Just a moment. Let the Chair make a statement. The Chair has had just about as much trouble in trying to keeping the rules of the Senate in the galleries to-day as a patient man can stand. They have been admonished now three times that it is a violation of the rules to interrupt the Senate or to manifest approval or disapproval, but they pay no attention. It will not continue.

Mr. SUTHERLAND. Let me ask the Senator this question, then. I will come directly to it.

Mr. STONE. Very well.

Mr. SUTHERLAND. If it be unwise to attempt to get from the President by general interrogatory a statement as to the source of his information because the effect of an answer may be to close that source of information in the future, is it not equally unwise to ask him whether it came from some specific source, because if he answers that question the effect of it may be to close that particular source in the future?

Mr. STONE. Mr. President, I differentiate; I think any Senator who desires to do so can easily differentiate between asking the President as to the source of information in cases wherein he secured his information through instrumentalities of his own, for the employment of which the Congress has granted its authority, and cases like this, wherein I ask to ascertain whether this particular information was derived from a belligerent power.

We can not deceive ourselves, Senators, even if we wanted to do so. It may be that some of us would like to deceive ourselves, but we can not do it. The powers in Europe engaged in this devastating struggle are constantly striving, upon the one hand, in some way to induce the Government of the United States to enter into this horror, and, upon the other hand, to keep the Government of the United States out of it. And whether upon the one side or the other, whatever is done in this behalf is done to promote selfish ends. In the light of that, Mr. President, if I knew that one of these Governments had sent this letter to the Secretary of State or to the President it would weigh mightily in my consideration of the subject, especially in passing upon the credibility of the evidence. It is said, "Ask the President whether, in his opinion, the letter is authentic?" I am under a responsibility as a Senator, and in the matter of making war my responsibility and your responsibility is greater even than that of the President, for the Congress only has the power to declare war.

I agree with the Senator from Georgia [Mr. SMITH] that in this situation in which I find myself placed I should like to have at least some of the facts, the absolute facts, for my own judgment. I want a chance to examine and weigh and pass upon the evidence. Of course I have, as the Senator from Georgia has, the greatest respect for the President and confidence in his wisdom. But, sir, if I am asked to take action here that may involve my country in a desperate war, I must act upon my own responsibility. If this letter is held to be a provocation for war, I want to know something of the facts upon which the President predicates his opinion that the letter is authentic. After that I will consider the letter itself; I will go into the matter as to the character of the offense; but I want the primary facts, in the first place, before me.

Mr. President, I have no definite or certain information respecting this matter. I never heard of it until last night, or late yesterday afternoon. At that time some news reporters came to me and told me about it, as, I have no doubt, they told others of you. I could give them no information, for I had none; but I turned interviewer, being deeply interested, and asked them what they knew about it, and some of them told me that they understood that this letter came from high officials of the British Government to the Government of the United States. They gave me that information. I do not know whether that is true.

Mr. President, let us reverse the case. Suppose the Imperial Government of Germany had made a charge of something done by England which would have been offensive to the United States, and which would of itself have strained the diplomatic relations of the United States with that country, would the Senators who are urging the adoption of this resolution without amendment have been willing to accept the facts relating to the charge on the mere assurance even of so exalted a personage as the President that he thought the information to be correct? Would you not have said: "Before we act upon that we want information as to the source; at least we want to know whether the information which you convey to us came from Berlin, from the Kaiser, to Washington"? And I would be with you on that with the same zeal and insistence that moves me now.

Mr. President, I have said enough. I think there can be no harm in asking the President to tell the Senate whether his information respecting this letter came from a foreign Government engaged in this war. If the information conveyed to me by the news purveyors here, that it came from the British Government to us, is accurate, I think we are entitled to know that fact officially.

Mr. HITCHCOCK. Mr. President, I want to state briefly the reasons which moved the committee to disagree with its chairman, the Senator from Missouri [Mr. STONE], upon the subject of his proposed amendment.

In the first place, Mr. President, this resolution as drawn, and the resolution as finally reported by the committee, asks the President whether the note attributed to the German statesman is authentic. As presented by the Senator from Massachusetts [Mr. LODGE], that question is made specific—whether the note is authentic. The committee thought it wise to interpolate "in the opinion of the President," because, after all, when the President responds to this resolution, all he can give us is his opinion upon the authenticity of the note.

Mr. President, we may assume that the President of the United States is in a better position than anyone else to judge as to the authenticity of this note. He has in his hands more information than anyone else could possibly secure. Much of the information which comes to the President of the United States through the Diplomatic Service and through secret agents is in its very nature confidential. Our country is not alone in gathering this confidential information. Every great nation in the world makes it a regular business to gather it; every Government in the world places a secret fund at the disposal of its authorities for gathering it, and our own Government places at the disposal of the President of the United States a secret fund to pay for gathering secret information. For this reason the President is in a better position than anyone else to express an opinion as to whether or not information which has come to him or the Department of State is authentic. Mr. President, it is very evident that it would be a gross indiscretion on the part of the Senate of the United States, which is brought in close contact with international affairs, even to ask the source of the information that the President may have secured.

And that is not all. The Senator from New Jersey [Mr. HUGHES] has drawn attention to the fact that it is almost an affront to the President, after asking him to express an opinion as to the authenticity of this note, then to proceed to cross-examine him to ascertain whether his opinion is justified. Either we should ask him the source of his information without asking his opinion or we should ask his opinion without asking him the source of his information.

Mr. President, I am in very large sympathy with the position taken by the chairman of the Committee on Foreign Relations. I am against war unless it becomes absolutely necessary. I will be as slow as he to cast a vote for war. I believe, moreover, that the President of the United States has shown not only by three years of patient forbearance, but also by his recent solemn declarations to the Congress, that he is in no danger of being swept away by false and unreliable reports into the war current that is, I am sorry to say, sweeping over certain parts of the United States to-day. I think that the attitude of our President, his recent assurances to the Congress on the 26th day of February, justify us in concluding that he is as averse to any step which will lead us unnecessarily to war as the Senator from Missouri, the chairman of this committee.

Mr. President, let me quote some of the sentences in that remarkable address to which we listened so recently. He said only a few days ago:

It is devoutly to be hoped that it will not be necessary to put armed force anywhere into action.

A little later in the same address he said:

I hope that I need give no further proofs and assurances than I have already given throughout nearly three years of anxious patience that I am the friend of peace and mean to preserve it for America so long as I am able. I am not now proposing or contemplating war or any steps that need lead to it.

Later still in this address he declared:

No course of my choosing or of theirs will lead to war. War can come only by the willful acts and aggressions of others.

Mr. President, those solemn statements were made to us only a few days ago. I feel justified in assuming that they were probably made after the note now in controversy came to the attention of the President of the United States. Nevertheless, he disclaimed any purpose to suggest war. I say this, Mr. President, for the purpose of justifying myself for being willing by this resolution to take the opinion of the President as to whether this note is authentic and not cross-examine him as to his means of knowledge.

Any man of intelligence in international affairs knows that our Government, like every other great Government, has had much secret information brought to it which it has put in its pigeonholes without action; and certainly it can not be charged that the President of the United States has been overhasty in jumping to conclusions, nor that he has been credulous in accepting unwarranted proofs.

Mr. President, this resolution was introduced by the Senator from Massachusetts [Mr. LODGE]. I do not know that its introduction was wise. I doubt also whether it was wise to arouse at this time the agitation which will follow the publication of this alleged note of Zimmermann. But, wisely or not, the note has been published, the resolution has been introduced, and it is for the Senate to say whether it will call upon the President for a definite statement of his opinion as to its authenticity. It seems to me that under the present circumstances that ought to be done. The country ought to know, now that it has read the note, what the best authority in the country says as to its authenticity; and I do not think we ought to go further than that. I think we should do nothing to embarrass the President by unnecessary questions.

Mr. HARDWICK. Mr. President, will the Senator yield to me?

Mr. HITCHCOCK. In a moment. We are not here to-day to decide the question of war. I fervently hope that that decision, if it ever comes, may be long in the future. We are here to-day simply to decide whether we will find out from the highest source in the country whether or not this note is authentic, and I think we should confine ourselves simply to that issue.

Mr. HARDWICK. I want to ask the Senator this question: Does not the Senator think that if it is true in point of fact, that this note came to our Government from the Government of one of the belligerents that fact also ought to be called to the attention of the Senate and of the country in weighing this note and in deciding whether or not it really is authentic and genuine?

Mr. HITCHCOCK. No; Mr. President. I believe that the simple question for the Senate to decide now is whether to ask the President for a definite statement as to the authenticity of that note, and I say this because we have some knowledge of the methods adopted by which information of this sort is secured. If that note was sent it was sent by telegraph. If that note was sent it was sent in code. There are a number of different ways in which the information involved in establishing the authenticity of that note might have been gathered. There are telegraph records, there is the wireless telegraph, there are code books which sometimes get lost.

Mr. HARDWICK. If the Senator will pardon me, it strikes me that the material fact for us to know and for the people of this country to know is whether somebody who has an interest in pulling us into war has given us this so-called authentic information or not.

Mr. HITCHCOCK. If we were here to-day deciding the question of peace or war there might be some force in the suggestion of the Senator from Georgia; but we are not here to decide that question to-day.

Mr. HARDWICK. But the Senator realizes, and has just stated, that a publication of this sort of a letter or cablegram, or whatever it is, would have a tendency to inflame the public mind and influence public sentiment. If that is true, the public mind ought not to be inflamed without knowing exactly what the source of that alleged information is.

Mr. HITCHCOCK. I am willing, in the first place, to lay the President's answer before the Senate, and in that way before the country. The President possesses at least as much intelligence as the average man in the Senate, and if he believes that the public mind should not be inflamed he will take the proper steps in sending his information to the Senate to reduce to the minimum any danger in that direction.

Mr. THOMAS. Will the Senator pardon me? Does not the Senator realize that the public mind is already inflamed, that it has been inflamed by this publication like a bolt? Because of that excited condition, which we share, inasmuch as the information must have proceeded from Executive sources, directly or indirectly, it is very essential that we should have such information as may be necessary to enable us to meet and, if necessary, to end that public excitement which is now sweeping all over the country.

Mr. HITCHCOCK. There would be some force in the statement made by the Senator from Colorado if President Wilson were engaged in the business of arousing and inflaming public opinion in the United States. Instead of taking such an attitude he is conducting himself in exactly the opposite way. If he has had this information in the archives of the State Department for some time, and at the present time, it is the very best evidence that he has had no disposition to inflame the public mind.

Mr. KIRBY. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. HITCHCOCK. I do.

Mr. KIRBY. I wish to ask a question at this point. Here is the afternoon paper [Times] saying:

Far from bringing about an alliance between Germany, Japan, and Mexico against the United States, President Wilson and Secretary Lansing are convinced the immediate effect of the German plot disclosure will be:

To force immediate action by Congress giving the President the authority he seeks to protect American rights and lives at sea.

Now, then, second:

President Wilson authorized the statement to-day that he will insist on the adoption of the Senate measure designed to place the United States on a basis of armed neutrality. It was clearly indicated that if any attempt is made to force through the House bill, which refuses the President the right to use all "instrumentalities," that bill will be vetoed.

If the President gave this to the press instead of to the Senate to enforce his views here and bring the matter to our attention, is not war the thing we are discussing now, and have the right to discuss?

Mr. HITCHCOCK. I did not quite get the force of the Senator's question.

Mr. KIRBY. In other words, if this was expected to influence the action of the Senate in making this grant of power requested would it not have been well to have given it to the Senate and not to the newspapers?

Mr. HITCHCOCK. I do not want to discuss that question of ethics. This statement in the evening paper has not, of course, been verified. We must take it, as we take other statements as they appear now in the press, with some reserve. I am sorry to say that much the Senator from Missouri has declared as to false reports on conspiracies to circulate them is true. The American mind has been poisoned with false reports, and we have had an opinion created in the United States which has not altogether been justified by the facts. But we know this, that the President of the United States to-day is not standing before the country asking for an authority to take part in war, but he only seeks authority to preserve an armed neutrality. He has not asked at any time, and I am sure he does not contemplate the plan, of becoming a party to this war. He asks only for the authority of Congress and the cooperation of Congress to maintain the neutral rights of the United States.

Taking this very moderate position, it seems to me, Mr. President, that he is preeminently qualified at this time to give us not only the benefit of information which he may deem proper to give from the State Department, but the benefit of his opinion as to whether or not this is an authentic note of the minister of foreign affairs of Germany.

Mr. President, I have not anything more to say. I simply desire to express this reason for opposing the amendment offered by the Senator from Missouri. There may come a time when it is desirable for the country to investigate this matter further, but at present all the people of the United States want to know the facts in this matter and whether the President of the United States can say this published note is authentic or not authentic.

Mr. WILLIAMS. Mr. President, I think it is peculiarly in a time when public excitement is apt to become intense that those

who are sentinels upon the watchtower should look at every proposition just for what it is—coolly and impassionately and poisedly.

Now, what is this proposition and how does it come about? A great deal has been said here to-day about "nobody wanting war unless it is necessary." Of course not. Nobody but a raving lunatic or a crowned head whose existence and prestige depend upon war ever wants it. It must be in his own opinion at any rate forced upon him.

Mr. President, this morning we all woke up and found this Associated Press report. Nobody cares a bawbee about any part of it at all except the part of it that purports to be a copy of a note of instruction from the German secretary of foreign affairs written to the German minister to Mexico to be transmitted through the German minister at Washington.

It seems to me that when this note got into the possession of our State Department it must have come from the German Embassy in some of those peculiar ways in which the secrets of one power are communicated to another.

Now, a great deal has been said here to-day about "the source of our information" and that we must be "the judges of the sources of the information." There is nothing of that sort in question here at all. No information at all—merely a question of fact. The sole question is this: Is there a letter like this signed by Zimmermann, the German secretary of foreign affairs, in existence in the possession of our Department of State, and, secondly, is that letter authentic? The instrumentality whereby the United States got possession of the letter does not bear in the remotest degree either upon its authenticity or its existence. The two questions simply are, Does it exist, and is it authentic? It is not difficult for the Department of State of one Government to know whether a communication from the head of the Department of State of another Government is or is not authentic. It is a part of its business. This statement says that this letter is in the possession of the United States Government, or rather this copy of the original instructions from Herr Zimmermann, the secretary of foreign affairs of the Royal Imperial Government of Germany, to Von Bernstorff. It would seem from this that the German Embassy here kept a copy, as they always do, and must, of the communications sent by their department of state to their ambassadors elsewhere.

Mr. President, it being true that this has been published, everybody this morning asked himself the question after he had read it, "Can it be true?" "Can it be authentic?" "Must it not necessarily be a newspaper fake?" Then immediately everybody "wanted to know." What has been said about the unreliability of press reports is true, and that is the very reason why everybody "wanted to know," and that is the very reason why the resolution was introduced.

Now, I did not share that great curiosity, and I would not have introduced the resolution, because I see no great good to come from it one way or the other. If we are going to have trouble with Germany, and I hope we will not of a serious character, because I hope she will back down from the infamous challenge which she has made that we dare not fly our flag upon the high seas—but if we are to have trouble with her it will not be because of the Zimmermann letter. The Zimmermann letter will be but one of the many other circumstances tending to corroborate a belief that she has been at least careless about whether she would have war with us or not, and that she—while diplomatizing with us—has been making preparation to strengthen her hand when the war should come, if it should come. Gentlemen will notice that this letter itself, if it be authentic and true, was not to be delivered to the Mexican Government "until there was a break with the United States," but they were merely preparing their way.

Mr. President, what we want to know is whether the letter exists, or, rather, whether the Von Bernstorff embassy copy exists, and whether it is in the possession of our Government, and whether it is there in such state as to establish its authenticity—whether it was in the German Embassy in such a way as to establish its authenticity. It is totally irrelevant how it got out of the German Embassy—how it got into the hands of the American Government. Somebody might have stolen it. Some careless fellow in packing up some day the papers for the files might have left a copy out. Some man who makes money out of such things might have gotten it and found that it was valuable.

I remember one of the distinguished statesmen of this country once complained bitterly to the country that certain photographic copies of letters, some of them offering to buy him and others proving that he had consented to be bought, had been stolen from his office. Well, everybody had a perfect contempt for the thief and for the newspaper who employed the thief, but it did not affect the question of the guilt or the innocence of the man who had accepted the bribe or of the man who had offered it. So it is in this case. You can suppose a thousand ways of its getting there. Suppose that it was caught upon the body of a German spy by the British Government and sent to us to hurt Germany. It seems to be rather a difficult supposition under the circumstances; but suppose that was the case, then the question is still not either the character of the spy or the character of the captor; the question is, "Is it an authentic letter, and did it proceed from the secretary of state of the Royal Imperial German Government?"

You may suppose that it was caught coming on its way by wireless to Sayville, where Ambassador Bernstorff received his communications, and that it might have been caught by a naval officer of the United States or by a Secret Service man of the United States who was watching. You may suppose that the British cruiser or the British captor or the French cruiser or the French captor used it not for the purpose of helping us or because they loved us, but for the purpose of inflaming our passions against Germany. Even if that were the case, it does not affect the questions, "Does the letter exist?" "Is it in our possession?" "Is it authentic?"

Now, then, we thought in the committee, all except the Senator from Missouri, that it was totally useless to go out of the wording of this resolution, and I am going to read the resolution——

Mr. O'GORMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from New York?

Mr. WILLIAMS. Certainly.

Mr. O'GORMAN. The Senator doubtless will revise his last statement when he is reminded that I supported the Senator from Missouri in the amendment, which is now the subject of this discussion.

Mr. WILLIAMS. I did not know that.

Mr. O'GORMAN. At the proper time, if I have the opportunity, I shall give some of the reasons which led me to that course.

Mr. WILLIAMS. I beg the Senator's pardon for having inadvertently referred to what went on in the committee room. It is really a violation of one of the rules of the Senate.

Mr. President, what is the so-called note and what is the resolution? I want to put them both in the RECORD. I shall not take up the time of the Senate with reading the Associated Press report of what is contained in the Zimmermann letter but ask that it be inserted right here in my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The matter referred to is as follows:

STEP TAKEN ON JANUARY 19.

A copy of Zimmermann's instructions to Von Eckhardt, sent through Von Bernstorff, is in possession of the United States Government. It is as follows:

BERLIN, *January 19, 1917.*

On the 1st of February we intend to begin submarine warfare unrestricted. In spite of this, it is our intention to endeavor to keep neutral the United States of America.

If this attempt is not successful, we propose an alliance on the following basis with Mexico: That we shall make war together and together make peace. We shall give general financial support, and it is understood that Mexico is to reconquer the lost territory in New Mexico, Texas, and Arizona. The details are left to you for settlement.

MEXICO TO BRING IN JAPAN.

You are instructed to inform the President of Mexico of the above in the greatest confidence as soon as it is certain that there will be an outbreak of war with the United States and suggest that the President of Mexico, on his own initiative, should communicate with Japan suggesting adherence at once to this plan; at the same time, offer to mediate between Germany and Japan.

Please call to the attention of the President of Mexico that the employment of ruthless submarine warfare now promises to compel England to make peace in a few months.

ZIMMERMANN.

Mr. WILLIAMS. I take it for granted everyone here has read it. Now, the resolution as we reported it back from the Committee on Foreign Relations is as follows. I am going to read it to you, because it is not in printed form and you have not copies of it:

Resolved, That the President be requested to inform the Senate, if not incompatible with the public interest, whether the note signed "Zimmermann," published in the newspapers of the morning of March 1, 1917, inviting Mexico to unite with Germany and Japan in war against the United States, is in his opinion authentic and is in the possession of the Government of the United States, and, if in his opinion, authentic, to send to the Senate any further information in the possession of the Government of the United States relative to any activities of the Imperial German Government affecting the international relations of the United States.

Now, remember, all this is to be done if not incompatible with the public interest, in the opinion of the Executive. If, in the opinion of the Executive, it shall not be compatible with the public interest to relate the sources, or rather because it is not

"sources," but the instrumentalities, which put the letter or the note into the possession of the United States, he can so state. If for any reason of state it is not, in his opinion, compatible with the public interest to do that, he will not do it.

It seems to me that this resolution is the very least that we could offer. It seems to me, upon the other hand, that we ought not to allow it to be tangled up with anything else. There is no use in raising an issue between the President and the Senate. This issue is simply an issue, not between the President and us, but an issue between Germany and us. No question of war or of peace is involved in it, except that, if war should finally come because of Germany's maintaining a sword of fire upon the high seas and denying our flag the right to navigate them, then this may be helpful in establishing the fact of the deliberate and prepared character of her defiance of international law and of her abuse of our hospitality.

Mr. LODGE. Mr. President, I only desire to say a word in regard to the amendment which has been offered by the Senator from Missouri [Mr. STONE]. I do not care to discuss what motives newspapers may impute to the President; I do not care to enter upon the question of peace or war. A communication purporting to be signed by the secretary of state for foreign affairs of the Imperial German Government was printed in the newspapers this morning. In that paper was disclosed, if it is authentic, a plan on the part of one great Government to join with two other Governments in war on the United States. It went so far as to suggest parceling out some of our territory. It seems to me a very serious thing. If untrue, it ought to be stamped with untruth at once, so as not to arouse passion in this country without foundation. If it is true, the country ought to know it. The President of the United States is the one person who can give a decisive answer to that question. Therefore, Mr. President, I introduced my resolution, and I think it was wise to do so. I simply wish to know whether, in the opinion of the President, the Zimmermann dispatch was authentic.

I think nothing could be more unfortunate than to inquire of the President the sources of his information. Why, Mr. President, when John Adams sent in the correspondence which showed the attempt of the directory and of Talleyrand to extort money from the American envoys, even in so gross a case as that, he suppressed the names of the intermediaries; and the correspondence has come down to us as the "X Y Z" letters.

The President is charged with the duty of preserving the interests of the United States. We give him a large fund to be spent on the voucher of the Secretary of State alone. Those sources of information would be cut off if he were to disclose them; and in a newspaper of this afternoon it is said that Mr. Secretary Lansing stated to the newspapers that under no circumstances could the sources of the information be disclosed, for it might involve the lives of those concerned. No Government can possibly make such a disclosure.

I am not willing to put into that resolution a request for information as to the source in any form, which the President would, in my judgment, be obliged to decline, and thereby might create a false impression amongst the people of this country. The President of the United States is charged with our foreign relations. It is a very great responsibility. I wish to treat him exactly as I would treat a President of my own party; I wish to treat him absolutely as the President of the United States, the President of us all, and in no other capacity.

I am no blind follower of the President, but I am a blind follower of what I believe to be the interests of the United States. I think it is to the interest of the United States to know whether or not this document is authentic, and I think it is to the interest of the United States not to ask any questions which by any possibility may convey a false implication or embarrass the President of the United States. I am ready to take his answer or his refusal to answer, or whatever he chooses to send or not to send. The duty is his. I leave it with confidence in his hands.

I do not want, as an American and as a Senator, to go one step beyond what I think it is proper for us to ask. It would be, in my opinion, in the highest degree improper to make any inquiry about the sources of his information; and it seems to me, if I may repeat what I said the other day, the one thing above all others for us to do at this juncture, when we may be on the very eve of war, is to stand together. At this juncture we have but one head and representative among foreign nations, and that is the President of the United States. I do not propose to do anything that would put him in a false position or which may show any division. No matter how strong my party feelings may be, here I can see but one duty, and that is to stand behind the President, and when we ask this question to accept his answer.

Mr. O'GORMAN. Mr. President, it is gratifying to hear the distinguished senior Senator from Massachusetts [Mr. LODGE] declare his unyielding support of the President of the United States in the critical situation now confronting the country. It would have been especially gratifying if the Senator from Massachusetts had taken that attitude of unyielding support to the President when recently the President was making his supreme effort to bring about peace between the warring nations of the world.

It has been stated that there is a single question involved in this resolution, and that relates to the authenticity of the letter which purports to have been written by the secretary of state for foreign affairs of the German Government. I assume the Senator from Massachusetts thought the introduction of the resolution would have some value; I assume he thought it was more than a mere matter of ceremony when he introduced this resolution and had it referred to the Foreign Relations Committee. If there was a real substantial purpose of serving the Nation, what is the Senate to do when it receives an answer as to whether the President, in his opinion, thinks that the letter in question was written by the German secretary of state? Is the Senate, then, to take action solely and alone on the opinion of the Executive? In a matter of vital interest is the Senate of the United States to proceed to deliberation and judgment with no more substantial basis than the opinion of one public official? No; Mr. President, that can not be the purpose; no such futile design would be imputed to the intellect of the senior Senator from Massachusetts.

Before this Senate can determine the authenticity of this letter it should have the President's opinion, which would carry great weight in this body, plus such other evidence, such other information as he is at liberty to convey, and, more important than all else, an answer to the question embraced in the pending amendment. Was this information derived from one of the belligerent nations involved in this European war? The value of any evidence in any court of justice is dependent more or less upon the source from which it comes.

Senators, you can not close your eyes to the fact that for months a propaganda has been carried on in this country seeking for its accomplishment the embroilment of the United States in this terrible war that is devastating Europe and threatening civilization itself. It was recently stated, upon the authority of a responsible journal, and not contradicted, that one of the belligerent nations has expended in this country since the beginning of the war upward of $75,000,000 in an effort to create a public sentiment favorable to itself and unfavorable to its enemy. This propaganda, to which I allude, has never been so intense, never so persistent as during the last few months, and its very persistence gives rise to the thought that its advocates believe that a great crisis is close at hand in this warfare, and that it is absolutely essential to the maintenance, to the preservation of certain nations that the United States should be brought into this struggle, and that thousands, and perhaps millions, of the flower of our youth shall be offered up as a sacrifice in a cause which is foreign to our political or national interests.

I think if it should be disclosed as a result of the information we receive pursuant to this resolution, if the disputed amendment be embraced in it, that this alleged letter from a high officer of the German Government came into our hands through the active agency of a belligerent enemy, we may well then suspect its authenticity; we may well then pause and ask whether, with the grave responsibility resting upon the Congress, any step shall be taken by us which will imperil the peace and happiness of a hundred millions of our people.

Much speculation has been indulged in by some of the Senators as to the possible source of this specific information. One has suggested the possibility that a copy of the letter might have been taken from the files of the German Embassy in this city. Another has suggested that the message, if it crossed the ocean at all, came by wireless and was taken up by an agent of some foreign nation and thus transferred to us.

Suppose, Senators, in this situation you were satisfied that officers of the British Government handed this alleged document to the United States Government, would you not want some further evidence of its authenticity? Might it not be a fabrication? Might it not be a forgery? More than once in the history of our own country a belligerent nation has resorted to deceit and forgery in an effort to induce us to become involved in a contest in which we were not concerned.

No, Mr. President, this proposition is too serious to be lightly disposed of. I hold the opinion of the President as highly as any Senator can hold it; but, as I have suggested, I want something more substantial than the opinion of any man upon which to predicate my own judgment as to the existence or nonexist-

ence of a fact of the first importance. If this resolution be amended so as to embrace the request that the President tell us, if not, in his judgment, incompatible with the public interest, whether any belligerent Government gave to him this information, we may then be in a position, intelligently, wisely, and, I hope, patriotically, to pass upon any information which may subsequently be laid before us.

Mr. SMITH of Michigan. Mr. President, I think the resolution which has been reported from the Committee on Foreign Relations contains a request for the information asked for by the Senator from Missouri if in the judgment of the President he is willing to furnish it. The resolution says in part:

> And if in his opinion authentic, to send to the Senate any further information in the possession of the Government of the United States relative to any activities of the Imperial German Government affecting the international relations of the United States.

Mr. President, I supported this resolution as it came from the committee. The Senator from Nebraska [Mr. HITCHCOCK] rather deprecated in his remarks the publication of this story and its discussion in the Senate. I am glad that this story was published, if it is true; and if it is not true, it was criminal to do it; and I am glad that this resolution puts the onus upon that department of the Government that made this news public. I think we should have this information now, before we act upon the pending bill, which vitally affects our foreign situation, in order that Senators may have the whole view of our international complications before them.

I have faith in the President. I hope that the information given out to the press this morning has not been long in his possession, and if it has been long in his possession, I hope he has fortified himself against the possibility of error.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Wisconsin?

Mr. SMITH of Michigan. Yes.

Mr. LA FOLLETTE. Do I understand the Senator from Michigan to say, or to imply, that the matter which is under discussion here was given out by the administration or any of its departments?

Mr. SMITH of Michigan. That is my impression.

Mr. LA FOLLETTE. That it was first communicated to Congress through the medium of the newspapers of the country?

Mr. SMITH of Michigan. The Senator from Wisconsin has heard what the chairman of the Committee on Foreign Relations has said about this information——

Mr. LA FOLLETTE. No; I have not.

Mr. SMITH of Michigan (continuing). That he received it last night from the newspapers. I am the second member of the committee on the minority side, and I received it first in the paper this morning.

Mr. LA FOLLETTE. Is the Senator advised that the copy for the publication appearing in the papers was supplied by either the Executive or the State Department or any department of this Government?

Mr. SMITH of Michigan. Mr. President, I wish I were in position to answer the inquiry, which I think is a very proper one. Unfortunately, I am not in the confidence of the Executive. I say that without any feeling or intention to criticize; but the information which I have is wholly from the newspapers, and it is so damaging and so far-reaching and so important that I express the sincere hope that it has not rested long either at the Executive Mansion or in the Department of State, while the Congress was kept in ignorance of the plan to create an Anglo-Oriental alliance against us.

Mr. President, I say that the situation thus created is far-reaching and delicate, fraught with very great danger to the peace of the American people. But, sir, we have had so much loose talk, we have heard so many unsupported charges made here, we have spoken so freely out of our imaginations and our desires only—and when I say "we" I mean the officials of the American Government—that it is time to call a halt to general public recrimination. It will bear no good fruit. If we continue it we shall suffer for our folly.

There are men and women in this Republic whose hearts are literally breaking because of their sympathy for the homes of their sires threatened with destruction, and their genuine affection for the land of their adoption. Sir, our battles have been fought and won by brave men hundreds of thousands of whom could not even speak the language of our country. When a lad at Yorktown, on the centennial anniversary of our country's birth of freedom, I saw high honors conferred by our Chief Executive and his most conspicuous advisers upon Germans whose ancestors fought with Washington at Trenton and Valley Forge. Jackson Square, that stands opposite the White House, has been dedicated upon its four corners to our alien compatriots in gratitude for heroic services rendered this Republic in time of national need. Upon one corner is a statue to the immortal Lafayette, who came, God inspired, from France to uphold the banner of our liberty. Upon another corner is a statue of Rochambeau, whose valor stirred our people to highest endeavor. Upon another corner is a statue of von Steuben, a golden link that has for a century bound this Republic to the Fatherland; while on another corner stands a statue of Kosciusko, one of Poland's contributions to our freedom and independence, and who on a hundred battle fields sealed his devotion with his blood.

This very Capitol in which we are now sitting bears abundant evidence of our kindly appreciation for the services of foreigners to our Government. In the Hall of the House of Representatives, side by side with Washington, is the portrait of Gen. Lafayette, who gave hope and cheer to our soldier boys and encouragement and cheer to their commander in chief. In Statuary Hall we have cut niches for alien faces which adorn the Capitol and give color to our interdependence upon our fellows. If we get into trouble as a result of the present world complications, Mr. President, we shall need every citizen of this Republic, whether he was born here or journeyed hither to better his condition. For one, I do not propose to lend my voice to the encouragement of a divided country. In an emergency like this the Senate wants the facts; and this resolution is intended to get them. None of us want war, and calling names is only calculated to irritate and create ill will.

I have had some experience in my lifetime with the officials of the German Government, and from what little experience I have had I can not believe the head of the German foreign office would lend himself to such fruitless intrigue. I rather prefer to believe that this so-called letter is a forgery and a sham, born in the brain of a scoundrel and a tool. The reason for my belief is founded in the fact that that letter proposes to unite Mexico with Japan against the United States, when the Government of Germany is openly hostile to Japan and has not even recognized the itinerant Government of Carranza. I prefer up to this moment to believe that our fears are groundless and the whole story a baseless fabrication.

Mr. President, we have framed this resolution placing the responsibility right where it belongs. Under this resolution the President is not limited to the bare statement as to whether he has an authenticated letter from the imperial foreign office of that character. If he has such a letter and proof of its authenticity, this resolution asks him to send it to the Senate. I think he will promptly do so, and if he does not do so the American people will be very much disappointed by his refusal. Innuendo is not evidence; the country will demand the proof of this charge.

Mr. President, I have said all I care to say. In this whole international situation I am, I believe, in my heart, absolutely neutral between the belligerent powers now at war. Yes; I am neutral—neither pro-ally nor pro-Teuton. My heart is so full of intense Americanism that there is no room in it for European war gods.

Mr. HARDWICK. Mr. President, I do not propose to delay the Senate very long, because I want the Senate to get speedy action on this resolution; but I feel that there are some things that ought to be said by me before I cast my vote on this resolution.

I do not think the resolution is very fortunately worded. In another legislative body, in which I have served, we are so careful to avoid asking the opinion of executive officers that it is contrary to the rules to present a resolution calling on a public officer for an expression of opinion. All that we call on him for is a statement of the facts.

It is unfortunate also, and in my opinion it may be in the future, and in the near future, embarrassing to the President, to ask him to express his opinion about this particular matter. Suppose, Senators, that Germany, when she has time to do it, shall dispute this matter. Suppose the German minister in question should deny bitterly the authenticity of this document, and suppose it should develop that this document came to us through some other power that had an interest in dragging us into this war? Then we would have the President of this country in the attitude of expressing his opinion on a matter of grave controversy between these belligerent powers with whom we profess to be on terms of perfect amity; at least, we are still attempting to maintain neutrality and peace with them all.

Therefore I say, in the first place, that the resolution ought not to have been so worded as to ask the opinion of the President about this matter at all. We might have asked him to give us such facts as he thought it was compatible with the public interest for him to disclose. We certainly would be jus-

tified in asking that much if it is true, as has been intimated in this debate, and as is a fair inference from this debate, that the State Department gave out this information to the newspapers and to the public.

Now, if that is the fact; if our Department of State has published, at this critical juncture of our affairs with Germany, a note of this kind, then I think it is well enough for Congress to inquire exactly what there is in it, and why it did it. I am coming to that in just a minute. But in any event we should have asked, not for opinions, but for facts.

Why was it done? Is the passion of this country for peace? Is it the earnest desire of this body and of the American people to preserve peace as long as it can be preserved without sacrificing our honor?

If so, what effect could it have to publish a letter of this sort except to inflame the popular mind? What could have been the purpose of its publication?

Mr. HUGHES. Will the Senator allow me?

Mr. HARDWICK. I yield.

Mr. HUGHES. If there is such an authentic document in existence does not the Senator think the American public have a right to know it.

Mr. HARDWICK. Does not the Senator think if the President of the United States has the information he ought to direct the attention of Congress to it, not the newspapers of the country? This is what the Senator from Georgia thinks; that if it be true, the President should have furnished the information to Congress in the way prescribed by the Constiution, or if the matter had been so delicate that he did not want to make it public he could have conferred with the Foreign Relations Committees of both Houses of Congress and told them in confidence what was happening and not spread it broadcast over the land through the newspapers of the country in a way that might inflame the public mind.

Mr. TILLMAN. Does the Senator believe he has done that?

Mr. HARDWICK. I hope not.

Mr. BORAH. Do I understand the Senator to express a doubt as to how this information got to the newspapers?

Mr. HARDWICK. I do doubt it. I have heard it intimated, and if the Senator from Idaho or any other Senator in this body has definite information on the subject I should like to have it right now.

Mr. BORAH. Of course, "the Senator from Idaho" can not give the Senator definite information.

Mr. HARDWICK. Whatever he can give me, I should like to have.

Mr. BORAH. All the information I have is unmistakably to the effect that the information came from the State Department or the White House. It was, in my opinion, given out in a sense officially.

Mr. HARDWICK. I have been afraid that was true from what I heard. I do not know whether it is true or not. I inferred that from what other Senators stated on this floor. The Senator from Idaho, I think, agrees that that is probably what is true about the matter. He thinks so at least. Will the Senator tell me now why he thinks so?

Mr. BORAH. The news item is published in one of the most responsible papers in the country, and a friendly paper says among other things:

> This document has been in the hands of the Government since President Wilson broke off diplomatic relations with Germany. It has been kept secret while the President has been asking Congress for full authority to deal with Germany and while Congress has been hesitating.

Now, the reason why I draw the conclusion that this is correct is because if it were not given out by the State Department, it seems to me that by reason of the publication of such a statement, we would expect a denial at once that such inflammatory news had been given to the country by one who was supposed to know its authenticity.

Mr. HARDWICK. I am inclined to agree with the Senator from Idaho, and it was largely with that view that I said I had so inferred.

Mr. BORAH. The afternoon papers are out and instead of the afternoon papers refuting that proposition they carry additional evidence of the fact that it was given out.

Mr. HARDWICK. Yes; I see how the Senator gets that opinion, and it is in the same way I formed my own opinion.

But let us go on for just a minute and find out where we are in this matter. Assuming, because it is undenied, that the information was given out by our State Department, what was the purpose for which it was given out?

I am absolutely convinced in my own mind, and I believe every Senator on both sides of the Chamber will agree, that the administration did not give it out for the purpose of inflaming public sentiment, so that it would flame up into a war demand. I do not believe that. I do not believe that a Senator on either side of the Chamber believes it. That, however, may be the effect of it, and that is the main trouble about it. Whatever its purpose, the effect of it may be as I have stated.

I think the real purpose of it, simply giving my own opinion, was to hasten the passage of certain legislation during the closing hours of this Congress. That, I say with the utmost candor to the Senate, is my opinion. If so, it was a grave mistake and it was absolutely unnecessary to do so, because I do not believe there is the slightest doubt that the patriotism of the American Congress, in both Houses, could be relied upon to furnish ample and adequate protection for American rights on land and sea, wherever American citizens go. I believe that before this session shall end ample authority and ample means will be given to the Chief Executive to carry out the policy announced by him.

Mr. JAMES. I should like to ask the Senator if I understood him correctly to say that it is his opinion that this information was given out to the newspapers for the purpose of influencing legislation?

Mr. HARDWICK. I said I could see no other purpose except that.

Mr. JAMES. Will the Senator be good enough to give us the proof he has of that?

Mr. HARDWICK. None in the world. I will not go into a catechism of that sort. It is merely my opinion, based on the situation here.

Mr. JAMES. I do not mean to catechize the Senator.

Mr. HARDWICK. If that is what the Senator wants, I will dispose of that point, if he will permit me to do so.

Mr. JAMES. I want to ask the Senator another question.

Mr. HARDWICK. All right.

Mr. JAMES. I want to ask the Senator if at this particular time he does not think, in a crisis like this—which is grave, if these facts are true—instead of trying to criticize somebody for doing an indiscreet thing, it would be better to just limit ourselves to whether or not this Zimmermann letter and these facts exist in truth? Hereafter we can discuss among ourselves after we have settled our differences with the outside world as to whether the administration did right or whether it did wrong in giving out this information. The question at issue is whether it is true.

Mr. HARDWICK. I do not entirely agree with the Senator, and before I conclude my argument he will see why I do not. I do agree with him this far. I am not inclined to be unduly critical of anybody. But whatever the reason for this act, I say it was a mistake, and the Senator seems to agree with me that it was a mistake.

Mr. JAMES. No; I do not make that agreement.

Mr. HARDWICK. You do not?

Mr. JAMES. No; I do not. I merely said this to the Senator, that I thought at this time it is becoming in the Senate not to try to harass officials or to subject them to criticism about whether or not they had acted properly in giving out the information, but we ought to discuss and call for information as to whether the article, the letter, and the information are true.

Mr. HARDWICK. The Senator has a curious conception of senatorial duty if he thinks we are limited here, in a question of this sort, simply to the language of some resolution which may be presented. It is a broad question. Every angle of it, every phase of it, is not only before the American people but before the American Senate.

Mr. JAMES. "The Senator from Kentucky" may have a curious idea of senatorial duty, but I dare say he has not a curious idea of patriotic duty.

Mr. HARDWICK. "The Senator from Georgia" has long known and long liked the Senator from Kentucky, and he had no idea of imputing any such position as that to the Senator.

Mr. JAMES. I feel sure of that.

Mr. HARDWICK. I do say I have no sympathy with the idea, no matter where it comes from—from Kentucky or anywhere else—that the Senate is not a body for independent thought and independent action. The Senate, regardless of what some people say or some people think, is entitled to assert its own opinion about every matter that comes before it, and is not bound to take any man's opinion about anything, and ought not to take any man's opinion unless that opinion is so well supported by truth and justice and right that the Senate ought to adopt it.

Now, so much for that. Of course, if the State Department did give out this information it becomes pertinent to inquire

why. I said just now that I do not believe they did it for the purpose of inflaming public sentiment throughout the country; yet I am afraid that may be the effect, whatever the purpose was. The only suggestion that has been made or can be made is that the idea behind it was to hasten the passage of certain legislation during the closing hours of this session. I think that was a great mistake, if that was the purpose.

As I said just now, I do not believe that there was the slightest danger of the legislation failing of passage even at this stage of this short session of Congress. Be that as it may, since this information has gone out to the public, since every hamlet in the land is ringing with it all during the day, and as I speak to you to-day, I say it is of the utmost importance that the people of the United States, and the Senate as well, should know everything connected with this matter that can be properly told, and if there are many things about it that can not be properly told it never ought to have been published in any such way and at this particular time. If we have information obtained in such a way that we absolutely can not disclose its source at all, obtained in such a way that we can not even tell where we got it, how we got it, or when we got it, it ought not to have been made public, no matter how much confidential use might have been properly made of it by the officials of the Government.

Now, so much for that phase of it. It is here. No matter what the purpose was, it was brought here in public. The effect of it may be far greater than any one of us could have imagined when the question was first raised.

Be that as it may, Mr. President, it does seem to me that the Senate ought to ask of the President that he impart to us, and through us to the country, every material fact relating to this matter that he can impart that is not incompatible with the public interest.

Mr. BORAH. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. BORAH. Under this resolution as it is drawn does not the Senator think that the President will give to the Congress and will give to the country every fact that he can give compatible with what he deems to be the public interest? That is the reason why I voted for the resolution. It seems to me if we are going to assume that the President is going to deal in good faith with Congress and the country, as we must assume in the passage of this resolution, he will give every fact which he believes it will be permissible to give under the circumstances.

Mr. HARDWICK. I am inclined to think the Senator is right, and because I do think that way it is my purpose to vote for the resolution whether it is amended or not. The matter has gone too far for us not to pass the resolution. But I am earnestly in favor of the amendment suggested by the Senator from Missouri, because the Senator from Missouri also asked for the information specified by him only on condition that it is not incompatible with the public interest for the President to furnish it.

I submit to my fair-minded friend from Idaho and every fair-minded Senator on both sides of this Chamber, Democrat or Republican, is it not right that if this note should become the subject matter of international controversy, if it should be asserted on one hand that this German statesman or official wrote it and on the other that it should be denied, and we had asked our President to express his opinion as to whether it really was signed by him or not, should we not also find out from him if this note did come through the agency of any person on the earth or any power on earth that has an interest in involving the American people in the European struggle?

Mr. HUGHES. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. HUGHES. I understood the Senator to say just now that the amendment offered by the Senator from Missouri also contained the clause "if not incompatible with the public interest."

Mr. HARDWICK. I think it does.

Mr. STONE. It is the very first clause of the resolution.

Mr. HUGHES. I thought some time ago, in commenting on that in a colloquy in which the Senator from Missouri took part, he declined to insert that in his amendment.

Mr. HARDWICK. No.

Mr. STONE. The Senator is mistaken. The very terms of the resolution provide that the President shall inform the Senate if not incompatible with the public interest.

Mr. HUGHES. Does the Senator object to the amendment?

Mr. HARDWICK. If the Senator from New Jersey will pardon me, I am satisfied that if the amendment of the Senator from Missouri does not contain that precise language he will be willing to modify it, because that was the view he expressed on this floor.

Mr. STONE. There can not be any question about it.

Mr. HARDWICK. There is no question about it. Now, one word more and I am done.

Mr. SUTHERLAND. Will the Senator permit me to ask him a question?

Mr. HARDWICK. I yield with pleasure to the Senator from Utah.

Mr. SUTHERLAND. I imagine the Senator from Georgia would not be willing to write into the resolution an interrogatory that we knew in advance the President would not answer and could not answer.

Mr. HARDWICK. If my friend will pardon me, I do not assume that that can be true about this matter.

Mr. SUTHERLAND. I call the Senator's attention to the statement in the afternoon paper, and I have no doubt it is authentic, because the same statement is carried in other papers of the afternoon. It purports to give an interview with the Secretary of State, and in the course of a statement of what the Secretary of State says this occurs:

> Secretary Lansing flatly refused to give any indication of how the information came into possession of the United States Government, on the ground that it would endanger the lives of those concerned. For obvious reasons, which he could not amplify, he refused to discuss the source in any way.

Now, let me just ask the Senator this question: Is it true that the amendment which was offered by the Senator from Missouri does not call generally for the source of information, but it asks whether or not it came from a particular source?

Mr. HARDWICK. From a particular individual?

Mr. SUTHERLAND. If the President refuses to answer that question, in the minds of a great many people it will be taken as a concession on his part, or an assent, rather, upon his part, to the intimation contained in the interrogatory of the Senator from Missouri, and it may result in just as much mischief as if it were put in the interrogatory in concrete form.

Mr. HARDWICK. In the first place, I can not assume the accuracy of newspaper reports on any particular point; in the second place, I can not assume that, because the Secretary of State at the present juncture does not see fit to give these newspapers any information about the sources of the information, for that reason the President of the United States will necessarily feel the same way in answering a resolution of this body.

Mr. SUTHERLAND. If the Senator will permit me, however, the statement is that the Secretary declines to make any statement as to the source of this information because the effect of giving the information would be to endanger the lives of those concerned. If that be true, to give the information to the Senate would be to make it public, and the result would be the same as though it were given to the newspapers and made public in that way.

Mr. HARDWICK. If the Senator will take the trouble to read the amendment proposed by the Senator from Missouri—he can recall its terms and its phraseology—he will remember that the Senator from Missouri simply inquired whether this information came from any Government which was at war. It does not say anything about an individual. The President is not asked by the amendment proposed by the Senator from Missouri to say anything about what individuals had to do with this matter, but whether or not it came through any Government engaged in this war and with an interest to involve us in it.

Mr. FALL. Will the Senator yield?

Mr. HARDWICK. I yield.

Mr. FALL. Just for a question. If the President of the United States replies to the original resolution that he has this document, and that he considers it authentic, then are you not, by the amendment, notifying the President of the United States and the people of the United States that you propose to cast doubt upon the authenticity in the event he answers that he obtained it from some foreign nation?

Mr. HARDWICK. If the Senator will pursue that to its legitimate conclusion, he will find that he is committed to this course——

Mr. FALL. I am asking the Senator a question.

Mr. HARDWICK. I am answering it, but give me time and let me do it in my own way. The Senator will find himself in this position if he takes that view: If the President expresses an opinion on the subject, and you ask him to do it, you are bound by that opinion, and if you do not agree with him you are guilty of high treason or something else, because you do not so agree.

Mr. FALL. I do not agree to the Senator's conclusion.

Mr. HARDWICK. I wish to conclude, if the Senator will pardon me. That will be the position, anyhow, the Senator would find himself in, in my opinion. I may be mistaken, I

often am about such matters, but I do not think we ought to ask the President for his opinion at all. We ought to ask him for facts such as he could give with safety to the public interest.

Mr. STONE. Mr. President, I should like to inject this thought at this juncture: The question is asked in what attitude would we be with respect to the President if we requested his opinion and then asked him for the facts? It is saying that we ought not ask for the facts but merely to accept the opinion. To ask for the President's opinion and then to ask for the facts would be no discourtesy. Mr. President, we might, reversing the form of the inquiry, first have asked the President for the facts and then for his opinion upon the facts. It might have gone in that form, but the effect would be the same. Instead of asking him to give the facts and his opinion, we ask for his opinion and the facts.

Mr. HARDWICK. And not only that, but there is not a court of justice in this country, high or low, in which the question is not asked every day, "What is your opinion?" and then, "What are the facts on which you base it?" on all questions in which opinion is relevant and admissible. There is nothing wrong about it; there is nothing unusual about it; there is nothing discourteous about it. On the contrary, so far as I am concerned, I say to you that far more important to me, when it comes to the discharge of my constitutional duty in this great national crisis, than the opinion of any one man born of woman, are the facts, the truth, the right, the justice of whatever matter is at issue.

Mr. SMITH of Georgia. Mr. President, undoubtedly there are a number of Senators who feel that to ask the President's opinion and then to inquire about the source from which he derives the opinion is undesirable. I will not take issue with their line of thought upon that subject.

I shall not undertake to sustain the propriety of subsequently questioning the President about the facts on which he bases an opinion, nor will I deny the propriety of such questions.

There are a number of Senators who doubt the wisdom of definitely asking the President for his opinion. Subsequent facts might show that the opinion expressed was not correct, and that might prove embarrassing.

Mr. President, I desire to offer a substitute for the resolution and the amendment, and I will read the resolution myself. I think it covers the question and that every Senator can give it his support. I think it reaches all that anyone desires and eliminates that to which Senators have objected. Before reading the resolution I desire to say that it is the result of collaboration between the Senator from Florida, myself, and several other Senators who have been sitting here listening to the debate. It reads as follows:

Resolved, That the President be requested to furnish to the Senate whatever information he has concerning the note published in the press of this date, purporting to have been sent January 19, 1917, by the German secretary for foreign affairs to the German minister to Mexico, which, in his opinion, is not incompatible with the public interest.

Mr. HUGHES. Mr. President, I must confess that the substitute offered by the Senator from Georgia—although I was not one of those who collaborated in its preparation—seems to me much more proper than the resolution reported from the committee, either with or without the amendment of the Senator from Missouri.

In the course of my service in this and in the other body I have never known the executive head of any department of this Government or the executive head of the Government itself to be asked to give his opinion with reference to the existence or nonexistence of any facts or any state of facts. The substitute resolution now presented to the Senate guards the Executive from being compelled to divulge information which might be embarrassing to this Government, or to some of the officers of the Government, to divulge. It seems to me that it meets the objections which have been made against the original resolution and the amendment to the original resolution; and if the original resolution be amended by the acceptance of the substitute offered by the Senator from Georgia I shall vote for it.

Mr. BRANDEGEE. Mr. President, there are many Senators who do not comprehend the effect of the amendment proposed by the Senator from Georgia [Mr. SMITH], and I was going to ask that it might be reported by the Secretary, so that Senators may understand it.

Mr. SMITH of Georgia. It is a substitute for the original resolution and the amendment offered to it.

Mr. BRANDEGEE. A dozen Senators are sending for the resolution at the same time, and it would be a saving if the Secretary would read it.

The VICE PRESIDENT. The Secretary will read the resolution offered by the Senator from Georgia in the nature of a substitute.

Mr. SMITH of Georgia. While we are waiting for it to be sent to the desk, I desire to say that, in substance, it simply asks the President to send us such information connected with this subject as he deems it not incompatible with the public interest to give us.

The VICE PRESIDENT. The substitute proposed by the Senator from Georgia will be stated.

The SECRETARY. As a substitute for the reported resolution and the amendment thereto offered by the Senator from Missouri [Mr. STONE] it is proposed to insert the following:

Resolved, That the President be requested to furnish to the Senate whatever information he has concerning the note published in the press of this date purporting to have been sent January 19, 1917, by the German secretary for foreign affairs to the German minister to Mexico, which, in his opinion, is not incompatible with the public interest.

Mr. SHAFROTH. Mr. President, I am gratified, indeed, that there has been a substitute offered for the resolution which does not call for an expression of opinion on the part of the Chief Executive of the Nation. I feel that those inquiries are of such a nature that they ought not to be propounded to the President. It is evident they must be embarrassing to the officer who is to be charged with the duty, under the bill which is now pending here, of the determination of very important and delicate matters. To call for an opinion upon a matter of this kind now in advance or at any other time seems to me very improper. I do not believe that I have ever heretofore known of an instance where an inquiry of that kind has been made. It does occur to me that when we ask that the facts of the matters that are not incompatible with the public interest be given it is all that we as Senators can ask, and is all that ought to be transmitted to us. In view of the fact that the President, knowing all the circumstances, will give all that he deems proper to transmit to the Senate, any special inquiry is not necessary. I therefore hope the substitute will be adopted.

Mr. FALL. Mr. President, I agree that the substitute, if offered in the first place, would have been possibly a better resolution in many respects than the original resolution, except for the fact that the Senator from Massachusetts [Mr. LODGE], who offered the original resolution, did so, as he stated, because if the President of the United States had stated that, in his opinion, this document was authentic, the Senator from Massachusetts, differing so seriously, apparently, from the majority of the Senate on the other side who have spoken, would accept the President's judgment and his word. If he had not offered the resolution with that expression of his own inclination and feeling in the matter, then I should, without hesitation, vote for the substitute and say that it would be a proper substitute.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to interrupt him for just a moment?

Mr. FALL. Certainly.

Mr. SMITH of Georgia. My view was that the President could give us his opinion under the substitute resolution, if he deems it proper to give it.

Mr. FALL. I understand.

Mr. SMITH of Georgia. But we do not pry it out of him.

Mr. FALL. Exactly. Now, I am going to give my views as to what this whole argument has amounted to before I sit down, and I am not going to retain my place on the floor very long. An amendment has been proposed to the resolution of the Senator from Massachusetts—which was a perfectly proper resolution, in the first place—and, as he said, an answer to it that in the judgment of the President the document was authentic would be convincing to him and should be convincing to other Senators.

To amend that resolution as proposed by the chairman of the Committee on Foreign Relations is to place the entire matter in exactly this position—and this has been the argument, and this is the impression made upon my mind by the argument which I have listened to from the Senators on the other side—that you doubt the authenticity of this communication, and you are not willing to believe it authentic, provided the President answers that the information came from a belligerent Government. You yourselves propose to try the President's judgment upon matters of foreign affairs upon his answer, and you already foreclose the case against him if you find that he obtained this information from a foreign Government. If this is not the impression made upon the public by the debate which has gone on here, it is certainly the impression which has been made upon my mind—that of one who has had some experience in the practice of the law. I can reach no other conclusion than that you are notifying the President of the United States that, "although you say that, in your judgment, it is authentic, we hold that it is not; that its authenticity is not

established in the event it came to you from one of the belligerent Governments."

Mr. President, I have heard some of the most remarkable statements made here that I have ever read of. Never since the impeachment of Andrew Johnson, or at least since Sumner's fight on Grant, in 1871, have there been such insinuations against a President, in my judgment, whether meant or not—and I think they were meant—as I have listened to here this afternoon, and from Members of his own side. You say, sir, that if he gives this information it is not authentic in the event it came to him from a foreign Government.

You have said, or some of you have said, that it was apparent that it had been given out for the purpose of affecting public opinion. You accuse your own President of the veriest trickery and of practices to which no man of any sense of honor would resort, whether in public life or in private life.

It has been stated that the purpose of this publicity was to inflame public opinion. My complaint against the President of the United States in the past has been the retention within his own archives, or those under his control, of matters which I believe belong to the people. This is a democracy, or is supposed to be. The people of the United States are entitled to a knowledge of their foreign affairs; they are entitled to know whether any foreign government is engaged in machinations concerning their peace and their honor. Inform them properly, give them the information as to their foreign affairs to which they are entitled, and they will make you act as you should act; they will hold you responsible.

There is one power in this great country of ours that is greater than the Constitution itself, greater than the President or the Congress, and that is the power of public sentiment exercised by the people, as they will exercise it upon their Representatives or upon their elected choice in the White House. I am not afraid of inflamed public opinion, if that public opinion is informed, and I, for one, am grateful to whoever gave publicity to these documents. We are not going to be hurried into a war. The people of the United States will never be hurried into a war if their Representatives in the open, in public session, have an opportunity to discuss public questions and to inform them. It is deliberation behind closed doors, it is insinuations such as we have heard here going out to the public without proper publicity and full discussion and explanation, which may inflame public opinion and cause it to burst over this country.

I say, sir, that if the President of the United States allowed this information to be given out he performed a public service. As a Senator here, I might resent the fact that he did not present this information first to the Senate, except that I have sat here in my seat and heard Senators repeatedly say that anything given to the Senate was never given in secrecy; that you could not trust yourselves with any secret information. You all know it. Time and time and time again the galleries have heard reverend Senators, old Senators, make those assertions concerning themselves.

Mr. President, if the President of the United States had at all times felt that those in whom he should be able to place absolute confidence as his advisors were in accord with him, I apprehend there would have been no hesitation upon his part in sending this information to the Senate or to the proper Senate committee; but in view of the things which have been said and some of the insinuations which have been cast this afternoon, I can readily understand the hesitancy of the President of the United States, and his final appeal to that great forum, which has been denounced here so repeatedly, public opinion, as expressed through the public press of the United States. I can understand, sir, that now a time has arrived when the President has felt that, by informing public opinion, public opinion would do what loyalty to him as a party leader has not done, and would force the allegiance of those who so far do not seem inclined to render it.

Mr. SAULSBURY. Mr. President, I desire to say that I think the criticisms made by the Senator from New Mexico [Mr. FALL] are, in a very large measure, deserved, and I concur with him for the most part in the criticisms he has made regarding some of the speeches which have been delivered in this Chamber.

There is just one man in the world, in my opinion, Mr. President, who may be able to keep this country of ours out of war, and that man is the President of the United States. I for my part, Mr. President, have sat here and heard criticisms made of him, aspersions cast upon his actions and his intentions, until I wonder whether many of those Senators in this body fairly represent real Americanism and are imbued with as much patriotism as I think the average American of this country should be.

Mr. President, I would not be willing to take upon myself the burden of responsibility which many Members of this body seem to assume gladly when they attempt to interfere with the conduct by the President of the foreign affairs of this Nation in the crisis in which this country now finds itself. I believe these men who almost claim to have a patent upon peace are doing more than almost anybody else in the world could by favoring war to bring our country into a position where we will be in war.

There is no use, in my opinion, Mr. President, to attempt by any namby-pambyism now to keep this country out of war. The only thing that will keep us out of war, in my opinion, is the knoweldge by all whom it may concern that if we are forced into it there will be no flinching, and that Americanism to-day is as high and patriotic as it was 100 years ago, or 50 years ago, or only 15 years ago.

For my part, I do not care whether the resolution of the Senator from Massachusetts is now passed or whether the substitute of the Senator from Georgia is now passed. Either one of them, in my judgment, will answer fully our purposes. But I am opposed to any amendments which will criticize or interfere with or embarrass the President of the United States in this crisis, or any branch of our Government. For that reason, I shall vote against the amendment offered by the Senator from Missouri and against any amendment of that character which, doubtless without intending to do so, I think can only result in bringing harm to this country.

Mr. POMERENE. Mr. President, if I may say just a word. It has been insinuated that the public papers got their information from the executive department, and this conclusion seems to be drawn from two facts: First, that the department has this information; secondly, that it has been printed. They ignore the fact that the same informants who gave this information to the department may have given it to the press; and they ignore the further fact that the press association itself may have been the party that uncovered this information and gave it to the department.

I do not know what the source of this information was; neither do I care. It has been stated on the floor of the Senate by the Senator from Virginia [Mr. SWANSON] that the note in the paper was substantially a copy of that which was in the possession of the department. And now what is the situation? Senators, grave and reverend Senators, who are weighted down with the obligation of an oath of office, say: "I do not believe the President. I do not believe the State Department. We are going to treat the President and the Secretary of State as if they were witnesses brought into a police court."

Senators, the President, too, has taken an oath of office; the Secretary of State has taken an oath of office; and I dare say that they have carefully sifted and weighed every bit of testimony that came before them. And now will we not believe them? Should we be doubting Thomases and cast a reflection upon the President and the Secretary of State, who are charged with this grave responsibility?

In my humble judgment the hour has struck when, if there is any doubt at all about this question, it should be resolved in favor of the President and the Secretary of State, and not against them.

For these reasons, briefly stated, I think that the resolution reported by the majority of this committee should be adopted, or if that be not adopted, then the resolution presented by the Senator from Georgia should be adopted. Certainly the amendment offered by the Senator from Missouri ought not to be adopted.

Mr. BRANDEGEE. Mr. President, I voted for the resolution as reported from the committee; and while if the substitute proposed by the Senator from Georgia had been before the committee I think I should have voted for that, I am not so particularly anxious about the form or the wording of the resolution. Indeed, I think it is very likely that the response that will be received by the Senate from the President will be of a practical character, irrespective of the words of this resolution. He probably has now determined upon how much of this information he can make public. I am perfectly certain that either of these resolutions will elicit all the information from the President that he thinks it is compatible with the public interest to give us at this time. I hope the amendment proposed by the Senator from Missouri, calling upon him, in case he did acquire his information in any way from any belligerent Government or its officials or citizens, will not be adopted. Of course, I think that would embarrass the administration, and, whether adopted or not, I can not conceive that it would be complied with by the President.

Therefore I think the sooner we pass the resolution in the shape it came from the committee the quicker we will get the information that we want.

Mr. STONE. Mr. President, before further proceeding I desire to say that the amendment offered by me, asking to have the Senate advised as to whether the information respecting the note or dispatch printed this morning came from a belligerent Government, is entirely proper. Senators, at least one or two of them very lately addressing the Senate, have torn a passion to tatters without any apparent good reason. That is quite customary with men of their mental type. They always rise, so far as their wings permit, to the full height of their opportunity; they always do their best. I have no complaint to make of them, nor time to quarrel with them.

Mr. President, the President of the United States did not introduce this resolution. He did not ask to have it introduced. It was introduced by the Senator from Massachusetts [Mr. LODGE]. It may be that these Senators who have become so suddenly indignant may think that the Senator from Massachusetts bears a commission to represent and speak for the President of the United States; but, if so, the knowledge of that fact would be not only a great surprise to everybody else in the Senate but to the whole country. The President has not indicated either that he desired to have this resolution introduced or that he desired to have it adopted. Neither the personality nor the official prestige of the President is here involved in any way.

We are dealing with a resolution offered by the Senator from Massachusetts, asking the President whether or not a certain alleged letter printed in the public press this morning is authentic. The authenticity of that letter is the only question presented by the Senator from Massachusetts. It is information that the Senator from Massachusetts asks for. It was the curiosity of the Senator from Massachusetts—of course, the patriotic curiosity of the Senator—which inspired him to offer his resolution. It is intimated that I am guilty of some offense because, forsooth, I asked to amend this request preferred by the Senator from Massachusetts to the President, whom we know that Senator is always anxious to support when it suits him, and always quick to oppose when it pleases him; because, forsooth, I offered an amendment asking that while the President was expressing his opinion as to the authenticity of this document he would also inform us, if not incompatible with the public interests, whether it came to him from or through the agency of a foreign Government engaged in this European war, and which would be therefore interested in stirring up the spirit of strife in this country. In the name of common sense, how could that be construed into a reflection upon the President? Senators of that mind must be exceedingly sensitive. There must be some sort of nerve running through their spinal columns which, being agitated, starts a brain storm on very slight provocation. The assertion itself is so absurd as not to entitle it to respectful consideration, and for me it is sufficient to say that I resent any suggestion from anybody of that kind.

Mr. President, I am against this country entering into this war—I do not disguise that—and shall use whatever power I have to prevent it until I feel that the honor and vital interests of this country and people have been assailed in such a way and to such a degree that there is no honorable escape from the dernier resort of war. I make that statement here and now. Upon that declaration I take my stand. Do I assail the President in saying that? Do I insinuate aught against the President by that statement? No. On the contrary, it has been but a few weeks since His Excellency stood before this body pleading for peace—pleading for peace without victory—and I am for that. I was for it then, and I am for it now. In my heart I applauded the sentiment when the President uttered it, although I may not have applauded with my hands. I am not one of those enthusiastic, impulsive individuals who feels that he must stamp his feet and blister his hands with noisy clapping every time somebody says something he approves. I take it into my mentality, such as it is, and digest it to the best of my ability, without indulging in unnecessary physical exertion to aid the process of assimilation. I did very heartily approve what the President said at that time, and I do now. Mr. President, I shall not mention by name the Senators to whom I have referred; you know who they are. I have no wish to get into a controversy with them—a controversy I would not enjoy. I do enjoy controversies sometimes, but the enjoyment of it depends on the man and the circumstances. To enjoy a controversy I must have something sufficiently worth while to whet my appetite. I think I have stood as closely to the President and as firmly in his support as these gentlemen whose nervous organism suddenly discloses such extreme sensitiveness and whose political olfactories enable them to smell something which no normal nose can scent. Possibly there is something else in it besides the President. I have stood by the President as firmly as any man. I have not always and in all things agreed with him. I have been frank with him, as he knows; and when I talk to the President of the United States I talk to him as I would to a Senator or a Member of the House. I do not go, like some other people I know of, up to the White House just to hear what the President has to say, and then immediately proclaim my unbounded admiration of the man and my unfaltering faith in everything he says.

The President knows that when we talk together we talk as man to man, and I flatter myself and him that he holds me in higher esteem on that account. I do not think he likes men who approach him humbly, saying, "Tell me what it is you wish, good sir." He is not made of that kind of stuff.

No, sir; the President is a manly man; he is a great man; he is a strong man, with a fine, aggressive intellect. He can take care of himself anywhere on the earth; and he is so constituted that I know, I am bound to know, he would rather talk with a man who tells him what he thinks than talk with one who comes simply for a tip, by asking the President what he thinks.

Mr. President, I am not proud of this performance. I have been provoked into it. I supposed it was understood here that I will resent anything said by any Senator that reflects upon my conduct or upon the sincerity of my views. I said nothing in the debate offensive to or about any Senator. I discussed the question before us on its merits. Some Senators are not able to do that, and so they utter claptrap insinuations about men in a feeble and uninteresting way. But they do the best of which they are capable. I give them credit for that.

If the amendment I propose should be agreed to it would leave the President free to answer or not. It would be left to him to say whether it would be compatible with the public interest to answer. The objections to the amendment are superficial. But I end the matter by saying I am entirely willing to accept the amendment or substitute proposed by the Senator from Georgia [Mr. SMITH]. That amendment asks for all information the President has respecting this matter which he thinks he can send to the Senate compatible with the public interest. That is all right, and I am satisfied to vote for it.

Mr. UNDERWOOD. Mr. President, I would not detain the Senate at this time of night except that I feel that every man is responsible in these grave hours and should take his own position. The people of the United States to-day are standing in the twilight zone between light and darkness, between war and peace. There are a million young men in this country to-day following the peaceful pursuits of their daily life who may be sacrificed on the battle fields of the Nation if you or I should make a mistake. Therefore, no matter how small the circumstances, how little the incident, I think we should weigh well what we do and carefully consider action before action is taken.

Mr. President, when I read the morning papers and looked at the headlines I became alarmed that a very serious incident had happened which might threaten the peace and happiness of our people. I must say for the moment that I thought with those who were about me, we were swept off our feet, but since the hours have gone by and I have had the opportunity to think and analyze and read the note that is in discussion, I am not so sure that it is as serious as we imagine it is in itself.

I realize fully that a pebble launched from a mountain top may gather speed and in the end may start an avalanche that may sweep death and destruction before it before the foot of the valley is reached, and even the pebbles in our paths in an hour like this should be carefully handled before we kick them aside. I am not sure that the letter we have under consideration is anything more than one of the pebbles in the great international controversies that engage the attention of the world to-day. Prepare for war? Is not every nation in the world to-day preparing for war? How do you prepare for war? You prepare for war through your diplomatic agents. You prepare for war by raising your armies and your navies. One is of equal importance with the other. Possibly, if well conducted, the statesman who stands at the head of the diplomatic column may be of more service in protecting your country against danger and guarding you against defeat when disaster is at your door than the generals and admirals who command your armies and your navies.

When was this note written? Assuming that it is authentic, assuming that it is true, it is a note written by the head of the foreign office of the German Imperial Government from Berlin, January 19, 1917. What are the incidents that surround the date of the note? Look at it from the standpoint of the man when he is supposed to have written it? Germany was asking for peace. How? Through the diplomatic agencies of the Gov-

ernment of the United States. What position did our country occupy toward the Imperial Government of Germany? The President of our country was pleading for peace in the councils of the nations of the world, a peace without victory, a peace the German Government desired and wanted at the hour that the note was written.

Under those circumstances, Senators, not you of the press who may be inflaming the country, not the unthoughtful man in the street, but Senators of the United States who have the honor and the safety of the Nation in your keeping, are you prepared to say the Imperial Chancellor of the German Government wrote the note at that time and under those circumstances for the purpose of occupying unfriendly relations with the Government of the United States? I say that the case is not a supposable one. Germany pleading for peace without victory and the President of the United States assisting in that appeal.

Now, what does this man say? There is but one sentence you need read to fix his attitude, and it is the first in the letter:

> On the 1st of February we intend to begin submarine warfare unrestricted. In spite of this it is our intention to keep neutral with the United States of America.

We were informed that on the 1st of February they intended to pursue their submarine warfare unrestricted. That is not information which was concealed from us. The gravamen of this letter is that in spite of that they intend to keep peace with the United States if it is possible. But this officer was going to a foreign Government, a Government that is not at war, that was occupying a position which possibly could be construed as unfriendly to the Government of the United States. This information was not to be given as long as neutrality lasted.

This ambassador going from Germany to Mexico was far from home, no cable communication between Germany and Mexico except that communication which came through continental United States; and if there was a breach all the friendly relations between our Government and the Imperial Government of Germany would be severed in an hour. Was it an unfriendly act for the head of the foreign office of Germany to inform his ambassador to Mexico what course he should pursue in case of the happening of an event that would sever friendly relations between the Imperial Government of Germany and the United States? It seems to me that the Imperial Chancellor of Germany would have been derelict in his duty to his own Government if he had not carefully informed his minister abroad what he should do in the happening of every contingency. That is the real condition that surrounds this note. No man can say, no matter what exists to-day, that at the time that note was written it was written with an unfriendly intention, and if not with an intention to be unfriendly to the United States why should we in this hour and time attempt to magnify it before the people of the United States, inflame public sentiment that might lead us to the horrors of war, when as Senators of the United States it is our duty not only to be calm in our decision but to appeal to the constituencies we represent that they should be calm in their decision, in order that we may have opportunity to assist the President of the United States in the earnest endeavor he has made continually in the last four years to keep peace with all the nations of the world.

So I think the only criticism which can come in this case is to the press of the country, and I do not hesitate to say so. If this had been an important state paper the State Department of our own Government would not have given it to the press. That goes without saying.

If this had been an important state paper, your Secretary of State would have communicated it to you, and not allowed it to go to the press of the Nation. I say the criticism that lies in this case is the inflaming headlines that we find in every paper in the United States in reference to this note.

When the time comes to act, if it ever comes, I shall, on my own responsibility as a Senator, determine what is my solemn duty to the people of the United States; whether the time has come for us to keep the peace or to make war; but until that time comes, I shall endeavor not to be swept off my feet, not to reach hasty conclusions, but to wait until the Chief of the American people lays the facts in reference to the matter before the Congress of the United States, and then reach such a conclusion on my own conscience and my own judgment as the facts warrant.

I think that the resolution of the committee is unfortunate—most unfortunate. It asks of the President of the United States at this time an expression of his opinion about this matter. I do not know; the President may not object to giving it or he may object to giving it. I can readily see, under the delicate conditions that surround this case, that it might be most embarrassing to the Chief Executive of the Nation to express any opinion about it at all.

It is in the press; the people of the United States are entitled to the facts so far as the Government can give them out without injury to the Nation, and the Government of the United States is not going to give them out if it is incompatible with the public interest. The substitute resolution of the Senator from Georgia [Mr. SMITH] asks for the facts if not incompatible with the public interest. If the facts are incompatible with the public interest, we shall not get them; if they are not, we shall get them. In my judgment that is just as far as we ought to go.

The President of the United States is perfectly capable of giving his opinion when he wants to do so, and I have never known the hour when he hesitated to give it when the circumstances required him so to do. There is no occasion whatever for our calling upon him for his opinion in this hour. In my judgment, we want the facts, to let the people of the United States know whether the facts will sustain the glaring headlines in the newspapers of the country. That is all we want them for. Therefore, I shall heartily support the substitute offered by the Senator from Georgia.

Mr. BORAH. Mr. President, I am going to detain the Senate but for a very few moments in regard to this resolution. I read the letter which purports to be from the secretary of foreign affairs of Germany in a newspaper this morning, and there appeared to me to be upon the face of it a good many evidences of forgery. It did not seem to me to bear the marks of a genuine letter. There are some statements in it which seem to me perfectly incredible, things which no German statesman would have been at all likely to say even had the purpose been entertained. I came to the Capitol entertaining that view. I confess that since that time, owing to the fact of some statements with reference to what seems to support the authenticity of the letter, I have somewhat modified my view. I am convinced now that this letter was put out by the President, and it is unthinkable that he would have put it out without the most conclusive proof of its being genuine. The very fact that he put it out has shaken my first opinion.

Mr. President, I am not particular which one of these resolutions—whether the resolution proper or the substitute resolution—becomes the final expression of the Senate.

If I vote for the resolution as reported by the committee, I shall do so because I believe the President will give us under that resolution all the information which he feels he can afford to give us in harmony with the public interest. I feel equally certain that the same result would be had under the resolution offered by the Senator from Georgia [Mr. SMITH]. I think the President would realize, after this discussion and after the publication of the letter through the press, that the Congress and the people were entitled to all the facts which, in his judgment, could be given in harmony with the public interest. Whatever the language of the resolution may be, having been called upon to submit the facts to Congress and through the Congress to the people, the President would give us any information under either resolution which he thought proper to give to the Congress and to the country.

Mr. HARDWICK. Mr. President, will the Senator from Idaho yield to me for a question?

Mr. BORAH. I will.

Mr. HARDWICK. Does not the Senator think it would be much better to ask the President to give us such facts as are not incompatible with the public interest to communicate, rather than to ask him for an expression of opinion about the authenticity of this note?

Mr. BORAH. Mr. President, I am not going into the manner of the formation of this resolution in the committee, but the question of calling for an opinion did not conform to what my view of the situation was at the time the resolution was reported. I felt at the time that we might well call for the facts, but wiser Members thought otherwise.

Mr. HARDWICK. Does not the Senator really think it would be better——

Mr. BORAH. I thought it would be embarrassing, perhaps, to call for an opinion by the President; but when I heard a Senator state upon the floor of the Senate that the President or those in authority had stated that the letter was practically or substantially correct, and that he, the President, was perfectly willing to give the information, I felt that the President would give the information regardless of the particular form of the resolution. I felt that he would make his response as full as he could and protect the public interests.

Mr. HARDWICK. Does not the Senator think that the Senate itself ought not to propound this inquiry in any such form as that?

Mr. BORAH. I would always rather have the facts than any man's opinion, whoever that individual might be; but I have not a particle of doubt that, in whatever form the expression may be here, the President will give to Congress and to the country all the facts which he can afford to give in his view of the public interest.

Mr. HARDWICK. I do not want to bother the Senator——

Mr. BORAH. The Senator could not bother me. I think too much of him.

Mr. HARDWICK. I appreciate that very much; but I just want to press this on the Senator: No matter what the President may do, the Senate ought to put this resolution in proper form, ought it not?

Mr. BORAH. Yes; I think so.

Mr. HARDWICK. If that is true, then the substitute resolution ought to pass.

Mr. BORAH. We get right back to the same proposition, however, as to the language which constitutes a proper form.

What I rose to say, Mr. President, was that I shall be content with the resolution whether it takes the form as reported from the committee or the form of the substitute, because I am satisfied that we will get exactly the same information from the President under either one of them.

Mr. TILLMAN. Mr. President, I want to say one thing before this debate closes. I think we have wasted a great deal of valuable time here in discussing a lie—a forgery. I agreed with the Senator from Michigan [Mr. SMITH] this morning when he said it was a forgery. The reason I think it is a forgery is this: Who can conceive of the Japanese consorting with Mexico and the Germans to attack the United States? Why, Japan hates Germany worse than the devil is said to hate holy water. Japan took possession of Kiaochow and she is going to hold it. Is it possible to conceive that Japan will go to war with the United States in conjunction with Mexico and Germany? I think such a proposition is beneath our notice.

SEVERAL SENATORS. Question!

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Georgia [Mr. SMITH] in the nature of a substitute to the resolution.

The amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

RESTORATION OF ANNUITIES TO SIOUX INDIANS.

Mr. CLAPP. Mr. President, last evening the Senate adopted a conference report on the bill (S. 135) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863. It appears that in making the report and in referring to a certain act of Congress the words "the act" were omitted. I submit a concurrent resolution and ask unanimous consent for its present consideration, authorizing the Secretary of the Senate to insert the words "act of" in the conference report which has been adopted.

The VICE PRESIDENT. Is there any objection?

Mr. BRANDEGEE. What was the conference report about?

Mr. CLAPP. It was a conference report on what is known as the Santee Sioux Indian bill, allowing the Santee Sioux Indians to go to the Court of Claims. There was a mistake made in the conference report.

Mr. BRANDEGEE. Very well.

The VICE PRESIDENT. The concurrent resolution will be read.

The Secretary read the concurrent resolution (S. Con. Res. 34), as follows:

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill the Secretary of the Senate be, and he is hereby, authorized and directed to insert the words "act of," after the word "the," where it first occurs in line 12, of the matter inserted by the committee of conference of the two Houses on the bill (S. 135) entitled "An act for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863."

The VICE PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

NAVAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes.

The VICE PRESIDENT. The Secretary will state the next amendment.

The SECRETARY. On page 28, line 4, after the words "in all," it is proposed to strike out "$257,000" and insert "$1,307,000."

Mr. BRYAN. That total should be changed, in view of the amendment which has been made, to "$1,007,000."

The SECRETARY. Strike out "$257,000" and insert "$1,007,000."

The amendment was agreed to.

The next amendment of the Committee on Naval Affairs was, on page 28, line 9, after "$20,000," to insert "two magazines and one building for the storage of torpedoes, $125,000," and in line 10, after the words "in all," to strike out "$120,000" and insert "$245,000," so as to make the clause read:

Navy aeronautic station, Pensacola, Fla.: Improvements central power plant, $50,000; water system, $40,000; repair and resurfacing roads, $10,000; quarters for enlisted men, $20,000; two magazines and one building for the storage of torpedoes, $125,000; in all, $245,000.

Mr. WEEKS. Mr. President, I desire to ask the Senator in charge of the bill about the storage facilities which are provided for in this item. Glancing over the bill rather casually, I find that there are $500,000 in this bill for storage at New York, $50,000 at Charleston, $500,000 at Puget Sound, $100,000 at Pearl Harbor, $125,000 at Pensacola, and several small items in addition. I have not added them together to give an exact total, but they approximate $1,400,000 for storage. In normal times a storage warehouse can be built for about 50 cents a square foot. Such a building can not cost more than 75 cents or 80 cents a square foot now, but say that it costs $1 a square foot to construct storage facilities, even at that rate the money here appropriated would provide something like 35 acres of storage facilities in different navy yards; if the construction cost 50 cents a square foot, which would be the normal price in normal times, the appropriation would furnish about 65 acres of storage.

It is possible that all of that may be necessary; but it illustrates the additional requirements when we scatter our naval facilities in a great many places. It must be that some part of this appropriation is not entirely necessary, and I want to ask the Senator in charge of the bill if he knows whether all of this appropriation is necessary?

I make this inquiry because I am entirely in favor of appropriating as much money as the committee has provided for the real purposes of the Navy; but I want to have a care about appropriating a great amount of money for overhead purposes which do not conduce to the building up of a fighting force, or do not necessarily do so.

Mr. BRYAN. Mr. President, if the Senator will examine the House hearings, he will find on page 207 a report by the Bureau of Supplies and Accounts, asking that provision to be made for storage and storage facilities. A half million dollars was estimated for New York and the other amounts for the other places. It seems to be in pursuance of estimates made by officers of the Navy or by a board that was appointed.

Mr. WEEKS. There have been considerable amounts added by the Senate committee in this bill. I have not gone over the list carefully so as to determine how much, but a casual investigation will show that there have been considerable amounts added for that purpose. I do not undertake to say, Mr. President, that all of this money may not under some conditions be necessary, but it does seem to me that, adding to the storage facilities such acreage as evidently has been done, indicates a requirement which seems to me to be excessive.

Mr. BRYAN. The Senator says that in the face of the report of the experts. I do not claim to know whether they made a correct report or not, but the presumption is that they have.

Mr. TILLMAN. And I think the Senator's estimate about acreage is erroneous.

Mr. WEEKS. Does the Senator from South Carolina think a storage place can not be built for a dollar a square foot?

Mr. TILLMAN. I have not figured on it at all; that is not my business.

Mr. WEEKS. I know that it can be done. I know that you can build first-class storage facilities in normal times——

Mr. TILLMAN. With concrete walls and a good iron roof?

Mr. WEEKS. Yes; at from 50 to 70 cents a square foot.

Mr. BRYAN. Let us go to New York, then, if the Senator please.

Mr. WEEKS. All right; I should be glad to go to New York.

Mr. BRYAN. The present available floor space is 335,000 square feet, and they are asking for a half million more to increase storage facilities that will provide a building 220 feet long by 180 feet wide and 8 stories in height. That gives the Senator some idea what the board had in mind.

Mr. WEEKS. I can not figure that out in my head; but evidently, if they require 335,000 square feet, and that building provides for that, they are estimating for $1.50 a square foot.

Mr. BRYAN. Yes.

Mr. WEEKS. I think that would be a very excessive price.

Mr. BRYAN. Well, maybe they can not build it as cheaply as the Senator could.

Mr. WEEKS. That is what I contend—that none of these things can be done as cheaply.

Mr. BRYAN. What is the Senator's idea about it? What ought it to be?

Mr. WEEKS. My idea is that we are appropriating too much money for that purpose.

Mr. BRYAN. Has the Senator any amendment with reference to it?

Mr. WEEKS. No; I am not going to offer an amendment now, because I have not examined the hearings carefully enough.

Mr. TILLMAN. Mr. President, may I have the Senator's attention?

Mr. WEEKS. Certainly.

Mr. TILLMAN. Is the Senator aware that there is no magazine whatever for ammunition on the South Atlantic or Gulf coast?

Mr. WEEKS. I did not know that that was so.

Mr. TILLMAN. Well, it is so, nevertheless.

Mr. WEEKS. I am not discussing magazines; I am discussing storage facilities.

Mr. TILLMAN. Well, this is what we are discussing.

Mr. BRYAN. That is for both.

Mr. TILLMAN. This is for both.

Mr. WEEKS. It is in one or two instances, but most of it is for storage.

Mr. TILLMAN. If the Senator will read the hearings, he will find out that we need storage very badly at Charleston, too.

Mr. WEEKS. Does the Senator know anything about the storage facilities at the Portsmouth Navy Yard?

Mr. TILLMAN. I do not. I think they are ample, though.

Mr. WEEKS. I have an impression that there is an excessive amount of storage there, and the inquiry that goes through my mind is whether some part of that could not be used instead of constructing this large amount of additional storage capacity.

Mr. TILLMAN. What good will it do for the Navy to have it at Portsmouth, N. H., when it needs it down on the Gulf? Have they got to send all the way to Portsmouth to get things that they need?

Mr. WEEKS. I am not suggesting that storage that is being provided at Pensacola could be supplied at Portsmouth, but if there is an excessive amount at Portsmouth I think the amount provided for at New York might be somewhat reduced.

Mr. TILLMAN. I think so, too.

Mr. WEEKS. In other words, I do think we ought to keep those items as low as possible, because they do not add anything to the fighting strength of the Navy.

The PRESIDING OFFICER (Mr. MYERS in the chair). The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LODGE. Mr. President, I was told that an amendment had been passed over because I was not present. If that is the case——

The PRESIDING OFFICER. The Secretary informs the Chair that it was not——

Mr. BRYAN. There was one amendment passed over.

Mr. TILLMAN. On page 26, navy yard, Washington, D. C.

Mr. BRYAN. The Senator's colleague [Mr. WEEKS] wanted some information about it.

Mr. LODGE. Where is it?

Mr. TILLMAN. Page 26.

Mr. LODGE. I thought we could dispose of it and get it out of the way.

Mr. BRYAN. The Senator's colleague is the one who asked for information about it.

Mr. WEEKS. The query that I made relative to that appropriation was this: The House, basing its estimates evidently on the estimates of the department, had appropriated $456,000; the Senate had added to that, so that the Senate appropriation was about four times as great as the House appropriation, or $1,728,000; and I do not exactly understand why there should have been such an additional requirement between the time that the estimate was made last fall and the time that the Senate committee prepared the bill.

Mr. SWANSON. Mr. President, if the Senator will permit me, if he is inquiring about these things for information, and not simply for delay, he can get the information on the bill, Print No. 3, that I furnished him.

I will say to the Senator that if he is asking for information for himself or for the Senate, the subcommittee, of which the Senator from Massachusetts [Mr. LODGE], the Senator from South Carolina [Mr. TILLMAN], and myself were members, have prepared, with regard to every provision in the House bill, a statement showing the page of the hearings where the full information can be obtained. For every amendment offered by the Senate committee we have printed the letter and the estimates made by the department, with the full information. We knew full well that the time for considering this bill was limited. We had prints made of this, so that Senators could get information to satisfy themselves entirely. It took a great deal of time to do this, and I do not think there is an item there of amendments in the House bill which any Senator who is not satisfied that it is a proper appropriation can not find out about by reference to the page of the hearings in the House, if it is a House provision, and to the letters and estimates made and printed here in the print that I have furnished the Senate in the case of Senate amendments.

Mr. WEEKS. The Senator is quite right in saying that the Senate committee has prepared a very careful statement——

Mr. SWANSON. I will say to the Senator, since he has asked me a question, that we realize that this bill has to be hurried if it is ever to be passed, and we were desirous of furnishing Senators all possible information upon which we acted. If the Senator is not simply delaying matters, but is trying to get information, if he will read or just look at the estimates and the letters and the hearings, he can get full information for himself.

Mr. WEEKS. Yes, Mr. President; but while I am reading it the item will be passed.

Mr. SWANSON. It can come up again in the Senate.

Mr. WEEKS. Well, it might.

Mr. SWANSON. Now, I want to speak frankly about this matter. If there is a filibuster to defeat this naval bill; if there is a determination that this Government, with the present emergency confronting it, can not be prepared for that emergency, all we want is to know it.

This bill is made immediately effective. Why? The senior Senator from Massachusetts [Mr. LODGE] concurred in every provision in this bill. I do not know a man on the committee that dissented from its provisions. As far as I know, it was a unanimous report of the subcommittee and a unanimous report of the committee authorized to investigate this matter. The Senator has full information in reference to every provision of it. To take the time of the Senate to discuss the cost of constructing small buildings for four or five pages of the RECORD is but an indication that there is a filibuster against this bill, and a determination from some sources that this bill shall not become law at this session.

I hope, if that is the purpose of the Senator and others, that they will desist in it. There is an emergency confronting this country. The communications that we have had to-day show the dangers confronting us. If we get into war, if we have a controversy with Germany, the burden and brunt of that war must be on the Navy. The Navy is the defensive and offensive arm of the Government if trouble comes.

The Senator thinks that if we have an extra session of Congress this bill can pass.

Mr. WEEKS. Is the Senator filibustering now?

Mr. SWANSON. No; but I want to make an appeal to Senators to stop if they have a determination that this bill shall not pass. I got out of a sick bed to come up here for one week to help prepare this bill and make up this statement to enable Senators to get information about it. I am willing to stay here all night to-night, and any time, if there is a possibility of this bill passing, and furnish all legitimate information with regard to every item and amendment in this bill. But if there is a purpose that this naval bill shall not pass at this session, but that it shall go over to a special session, I want to appeal to the Senator, if that is his view and the views of other Senators upon that side, to desist from it.

All the provisions of this bill are made effective at once. Why? Because the committee thought it was necessary. We provide in this bill for obtaining aircraft, submarine chasers, ammunition, and so forth, to get the bill in such shape that if war trouble comes to this Government the Navy will be prepared for the emergency as far as Congress can provide.

If we have a special session of Congress, when it is called the organization of the House, on account of conditions there, might be delayed for months, or for a long time. If it is organized and new committees are appointed, and a new bill must be prepared, it might be a long time before the appropriations made available in this bill could be utilized for the purposes designed as this bill was prepared.

Whatever the purposes of Senators may be about forcing an extra session, or wanting an extra session, it seems to me, with the emergencies confronting us to-day, that there is one bill that should be put upon the statute books as soon as possible, and that is the naval bill.

I appeal to Senators to let us progress with this bill. If there are any amendments as to which the Senator honestly wants information, and he can not obtain it in the Book of Estimates, or if he can not obtain it in the print furnished him containing the estimates and letters furnished by the Government, if I have it or any member of the committee has it we will be glad to furnish it to him.

Mr. WEEKS. Mr. President, if the Senator will bear with me just one minute, I think he and his colleagues on the committee have taken as much time in repeating exactly what he has been saying now as I have been taking in asking questions about this bill.

Mr. SWANSON. Well, I have not been here. I have been ill. I got out of a sick bed.

Mr. WEEKS. That is one thing that makes me hesitate about properly discussing this measure.

Mr. SWANSON. And I feel, as far as this bill is concerned, that there should be patriotism enough in this country, there should be enough love of flag, whether a man favors a declaration of war or not, that he should consent that his Government should be prepared as quickly as possible to meet any emergency that might arise. There is no way to meet any emergency except by the passage of this bill. I am simply appealing to the Senator and other Senators to permit this bill to pass, to have legitimate debate on it, to ask for information upon questions that they desire information upon, and to give me some assurance that this bill will pass at this session.

Mr. WEEKS. Mr. President, as far as the Senator from Massachusetts can give any assurance, I hope the bill will pass at this session of Congress, and as far as my action is concerned it will not be prevented from passing at this session of Congress; but I do not want the Senator from Virginia to take all the time which I should like to use in asking legitimate questions in belaboring me for doing so.

Mr. SWANSON. Take the question the Senator has asked about the Washington Navy Yard, and let us meet the issue. You have information before you absolutely as to why those amendments were put on, as fully as I can give it to you. The information is that they are going to increase the size of the guns to 16-inch or possibly 20-inch guns and manufacture more guns, and consequently it requires more machinery.

Mr. TILLMAN. And more land.

Mr. SWANSON. And in addition to that it requires much more money, because the price of machinery has gone up. Now, that is the cause of the increase for the gun shop. Does the Senator oppose that? Does he want less guns? Does he want smaller guns? Does he offer an amendment to it? He had before him all the information that any member of this committee possessed. He had the hearings in the House, where it was asked.

Mr. WEEKS. May I repeat once more that the Senator is just killing time, without doing any good? That item has been agreed to.

Mr. SWANSON. No; the gun-shop item has not.

Mr. TILLMAN. It was passed over at the Senator's request.

Mr. WEEKS. At whose request?

Mr. TILLMAN. At your request, sir.

Mr. WEEKS. No; I beg the Senator's pardon.

Mr. LODGE. I was told that there was an amendment passed over because I was absent.

Mr. SWANSON. That was the Washington gun shop. Now, take the power plant there. We had the gun factory created, constructed, and increased. The power plant at the Washington Navy Yard is utterly inadequate to run it. Now, what is the use of having a gun shop to manufacture guns, using power to do it, and not having power enough there to do it? The power must be increased to that extent. They made an estimate, careful and accurate, and said that the gun shop could not be utilized unless the central power plant was increased.

Mr. TILLMAN. They had to buy some more land, too.

Mr. SWANSON. Last year land was bought; not this year, as I understand. No land was bought this year. Now, the Senator had that information. The letters were there; the estimate was in the hearing; and if he asked for information to guide his own vote he could have gotten it hours ago.

The PRESIDING OFFICER. The Chair will state to the Senator from Massachusetts [Mr. LODGE] that the clerks state that on page 26, lines 15 and 16, the figures "$900,000" and the words "and the limit of cost is hereby increased to $1,100,000" were passed over upon request of the Senator from Nebraska [Mr. NORRIS], because neither of the Senators from Massachusetts was present, and he desired to ask one of them to explain the item.

Mr. SWANSON. I will apologize to the junior Senator from Massachusetts. I was informed that it was passed over on account of the Senator from Massachusetts.

Mr. WEEKS. I want to repeat once more that the Senator from Virginia [Mr. SWANSON], the Senator from Florida [Mr. BRYAN], and other Senators have taken more time criticizing a few questions which I have asked than I have taken to ask the questions.

Mr. SWANSON. Mr. President, I should like to ask the Senator a question. He is always frank.

Mr. WEEKS. If they will desist, I think I can get through.

Mr. SWANSON. Well, I will desist very quickly. With that assurance, I will even desist answering questions that the Senator may ask.

Mr. LODGE. Mr. President, some one told me—I do not recall who it was—that an amendment had been passed over because I was absent; that they wanted to ask some questions of me. I had no idea what amendment it was. I brought up the matter because I thought it was better to get it out of the way and dispose of the bill as we went along.

I am as anxious as anybody can be to have this bill become a law. The first line of defense in this country is the Navy. We ought to have the bill passed, and we ought to have the money. I favor the appropriations in this bill. I think there is unusually little money wastefully appropriated. There is some, but I think very little. But I want to say to the Senator that while I am anxious to get the bill through and do not care to pass the night waiting for it, I do not think a bill of this magnitude can be expected to go by without questions from Senators who have not had the opportunity we have had to see the reasons for the changes that are made. I think the quickest way is to go on and take up the amendments as they arise.

I am not aware that there is any intention on this side of the Chamber to filibuster. There is a very strong feeling on this side of the Chamber that the new Congress ought to be in session as soon as possible after the 4th of March, and with that I entirely sympathize. In the present condition of the country I do not think the American Congress should be temporarily abolished. I think, in the condition we are confronting now, in view of the great gravity and danger of the issues, the whole Government should be here and not part of it. I am not engaged in a filibuster and I have no idea of filibustering on this bill, and I do not think anybody is, so far as I know; but I think the Senator must expect to have questions asked about some of these appropriations. I know if I were not on the committee, I should ask the questions.

Mr. SWANSON. I have stated that I shall be very glad to answer any question I can about any matter that the Senator wants for honest information.

Mr. WEEKS. I want to call the attention of the Senator from Virginia to the fact that the only item on which a vote has been asked was that relating to the establishment of a clothing plant at Charleston, S. C., and that was eliminated from the bill by a vote of the Senate, thereby saving $300,000, and I think saving in the cost of clothing as well. So that there has been something accomplished; and this bill, carrying $535,000,000, has only been before the Senate three hours. There is not going to be any attempt on my part, and I do not think there is on the part of anyone, to delay proper action; but I am not very much concerned about the provisions in this bill for putting the Government into business. We provided last year for a projectile plant costing $706,000. The estimate was made the year before, but the appropriation was delayed for a year. Not one cent of that appropriation has been spent yet, but the committee comes in here and asks for $1,372,000 to do what last year it was proposed to do with $706,000.

That is the kind of result we get from governmental operations. If there was a delay of two or three days, if we had the time I think it could be spent in no better way than to examine into the details of the bill.

Mr. WADSWORTH. May I suggest, in connection with the projectile plant, in spite of the fact that it was authorized in the bill of last year, and in spite of the fact that the language in this bill apparently is to complete it, so much money is appropriated, tending to give the impression that it has been commenced. It has not been commenced at all, and not even the site of it chosen; nor is the site of the armor plant chosen. It is simply an illustration of how the Government is appropriating millions and millions of dollars and incurring these obligations, and months and months go by, and nothing is done. It is the province and function, I understand, of a Senator to criticize those things, and that has been the only thing that has impelled me to say a word upon this bill.

Mr. SWANSON. I would be very glad to have any criticism, where there is no purpose of delay, upon any provision of the bill. If any Senator thinks there is any provision here that is not in the public interest, and that Senator can convince the Senate, I would be glad to have it eliminated.

As to the projectile plant, it is the purpose to construct the projectile plant where the armor plant is located. It is thought that it would be economical to have the two together. The armor plant has not yet been located.

Mr. WADSWORTH. Why not?

Mr. WEEKS. Why has it not been located?

Mr. SWANSON. They are endeavoring to make a wise selection and not have it done hurriedly. They are trying to find the best location where the projectiles can be most economically produced.

We have had experts in the Navy report on each of these. If a mistake were made there would be severe criticism of it. It is to be a permanent plant, and they want to select it wisely in the interest of the public.

It is proposed to increase the projectile plant. The projectiles have not been very satisfactory. The tests of projectiles have not been satisfactory, and it is thought that the Government can have a projectile plant which can compare the projectiles with those which are manufactured and can have a model that others will measure up to in order to show that the necessary requirements can be met. There has been an increase in the size of projectiles, I understand, and the committee thought this provision a wise one. It has been established in connection with the increase of the Navy.

Mr. WEEKS. Where?

Mr. SWANSON. It has not been located, but it has been authorized. The Government has determined to establish the plant.

Mr. WEEKS. What the Senator from Virginia has just been saying is an argument directly against his own cause. He has stated that they have been unable to get good projectiles; that they have been unsatisfactory; that they have not come up to the standard, and yet a year and a half has elapsed since the estimates were made for this projectile factory, and there has been more than six months' delay since the appropriation was made, and nothing has yet been done.

Mr. SWANSON. I will say to the Senator that it was authorized last fall. That is a difference of a year and six months. The time has been extended one year and six months for the purpose of criticizing the Navy Department.

Mr. WEEKS. The Senator will recall that I just said the estimate was made for it in 1915 and the appropriation was made last August, more than six months ago.

Mr. SWANSON. I will state that Admiral Fletcher, the chairman of the board, one of the best experts in the Navy, examined into a situation for the armor plant and the projectile plant.

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. LODGE. Has the amendment on page 23 been disposed of?

The PRESIDING OFFICER. It has not.

Mr. SWANSON. I think the Senator from Nebraska [Mr. NORRIS] had it passed over, and I would not like to have it disposed of in his absence.

Mr. LODGE. Very well.

The next amendment was, on page 28, line 10, to strike out "$120,000" and insert "$245,000."

The amendment was agreed to.

The next amendment was, on page 29, line 13, after the word "factory," to strike out "$150,000" and insert "$172,000"; so as to make the clause read:

Naval proving ground, Indianhead, Md.: Improvements to powder factory, $172,000.

The amendment was agreed to.

The next amendment was, on page 30, line 16, after the side heading "Naval Magazine, Charleston, S. C.," to strike out "One building for ammunition storage, $35,000," and insert: "Two buildings for ammunition storage, $70,000; one building, with necessary equipment, for the storage of torpedoes, $50,000; in all $120,000"; so as to make the clause read:

Naval Magazine, Charleston, S. C.: Two buildings for ammunition storage, $70,000; one building, with necessary equipment, for the storage of torpedoes, $50,000; in all, $120,000.

Mr. WEEKS. That is one of the items of the bill about which I should like an explanation. The House appropriated $35,000 for this purpose undoubtedly based upon the estimates tendered in proper course approved by the Secretary of the Navy and the Secretary of the Treasury.

Mr. LA FOLLETTE. That is the full amount of the estimate.

Mr. WEEKS. That is the full amount of the estimate. Now, we find $120,000 appropriated, nearly four times as much as the House appropriated. I think we are entitled to an explanation.

Mr. SWANSON. If the Senator will permit me, we are buying a great deal of ammunition. We made a large appropriation for the supply of ammunition. We have very little ammunition stored.

Mr. TILLMAN. There is no place to store it.

Mr. SWANSON. Charleston has been made a base for submarines and destroyers. Other ships go in there. It is contemplated that the dry dock shall be improved, and if the river is dredged it will cost $175,000.

Mr. TILLMAN. It will be finished by next August.

Mr. SWANSON. It will be finished by next August. There has been an appropriation made for it so that battle cruisers can go there and be docked. The appropriation of $35,000 in the House was increased upon a letter from the department of February 19. The Senator has it. I could read it or the Secretary can read it if the Senator desires.

Mr. LA FOLLETTE. Will the Senator read it, as he has it before him?

Mr. SWANSON (reading)—

MY DEAR MR. CHAIRMAN: In view of the small amount of storage that exists at present for powder, shell, and torpedoes, it is requested that the item in the appropriation bill under the naval magazine, Charleston, S. C., on page 29, be altered so as to provide:

"To buildings for ammunition storage, $70,000; one building, with necessary equipment, for the storage of torpedoes, $50,000."

I hope the Senator from Massachusetts will listen to this. I am giving the information. He does not seem to want it. I hope that he will listen when I am giving it. He asked for it and if he wanted it honestly and not for the purpose of delaying the bill he should listen while it is being given. That is what I would expect, but he has paid no attention to the reasons given for this appropriation, and he asked for information in regard to it. I hope the Senator will pay attention. If this information is asked merely for the purpose of delay, I can understand it, but if he wants the information I would like to have him listen.

Mr. WEEKS. If the Senator wants to delay the bill by that kind of an interrogatory, I wish to say to him that my attention was distracted for a moment by a legitimate question.

Mr. SWANSON. The Senator asked me to give him this information, and I invited his attention to it if he wanted the information.

Two buildings for ammunition storage, $70,000.

There was one building for storage in use and they doubled it:

One building, with necessary equipment, for the storage of torpedoes, $50,000.

It is proposed to store torpedoes at Charleston. It is made a torpedo base, and we certainly ought to have a place to store them. There was an estimate from the Treasury Department. I simply want to say that this is not one of those appropriations made through favoritism. I wish to say to the Senator that the members of the committee do not get anything but what the departments have recommended, and they have recommended this appropriation. I tell the Senator that we have no place to store the ammunition south of Cape Hatteras, and the department wants a building.

This doubles the ammuntion storage at Charleston and also provides for a much-needed building for the storage of torpedoes at a place that is used very largely by destroyers as a base. The torpedo storage building will be designed to stow about 200 torpedoes, in racks, ready for issue, with space provided for storage of war heads, for the tools, gear, and dustless room for torpedo gyros, all of which are necessary to make complete torpedo storage.

Mr. LA FOLLETTE. Mr. President, of course one who is not a member of the committee does not have the full amount of information that members of the committee are in possession of, and he must labor under the embarrassments and difficulties of securing his information as the bill progresses in its consideration before the Senate.

I had observed that item. It seemed to me a considerable increase, and mindful of the fact that it has to be paid for by the people of the country I looked up the testimony on it given before this committee; that is, in so far as I am able to secure any information by reference to the printed matter which was brought to my desk when I called for that which was before the committee. I had read this letter from Secretary Daniels. What he says upon this subject is as follows:

NAVY DEPARTMENT.
Washington, February 19, 1917.

MY DEAR MR. CHAIRMAN: In view of the small amount of storage that exists at present for powder, shell, and torpedoes, it is requested that the item in the appropriation bill under the naval magazine, Charleston, S. C., on page 29, be altered so as to provide for:

"Two buildings for ammunition storage, $70,000; one building, with necessary equipment, for the storage of torpedoes, $50,000."

This doubles the ammunition storage at Charleston, and also provides for a much needed building for the storage of torpedoes at a place that is used very largely by destroyers as a base. The torpedo storage building will be designed to stow about 200 torpedoes, in racks, ready for issue, with space provided for storage of war heads, for the tools, gear, and dustless room for torpedo gyros, all of which are necessary to make complete torpedo storage. In addition, the building will provide the workroom in which the necessary overhaul prior to complete assembly, and the final assembly prior to issue ready for use, may be made.

Now, I submit there is very little in that letter indicating urgency for this appropriation, and when it is read in connection with the testimony that was given on the hearings before the Committee on Naval Affairs of the House of Representatives, together with the estimate submitted by the Secretary of the Navy, it seems to me it does not furnish, with all respect to the committee, a very adequate and satisfactory reason for doubling this expenditure. I am going to put into the RECORD testimony that was presented to the committee at that time. It is found on page 70 of the hearings:

Admiral Strauss—

I begin at that point on page 69 near the bottom of the page:

The CHAIRMAN. The next item is "Naval magazine, Charleston, S. C., ammunition storage, $35,000."

Mr. President, the puzzling thing to me is that so much information seems to have been furnished by the letter from the Secretary of the Navy to the Senate committee that was withheld from the House committee. That itself raises in one's mind the query as to whether the Secretary has not been importuned by somebody about something on which to base an appropriation for a particular locality. Naturally I think it would be expected that before that branch of the Congress where these bills must originate, with a full year for preparation, the department would be prepared to present its estimates for the amount of the appropriation required and to back them up with authority so that the items in the various appropriation bills before the House committee would be based absolutely upon the reasonable needs of the department for each appropriation.

I undertook to say that as a business proposition that is a reasonable inference for anyone to draw. They prepare their estimates with care. They make those estimates, I think as a rule, with the expectation that they will be somewhat reduced by the committees. I am inclined to think from the limited experience that I have had in public life that the estimates which come from the departments to the various committees of Congress come in a liberal form with the expectation that they will be subjected in the House of Representatives to a paring down. Certain it is—I am sure that I am right about this—that the estimates of the Government are always up to the full measure of the requirements of the various departments of the Government. Now, I served upon one of the appropriation committees of the Senate; I for six years served upon one of the committees carrying appropriations in the House of Representatives, and I know with regard to those estimates they were always ample and the departments were always fully satisfied if they got the full measure of the estimates. Usually they were pretty well satisfied if they got 75 per cent of the estimates.

In this case with regard to this particular item as will be shown by the testimony as I read a couple of pages of it, the House Committee on Naval Affairs gave the full amount of the estimate; they did not pare it down at all, and to find it doubled and then $50,000 more put on top of it and another reason found not included in the estimate as presented to the House committee, I think raises a reasonable question in the mind of any Senator who has regard for the votes he casts here that impose burdens of taxes upon the people of this country.

I read at the bottom of page 69:

The CHAIRMAN. The next item is, "Naval magazine, Charleston, S. C.; ammunition storage, $35,000."

Mr. BUTLER. Do you recommend that?

Admiral STRAUSS. Yes, sir; we ought to have some ammunition storage at Charleston, and at other navy yards.

Mr. BUTLER. What will you do with ammunition at Charleston?

Admiral STRAUSS. Quite recently we had to take the ammunition out of a destroyer there and store it.

Mr. BUTLER. Did you do that so as to lighten the ship to get it in the harbor?

It has been some time, Mr. President, since I looked up Charleston Harbor, but as I remember it——

Mr. TILLMAN. There is 28 feet of water at all stages of the tide up to the dry dock now.

Mr. LA FOLLETTE. It seems to me it used to require dredging every little once in a while to get vessels in and out there.

Mr. TILLMAN. So it did.

Mr. LA FOLLETTE. I remember that some years ago the impression made upon my mind, from reading the reports of the engineers, was that it really was not a first-class place for such a navy yard as has been built there or has been attempted to be built there. My recollection is that they used to construct a sort of floatage there in some way so as to get vessels in and out.

Mr. TILLMAN. There always was a deep channel, but a very tortuous one, and last summer we appropriated money to dredge it out and to straighten it.

Mr. LA FOLLETTE. Let me ask the Senator from South Carolina if the channel is not always filling up?

Mr. TILLMAN. No, sir.

Mr. LA FOLLETTE. And does it not require constant dredging?

Mr. TILLMAN. It does not require constant dredging.

Mr. LA FOLLETTE. I was under the impression that it did. It seems to me that Mr. BUTLER must have had something of that kind in his mind, for he says here:

Mr. BUTLER. Did you do that so as to lighten the ship to get it in the harbor?

The CHAIRMAN. They have about 30 feet of water down there.

Mr. ROBERTS. Is there a separate site set off from the magazine down there?

Admiral STRAUSS. No, sir. There is no ammunition depot at Charleston, and none is contemplated. The single building required will be located on filled ground not far from existing activities in the navy yard.

I inquire of the Senator from South Carolina, Are most of these navy-yard structures built on filled ground?

Mr. TILLMAN. No, sir.

Mr. LA FOLLETTE. Well, it seems this building is to be constructed on made ground. This testimony continues:

Mr. ROBERTS. That is, toward the city of Charleston?

Admiral STRAUSS. Yes.

Now, listen—

It is not contemplated to have a regular magazine at Charleston——

Mr. TILLMAN. Admiral Strauss is no longer in the Bureau of Ordnance.

Mr. LA FOLLETTE. I should expect that when he gave testimony of that kind he would hazard a good deal. The testimony continues:

Admiral STRAUSS. Yes. It is not contemplated to have a regular magazine at Charleston or in the vicinity of Charleston; but this is simply one building for the storage of such ammunition as they find they must unload from ships.

It is a mere temporary thing.

Mr. ROBERTS. Is this building to be above ground?

Admiral STRAUSS. Yes. The ground it is to be located on is filled in.

Mr. BUTLER. You say, "ammunition storage." What does that include?

Admiral STRAUSS. Shells and powder.

Mr. BUTLER. But that means storage in what? You ask $35,000 here, and you are certainly going to build a structure of some kind.

Admiral STRAUSS. This is a building in which ammunition removed from the ships under repair can be stored. They have nothing of that sort now.

Mr. ROBERTS. What sort of construction will it be—permanent masonry construction?

The CHAIRMAN. Should not that read "one ammunition-storage building"?

Admiral STRAUSS. That would be better. And the item really belongs under the heading, "Navy yard, Charleston, S. C."

The CHAIRMAN. You want it to read, "One building for ammunition storage."

Admiral STRAUSS. Yes, sir. The estimate was submitted from the yard for $50,000, but the bureau recommended that a building 50 by 250 feet be substituted. The estimate is based on a building of that type, the same as those proposed for Hingham and other magazines. It will therefore be of typical hollow-tile construction.

Mr. ROBERTS. Of one story?

Admiral STRAUSS. Yes.

Mr. OLIVER. What is the chief advantage of having it there?

Admiral STRAUSS. We should have some building at every navy yard for that purpose.

Mr. OLIVER. I want to know what the real present necessity was.

Admiral STRAUSS. We should have at every navy yard a building in which the ammunition of a ship undergoing extensive repairs can be stored temporarily; or it may be necessary to put her out of commission suddenly, and storage should be provided for that emergency.

Mr. ROBERTS. Having in view the fact that the Charleston Navy Yard is not what you might term a first-class yard and does not have many large ships unloading ammunition there, would not a smaller building serve the purpose?

Admiral STRAUSS. It is possible that the building could be reduced in size.

I should like to ask the Senator from Virginia [Mr. SWANSON] to get that. Admiral Strauss says that this building could be reduced in size. That is the testimony which he gave before the House committee. That is all of the testimony upon the subject. In addition to that is a letter which I have read into the RECORD from the Secretary of the Navy, suggesting the increase of this appropriation, doubling it, when the one in immediate authority, who had investigated the matter, who had knowledge of the locality and of the industries at that particular harbor, makes the recommendation for $35,000, and then

says in his testimony that in all probability it could be reduced and still serve the purpose.

Mr. President, I venture to say that that is characteristic of what can be found running throughout this bill, and it accounts for the fact that this bill as it comes before the Senate carries an aggregate appropriation of $532,000,000. Sir, it was only a few years ago when I made a special study of a naval appropriation bill in one of the Congresses since I have been a Member of the Senate, which I recall distinctly, when the total appropriation of the bill was only $132,000,000. This bill is $400,000,000 more. The bill has been added to immensely since it came to the Senate; and I have come to fear that we are approaching these items, one after another, with a very lavish attitude of mind.

Mr. SWANSON. Now, will the Senator from Wisconsin yield to me?

Mr. LA FOLLETTE. Permit me for a moment. I think that every Senator on this floor, whatever may be his location in the country, would be glad to expedite the passage of an appropriation bill for the Navy Department that would meet reasonably and speedily the needs of the country at this time; but it does seem to me that items of this character in this bill call not only for explanation, but they call for a most thoroughgoing explanation, for something besides a paragraph or two in general terms from the head of a department. When you double the appropriations, and then put in $50,000 more for another structure on top of that——

Mr. TILLMAN. That is for torpedoes, and not for ammunition.

Mr. LA FOLLETTE. I know; but that seems to have been overlooked when the department was preparing the estimates to be presented to the House Committee on Naval Affairs. But waiving that—and they might have overlooked that—this item they did not overlook, and this item has been investigated.

Mr. SWANSON. Will the Senator yield to me now?

Mr. LA FOLLETTE. I will yield pretty soon—and this item they presented to the Naval Committee of the House of Representatives.

Mr. SWANSON. Now, will the Senator permit me?

Mr. LA FOLLETTE. Not just yet, not when I am finishing a thought. The House committee had Admiral Strauss before them, who gave considerable testimony upon this subject. Evidently he had thought about it; evidently he had gone over the whole subject matter in the department before he came down to present these facts; and then, Mr. President, after having given his testimony in support of the $35,000 appropriation for this storage, he said that he had no doubt, or no reasonable doubt, as I remember the words, that the building could be reduced in size; and, of course, if it could be, the appropriation could be cut down.

Now, I will be very glad to listen to the explanation of the Senator from Virginia.

Mr. SWANSON. Mr. President, if the Senator will permit me, I think I can show almost from the testimony the Senator has read the necessity for this appropriation. If the Senator had read two or three lines further on—I do not mean that he intentionally omitted to do so—he would have ascertained that except for——

Mr. LA FOLLETTE. I beg pardon of the Senator from Virginia; I read all the testimony upon this appropriation. It deals with other appropriations after that.

Mr. SWANSON. If the Senator will permit me, it is stated—and I think it is conclusive proof—that south of Cape Hatteras there is no place for the storage of ammunition except in an old fort at Key West, where there is a little storage space. Ships go into the Charleston Navy Yard for repairs.

Mr. LA FOLLETTE. But only small ships can go in there. If we are going to select a place for a central depot for storage, then we ought to select a place where all ships of the largest size can go in and come out.

Mr. SWANSON. If the Senator will permit me, what he read was concerning the storage of ammunition for ships that go in there for repairs. After that matter had been decided, with the increase in the appropriation for ammunition in this bill, and the emergency that has arisen, the department concluded that south of Cape Hatteras we ought to have a place for permanent storage, and not simply limited to the storage of ammunition of ships that go in there for repairs. So, after examining the situation, they decided that Charleston, on the Atlantic coast, south of Cape Hatteras, was the best place to make a permanent storage depot for ammunition if any contingency should arise.

The torpedo destroyers are based at Charleston, as are submarines. It is useless to have torpedo destroyers at Charleston as a base, and not have a place to store torpedoes. The department recommended, in the letter which has been read, that we make that a base for torpedo destroyers. We examined the matter in the light of the new conditions; we ascertained that the building could not be constructed for less than the amount named, and we thought it was a wise appropriation.

Mr. TILLMAN. There is another consideration, Mr. President, if the Senator from Wisconsin will permit me. The fleet has been in the Caribbean and at Guantanamo Bay, and in order to get ammunition to the ships of the fleet they have to send away up to New York or Norfolk, going right by Charleston. Does the Senator want that condition to continue?

Mr. LA FOLLETTE. Well, I will answer the Senator.

Mr. TILLMAN. I will be very much obliged.

Mr. LA FOLLETTE. I do not want this sort of swelling of appropriations to go on; that is what I do not want to have go on, I will say to the Senator from South Carolina.

Mr. TILLMAN. That is not answering my question at all.

Mr. LA FOLLETTE. Now, in response to what the Senator said——

Mr. TILLMAN. I asked the Senator if he would compel the fleet to go by Charleston north to New York or Norfolk to get ammunition, when they could stop at Charleston and get it?

Mr. LA FOLLETTE. I would select some better place than that mud hole down there in Charleston.

Mr. TILLMAN. The Senator does not know anything about it.

Mr. LA FOLLETTE. Now, Mr. President, the very point made by the Senator from Virginia, that there was no place south of Cape Hatteras for storage, I see was made before the committee of the House. They had the same information the Senator had; they had their attention called to the same matter that the Senator attempts to make so much of; and they concluded that it did not require the doubling of the appropriation. They come from the people once every two years with a commission to serve them, Mr. President. There is not a reason assigned that warrants the doubling of this appropriation when you get right down to brass tacks; and if we were spending the money of this Government as we spend our own money, we would be much more careful about jumping these appropriations by a 100 per cent on such a statement as that.

Mr. President, I think I will have to ask for a vote on this amendment, and preliminary to that I think we ought to have Senators here. They have not had the benefit of this discussion, I am sorry to say. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady	Kirby	O'Gorman	Smith, S. C.
Brandegee	La Follette	Overman	Swanson
Bryan	Lea, Tenn.	Page	Thomas
Chamberlain	Lee, Md.	Phelan	Tillman
Cummins	Lewis	Pittman	Vardaman
Hardwick	Lodge	Ransdell	Walsh
Hollis	McLean	Reed	Weeks
Huges	Martin, Va.	Sheppard	Williams
Husting	Martine, N. J.	Shields	Works
James	Myers	Smith, Ga.	
Johnson, S. Dak.	Norris	Smith, Md.	

Mr. KIRBY. I desire to announce that my colleague [Mr. ROBINSON] is detained on account of illness.

The PRESIDING OFFICER. Forty-two Senators have responded to the roll call. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of absent Senators, and Mr. FLETCHER and Mr. THOMPSON answered to their names when called.

Mr. CURTIS and Mr. OWEN entered the Chamber and answered to their names.

Mr. LEWIS. Mr. President, I would ask for an order for the usual offices of the Sergeant at Arms but for the fact that Senators leaving the Chamber stated that they were going to their homes for dinner and would all be back at 8 o'clock. As only 10 minutes are left before that hour, I feel that it would not be fair to start the machinery in operation under the circumstances, and therefore defer making the motion at this time.

Mr. ASHURST, Mr. DILLINGHAM, and Mr. CLAPP entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to the roll call. There is a quorum present. The question is on agreeing to the amendment on page 30.

Mr. LA FOLLETTE. Mr. President, I ask for the yeas and nays on this amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HOLLIS (when his name was called). I have a general pair with the junior Senator from New York [Mr. WADSWORTH]. In his absence I withhold my vote.

Mr. O'GORMAN (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. In his absence I withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from South Dakota [Mr. STERLING]. I transfer that pair to the Senator from Indiana [Mr. KERN] and vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. THOMAS (when his name was called). I announce my pair with the Senator from North Dakota [Mr. MCCUMBER] and withhold my vote. I ask to be counted if necessary to make a quorum.

The roll call was concluded.

Mr. HARDING. I transfer my pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the junior Senator from Maine [Mr. FERNALD] and vote "nay."

Mr. LEWIS. I have been requested to announce that the Senator from Delaware [Mr. SAULSBURY] is necessarily detained from the Senate. He has a general pair with the Senator from Rhode Island [Mr. COLT].

Mr. PHELAN. I have been requested to announce that the Senator from Ohio [Mr. POMERENE] is detained on account of illness in his family.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Minnesota [Mr. NELSON] with the Senator from Alabama [Mr. BANKHEAD];

The Senator from Massachusetts [Mr. LODGE] with the Senator from Georgia [Mr. SMITH];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY]; and

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM].

Mr. KIRBY. I wish to announce the absence of my colleague [Mr. ROBINSON], who is detained on account of illness. I should like this announcement to stand for the evening.

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from Ohio [Mr. POMERENE] and vote "yea."

The result was announced—yeas 32, nays 16, as follows:

YEAS—32.

Ashurst	James	Overman	Simmons
Brady	Kirby	Owen	Smith, Md.
Broussard	Lane	Page	Smith, S. C.
Bryan	Lea, Tenn.	Phelan	Swanson
Clapp	Lewis	Pittman	Thompson
Fletcher	Martin, Va.	Reed	Tillman
Hardwick	Martine, N. J.	Sheppard	Walsh
Hughes	Myers	Shields	Williams

NAYS—16.

Chamberlain	Harding	La Follette	Norris
Cummins	Husting	Lee, Md.	Vardaman
Curtis	Jones	Lippitt	Warren
Dillingham	Kenyon	McLean	Weeks

NOT VOTING—48.

Bankhead	Gallinger	Newlands	Smith, Ga.
Beckham	Goff	O'Gorman	Smith, Mich.
Borah	Gore	Oliver	Smoot
Brandegee	Gronna	Penrose	Sterling
Catron	Hitchcock	Poindexter	Stone
Chilton	Hollis	Pomerene	Sutherland
Clark	Johnson, Me.	Ransdell	Thomas
Colt	Johnson, S. Dak.	Robinson	Townsend
Culberson	Kern	Saulsbury	Underwood
du Pont	Lodge	Shafroth	Wadsworth
Fall	McCumber	Sherman	Watson
Fernald	Nelson	Smith, Ariz.	Works

So the amendment was agreed to.

The next amendment was, on page 31, after line 6, to insert:

Naval Training Station, San Francisco: Three contagious wards, $25,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 12, to insert:

Marine guard, American legation, Peking, China: Barracks building, $50,000; laundry, including machinery, $12,000; in all, $62,000.

The amendment was agreed to.

The next amendment was, on page 32, line 5, after "$20,000," to insert "laundry, $12,000," and in the same line, after the words "in all," to strike out "$55,000" and insert "$67,000," so as to make the clause read:

Marine barracks, Mare Island, Cal.: Remodeling old barracks, $35,000; extension of roads and walks, $20,000; laundry, $12,000; in all, $67,000.

The amendment was agreed to.

The next amendment was, on page 32, line 9, after "$500,000," to insert, "*Provided*, That nothing in this or any other act shall be construed as preventing or interfering with the continuation or undertaking of necessary experimental work during the fiscal year ending June 30, 1918, as heretofore conducted under other appropriations for the Naval Establishment," so as to make the clause read:

Experimental and research laboratory: To complete experimental and reseach laboratory, $500,000: *Provided*, That nothing in this or any other act shall be construed as preventing or interfering with the continuation or undertaking of necessary experimental work during the fiscal year ending June 30, 1918, as heretofore conducted under other appropriations for the Naval Establishment.

Mr. NORRIS. I wish to ask the Senator in charge of the bill if this amendment refers to the act we passed a year or so ago?

Mr. SWANSON. I will say to the Senator that last year we provided for an experimental and research laboratory to do certain work, and that building is in the process of construction. There is an appropriation of $500,000 for finishing the experimental and research laboratory. That was created in the naval act of last year.

Mr. NORRIS. Was there some difficulty about the location of that laboratory?

Mr. SWANSON. A board, of which Mr. Edison is chairman, has been at work, and it has not been definitely located yet.

Mr. NORRIS. What was the authorization for it in the act?

Mr. SWANSON. A million and a half, I think it was.

Mr. NORRIS. What is the reason for appropriating the entire amount?

Mr. SWANSON. Only $1,000,000 was appropriated last year and this completes the appropriation.

Mr. NORRIS. None of that has been used?

Mr. SWANSON. It has not been used, but they want to use it. They have been anxious to locate it, but to ascertain the most suitable location they have been making an investigation, Mr. Edison and others and also the Navy Department. This completes the appropriation. The plans have been drawn.

Mr. NORRIS. I am trying to get the information in regard to its location and to ascertain what has been done in regard to it. I remember we had quite a discussion at the time the appropriation was authorized, and as I remember it I favored it at that time, and I have been trying to ascertain what the developments have been.

Mr. SWANSON. I understand the plans have been drawn and the work has been outlined waiting for a location. They are investigating locations to find the most suitable place. The appropriation was only made last August, and in the interest of the service they did not desire to locate it too hastily.

Mr. NORRIS. What places were contesting for the location?

Mr. SWANSON. Annapolis, Washington, Philadelphia, and I think other places in various sections of the country.

Mr. NORRIS. Does the Senator know when it is going to be determined?

Mr. SWANSON. I do not know definitely, but as soon as they reach a conclusion. Time has been taken in locating it.

Mr. NORRIS. I am not complaining of the time, I will say to the Senator, but I was very much interested in the matter when we passed the law, and of course it ought to be expedited as much as possible.

Mr. SWANSON. The department has been continuing the research pending the construction of the laboratory. The object is to prevent them from discontinuing the appropriation for this work of a certain kind so that they will not be prohibited from doing it. It was left out in the House.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 32, line 19, after the name "Maryland," to strike out "$550" and insert "$755.01"; so as to make the clause read:

Reimbursement for property damaged, Indianhead, Md.: To reimburse the owner of the property damaged by the firing of a 16-inch shell at the naval proving ground, Indianhead, Md., $755.01.

The amendment was agreed to.

The next amendment was, on page 32, after line 19, to insert:

Lighting facilities, navy yards and stations: Improvements, lighting facilities to facilitate night work, at navy yards and naval stations, $200,000.

The amendment was agreed to.

The next amendment was, on page 32, line 25, after the word "stations," to strike out "$1,250,000" and insert "$1,705,000," so as to make the clause read:

Repairs and preservation at navy yards and stations: For repairs and preservation at navy yards, fuel depots, fuel plants, and stations, $1,705,000.

The amendment was agreed to.

The next amendment was, on page 33, line 1, after the word "works," to strike out "$14,537,050" and insert "$18,060,255.01," so as to make the clause read:

Total public works, $18,060,255.01 and the amounts herein appropriated therefor, except for repairs and preservation at navy yards and stations, shall be available until expended.

The amendment was agreed to.

The next amendment was, on page 33, after line 4, to insert:

The Secretary of the Navy is hereby authorized to enter into contract for the use by the United States Government of a dry dock at Boston, Mass., which shall be capable of docking the largest vessel that can be passed through the locks of the Panama Canal, for a period of not to exceed six years from completion of such dock, at a compensation of $50,000 per annum during said period of six years, the right of the United States Government to the use of said dock in time of war to be prior and paramount: *Provided*, That the construction of said dock shall be undertaken immediately upon entering into this contract and shall be completed within 30 months thereafter: *And provided further*, That said contract shall provide for docking rates not in excess of commercial rates and for such other conditions as may be prescribed by the Secretary of the Navy prior to entering into said contract: *And provided further*, That in the event, during the said contract period of six years, the necessities of the fleet require the docking of vessels which will necessitate a charge greater than $50,000 per annum, the Secretary of the Navy is authorized to have vessels docked therein at a rate of charge not greater than the price stipulated in said contract.

Mr. THOMAS. I would be obliged for a little information with regard to this item. It seems to be a provision whereby the Government binds itself to enter into a contract for a period of six years at a rental value of $50,000. I should like to inquire whether that relates to dry docks which are now in existence or some which are being constructed?

Mr. SWANSON. Last year the Government entered into contracts at Hunters Point, Cal., precisely under the terms contained in this provision. The department thought it was wise and cheaper to do that than to construct its own docks, which would cost between three and four million dollars. The Commonwealth of Massachusetts has started the construction of a dock at Boston, and it will cost about $4,000,000. It will be 1¼ per cent that the Government will pay for its use and its preferential use in time of war. Consequently for that sum for six years the Government would have the use for all its purposes of a dock costing $4,000,000, and rather than construct a dry dock to take our largest battleships, the Commonwealth of Massachusetts has constructed one which can be so used. The department urgently recommended that the contract be entered into.

Mr. VARDAMAN. Fifty thousand dollars is paid for the privilege of using it in case it is needed.

Mr. SWANSON. In case the Navy needs it, and for preferential use in time of war and emergency.

Mr. VARDAMAN. I suppose the Government will use it whether we have a time of war or not.

Mr. SWANSON. The ships go there and get repairs. They have a navy yard there and will be compelled to have a dry dock. It is thought that it would be much cheaper to make this provision.

Mr. VARDAMAN. How have they gotten along in the past?

Mr. SWANSON. The dry docks now are required to be larger. The battleships have increased in size. I think the first battleship was ten or eleven thousand tons displacement, and now the new battleships go up as high as 42,000 tons displacement. We are required to have larger docks because the ships are larger.

Mr. VARDAMAN. Do they need that dry dock now?

Mr. SWANSON. Absolutely. They would like to have it completed to-morrow.

Mr. PHELAN. Mr. President——

Mr. SWANSON. They expect it to be completed, possibly, in 18 months or 2 years. I do not know exactly the time.

Mr. PHELAN. I think I can, in response to the Senator from Mississippi [Mr. VARDAMAN], state that it does not demand of the Government $50,000 a year without service being rendered, but the Government is securing $50,000 worth of work from the dry-dock company. It is a guaranty of an expenditure of $50,000 a year for dry docking which the Government pays. It is not subsidy.

Mr. LANE. I should like to ask the Senator from California if they use up more than the amount stipulated, how much in addition will the Government have to pay?

Mr. PHELAN. The Government pays the commercial rates, if there is used up a sum in excess of $50,000.

Mr. VARDAMAN. If they do not use it at all, what do they do?

Mr. PHELAN. They guarantee $50,000 worth of work, and they are bound to use it.

Mr. LANE. I should like to ask the Senator from California how much it might run up to? Would it run to $60,000 or $100,000?

Mr. PHELAN. I only know that in estimating the amount per annum, they have always estimated they would have surely that much work altogether.

The PRESIDING OFFICER. The question is on the adoption of the amendment.

The amendment was agreed to.

The next amendment of the Committee on Naval Affairs was, under the subhead "Bureau of Supplies and Accounts," on page 38, line 19, after the word "laws," to insert:

Provided further, That hereafter there shall be allowed at the Naval Academy 4 midshipmen for each Senator, Representative, and Delegate in Congress, 1 for Porto Rico, 2 for the District of Columbia, 15 appointed each year at large, and 4 Filipinos (1 for each class), as now authorized by law. The course of instruction at the Naval Academy is hereby reduced from four to three years for a period of five years, and the present first and second classes at the academy shall be graduated in March and in September of 1917, respectively.

So as to make the clause read:

Hereafter, in addition to the apointment of midshipmen to the United States Naval Academy, as now prescribed by law, the Secretary of the Navy is allowed 100 appointments annually, instead of 25 as now prescribed by law, to be appointed from the enlisted men of the Navy who are citizens of the United States and not more than 20 years of age on the date of entrance to the Naval Academy, and who shall have served not less than one year as enlisted men on the date of entrance: *Provided*, That such appointments shall be made in the order of merit from candidates who have, in competition with each other, passed the mental examination now or hereafter required by law for entrance to the Naval Academy, and who passed the physical examination before entrance under existing laws: *Provided further*, That hereafter there shall be allowed at the Naval Academy 4 midshipmen for each Senator, Representative, and Delegate in Congress, 1 for Porto Rico, 2 for the District of Columbia, 15 appointed each year at large, and 4 Filipinos (1 for each class), as now authorized by law. The course of instruction at the Naval Academy is hereby reduced from four to three years for a period of five years, and the present first and second classes at the academy shall be graduated in March and in September of 1917, respectively.

Mr. SMITH of Georgia. I offer an amendment to the committee amendment which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. At the end of the amendment just stated it is proposed to insert the following:

Provided, That the provisions of the act of August 29, 1916, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," which provides that lieutenants, junior grade, shall have had not less than three years' service in that grade before being eligible for promotion to the grade of lieutenants shall not be held or considered as applying to those officers of the line of the Navy who were commissioned as ensigns prior to June 1, 1912.

Mr. SWANSON. I have not examined that amendment very carefully.

Mr. SMITH of Georgia. The amendment was prepared in the department.

Mr. SWANSON. But there was an injustice done those classes which graduated. We required them to graduate as midshipmen, and they had to serve a certain length of time before they became ensigns in the Navy. We afterwards changed the law, and the bill we passed last year did do an injustice to those classes. Some relief ought to be granted, and I will take the amendment up for consideration in conference.

Mr. SMITH of Georgia. I repeat, that the amendment was prepared in the department.

Mr. SWANSON. I have not examined it sufficiently to see if it goes any further than that; but from its reading, as I heard it, I do not think it does. I will therefore accept the amendment to the amendment.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

The amendment as amended was agreed to.

Mr. NORRIS. As I understand the committee amendment on page 38, the object of it is to increase the attendance at the Naval Academy, and it cuts down the terms of the students there one year, does it not?

Mr. PAGE. It does, Mr. President, for five years. At the end of five years we again revert to the old system; but because of the present pressure the law has been changed, but it is to terminate at the end of five years.

Mr. SWANSON. If the Senator will permit me, there is a shortage of officers in the Navy to-day of 995. In 1921 this shortage will be increased to 1,589. With the present emergency confronting the country, and with this shortage of officers, it is thought wise that the course at the Academy shall be reduced to three years for a period of five years. Similar action has been taken heretofore. I have the record here—but it would take a long time to read it—to show that officers who were graduated at the end of the three years' time have made very efficient and distinguished officers. This reduction of the term for that limited time is intended to supply, and will supply, the deficiency of officers that now exists.

Mr. NORRIS. This is the first time I have heard that this provision was contained in the pending bill. I suppose it is subject to a point of order. I have not known enough about it to feel that I am justified in making the point of order, and yet it seems to me it is something that ought to be given very serious consideration before we agree to it.

Mr. SWANSON. If the Senator will permit me, Admiral Palmer, who is Chief of the Bureau of Navigation, who is one of the ablest and most splendid officers we have in the Navy, and who is responsible for the assignment of officers and men to all of the ships, came before the committee and most strenuously urged this amendment. He said as to a graduate of the Naval Academy that his course would be more efficient if it was for a period of four years; but to have those who graduated after a three years' course would be better than not to have a sufficient number of officers on the battleships, submarines, and torpedo-boat destroyers. This shortening of the term is limited to the emergency and until the time when the deficiency of officers can be supplied, for five years.

Mr. PAGE. Mr. President, may I not ask a question of the Senator in charge of the bill? Is it not true that we had quite a full discussion of this matter and that the Committee on Naval Affairs was unanimous in recommending this provision?

Mr. SWANSON. We investigated the matter thoroughly. We ascertained the deficiency in officers for each year under the building program which has already been adopted, and the ships which will come into commission, and we reached the conclusion that it was a very important matter in the interest of the efficiency of the Navy at this time.

Mr. WATSON. Mr. President, I should like to ask the Senator from Virginia how many officers are now needed to supply the demand?

Mr. SWANSON. There are 995 line officers needed at present.

Mr. WATSON. And how many men are needed?

Mr. SWANSON. We increased the number of men in the Navy last year from about 55,000 to about 75,000, in round numbers. I have here a statement of the enlistments which have been made since that time; but we are 25,000 short to-day. I will have this printed in the RECORD, if there is no objection, in order that the Senator from Indiana may get the information he desires.

Mr. WATSON. How many officers are we short to-day? I did not quite catch the Senator's statement.

Mr. SWANSON. We are 995 line officers short.

Mr. WATSON. And how many other officers are we short?

Mr. SWANSON. The other officers can be otherwise supplied; they do not have to be graduated; but as to certain officers in the Navy they can only be supplied by graduation from the Naval Academy.

Mr. WATSON. Does that have reference to the ships that are authorized by this bill or to those already in existence?

Mr. SWANSON. It applies to ships which are at present in commission and those in reserve.

Mr. WATSON. Has the Senator made an estimate as to how many officers will be required to meet the demands in the future if this program is completed?

Mr. SWANSON. In July, 1917, it is estimated that the deficiency will be 959 officers. There is a class which will graduate in the meantime. In July, 1918, there will be a deficiency of 1,002 officers; in July, 1919, there will be a deficiency of 1,466 officers; in July, 1920, there will be a deficiency of 1,595 officers; and in July, 1921, there will be a deficiency of 1,589 officers.

Mr. WATSON. Does the new provision which has been inserted changing existing law meet the demands?

Mr. SWANSON. With the increase of the number of cadets to be appointed and with these graduations at the end of the three years' course, it is estimated that the deficiency will be completely supplied. That is what we think, and we think it is of the utmost importance to the Navy. I hope the Senator from Nebraska [Mr. NORRIS] will not object. I ask for the printing in the RECORD of the paper to which I referred a moment ago.

The PRESIDING OFFICER. In the absence of objection, permission to do so will be granted.

The paper referred to is as follows:

NAVY DEPARTMENT,
BUREAU OF NAVIGATION,
February 20, 1917.

ENLISTED PERSONNEL NEEDS.

ACTIVE REGULARS.

Required for mobilization to-day (Feb. 20, 1917), 79,690 men.

NOTE.—This provides for crews of only one-half the complement composed of active enlisted men on the older battleships, cruisers, destroyers, and other vessels. Reserves will be put on all kinds of auxiliary craft, but such craft are noted elsewhere.

NOTE.—The number 79,690 does not allow for any working surplus. The last Congress on August 29, 1916, authorized 74,700 men, including apprentices, which with the various special details, such as hospital corps, was sufficient to meet the needs of the Navy to-day, if we were now enlisted to authorized strength (which is not the case).

Men available to-day, 54,662.

NOTE.—This does not include under sentence of discharge and special Naval Militia details.

Shortage of necessary regular enlisted force to-day, 25,028.

NOTE.—This number does not include any working surplus.

ADDITIONAL ESTIMATES NECESSARY TO BE CONSIDERED.

(a) The sudden impetus which war or mobilization would give to shipbuilding would result in the rapid construction of a great many submarines and destroyers, all of which require active enlisted men at the rate of 9,600 men, per 100 destroyers and 2,700 men, per 100 submarines of the coast-defense class.

(b) If the Senate amendment goes through for 50 submarines, they would require active enlisted men to the number of 1,610, not to mention men required for submarine tenders to accompany these boats.

(c) There are now about 250 ocean-going merchant vessels for which naval-gun crews should be provided at the rate of about 16 men per ship, or 4,000.

(d) There are now building 150 merchant vessels of the ocean-going type, which would require the same number of gun crews, or a total of 2,400 active enlisted men.

(e) There will be required many additional active enlisted men for aviation, approximately 5,000.

The net gain in enlistments is as follows:

November, 1916	384
December, 1916	573
January, 1917	1,344
From February 1–20, 1917	1,413

On July 1, 1921, there is required for mobilization (provided no additional vessels are authorized after those named in the bill of August 29, 1916) 101,677 men.

NOTE.—This allows for only 50 per cent active crews on all battleships down to and including the *South Carolina* and *Michigan*, and on 34 additional destroyers now with full active crews under mobilization conditions of 1917, also a very great number of cruisers and smaller vessels.

In addition there would be required active enlisted personnel for any vessels authorized after August 29, 1917, and for the items mentioned under a, b, c, d, and e of the estimates for mobilization, 1917, which includes rapid construction of vessels, small regular Navy crews for a large number of merchant ships, aviation, etc. The number, 101,677, makes no allowance for any working surplus.

The present authorized enlisted strength, including 6,000 apprentice seamen, is 74,700 men; so that the number of trained enlisted men required by July 1, 1921, in addition to the authorized enlisted strength, is 26,977 men.

The date on which the total (101,677) should be in service, so that the most recently recruited should have had one year's service, is July 1, 1920.

The date on which Congress should authorize the last yearly quota (one-third of 26,977) required to make up the additional men (26,977) should be July 1, 1919. This is necessary in order to allow time to recruit men after Congress has authorized them.

It is, therefore, desirable that there should be authorized in each year of the fiscal years 1917, 1918, and 1919 approximately 9,000 men each year.

A proper wording in the bill to carry this into effect would be to change the wording "68,700 men;" on lines 8 and 9 on page 37 of House bill 20632, to read: "78,700 men;".

The corresponding increase of pay would not be required, as enlistments would not be begun until the latter part of the fiscal year of 1918, but the department should be in a position with this authorization by Congress, so that it could take advantage of favorable conditions for recruiting that might exist toward the latter part of the fiscal year of 1918.

RESERVES.

For mobilization to-day, February 20, 1916 (in addition to the active enlisted men needed above)		49,098
For seagoing duties available to-day, approximately:	Men.	
Militia	8,000	
Fleet reserves	1,000	
Naval Reserves, class 2	170	
Total		9,170
Shortage of reserve to-day		39,928

The reserve enrollments are progressing, and rapid enrollments will be obtained in the coast defense and in the industrial reserves.

The fleet reserves will take time for enrollment, as they have to be searched for, like enlisted men.

Additional reserves will be required for guards of coal piers, etc., and for naval districts, for radio censorship, information service, telegraphic communication, Signal Corps, etc.

Mr. NORRIS. Although I do not know that I could offer any better remedy than the committee has suggested, at the same time it is to be regretted that for five years, if this amendment is agreed to, we are going to turn officers out of the Naval Academy not so fully equipped for duty and for their life work as they have been heretofore or as they will be after this five-year period has expired. I have read several times recommendations, or opinions at least, from naval experts favoring the extension of the course a year rather than cutting it down.

The Senator, in referring to the time when the course was only three years, said there had been officers graduated after a three years' course who were better than those who graduated after a four years' course. That will always be true. There will be some remarkably bright young men who in one year will probably do more than some other men might do in four years. But if that is the general rule that is going to be applied, then we ought not to limit this provision to five years. If we can get better men from a three-year course than we can

from a four-year course, then we ought to establish a three-year course permanently.

Mr. SWANSON. Mr. President, if the Senator will permit me, in the olden times, when there was a deficiency in officers, the classes could be graduated earlier than four years by Executive order, I understand, and the deficiency was thus made up. Several Executive orders of that kind were issued. Now we can not do that. If an emergency arises to-morrow in the Navy, if we should need these young officers, it would be very difficult to get them, as the law requires a four-year course. In view of the deficiency in officers, and in view of the new ships constantly being added to the Navy list, it seems to me of the utmost importance that this provision should continue in the bill. I will say to the Senator that I have here a list of very distinguished officers, some of them the very best in the Navy, who graduated after a three-year course.

Mr. NORRIS. I have no doubt of that. That is a condition which often occurs. The same thing happens in all colleges; but that does not do away with the fact that, as a general rule, one man with another and one year with another, the one who is the best educated makes the best officer. Otherwise we would not send young men to school at all. If a four-year course makes a man worse than he would be at the end of three years, then we ought to cut the course down to three years.

Mr. SWANSON. Mr. President, if the Senator will permit me, we regret the necessity for it; but the necessity confronts us, and the young officers graduating from the Naval Academy in three years will be much more efficient on a battleship than anybody else; and we could not under the law get anybody else.

Mr. NORRIS. Well, is there not any provision of law such as there is in the case of the Army, by which young men can come up from the ranks?

Mr. LODGE. Yes.

Mr. SWANSON. They are limited in number.

Mr. NORRIS. How many officers do we get by operation of that law?

Mr. LODGE. We have enlarged the number to 100 in this bill.

Mr. NORRIS. That is, the committee have fixed it arbitrarily at a hundred in a year?

Mr. LODGE. We began the experiment with 15, and there were only 6 or 7 enlisted men to apply for the privilege under the law. Last year there were 23, and we raised the number to 25; and now in this bill we have raised the number to 100.

Mr. SWANSON. I think the inquiry of the Senator from Nebraska was as to the number from the ranks who could be promoted to be officers to fill up the Navy.

Mr. LODGE. That is what I was answering.

Mr. SWANSON. The number of enlisted men who may be admitted to the Naval Academy is increased. There have been only between 15 and 20 on the average, as I understand, promoted from the ranks to be officers.

Mr. LODGE. We began with 15.

Mr. SWANSON. That is, they were sent to the Naval Academy.

Mr. LODGE. Certainly.

Mr. SWANSON. The provision of the bill for graduation after a three years' course would apply to them the same as to other midshipmen.

Mr. LODGE. They all go to the Naval Academy.

Mr. SWANSON. But the Senator from Nebraska made an inquiry if the same conditions applied to the Navy as applied to the Army as to the promotion of men from the ranks up to the grade of officers.

Mr. NORRIS. Yes; but perhaps I did not make myself plain. It was my idea of the law—although I am not very well informed about it, perhaps—that those who come up from the grade of seaman must, of course, pass through the Naval Academy; but the number is in addition to those that are appointed by Representatives and Senators.

Mr. LODGE. Yes; they are in addition.

Mr. NORRIS. How many does that add?

Mr. LODGE. We increase that number here. I do not want to delay the bill, but this is a matter that I have taken a good deal of interest in. I have gone into it with some thoroughness and I agree with the Senator that the course ought to be four years; but this is an exigency which I think can only be met in this way. I think it is desirable that we should graduate the classes for the five-year period after a three years' course, and by that time the additions that are now provided for will begin to be felt, and we shall be able to return to the four-year course, which I agree is much better, as a general rule.

Mr. NORRIS. Of course, I think it would appeal to almost anyone that it must necessarily be better. The course is certainly short enough now.

Mr. LODGE. But the exigency is very great.

Mr. NORRIS. I have not agreed with the Senator from Virginia or with the Senator from Massachusetts on questions arising in connection with the enlargement of the Navy, and I have been very severely criticized by a great many people because I have sometimes objected to some of these increases. I think there are some of them in this bill that are unwarranted, even under present conditions; but I have always favored the most efficient Navy that could possibly be had, and have often favored increased appropriations where I thought increased efficiency would thereby be brought about.

I would make the point of order against this amendment if I thought it would not do more harm than good. I dislike very much to have the course of the young men going to Annapolis cut down to three years. I fear it will interfere with the efficiency of the Navy, not only for a year or two but for 25 years to come. I am satisfied that the instruction that these young men get there is none too great. I think it is perfectly natural that with the development of everything connected with the Army and the Navy every year more knowledge is required to make of a man an efficient officer.

I think it is agreed that the efficient officer of to-day must know a great deal more than the same grade of officer would be expected to know or understand 25 years ago, or even 10 years ago. It is natural that that should be the case. I want to have these men experts. I should very much regret if, on account of the shortening of the course of studies of these men, we might meet perhaps a serious reverse or a mishap in the future. It might interfere a great deal with the care and the attention that is necessary in keeping up the Navy to its very highest point of perfection.

These young men, it seems to me, too, will be rather discriminated against in the Navy by the four-year men, who will feel, perhaps naturally, that they are superior to them. A young man will start in and get through in three years, and then when the five-year suspension period is over the class following will have to remain four years. A man in that class will enter the Navy better prepared than the one who received a commission in the class just ahead of him, who will be his superior in command, if they ever come in contact with each other in that way. I do not believe the damage will come only and solely from the fact that the men will not be as well equipped, but the change will have a tendency to interfere with the efficiency of the Navy as a team proposition. There will be jealousies aroused on account of it that will interfere with the efficiency of the Navy.

Mr. WATSON. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. WATSON. I should like to ask the Senator from Virginia whether or not by increasing the number, as has been done in this provision, the exigent necessity can not be supplied without reducing the course to three years? Can we not get enough officers without that?

Mr. SWANSON. Admiral Palmer appeared before the committee and assured us that this was the only way efficiently to meet the deficiency in officers.

Mr. WATSON. Why does he say the only efficient way to meet it?

Mr. SWANSON. That is, to get good and efficient men on time for the present battleships. A three years' course at the academy is a very fine course, although I do not believe in reducing the course of study except when the necessity arises.

Mr. WATSON. Let me ask the Senator how many more men can be handled efficiently at the Naval Academy?

Mr. SWANSON. I think the provision that is made in this bill—$75,000 for the barracks of the Marine Corps there—will take care of them very well until the new building for their accommodation is constructed.

Mr. WATSON. Does not the Senator think that a better plan would be, rather than run the risk of decreasing individual efficiency, to still further increase the number and not reduce the number of years required for graduation?

Mr. SWANSON. If the Senator required a four-year course for graduation and increased the number, you would not get them now. You would not get them until four years.

Mr. WATSON. That is quite true.

Mr. SWANSON. And by this process you make up your deficiency in five years.

Mr. WATSON. Of course that is quite true, but you do not get them immediately.

Mr. SWANSON. They are needed immediately. After the present necessities are supplied you go back to the four-year course.

Mr. WATSON. That is for five years, however. You require that this shall be adopted for five years to come.

Mr. SWANSON. Five years. We think at the end of five years the deficiency will be supplied.

Mr. WATSON. I am so much opposed to that proposition that I think I shall have to make the point of order against it.

Mr. SWANSON. Mr. President, I do not think the point of order lies. There is a provision there about the Naval Academy, providing for the appointment of 100 cadets, and this is an amendment to a subject upon which the House has legislated.

Mr. NORRIS. Mr. President, let me ask the Senator a question.

Mr. SWANSON. Let me get through. The Vice President has ruled repeatedly that when the House enters upon a field of legislation it is in order for the Senate also to enter the same field, or else we would be compelled to let the House absolutely dispose of the matter.

The PRESIDING OFFICER (Mr. HUSTING in the chair). The Chair will state that the amendment has already been agreed to.

Mr. NORRIS. No, Mr. President; I had made up my mind not to make the point of order, but the Chair is in error. The amendment agreed to was the amendment to the amendment offered by the Senator from Georgia. That amendment was agreed to. I was on my feet trying to get recognition, and I am satisfied that when the Chair said, "Agreed to, without objection," he had reference to an amendment which was offered by the Senator from Georgia.

The PRESIDING OFFICER. The Chair will state for the information of the Senator that the committee amendment was agreed to, and then that the amendment as amended was agreed to.

Mr. NORRIS. Well, Mr. President, I do not care so very much about what the record shows. As a matter of fact——

Mr. SWANSON. It can be brought up again.

Mr. WATSON. I should like to ask another question. In reducing the course from four to three years, what disposition do you make of the classes now in the academy?

Mr. SWANSON. After they take their course of three years they are graduated, for five years.

Mr. WATSON. That is to say, after those that are now there are in the academy for three years, they are graduated from the academy?

Mr. SWANSON (reading)—

That hereafter there shall be allowed at the Naval Academy 4 midshipmen for each Senator, Representative, and Delegate in Congress, 1 for Porto Rico, 2 for the District of Columbia, 15 appointed each year at large, and 4 Filipinos (1 for each class), as now authorized by law. The course of instruction at the Naval Academy is hereby reduced from four to three years for a period of five years, and the present first and second classes at the academy shall be graduated in March and in September of 1917, respectively.

Mr. PAGE. We graduate two classes this year so as to make a place for them.

Mr. WATSON. That is what I wanted to find out. That is to say——

Mr. SWANSON. The fourth-year class graduates this year, and then the third-year class will graduate this year.

Mr. WATSON. They both graduate this year; oh, yes.

Mr. NORRIS. Mr. President, I think a great many jealousies might come out of that. Here are two classes that are going to graduate in June. One of them has been at the academy four years and the other three years. I should like to know—and I think it would be general information for all the Senate—I should like to ask the junior Senator from Massachusetts [Mr. WEEKS] if he is familiar with this amendment, and what he thinks about the wisdom of it?

Mr. WEEKS. I think it very bad judgment, and am going so to express myself a little later, when the Senator from Nebraska yields the floor.

Mr. NORRIS. I will yield the floor now if the Senator wants to talk about that.

Mr. LODGE rose.

Mr. WEEKS. Does my colleague desire to say something on this matter?

Mr. LODGE. I was only going to say that while I quite concede the advantage of the four years, this is an exigency which I think was demonstrated by the head of the Bureau of Navigation. We are now over 900 officers short, and at the end of the program in 1921, when the ships are all built, with all the additions from the increase of the academy, we shall be 1,330 short; and the deficiency falls chiefly on the watch officers. We need young officers very much in the Navy.

As for the three-year course, I should prefer that that should be a four-year course; but certainly I do not think there is anything in the point about its making jealousies. At Harvard University, for example, it is open to anyone to go through in three years if he so chooses. He can take the degree at the end of three years if he fulfills certain conditions and passes certain examinations.

Mr. NORRIS. Of course the Senator will admit that a university like Harvard, where the men go out into all walks of life and separate, is an entirely different proposition from men who are all going into one place to be associated with each other.

Mr. LODGE. I do not see why it should create any special jealousies, but I do think the exigency of the situation warrants it. The shortage of officers ought to be met in some way.

Mr. WEEKS. Mr. President, I am opposed to this provision in the law, because I do not think it is necessary. There are now, or there were last year when the Navy Register was issued, 352 lieutenants, 733 junior lieutenants, and 454 ensigns on the active list, in addition to which there were at least 1,000 midshipmen in the Naval Academy. Now, at least 200 of those have graduated since, so that there are probably 1,600 officers of the rank of lieutenant and below that rank on the active list in the service.

If there were a real emergency now, a course like this might very well be followed; but I do not think an emergency has arisen of sufficient importance to warrant our cutting down the specified education which midshipmen have received and should receive at the Naval Academy. The course is very carefully laid out, and the last year largely covers professional subjects—the very subjects which are, of course, most important in the practical life which these men are going to follow—and I do not think it is desirable that they should lose that part of their training, especially in navigation and engineering and the practical duties that pertain to a seaman's life.

Evidently the Secretary of the Navy does not approve of this proposition. In the House hearings the Secretary of the Navy made this statement:

Secretary DANIELS. I have no recommendation for any change in personnel legislation. At the last session of Congress you authorized a large increase in enlistments, both in the Navy and Marine Corps. When we secure this increase, which has not come on as rapidly as we would like, we will have an adequate force for the next few years. Therefore, I am not asking for any increase in officers and men at this time.

The CHAIRMAN (Mr. PADGETT). Mr. Secretary, it has been recommended to the committee by the Chief of the Bureau of Navigation, and suggested, I think, also, by one other officer, that they graduate the present first class at Annapolis as early as we can get the legislation enacted, and then the present second class in June.

Secretary DANIELS. Mr. Chairman, I do not recommend it. I think the President has the authority to take that course if an emergency should arise. It has been done before. I want the midshipmen who emerge as officers from Annapolis to have a well-rounded-out education. It would cut them out of six months and lower the standard by that much.

During the Civil War, Mr. President, a similar course to this one was followed. It was nearly impossible to get officers, and two or three classes were graduated after two or three years' service at the Naval Academy. Of course, the situation then was very different from what it is now. Undoubtedly, if we put into commission all the ships that we have on the Navy list, there would be an insufficient number of officers to properly supply the need of officers on those ships; but we are not likely to put all of those ships into commission at once unless we are in a state of war, and when we do put them into commission there are more than 500 officers on the retired list who could perform much, if not all, of the service now performed by many of our officers who are doing shore duty.

For example, the instructors at the Naval Academy—I do not remember how many there are now, but I presume there are 60 or 70 or 80 officers on the active list doing instructors' duty at the Naval Academy. That duty could be very well performed, in many cases, at least, by officers on the retired list; and I do not think the emergency has arisen yet which warrants our changing a long-established and a very desirable course for these young men.

I hope that part of the amendment will not prevail.

The PRESIDING OFFICER. The Chair will state to the Senator that the record shows that the amendment has been adopted.

Mr. NORRIS. Mr. President, of course, I can not dispute the record. I realize that, although I read this amendment before it was reached——

Mr. BRYAN. Mr. President——

Mr. NORRIS. And it was my intention to make these inquiries and try to elicit this information; and while I could not hear everything that happened over there on account of

a good deal of confusion in the Chamber I got the impression——

Mr. BRYAN. Mr. President, let me say this to the Senator——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. NORRIS. I yield to the Senator.

Mr. BRYAN. Nobody is going to take any advantage of that.

Mr. NORRIS. I did not think the Senator would, but the Chair has repeatedly said that the amendment had been agreed to.

Mr. BRYAN. The Senator can ask unanimous consent for a reconsideration.

The PRESIDING OFFICER. The Chair has repeated it for the reason that it will be necessary to move a consideration.

Mr. BRYAN. I ask unanimous consent that the amendment may be reconsidered.

The PRESIDING OFFICER. It is moved that the amendment be reconsidered. [Putting the question.] The "ayes" have it, and the amendment is reconsidered.

Mr. SMOOT. Mr. President, I can not see why the course of instruction at the Naval Academy should be reduced from four to three years for a period of five years. There is not a Senator here but that admits that it is only an emergency matter, and no Senator would vote for any such proposition if it were not an emergency matter. Why fix five years' time as the duration of the reduction in the length of instruction at the Naval Academy? It seems to me that two years would be ample. If at the end of two years this country is involved in war, or even before that time, we can extend it; but why at this time extend it for a period of five years?

I should like to ask the Senator having the bill in charge if he will not accept an amendment to this amendment striking out the word "five" and inserting "two"?

Mr. LODGE. Where is that?

Mr. SMOOT. On the first line of page 39.

Mr. LODGE. Making it operative for two years?

Mr. SMOOT. Making it operative for two years instead of five.

Mr. LODGE. Mr. President——

Mr. NORRIS. Mr. President, before that is passed on, or before the Senate agrees to that, let me ask the Senator a question. I am particularly moved to this suggestion by what the junior Senator from Massachusetts [Mr. WEEKS] said. I suggest striking out the sentence commencing after the period in line 25, on page 38, and ending on line 4, page 39. If the junior Senator from Massachusetts is right, he has suggested a way by which there will be no necessity, at least, of this immediate change that is contemplated.

Mr. LODGE. Before that is put, Mr. President——

Mr. NORRIS. I will say to the Senator that I am not offering an amendment. I want to suggest it. I realize that it is more or less an expert proposition, and I do not want to put up my judgment against that of one in whom I have faith.

Mr. SMOOT. Then I will ask the Senator from Nebraska to allow action upon my request, that we strike out the word "five" and insert the word "two."

Mr. NORRIS. That is at the end of line 1, on page 39.

Mr. SMOOT. Yes; at the end of line 1 on page 39.

Mr. BRYAN. Let us vote upon that, then.

Mr. LODGE. I have no objection to that.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 39, line 1, it is proposed to strike out "five" and insert "two," so that it will read:

From four to three years for a period of two years, and the present first and second classes, etc.

Mr. POINDEXTER. How will the amendment read as it is proposed?

The PRESIDING OFFICER. The Secretary will read the amendment as it would read if the amendment to it were adopted.

The Secretary read as follows:

The course of instruction at the Naval Academy is hereby reduced from four to three years for a period of two years, and the present first and second classes at the academy shall be graduated in March and in September of 1917, respectively: *Provided*, That the provisions of the act——

Mr. BRYAN. That is enough. It is just to strike out "five" and insert "two." That is the motion of the Senator from Utah, as I understand it.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment as amended.

Mr. LODGE. Mr. President, the reason I speak of the exigency—if I may have my colleague's attention for a moment—seems so clear to me:

For mobilization to-day—

December 5, 1916, this is dated—

there are needed, exclusive of commissioned warrant officers, 3,049 commissioned officers. The number in the service to-day is 2,111. The present shortage for mobilization is 938.

Now, we may have to mobilize that fleet pretty quickly. It seems to me that that is an exigency.

On the completion of the three-year program, about July 1, 1921, there will be needed for mobilization 4,487. The Naval Academy and promotions of warrant officers will add by that time approximately 986. New officers from civil life, for engineering duty only, approximately 60. Number in service to-day, 2,111. Total available July 1, 1921, 3,157. Shortage on July 1, 1921, 1,330.

It seems to me that the shortage at this moment of 938 commissioned officers, when we may have to put all our ships into commission, is rather a large shortage; and it comes chiefly, naturally, among the younger officers who take the duties of watch officers. That is what led me to favor it. I entirely agree with the general proposition about the four-year course.

Mr. KIRBY. I should like to ask the author of the amendment a question.

Mr. LODGE. Certainly.

Mr. KIRBY. It is proposed, it seems, in line 1, page 39, to strike out "five" at the end of the line and make it "two":

The course of instruction at the Naval Academy is hereby reduced from four to three years for a period of two years.

Would that mean that those who entered now would graduate in three years or in two years?

Mr. LODGE. It would make the next class two years. There are three classes, I understand. They get two this year and one next.

Mr. SMOOT. We have four classes to-day, and for the next two years we will have only three classes. The Senator will notice in line 3, page 39, there will be two graduations this year, one in March and the other in September, and that will make it so that the following year there will be one graduation, but after that for two years there will be only three classes instead of four.

The PRESIDING OFFICER (Mr. HUSTING in the chair). The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The next amendment was, on page 39, line 15, after the word "purposes," to insert "and the time served by dental surgeons as acting or acting assistant dental surgeons shall be reckoned in computing the increased service pay and service for promotion of such as are commissioned under said act." So as to make the clause read:

Hereafter all laws relating to the examination of officers of the Navy for promotion shall be construed to apply to the regular advancement of staff officers to higher ranks on the active list, the same as though such advancements in rank were promotions to higher grades: *Provided*, That nothing in this paragraph shall be construed as in any way affecting the original appointment of officers to the Dental Corps as provided in the act approved August 29, 1916, making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, and the time served by dental surgeons as acting or acting assistant dental surgeons shall be reckoned in computing the increased service pay and service for promotion of such as are commissioned under said act.

Mr. SMOOT. I should like to ask the Senator having the bill in charge——

Mr. LODGE. I can tell the Senator.

Mr. SMOOT. Just what promotion that will mean to our dental surgeons.

Mr. LODGE. It will mean no promotion. It simply means that they are to be allowed to count their actual service, and the earliest appointment as December, 1912. They count their actual service for longevity pay. It was a great injustice to deprive them of that.

Mr. SMOOT. How far does it go back?

Mr. LODGE. The earliest appointment is December, 1912. Practically 13 of the young men who were held up last year are covered by it. It simply allows them to complete their service.

Mr. SMOOT. In other words, it allows the dental surgeons from 1912 to count their actual service.

Mr. LODGE. To count their actual service. Without this they would begin now and not count their four years of actual service at all.

Mr. SMOOT. In other words, it would be a bounty to those who entered prior to 1912.

Mr. LODGE. It is no bounty at all. Everybody else gets it. They get five years extra longevity pay anyway.

Mr. OVERMAN. If the Senator please, it would allow all these men who are in Washington to be promoted about next October.

Mr. LODGE. It does not affect their promotion.

Mr. OVERMAN. All the dental surgeons will get more salary.

Mr. LODGE. No; I say it affects only longevity pay.

Mr. OVERMAN. It increases the salary.

Mr. LODGE. They are entitled to have their longevity pay. Every other staff corps get it.

Mr. OVERMAN. The men in the line do not get it.

Mr. LODGE. The men in the line do not get it, but in all the staff corps they are allowed five years.

Mr. OVERMAN. In other words, the poor boys out on the ships do not get promotion, but people here in Washington get it.

Mr. LODGE. The officers in the line have their four years at the academy. It gives them that amount of longevity pay.

Mr. OVERMAN. I understand these dental surgeons do not come out of the academy.

Mr. LODGE. I know, but they have not longevity pay. They are allowed for their period in the academy so that it would equalize them all in longevity pay.

Mr. SMOOT. What is the increase of pay?

Mr. LODGE. It gives them no increase in pay except their promotion. They get their promotion any how.

Mr. SMOOT. After their promotion they have how much increase pay each year?

Mr. LODGE. That is where the longevity pay comes in. I can not give the Senator the exact figures for all the Staff Corps.

Mr. OVERMAN. Is the Senator willing to give the same rank to the Medical Corps?

Mr. LODGE. Certainly not.

Mr. OVERMAN. I wish to offer an amendment. This amendment was put on about eight years ago, as to character and moral qualification, and they rather construe it like they did the other law. I offer the following proviso:

Provided further, That the standard mental, moral, and physical requirements provided by law and regulation in the case of the appointment, advancement, or promotion of commissioned officers of the Medical Corps of the Navy shall apply in all respects and without exception or exemption in the case of the appointment, advancement, or promotion of officers of the Dental Corps of the Navy, and the pay and allowances of officers of the Dental Corps shall in no case exceed the pay and allowances of officers of the Medical Corps of corresponding rank, and in computing the increased service pay and length of service for promotion of officers of the Dental Corps, their service shall be reckoned from the date of their respective commissions as in the case of officers of the Medical Corps.

Mr. LODGE. That is the law now.

Mr. OVERMAN. I think not.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 39, line 19, after the word "act," before the period, insert the following proviso:

Provided further, That the standard mental, moral, and physical requirements provided by law and regulation in the case of the appointment, advancement, or promotion of commissioned officers of the Medical Corps of the Navy shall apply in all respects and without exception or exemption in the case of the appointment, advancement, or promotion of officers of the Dental Corps of the Navy, and the pay and allowances of officers of the Dental Corps shall in no case exceed the pay and allowances of officers of the Medical Corps of corresponding rank, and in computing the increased service pay and length of service for promotion of officers of the Dental Corps, their service shall be reckoned from the date of their respective commissions, as in the case of officers of the Medical Corps.

Mr. NORRIS. I wish to ask the Senator a question about the amendment. As I heard the amendment read, it contains a provision which in substance says that in no case shall the pay of the officers exceed the pay of a medical sergeant of the same rank.

Mr. OVERMAN. That is right.

Mr. NORRIS. Is it the intention of the amendment to equalize the pay between dental surgeons and medical surgeons?

Mr. OVERMAN. That is right. That is what was intended to be done by the law, and that is what this provides.

Mr. NORRIS. I think the Senator upon consideration will agree with me that it would not necessarily have that effect. The amendment says that the dental surgeons' pay shall in no case exceed the medical surgeons' pay, but it would not follow from that that the medical surgeons' pay could not exceed the dental surgeons' pay. If the object is to equalize them, why not do so in the amendment?

Mr. OVERMAN. I think it is all right now. If the Senator can suggest an amendment which will improve it, all right.

Mr. NORRIS. This says the dental officer's pay shall not "exceed." It may be less. Why not say the dental officer's shall be the same as the medical officer's pay.

Mr. OVERMAN. I am willing to accept that.

Mr. NORRIS. I offer that amendment.

The PRESIDING OFFICER. It will be stated.

The SECRETARY. Strike out "in no case exceed" and insert "be the same as."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 39, after line 19, to insert:

The provisions of section 3 of the act of October 1, 1890, entitled "An act to provide for the examination of certain officers of the Army and to regulate promotions therein," are hereby made applicable to commissioned officers of the Coast Guard of corresponding rank who have been, or may hereafter be, retired.

Mr. SMOOT. Before that amendment is agreed to I should like to ask the Senator having the bill in charge if he knows just what it will cost the Government.

Mr. BRYAN. I do not know. We had no hearings upon this item. The Secretary of the Navy said he had no objection to it. The Senator from Massachusetts [Mr. LODGE] is acquainted with this branch.

Mr. SMOOT. I want to know what it will cost. Perhaps the Senator from Massachusetts has some information in relation to what it will cost the Government each year if this provision is adopted.

Mr. LODGE. I have not the figures here.

Mr. BRYAN. I will say to the Senator that there were no hearings in the House.

Mr. SMOOT. It was not presented to the House at all?

Mr. BRYAN. It was not presented to the House; it was put on by the Senate committee. I have here the act of 1890, which has to do with promotions in the Army.

Mr. NORRIS. The Senators over there have had a conversation about this amendment. I wish to ask a question about it, but I have an idea it is probably the same question the Senator from Utah asked the Senator from Florida. I should like to ask the Senator from Massachusetts a question and get the information over here. I want to inquire about the act mentioned in the amendment commencing at line 20, page 39, which is the pending amendment.

Mr. LODGE. This is giving the officers of the Coast Guard the same retiring pension as officers of the same rank in the Navy. Last year we put them into the Navy in time of war.

Mr. NORRIS. That is the only thing accomplished by this amendment.

Mr. LODGE. A retiring pension, as I recall it. I will state frankly to the Senator that this amendment was put in by the Senator from Virginia, who has particular charge of it, but in a general way that is the purpose.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Washington?

Mr. LODGE. Certainly I yield.

Mr. POINDEXTER. The act which specifies the character and number of examinations for promotions from one rank to another in the Army is applicable to the Coast Guard.

Mr. SMOOT. There were no hearings held upon this item; it has not been recommended by the department, and I ask that the amendment be disagreed to. I sincerely hope the amendment will not be agreed to.

Mr. NORRIS. It is the committee amendment the Senator wishes disagreed to?

Mr. SMOOT. Yes; I will not call for the yeas and nays, but I will ask for a division.

On a division the amendment was agreed to.

The next amendment was on page 41, after line 14, to insert:

Clothing and small-stores fund: For purchase of clothing and small stores for issue to the naval service, the present fund being inadequate to meet the requirements of the service at this time; to be added to the "Clothing and small-stores fund," $1,500,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 19, to insert:

Reserve material, Navy: For procuring apparatus and materials (other than ordnance materials and medical stores), as a war reserve necessary to be carried in the supply departments for the purpose of fitting out vessels of the fleet and merchant auxiliaries in time of war or when, in the opinion of the President, a national emergency exists, to be immediately available and to continue available until expended, $3,000,000: *Provided*, That, to prevent deterioration such materials shall be used as required in time of peace, and when so used reimbursement shall be made to this appropriation from current naval appropriations in order that additional stocks may be procured.

The amendment was agreed to.

The next amendment was, on page 43, line 13, after the word "exceed," to strike out "$1,400,000" and insert "$1,650,000"; and in line 14, after the words "in all," to strike out "$2,750,000" and insert "$3,250,000," so as to make the clause read:

Maintenance, Bureau of Supplies and Accounts: For fuel; the removal and transportation of ashes and garbage from ships of war,

books, blanks, and stationery, including stationery for commanding and navigating officers of ships, chaplains on shore and afloat, and for the use of courts-martial on board ships; purchase, repair, and exchange of typewriters for ships; packing boxes and materials; interior fittings for general storehouses, pay offices, and accounting offices in navy yards; expenses of disbursing officers; coffee mills and repairs thereto; expenses of naval clothing factory and machinery for the same; laboratory equipment; purchase of articles of equipage at home and abroad under the cognizance of the Bureau of Supplies and Accounts, and for the payment of labor in equipping vessels therewith, and the manufacture of such articles in the several navy yards; musical instruments and music; mess outfits; soap on board naval vessels; athletic outfits; tolls, ferriages, yeoman's stores, safes, and other incidental expenses; labor in general storehouses, paymasters' offices, and accounting offices in navy yards and naval stations, including naval stations maintained in island possessions under the control of the United States, and expenses in handling stores purchased and manufactured under "General account of advances"; and reimbursement to appropriations of the Department of Agriculture of cost of inspection of meats and meat food products for the Navy Department: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for chemists and for clerical, inspection, storeman, store laborer, and messenger service in the supply and accounting departments of the navy yards and naval stations and disbursing offices for the fiscal year ending June 30, 1918, shall not exceed $1,650,000; in all, $3,250,000.

The amendment was agreed to.

AUTHENTICITY OF ZIMMERMANN NOTE (S. DOC. NO. 728).

The PRESIDING OFFICER. The Chair lays before the Senate a message from the President of the United States.

Mr. LODGE. I ask that it be read.

The message was read, as follows:

To the Senate:

In response to the resolution adopted by the Senate on March 1, 1917, requesting the President to furnish the Senate, if not incompatible with the public interest, whatever information he has concerning the note published in the press of this date purporting to have been sent January 19, 1917, by the German Secretary for Foreign Affairs to the German minister to Mexico, I transmit herewith a report by the Secretary of State, which has my approval.

WOODROW WILSON.

THE WHITE HOUSE,
Washington, March 1, 1917.

DEPARTMENT OF STATE,
Washington, March 1, 1917.

TO THE PRESIDENT:

The resolution adopted by the United States Senate on March 1, 1917, requesting that that body be furnished, if not incompatible with the public interest, whatever information you have concerning the note published in the press of this date purporting to have been sent January 19, 1907, by the German Secretary for Foreign Affairs to the German minister to Mexico, I have the honor to state that the Government is in possession of evidence which establishes the fact that the note referred to is authentic, and that it is in the possession of the Government of the United States, and that the evidence was procured by this Government during the present week, but that it is, in my opinion, incompatible with the public interest to send to the Senate at the present time any further information in the possession of the Government of the United States relative to the note mentioned in the resolution of the Senate.

Respectfully submitted.

ROBERT LANSING.

Mr. HITCHCOCK subsequently said: Mr. President, I should like to inquire whether any action was taken upon the message of the President of the United States with reference to the Zimmermann letter?

The PRESIDING OFFICER. No action was taken.

Mr. HITCHCOCK. Then I move that the message be printed and referred to the Committee on Foreign Relations.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes.

The message also announced that the House had passed a bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes, and it was thereupon signed by the President pro tempore.

HOUSE BILL REFERRED.

H. R. 21052. An act authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes, was read twice by its title and referred to the Committee on Foreign Relations.

NAVAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes.

The next amendment was, at the top of page 44, to insert:

That the President of the United States is authorized, by and with the advice and consent of the Senate, to appoint Leonard G. Hoffman, secretary to the late Admiral of the Navy, a passed assistant paymaster in the United States Navy, as an additional number, to take rank next after Passed Asst. Paymaster Maurice H. Karker, United States Navy: *Provided*, That the services of the said Leonard G. Hoffman as secretary to the late Admiral of the Navy shall, for all purposes, be credited to him as service in the Navy.

Mr. SMOOT. I notice that in this amendment that it is provided "the services of the said Leonard G. Hoffman as secretary of the late Admiral of the Navy shall, for all purposes, be credited to him as service in the Navy." I wish to ask the Senator if that is not something new? Has it ever been granted before in the case of the services of a secretary?

Mr. BRYAN. He had the rank of commander.

Mr. SMOOT. At the time he was secretary?

Mr. BRYAN. Yes.

Mr. SMOOT. Then, of course, it would apply.

Mr. WEEKS. I wish to ask the Senator in charge of the bill how long Hoffman was Admiral Dewey's secretary?

Mr. BRYAN. For nine years.

Mr. WEEKS. Does the Senator understand that he will pass any examination whatever.

Mr. BRYAN. That is at the discretion of the Secretary of the Navy. There is no provision requiring him to pass an examination.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Construction and Repair," on page 45, line 18, after the word "vessels," to strike out "$11,500,000" and insert "$12,850,000"; and, on page 46, line 15, after the word "exceed," to strike out "$1,300,000" and insert "$1,650,000," so as to make the clause read:

Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank and wind tunnel; designing naval vessels; construction and repair of yard craft, lighters, and barges; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses for vessels and navy yards, inspectors' offices, such as photographing, books, professional magazines, plans, stationery, and instruments for drafting room, and for pay of classified force under the bureau; for hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables, galleys, and chains; specifications for purchase thereof shall be so prepared as shall give fair and free competition; canvas for the manufacture of sails, awnings, hammocks, and other work; interior appliances and tools for manufacturing purposes in navy yards and naval stations; and for the purchase of all other articles of equipage at home and abroad; and for the payment of labor in equipping vessels therewith and manufacture of such articles in the several navy yards; naval signals and apparatus, other than electric, namely, signals, lights, lanterns, rockets, running lights, lanterns, and lamps and their appendages for general use on board ship for illuminating purposes; and oil and candles used in connection therewith; bunting and other materials for making and repairing flags of all kinds; for all permanent galley fittings and equipage; rugs, carpets, curtains, and hangings on board naval vessels, $12,850,000: *Provided*, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 10 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That no part of this sum shall be applied to the repair of any other ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home: *Provided further*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, watchmen (ship keepers), and messenger service in navy yards, naval stations, and officers of superintending naval constructors for the fiscal year ending June 30, 1918, shall not exceed $1,650,000.

The amendment was agreed to.

The next amendment was on page 46, after line 23, to insert:

Construction of Coast Guard cutters: The limit of cost of two steam Coast Guard cutters for service on the Pacific coast and in Alaskan waters, authorized by the act entitled "An act making ap-

propriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, to be, and hereby is, increased from $700,000 to $900,000.

The amendment was agreed to.

The next amendment was on page 47, after line 6, to insert:

The limit of cost of one steam Coast Guard cutter for service as anchorage patrol boat in New York Harbor, authorized by the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, to be, and hereby is, increased from $125,000 to $185,000.

The amendment was agreed to.

The next amendment was on page 47, after line 14, to insert:

That the Secretary of the Treasury is hereby authorized and directed to construct and equip one Coast Guard cutter for duty on the Atlantic coast, with headquarters at Beaufort, N. C.; one Coast Guard cutter for service on the Great Lakes, with headquarters at Detroit, Mich., to replace the old cutter *Morrill;* and one Coast Guard cutter for service on the Pacific Ocean, with headquarters at Honolulu, Hawaii, to replace the condemned cutter *Thetis*, at a limit of cost not to exceed, for the three cutters, a total of $1,350,000. On account of Coast Guard cutters herein authorized, to be available until expended, $675,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Steam Engineering," on page 48, line 12, after the word "of," to strike out "superintendent of radio service" and insert "Director of Naval Communications"; on page 49, line 9, after the word "exceed," to strike out "$885,000" and insert "$1,035,000: *Provided further*, That not exceeding $8,000 of this appropriation may be expended immediately for the installation of a pneumatic tube between the communication office in the State, War, and Navy Department Building and the branch communication office in the Navy Annex"; and in line 25, after the word "engineering," to strike out "$10,320,000" and insert "$12,270,000," so as to make the clause read:

Engineering: For repairs, preservation, and renewal of machinery, auxiliary machinery, and boilers of naval vessels, yard craft, and ships' boats, distilling and refrigerating apparatus; repairs, preservation, and renewal of electric interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate machinery belonging to other bureaus; maintenance and operation of coast signal service, including expenses of office of Director of Naval Communications and the purchase of land as necessary for sites for radio shore stations; equipage, supplies, and materials under the cognizance of the bureau required for the maintenance and operation of naval vessels, yard craft, and ships' boats; purchase, installation, repair, and preservation of machinery, tools, and appliances in navy yards and stations, including $50,000 for the purchase and installation of tools in the electrical shop at the navy yard, Portsmouth, N. H.; pay of classified force under the bureau; incidental expenses for naval vessels, navy yards and stations, inspectors' offices, the engineering experiment station, such as photographing, technical books, and periodicals, stationery, and instruments; instruments and apparatus, supplies, and technical books and periodicals necessary to carry on experimental and research work in radiotelegraphy at the naval radio laboratory: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, and messenger service in navy yards, naval stations, and offices of United States inspectors of machinery and engineering material for the fiscal year ending June 30, 1918, shall not exceed $1,035,000: *Provided further*, That not exceeding $8,000 of this appropriation may be expended immediately for the installation of a pneumatic tube between the communication office in the State, War, and Navy Department Building and the branch communication office in the Navy Annex: *Provided further*, That the sum to be paid out of this appropriation for the purchase of land for sites for radio shore stations shall not exceed $10,000: *Provided further*, That the total expenditures under this appropriation at the naval radio laboratory shall not exceed $5,000: *Provided further*, That an expenditure under this appropriation of not exceeding $350 for the purchase and maintenance of a native pony and a two-wheeled rig for the use of the commanding officer of the high-power radio station, Sangley Point, P. I., is hereby authorized; in all, engineering, $12,700,000.

The amendment was agreed to.

The next amendment was, at the top of page 50, to insert:

High-power radio stations: For the establishment of a high-power radio station on the island of Porto Rico, $400,000, to be available until expended.

The amendment was agreed to.

The next amendment was, under the subhead "Naval Academy," on page 52, line 17, after "$1,200," to insert "one cook, $900"; in line 18, before the word "cooks," to strike out "eight" and insert "nine"; in line 19, after the word "and," to strike out "one" and insert "two"; in line 20, after "$1,080," to insert "each"; in the same line, after "$840," to insert "one assistant head waiter, $720"; in line 22, before the word "four," to insert "one pantryman, $520"; on page 53, line 3, after "$28,080," to insert "two coffeemen, at $540 each"; in line 5, before the word "four," where it occurs the first time, to insert "one fireman, $600"; in line 6, before the word "two," to insert "one lineman, $540"; in line 8, after the word "each," to insert "one driver, $600; scullions and other unskilled labor (wages in no case to exceed $40 per month), $1,380"; and in line 10, after the words "in all," to strike out "$63,420" and insert "$71,440," so as to make the clause read:

Commissary department: One chief cook, $1,200; 1 cook, $900, 9 cooks, at $600 each, and 12 assistants, at $360 each; 1 steward, $1,200, and 2 assistants, $1,080 each; 1 head waiter, $840, 1 assistant head waiter, $720, and 3 assistants, at $600 each; 1 pantryman, $520, 4 pantrymen, at $420 each; 1 chief baker, at $1,200; 5 bakers, $600 each; 2 assistants, at $540 each, and 3 assistants, $480; 1 head butcher, at $900; 2 assistant butchers, at $720 each, and 1 butcher's helper, at $480; 4 baker helpers, at $300 each; 65 waiters, at $20 per month each, and 65 waiters, at $16 per month each, $28,080; 2 coffeemen, at $540 each, 4 coffeemen, at $300 each; 4 dish pantrymen, at $300 each; 1 fireman, $600, 4 firemen, at $300 each; 4 utility men, at $300 each; 1 lineman, $540, 2 linemen, at $300 each; 2 seamstresses, at $420 each; 4 clerks, at $360 each; 1 driver, $600; scullions and other unskilled labor (wages in no case to exceed $40 per month), $1,380; in all, $71,440.

The amendment was agreed to.

The next amendment was, on page 53, line 14, after the word "establishment," to strike out "$379,973.20" and insert "$387,993.20," so as to make the clause read:

In all, civil establishment, $387,993.20.

The amendment was agreed to.

The next amendment was, on page 53, line 23, after the word "purposes," to strike out "$41,000" and insert "$43,500," so as to make the clause read:

Current and miscellaneous expenses, Naval Academy: Text and reference books for use of instructors; stationery, blank books and forms, models, maps, and periodicals; apparatus and materials for instruction in physical training and athletics; expenses of lectures and entertainments, not exceeding $1,000, including pay and expenses of lecturer; chemicals, philosophical apparatus and instruments, stores, machinery, tools, fittings, apparatus, and materials for instruction purposes, $43,500.

The amendment was agreed to.

The next amendment was, on page 54, line 5, after the word "expenses," to strike out "$49,500" and insert "$52,000," so as to make the clause read:

In all, current and miscellaneous expenses, $52,000.

The amendment was agreed to.

The next amendment was, on page 55, line 3, after the word "leave," to strike out "$390,120" and insert "$465,120: *Provided*, That $75,000 of this appropriation, or so much thereof as may be necessary, is made immediately available for altering, furnishing, lighting, and equipping the marine barracks at Annapolis, Md., as temporary quarters for housing and messing midshipmen," so as to make the clause read:

Maintenance and repairs, Naval Academy: For general maintenance and repairs at the Naval Academy, namely: For necessary repairs of public buildings, wharves, and walls inclosing the grounds of the Naval Academy, improvements, repairs, and fixtures; for books, periodicals, maps, models, and drawings; purchase and repair of fire engines; fire apparatus and plants; machinery; purchase and maintenance of all horses and vehicles for use at the academy, including the maintenance, operation, and repair of three horse-drawn passenger-carrying vehicles to be used only for official purposes; seeds and plants; tools and repairs of the same; stationery; furniture for Government buildings and offices at the academy; coal and other fuel; candles, oil, and gas; attendance on light and power plants; cleaning and clearing up station and care of buildings; attendance on fires, lights, fire engines, fire apparatus, and plants, and telephone, telegraph, and clock systems; incidental labor; advertising, water tax, postage, telephones, telegrams, tolls, and ferriage; flags and awnings; packing boxes; fuel for heating and lighting bandsmen's quarters; pay of inspector and draftsmen; music, musical and astronomical instruments; and for the pay of employees on leave, $465,120: *Provided*, That $75,000 of this appropriation, or so much thereof as may be necessary, is made immediately available for altering, furnishing, lighting, and equipping the marine barracks at Annapolis, Md., as temporary quarters for housing and messing midshipmen.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, I simply wish to inquire whether the amendment on line 6, page 54, to which I have no objection whatsoever, was agreed to?

Mr. BRYAN. Yes; it was agreed to.

The PRESIDING OFFICER. The Chair is informed that the amendment was agreed to.

Mr. WADSWORTH. I did not hear the amendment stated.

Mr. BRYAN. The amendment only proposes to correct a total.

Mr. WADSWORTH. I know that; but I only wanted to have the record straight.

The next amendment of the Committee on Naval Affairs was, on page 55, line 12, after the word "repairs," to strike out "$394,056" and insert "$469,056," so as to make the clause read:

In all, maintenance and repairs, $469,056.

The amendment was agreed to.

The next amendment was, on page 55, line 13, after the words "public works," to strike out "$823,529.20" and insert "$909,049.20," so as to make the clause read:

In all, Naval Academy, exclusive of public works, $909,049.20.

The amendment was agreed to.

The next amendment was, under the subhead "Marine Corps," on page 57, line 1, after the word "shore," to insert: "*Provided further*, That marine gunners and quartermaster clerks of the Marine Corps assigned to foreign shore service shall hereafter be entitled to the same increased compensation and under the same conditions as is now or hereafter allowed by law to commissioned officers of the Marine Corps." So as to make the clause read:

Pay of enlisted men, active and reserve list: Pay and allowances of noncommissioned officers, musicians, and privates, as prescribed by law, and for the expenses of clerks of the United States Marine Corps traveling under orders, and including additional compensation for enlisted men of the Marine Corps regularly detailed as gun captains, gun pointers, mess sergeants, cooks, messmen, signalmen, or holding good-conduct medals, pins, or bars, including interest on deposits by enlisted men, post-exchange debts of deserters, under such rules as the Secretary of the Navy may prescribe, and the authorized travel allowance of discharged enlisted men and for prizes for excellence in gunnery exercise and target practice and for pay of enlisted men designated as Navy mail clerks and assistant Navy mail clerks, both afloat and ashore: *Provided*, That the provisions of the act of May 27, 1908 (35 Stats., pp. 417 and 418), as amended by the act of August 24, 1912 (37 Stats., p. 560), are hereby extended to authorize the designation of enlisted men of the Navy or Marine Corps as Navy mail clerks and assistant Navy mail clerks with expeditionary forces on shore: *Provided further*, That marine gunners and quartermaster clerks of the Marine Corps assigned to foreign shore service shall hereafter be entitled to the same increased compensation and under the same conditions as is now or hereafter allowed by law to commissioned officers of the Marine Corps. In all, $4,800,532.

The amendment was agreed to.

The next amendment was, on page 58, line 7, after the word "at," to strike out "$1,800" and insert "$2,000," so as to make the clause read:

In the office of the quartermaster: One chief clerk, at $2,000; 1 clerk, at $1,800; 1 clerk at $1,500; 2 clerks, at $1,400 each; 2 clerks, at $1,200 each; 1 draftsman, at $2,000.

The amendment was agreed to.

The next amendment was, on page 58, line 18, after the words "Marine Corps," to strike out "$7,132,602.78" and insert "$7,132,802.78," so as to make the clause read:

In all, pay, Marine Corps, $7,132,802.78.

The amendment was agreed to.

The next amendment was, under the subhead "Maintenance, Quartermaster's Department, Marine Corps," on page 65, line 4, after the word "works," to strike out "$13,357,987.78" and insert "$13,358,187.78," so as to make the clause read:

Total Marine Corps, including Marine Corps Reserve, exclusive of public works, $13,358,187.78.

The amendment was agreed to.

The next amendment was, at the top of page 66, to insert:

In addition to the foregoing, the Secretary of the Navy is hereby authorized and directed to proceed at once to cause to be constructed 40 coast submarines, at a cost not to exceed $1,300,000 each, and 10 fleet submarines, at a cost not to exceed $1,900,000 each, on the most approved lines, according to plans and specifications to be provided by the Secretary of the Navy. The same may be let to contract to private builders or constructed by the Government in navy yards, or both, as may be directed by the Secretary of the Navy. Not less than 5 of the said fleet submarines and not less than 20 of the said coast submarines shall be constructed on the Pacific coast. Thirty-five million dollars, or so much thereof as may be necessary, is hereby especially appropriated for commencing and carrying on work upon said submarines.

The PRESIDING OFFICER. The question is on the amendment.

Mr. THOMAS. Mr. President, I have no intention whatever of obstructing the passage of this bill. I know that it will receive an overwhelming majority after it shall have been read and the amendments are disposed of. The enactment of the bill will be prompted largely by those who are in favor of what is called "a naval program second to none in the world," and largely because of the pending crisis in international affairs, due, in turn, to the belief on the part of some that it is an essential scheme of national preparedness, and, second, because of the reluctance of others to even seemingly oppose a measure like this at a time like this. I myself share, Mr. President, very largely that sentiment, and I would not delay the consideration of this bill for a moment if I did not believe that I owed it to my constituency and to myself to make some criticisms regarding it.

We are now legislating, Mr. President, in the close of a historic session of Congress; we are utilizing the last expiring hours of the session in the consideration of the most momentous legislation that perhaps ever presented itself to any Congress. It is, therefore, to be expected that calmness and deliberation will play little part in determining our action, and that, under the whip and spur of a great exigency, the defects of legislation and the unnecessary volume of appropriations will be condoned by the necessities of the hour. But, Mr. President, I think if there is any time in which reason and judgment should assume their functions in human deliberations that time is at hand; and that, instead of being carried off our feet by the forebodings of some and the predictions of many, and allowing the apparent national necessities to be coined into assets for the benefit of purveyors to the Government in times of stress, we should the more carefully consider vast items of appropriation, and act upon them accordingly.

Mr. President, ever since the war in Europe began we have had in this country a propaganda of preparedness. The movement has virtually coined a new word, and that word has been repeated more frequently than any other in the English language since then. It has the support of most conscientious and patriotic people, and of those who will seize the opportunity to take advantage of existing conditions, whose business it is to furnish the sinews of war. Consequently, the plan has developed in a one-sided, rather than in a systematic, fashion. Its one-sideness is due to the fact that appropriations are made, and will probably continue to be made, in large degree for the acquisition of war material on land and sea, in which there is huge profits, and in ignoring those other elements of necessary preparedness which do not subject the Government to such large expense and in which there is not the same degree of profit.

Now, Mr. President, at the risk of incurring the displeasure of my associates on this side of the Chamber, who, I know, are not satisfied with my interruption of these proceedings, I want to call attention to what I believe to be some fundamental defects in this bill. Assuming, for the time being, that the exigency is so great as to demand this enormous expenditure, the bill, Mr. President, came from the House some two weeks ago with enormous appropriations, during which time the Senate Committee on Naval Affairs has added to it $167,200,059.01, making its total $535,753,447.08.

Mr. President, that is the largest supply bill, so called, ever passed or presented by any nation in the world in times of profound peace. Without attempting to be absolutely accurate, I may say, Mr. President, that it is perhaps twice as much as Great Britain ever in any period of her peaceful history utilized for the upbuilding of what is concededly the greatest navy in the world. It is incomparably more than we have ever appropriated on or for such an occasion. If it is necessary, then by all means let the bill be passed. Necessity knows no law in nations, as it knows none in transactions and engagements between individuals; but I want to warn the people of the United States that this is but the beginning of an era of extravagant expenditure which, in the course of a short period of apprehended warfare, will saddle upon the generations that are to come a permanent indebtedness, drawing large rates of interest which they must pay to those who have money to invest and want to invest it in securities which free them from the obligations of an income tax, and that the generation is not even thought of which will be able to reduce the principal.

England is to-day paying interest upon the debt which she contracted in the effort to subdue the Colonies in the American Revolution; and during the long period which has elapsed since then she has never been able to reduce her stupendous debt more than £30,000,000. Her people are to-day saddled with the burdens of the Napoleonic wars, and at the end of this stupendous struggle the burden upon her shoulders will inevitably sink her into the earth, because it will be impossible for her people to meet their annual obligation. We are beginning, Mr. President, a similar course of procedure by a contribution in this bill alone of $535,000,000.

Mr. President, the human mind can not conceive the prodigious amount which those figures are designed to express. Our limitations are such that we must have some object from which the mind may proceed in its attempted contemplation of their magnitude. If at the commencement of the Christian era the Wandering Jew had been sentenced to receive $250,000 a year, without the privilege of expending a cent, he would in the year 1917 be possessed of $479,250,000, and would have to live 226 years more at that same rate of income before he would have accumulated the amount carried by this bill.

The Army bill came over from the House carrying, as I recall, about $226,000,000. Our committee has added $150,000,000 to that bill, at least. The papers say $37,000,000, but, Mr. President, this bill carries as a rider a scheme for universal military training which, if adopted, will add over $100,000,000 to that measure, and these two bills will collectively add to the burdens of the people nearly one thousand millions of dollars.

Mr. President, I again say, if our situation is such that this is demanded, in God's name let us give it. If, however, those who are always prone to take advantage when the family has gone to the circus are behind this measure even in part, wisdom and common prudence require that we should discover the fact if that fact exists.

Mr. President, having said so much generally, let us ascertain what our condition is as to naval preparedness.

We have spent three and a half billions of dollars upon our Navy within the last 20 years, if my recollection serves me right. We ought to have something to show for it. I think we have something to show for it. But since this war began the press of the country, the Army and Navy preparedness organizations, the patriotic and defense leagues over the country have iterated and reiterated our defenseless condition, and have declared that we have no Navy worth the name. Some have referred to it as a scrap heap. I see my distinguished friend, the Secretary of the Navy, upon the floor. He has borne the marks and the scars of many vicious criticisms, and I have defended him here with others. These shafts, all founded on falsehood, have come for the most part from those who are bent upon forcing an enormous naval program upon the country, involving the expenditure annually of hundreds of millions because of the enormous contracts which they authorize, and in which there are such enormous profits. That is human nature, Mr. President.

Now, I assert that the $3,500,000,000 spent by the Republican Party, for the most part, for the building of a Navy long ago resulted in giving us the second Navy in the world, and I challenge contradiction of that statement. The fact will not appear in the papers. It has been made upon this floor half a dozen times and is based upon the testimony of competent naval experts. Admiral Dewey has been cited in support of it, but that fact has been carefully suppressed—I say "carefully suppressed" because it has so seldom appeared—and the assertion that our Navy is good for nothing except to go on the scrap heap has been substituted for it.

Sometimes, however, the papers publish articles or statements on this subject. On the 5th day of February last, shortly after the President delivered his address to the two Houses, an interview appeared in the New York Times, Mr. President, coming from Admiral Lord Charles Beresford, one of the great naval experts of the world, and for his entire life, I think, connected with the British Navy, in which appears this tribute to our Navy:

America has a splendid Navy. In its proportion as to units it is better than any other afloat.

Just think of that for a moment!

In its proportion as to units it is better than any other afloat.

A remarkable statement from the lips of a British naval expert.

It may be just a trifle short of destroyers, but it has many other smaller craft with which it would be able to fight submarines. America has ample submarines for the protection of its own coast.

When a British admiral thus expresses himself, and when a similar expression has fallen from the lips of the first of American experts, who, Mr. President, can with truth or with propriety challenge the superiority of our naval equipment or defend the necessity at this time of appropriating for the construction of 10 or 15 battleships and battle cruisers, in addition to what we possess, because of the present exigency, when not one of them can be completed in four or five years? God knows we fervently hope that if war shall come it will be over before that time.

Of course, it is said: "This is carrying out a naval program which we adopted last year," and that is also true; but, Mr. President, in addition to the $15,500,000 each then appropriated for our battleships—three this year—and $19,000,000 for our battle cruisers, we propose to add, in order to speed up the completion of those that are now upon the stocks and provided for last year, and give the contractors an addition of $19,000,000. I suppose that is on account of the cost of high living from which the purveyors of armor plate are at present suffering. I am told that this is the cost of one of these monsters without armament and armor plate; and when those are added each will cost somewhere in the neighborhood of $26,000,000, or something more than the appropriation this year in the Agricultural bill. More money for one ship than the Government of the United States expends per annum for the development of its great agricultural industry and for the benefit of its great agricultural population! And it will receive the support of many Senators upon this floor whose hearts bled, only day before yesterday, for the creamery man on the occasion we were trying to cheapen a healthful food product needed for public consumption. But the first, of course, is patriotism; the latter is said to be; both, however, being very largely covered by the term suggested by the Senator from Mississippi.

Again, I say, Mr. President, that if these huge monsters are essential for our present exigency, let us have them. I want to vote every dollar—and perhaps I may weary the Senate by repetition—which is necessary, or supposed to be necessary by those in charge of our naval and military affairs, to cope with the present exigency.

In Europe this war has developed a number of things of which we should take advantage. One is aviation. The nation which controls the air is the nation which will ultimately win in modern warfare if it can hold that supremacy. Great Britain has an aviation corps, I am told, that is larger than the aggregate of our soldiers and officers and marines of the American Navy; the French aviation corps is larger than that, showing the vast importance of this arm of the service in modern warfare.

What do we need to protect our coasts? I am assuming that this is a bill for the defense of the country. Certainly we need a development of aviation. But this bill provides less than six millions for that purpose, and I am very sure that the number of hydroaeroplanes now possessed by the Navy is not very large.

The best detector of the submarine is the airship. Strange to say, from the heights of the blue empyrean, these can be readily detected beneath the surface; and consequently, as a protection against submarine warfare—and that is the only class of warfare, except, perhaps, that in the air, to which we will be subject very soon—this is a matter to which we should now give our attention. But we are building huge battleships at the expense of this important arm.

Mr. President more than a hundred years ago Robert Fulton said that the submarine and the torpedo would ultimately bring about the freedom of the seas. They are doing it. The mightiest battle fleet that ever existed stands guard to-day over the German ports; but not a single vessel can get within range of a German port, nor can they prevent the escape of that constant stream of submarines with which Germany is creating such havoc with the world's merchant marine. We are building battleships in spite of the lesson which is there taught, and at the sacrifice of the manufacture of a sufficient quantity of first-class modern submarines necessary for the protection of our coasts. If, instead of spending $100,000,000 for battleships, we spent half as much for airships and submarines and for coast mines and for mine sowers, we would be engaged in real preparedness.

It is true Sir Charles Beresford says that we have an ample quantity of submarines for coast defense, but let us make sure. Why not double them? This bill provides for 40; but we should have as many as 40 additional ones upon each of our coasts, for a specter has been conjured on the Pacific which has been quite as potent in securing appropriations, perhaps more potent, than any other during the past 15 or 20 years.

I say, Mr. President, for these reasons, stated as rapidly as I am able to do so, that there is no necessity for these enormous appropriations for the building of structures which can not be made effective—can not be put into commission—for the next three or four or five years, at which time, in all probability, they will also be declared by those wanting new contracts to be fit only for the scrap heap. We are in a mad race with the world, headed straight toward bankruptcy, in the effort to see which nation shall have the largest navy.

To my mind, Mr. President, this does not mean defense; it means aggression. It does not mean protection at home; it means, to use an old expression, to "carry the war into Africa." I never knew a man in my life who carried a gun in each hip pocket to defend himself who did not sooner or later seek the quarrels which presumably he was afraid of and against which he armed himself. It is in the blood. When we get the greatest navy in the world, we are going to try it out.

It was said, Mr. President, immediately before the outbreak of the war, that in June of 1914 the Crown Prince of Germany said to his father, "What good is your big army if you do not fight somebody?" What is the use of the biggest navy in the world if you do not intend to carry out some line of conquest or try it out against somebody? To say that it is necessary for defense at this juncture is to decry what we possess, and to give heed and credence to the strictures that are made against our Navy.

I have a clipping from the Washington Post, published during the last month, headed "Great increase in naval strength of the United States," shown in the Navy Register and the official reports of the Navy Department. This statement gives a detailed description of the various vessels which constitute the American Navy.

We have, in the first line, 17 battleships; in the second line, 25; 10 armored cruisers, 5 first-class cruisers and 4 second-class cruisers, 16 third-class cruisers, 9 monitors, 57 destroyers, 16 coast torpedo vessels, 20 torpedo boats, 76 submarines, 8 tenders and torpedo vessels, 30 gunboats, 5 transports, 5 supply

ships, 1 hospital ship, 23 fuel ships, 16 converted yachts, 50 tugs, 11 special-type vessels, and so forth. I ask permission to place this statement in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THOMAS. In the supplement of the New York Times for the 18th day of February is a most illuminating article from the pen of a French admiral entitled "The submarine war of 1917." I shall not read it, but I shall ask also to insert it in the RECORD, because it contains information that should be in the hands of every Senator and Member of the House.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

THE SUBMARINE WAR OF 1917—LEADING FRENCH NAVAL EXPERT MAKES STARTLING PROPHECIES AND DEMANDS DRASTIC COUNTERMEASURES.

[By Rear Admiral Degouy.]

[Written previous to Germany's resumption of ruthless submarine warfare, the article translated below, in slightly condensed form, from the pen of Rear Admiral Degouy, of the French Navy, one of the leading naval experts of Europe, accurately foreshadows Germany's submarine blockade and presents valuable figures as to the number of German submarines available, their tonnage, armament, and probable methods against their enemies. The article appeared in the Revue des Deux Mondes for Jan. 15.

Admiral Degouy's belief that new inventions are needed to meet the submarine menace is shared in high official circles, Lord Curzon having stated in the House of Lords on Feb. 6 that the British Government is employing and developing every possible scientific invention giving promise of helping to discover and destroy submarines.]

"Now it's war to the knife!" the Germans exclaim. It is curious indeed that they use this expression to designate the newest, most scientific, and most surprising of the methods which man, that wolf of genius, has evolved for destroying other men. Must we not understand from this that the conflict is going to assume beneath the water as well as on the surface, on land, and in the air a character of exasperated ferocity in which the voice of pity will never be heeded again, in which the little respect still remaining for international agreements whose object is to limit the cruelties of war will vanish?

Let us look at this question more closely, for one naturally asks what more our foes can do than they are now doing, and how they will succeed in surpassing themselves in their contempt for human and divine laws.

They can do so, however. I have just read the report of the captain of a French merchant steamship who lived for 12 days aboard a big German submersible with the 20 survivors of his crew. These poor fellows, after much suffering, at least saved their lives. But from now on there will undoubtedly no longer be any previous warning, not even outside the zone of English territorial waters, into which since February 18, 1915, it had been decided that nobody was to venture except under penalty of destruction.

But how about neutrals?

"No neutral can navigate any longer if we wage ruthless warfare," said Deputy Stresemann at the National Liberal Congress, held at Cologne. This was about the 20th of December, when Germany still harbored some hope of hoodwinking her enemies through her proposal to negotiate. Did she wish at the same time so to impress the neutrals as to make them influence the decisions of the entente powers in favor of a premature peace—a German peace? Possibly. But since, even now, Germany's submersibles do not fail to sink neutral vessels—the unhappy Scandinavians know what to expect—one is bound to ask whether the only difference in submarine warfare from now on will be that survivors from destroyed neutral vessels will be treated with a degree of clemency which crews of our vessels must no longer expect. (It must be understood that all this does not apply to the great neutral across the ocean, since Germany is bound under all conditions to behave carefully in dealing with her.)

The decision, already put into effect, of sowing the seas about Europe with automatic mines, rigorously forbidden by international maritime law, will have far-reaching results. Many months, or even years, after the conclusion of peace vessels of all kinds will be destroyed by the explosion of these formidable machines drifting about at the mercy of currents. * * *

Is this all? No. Submarines are adapted to other uses. Only a few weeks ago one proved itself a "bombardment submarine" by firing on two occasions upon the peaceful port of Funchal, on the Island of Madeira, under the pretext of destroying the cables and wireless station there.

We must, therefore, expect ravages along our coast, all the more serious as regards the effect produced on public opinion, in view of the fact that the enemy, no matter how well armed he may be, will not hurl himself against the "sea fronts" of our arsenals or our great commercial ports, but will confine himself to the ports of lesser importance, such as fishing ports, and even bathing resorts, the killing of women, children, and invalids being part of his system of intimidation. To sum up, all coast localities whose defensive organization is limited to simple methods of general surveillance and to a few movable or fixed guns, manned haphazard, may be directly menaced.

Must I also warn people that, at least along the relatively near-coast fringes of Germany, England, and France, we must from now on expect concerted action of enemy submarines and aerial machines? The Germans have very recently studied in a practical way the means of bringing about this dangerous combination in the blockade imposed by them along the coasts of southern Norway, which is maintained by simultaneous employment of Zeppelins and submarines, with flotillas of big torpedo boats. And only the other day they employed a dirgible and a submersible to convoy, from the Varanger fjord beyond the North Cape to the Categat, the big packet boat Prinz Friedrich Wilhelm, which stole for the entire distance along the Norwegian coast in Norwegian waters, thus clearly violating Norway's neutrality by the combined use of military elements, using her coast for a base.

One may easily imagine the sudden apparition, before a little-defended or defenseless port, of a division of two or three bombardment submarines, guided both from the land and the sea side by a dirigible capable also of cooperating with bombs in the work of destruction, but whose principal task would be to discover, as far away as possible, the mobile batteries hastening from inland to bring succor or vessels navigating on the surface, and also submarines, which would hasten toward the locality attacked.

Let us now endeavor to ascertain exactly what are the submarine engines which the Germans will employ in this new phase of naval warfare.

First, there are the submarines and submersibles themselves. * * * I shall limit myself to making note of the progress which our adversaries have apparently made since the beginning of 1916.

Attention should be called, first, to the existence of a submersible armed with a veritable "armored battery," constructed over a nearly cylindrical shell. This battery, provided with a number (as yet unascertained) of guns of 120—perhaps even of 150—millimeters, would be flush with the surface of the sea, and the part of the shell unprotected by armor would be covered by the water. All that would be necessary up to this point would be to defend that portion of the submarine above the water against the weak guns of merchantmen armed for defense.

The underlying idea is correct in itself, being based on these two essential facts: First, that the submarine can not use its torpedoes for destroying mere cargo boats, since torpedoes are expensive and it has only a few; and, second, that, should it wish to sink such boats, it is at the mercy of a light gun if it appears on the surface.

As for an armored battery attached to the outside of an almost cylindrical shell, this would probably not be an entirely satisfactory solution of the problem from the point of view of stability. I feel inclined to believe rather in the existence of little water-tight turrets or guns (either fixed or disappearing) that may be discharged from above a relatively thick armored covering protecting the regular covering of the shell.

But, as will be readily seen, if there is to be armored protection, a battery of 150-millimeter guns and, in addition, high speed and astonishing endurance—24 knots on the surface 16 when submerged, a radius of action of 18,000 miles at an economical rate of speed—the size of submarines must have been increased to a considerable extent. No longer can the Germans be contenting themselves with 2,000 tons displacement for their mammoth submersibles; they must have succeeded in making some of not a whit less than 5,000 tons (4,000 to 4,300 on the surface).

Moreover, the submarine cruiser, being 130 meters long or thereabout, will be confronted, if it is to operate while submerged, especially in comparatively shallow waters, with the difficulties of which I spoke here over a year ago. But, as it is distinctly capable of defending itself on the surface, this handicap would be much less serious if it were surprised before being able to submerge or in some place where submerging would be dangerous.

Would not such a submarine cruiser, operating on the Atlantic lanes of navigation, in the Caribbean, or—why not?—close to Cape St. Roque, in Brazil, be confronted after a while with the serious problem of replenishing supplies? As we have seen, it would be capable of traveling 18,000 miles at low speed. It will soon cover that distance, no matter how infrequently it undertakes pursuit at high speed of modern packet boats.

Moreover, it will require not only liquid fuel, it must also replenish the provisions for those aboard, especially if it consents to take prisoners—at least neutrals—and also lay in new stocks of what are called in the navy consumable materials, exclusive of fuel. It must make repairs, which can be accomplished only on the surface and in a safe place; and it will need many other things, most important among which is the necessity to rest. One can not form an idea of how important it is for a submarine, even the biggest, to rest, to stretch (if I may use such an expression), to spread out on the water, to expand all over, to breathe deeply!

Therefore a resting place, a secondary base of operations, is indispensable to a submarine. How can it obtain one?

I am well aware that there exists, in the faraway regions that I just mentioned, numerous points, almost uninhabited islets, remote and little-visited bays, where temporary clandestine bases might be established, to be abandoned and set up elsewhere as soon as discovered. And I will not waste time on that other solution, open to small or medium sized submarines, viz, resting on the bottom of the sea in cases where the depth of the water does not exceed about 40 meters. This solution is, on the face of it, unsatisfactory; submarine and crew would find, by adopting it, only a precarious relief. It is a matter of doubt, moreover, that a unit displacing from 4,000 to 5,000 tons would adopt such a course without inconvenience. And as regards replenishing of supplies on the high seas, various means of effecting which are always possible, I insist that these are merely replenishings—soon the submarine will demand something else, no matter how powerful or "autonomous" it may be.

What, then, is the solution of the problem? Well, let us imagine twice or three times as many big submersibles as bombarded Funchal early last December; let us imagine that this little port appeared to the assailants badly defended and capable of being stormed by a handful of resolute men, landed after an effective bombardment. Is that not the complete solution, all ready made, that was being sought?

Complete? Certainly not, some will insist. It is not enough to take a place, they will say; it must be held. And how is a sufficient garrison to be found in the crews of four or five submarines, even though they be of 5,000 tons?

That is a good point. But there is an answer. It is the Deutschland. It is the transport submarine. If the Germans have deemed it advisable to create the commercial submarine, capable of carrying several hundred tons of merchandise, they have quite probably thought that a submarine of such capacity might be utilized for transporting troops if it were specially constructed and minute hygienic precautions were taken.

Will this idea become a reality during the present war? I can not say. And who can say? But it is enough that the hypothesis be not untenable for it to be worthy of attention. After all the extraordinary things that we have seen, one more should not astonish us. And we certainly should not shrug our shoulders at it, like the people of "calm sense" whose haughty incredulity has so greatly hurt us.

While awaiting the appearance of the troop-transporting submarine, let us bear in mind that a speedy surface vessel, one of the big new German packets, might take to the submarine cruisers, like those I hypothetically bring into action, the troops which they might need. Nor should the objection be made that such a vessel would be intercepted before it got out of the North Sea. Nothing could be more uncertain than such an assumption, especially during the present season of the year, which is favorable to surprises, to blockade running, to clever escapes. The *Moewe*, it will be recalled, solved the problem; a much simpler one, evidently, than that confronting a sortie by a naval force.

But at all events, it will be argued, the allies will always be able to retake the place captured by the enemy, for surely we are not masters of the sea for nothing. Undoubtedly—but in such case we should have to deal with submersibles, which, having been bombardment submersibles in the attack on the place, become again submarines operating beneath the water when defending their conquest. In view of this, the attempt to recapture the place might be a serious undertaking.

I shall speak now of the 2,000-ton submarine, which has certainly been put in service, probably at the same time as the commercial submarine *Deutschland*, whose tonnage is no less. Judging from the characteristics which are attributed to this new craft, it will readily be seen that we have here a deep-sea cruiser most acceptable for operating along the allies' lines of communication with America. Here are these characteristics: Length, 85 meters over all; four Diesel motors of 7,000 horsepower; speed of 22 knots (14 when submerged); ability to cover 6,500 sea miles on the surface (in other words, twice the distance across the Atlantic), capacity for fresh water and provisions enough to last six or eight weeks; armament consisting of 8 torpedo tubes for 16 55-millimeter torpedoes, 50 automatic mines, 4 medium-sized guns (perhaps of 150 millimeters, perhaps of 120), adapted for firing against aircraft; upper bridge lightly armored; two boats; 50 men in the crew, together with 5 officers, including 2 mechanicians.

Such are the new submarines. Let us say a word about their equipment:

Their kind of torpedoes is known; it is the steel Schwartzkopf, 55 millimeters in diameter, weighing nearly a ton, and capable of covering quite a distance, thanks to compressed air, at the rate of 40 to 45 knots; range, 6,000 meters; remarkably accurate; charge, 180 kilos of trimitrotoluene, which gives it a formidable power of destruction.

The automatic mine, whether free or moored, has only 165 kilos of explosive, but that makes it none the less dangerous; in fact, it is more dangerous than the automobile torpedo, because it generally explodes lower down—it strikes at the vitals!

As for the guns, except for the antiaircraft arrangement to which I have referred, they have no peculiarity outside of being of the short type for each of the different calibers. Have the Krupps manufactured 150-millimeter pieces for the big submarines of less than 35 caliber? Possibly, at all events, the weight of the projectile must not be far from the neighborhood of 40 kilos. The projectile of the 105 still weighs between 16 and 17 kilos. That of the 120—if, indeed, guns of this caliber have been made for submarines—would reach about 23 or 24 kilos in weight.

In view of all this, with what means of action can we meet those of our adversary?

Our means of action must vary, of course, according to political, geographical, and hydrographic conditions in the various theaters of war, which conditions also govern the distribution of the groups of enemy submarines which we must seek out and destroy. It is evident that operations of this nature will be different everywhere—in the Mediterranean, in the Adriatic, that canal of crystal-clear water, where the enemy is so advantageously posted; in the rough and yellowish waters of the North Sea, lined on the south by the lowering defensive screen of the German coast; in the Strait of Dover and the English Channel, our own waters, which should belong to us without dispute, and finally, in the Atlantic, the immense Atlantic, where, at first glance, the search for submersible craft appears to present such difficulties.

But let us say a word first regarding the groups of submarines which I have just mentioned.

Germany, it is calculated, had at the beginning of December, 1916, a little over 110 submarines of all tonnages. Austria had a dozen. We admit in a general way that German shipyards produce a submarine a week; it is not so easy to ascertain, strange as it may seem, how many we have destroyed in the last 29 months. The admiralties are prone to keep secret a total which, possibly, satisfies them only to a small extent, not being commensurate with their conscientious efforts. At all events, production of submarines greatly exceeds consumption, and it is safe to calculate that the coming season of good weather will allow the enemy to utilize—not all together, of course, but including reliefs—a total of 150 German and Austrian submarines. Prince von Bülow spoke recently of 220, but, of course, the former imperial chancellor stretches the truth a bit; our enemies never fail to use the "moral maneuver."

Of the 150 submarines mentioned, there will be at least 30 of medium tonnage for the Mediterranean. About 20 will scour the coasts of Spain and Morocco, pushing their operations as far as the Bay of Biscay. We must reckon a few more for the outlets of the English Channel, Bristol Channel, and St. Georges Channel, and assume that these, like those already enumerated, will be of the larger type, say from 1,200 to 1,500 tons. On the other hand, the North Sea and the Baltic will be covered by submersibles of relatively small tonnage, some of which are constructed at Hoboken, near Antwerp, and shipped to Zeebrugge by canal, or even by rail. The larger submarines will again appear for operations along the Norwegian coast and beyond, in the White Sea. Let us reckon 50 submarines of large variety in size and power for the German territorial waters and those of the Scandinavian Kingdom bordering on the Atlantic.

This will leave about 30 big submersibles for the high seas, the lowest number which our adversaries must have if they wish to achieve really appreciable results and organize continuous cruises on the cluster of navigation routes converging toward the Great Sole. This presupposes fairly frequent reliefs—say every three months.

Granting this, what are we to do? In the Mediterranean, first of all, the theater of war which seems by far the most important just now from the military point of view—my readers will understand that on this point I must exercise a certain amount of reserve. * * * I shall confine myself therefore to recalling what is already known and, so to speak, officially announced. We will increase the total of our light craft; little by little we will arm our cargo boats capable of carrying a few guns; we will provide them with wireless—a big step in advance. Naval aviation is also developing, and good results are expected of it in the Mediterranean, that sea of clear waters, so often calm beneath the radiant light that pierces them.

We now come to the question of organizing the defense of the European Atlantic coast.

Newspapers stated toward the end of December that submarines revictualed at the Canary Islands, aided by the crews of the German vessels interned there. Moreover, matters have reached such a point on the coasts of Biscay and Galicia (western Spain) that many Spaniards are protesting publicly against the aid and information which German submarines receive there in such abundance as to bear witness to the ability for organization of our enemies and the abiding power of the hostility felt toward present-day France by certain elements—very few, to be sure—of the Spanish population. Nobody doubts that eventually we shall get satisfaction, thanks to the firmness of the cabinet, under the direction of the King, who has earned for himself the profound gratitude of so many afflicted French people.

But, I repeat, from the day that 2,000-ton submersibles take the place of those ranging from 800 to 1,200 tons, cruising at present between the Canaries and our Cape Finisterre, the necessity for secret revictualing will be less urgent for our adversaries. The hunt for these big craft, I may add, will be much more difficult because of the considerable increase in their radius of action when submerged; in other words, of the duration of the interval between two consecutive returns to the surface. Such a hunt will demand, moreover, stronger vessels from every point of view than those employed until now.

The same remarks apply to "fishing for submarines" by means of more or less ingeniously placed nets. What succeeded in 1915 against the small submarines of the English Channel and North Sea naturally runs the risk of failing against the big new submersibles. The shark does not let itself be caught where smaller fish are snared.

It must be remembered, of course, that methods of cruiser warfare dating many years back proved very efficacious in the first phase of the great conflict. Nevertheless, these methods, one and all, are based upon the visual discovery of the quarry by the hunter or his auxiliaries. When the quarry does not show itself, or does so only at too rare intervals and without allowing the foe to infer anything definite on account of the capricious nature of these successive appearances, what is to be done? Are we to trust to luck and tell ourselves that by using many surface cruisers aided by keen scouts, by employing the "false cargo boat trick," by extending the limit of vision of aircraft we shall eventually get our subtle adversary within gunshot and hit him, provided he can not submerge? Maybe, if we must. But how many practical obstacles lie in the path of the organization of this entirely new "high-seas warfare," even though we stake out lines of operation and establish pivotal points for submarine searchers on all the islands of the North Atlantic belonging to the allies—Newfoundland, the Azores, Bermuda, the Bahamas, Martinique, Cape Verde, Madeira! And how long all this will last and what a strain it will be on the public's nerves to wait for tangible results while the destruction of packet boats goes on and the "new blockade" does its work!

Well, then, once again, what is to be done?

Something new! We allies, too, must create new things, we who were such excellent inventors in former days. We must do something new and not be satisfied with developing and bettering old methods. This war, it has been but too well said in these very pages, changes every day. How are you to fight against an enemy who invents or adapts to his own uses the inventions of others in so masterly a manner—which amounts to the same thing—if you do not invent in your turn and invent more than he does and better than he does? To overtake Germany it is not enough to take one step forward if at the same moment Germany takes one. Do you think that she will stand still? We must not reckon on that.

Those are the serious problems of the day. To solve them is urgently necessary. I am not aware what the Admiralties of the allied countries are planning. Will they confine themselves to increasing the number of their light vessels, multiplying their hydroplanes, perfecting bombs, nets, rakes, etc.? Such things, of course, are useful; unfortunately, however, they are inadequate. They were inadequate even in the phase of the war that is drawing to an end; experience has proved that. They will be even more inadequate in the phase that will soon begin against the new German submarines, more efficient for offensive and defensive purposes than the submarines of 1914.

At all events, if the appeal that I think must be made to inventors is fruitless, it will doubtless be borne in mind that the masters of the sea always have at hand the radical means of putting an end to submarine warfare.

Mr. THOMAS. It appears from this article, Mr. President, that the Germans are now manufacturing two classes of undersea boats, one called the submarine and the other the submersible. They have a radius of 18,000 miles and can be provisioned for a cruise of four or five weeks. Eighteen thousand miles is nearly two-thirds of the distance around the earth, and these vessels can easily go up and down our coast without being provisioned for a very considerable length of time. This writer also shows how the trip of the *Deutschland*, ostensibly for commercial purposes, was designed as a test whereby a submarine could be reprovisioned and rearmed with submarines. The submersible is an armored vessel which, going into the harbors of cities of the belligerents and then coming to the surface, hold these cities at their mercy. There may be a hundred battleships in the offing, but their guns will be powerless against such a foe.

The coast defense may be the finest in the world, but these are builded for enemies in the distance, sometimes below the horizon. In our mad eagerness to build a few more battleships we may be overlooking the fact that the enemy has so perfected his means of warfare as to appear at our very doors and, in spite of this element of protection, create havoc almost beyond conception.

Now, what we shall meet the dangers with, if our purpose is to prepare for defense, are battleships and submarines, together with mines and airships. These, Mr. President, if we are in earnest upon this proposition of defensive warfare and protection, are the means to which we should resort at this time instead of expending money for objects which can not be completed for four or five years and which, when completed, will only offer fresh temptations for others of similar character. Now, Mr. President, the committee in an amendment proposes the following:

NAVAL EMERGENCY FUND.

To enable the President to secure the more economical and expeditious delivering of materials, equipment, and munitions and secure the more expeditious construction of ships authorized and for the purchase or construction of such additional torpedo boat destroyers, submarine

chasers, and such other naval small craft, including aircraft and ammunition for all of said vessels, and for each and every purpose connected therewith, as the President may direct, to be expended at the direction and in the discretion of the President, $115,000,000, or so much thereof as may be necessary, and to be immediately available.

A bill introduced to-day, at the early hour of 1 o'clock in the morning, aims to give the President plenary powers to confront and meet the emergency now upon us and makes provision for a bond issue of $100,000,000. That sum, added to the $115,000,000 which this bill carries, is designed to put in the hands of the President as an emergency fund the colossal sum of $215,000,000.

I have no question, Mr. President, but that the President will utilize this fund as it ought to be utilized, in his judgment. But where is the necessity at this juncture of increasing our indebtedness $215,000,000 at "the first shot out of the box"? What can we do with it? Our shipyards, we are told, are crowded. It is impossible to make provision even for beginning to build a single additional vessel just now in our yards, public or private. Is an army to be raised? We have another bill carrying $225,000,000 for that and more. Is a navy to be equipped? This bill carries other items, an ample fund for that purpose, to which millions of dollars have been added by our committee.

Yet it is proposed, Mr. President, notwithstanding the enormous expenditure of the Government and under the pretense that there is a tremendous exigency before us requiring it, to add this vast sum to our appropriations and upon a theory which I can not understand.

Mr. President, I have assured my friends on this side of the Chamber that I shall not occupy a moment more of time than seemed to me to be very necessary. I shall therefore pass that provision of the bill and come to another, although much more might be said concerning it.

This other provides a million and a half. That sum is so small in these days that the average Senator can not see it with a microscope. It is so infinitesimal in our national economy as scarcely to be worth noticing. It does not amount to a beggar's change in our appropriations.

Mr. VARDAMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. THOMAS. Certainly.

Mr. VARDAMAN. I desire to say that, while time is very precious and we want to get through with the business of the session, the Senator from Colorado is putting facts in the RECORD which the American people ought to have. I do not think that it is going to have any effect, particularly upon the Senate in its final action upon this bill, but I want the American people to have the benefit of the truth that he is stating. They will come to their senses after a while.

Mr. THOMAS. I know what I am saying will not change a vote in the Senate. It will not change a solitary vote. The die is cast; these manufacturers want $535,000,000, and they are going to get it. We need a great part of that money, if properly expended.

Let me say here, Mr. President, as a member of the Committee on Military Affairs I voted cheerfully to place in that bill every cent which our Army requires for aviation. It is money we will spend well and money needed for the national defense. I voted for and will continue to vote for everything of that sort that appeals to me. But I believe, although I am not a naval man, that the day of the battleship is ended.

The nations expending money for these new structures are wasting it. This is the day of the submarine. Shut our eyes to it as we will, while the great squadrons of battleships confront each other in the hostile seas the war is being carried on by submarine craft, and carried on with terrible efficiency. We all know the material situation in Europe and what a breach between the United States and Germany might bring upon us. Therefore I think we will vote every dollar for preparation if this list of preparations is necessary; but we have no time to waste in increasing our aviation, our submarines, and our torpedo boats, and we should not hesitate to advance all the money necessary to expedite them as far as possible and even to purchases, if need be, from foreign Governments.

A million and a half, Mr. President, is so small that I must apologize to the Senate for referring to it as a part of our preparedness. That is designed to establish an additional navy yard in San Francisco Bay. What for? Why should we have a second navy yard in San Francisco Bay at this time? Can we complete it in a day? Can we complete it in a year?

Mr. VARDAMAN. Mr. President, I ask for order in the Chamber.

The PRESIDENT pro tempore. The Senate will be in order.

Mr. THOMAS. Mr. President, what I am saying goes into the RECORD. I do not expect to receive much attention upon the floor. Indeed, I know I am becoming sort of a senatorial nuisance, and particularly to my own side of the Chamber. I realize that fully. It is not a pleasant task. I know that my friends in the cloakroom are waiting with great impatience until I get through, when they will come in and ask the chairman what particular amendment is under consideration and vote accordingly.

Perhaps I take my job, as I call it, too seriously. I am beginning to think so. I believe it is becoming the conviction that I am prone to object to any measure, particularly with an appropriation in it. But I take these criticisms with as much cheerful consideration as a fat man can, and will continue to do my duty as I understand it.

I want to say, then, that this is no time to be building new navy yards anywhere, either in San Francisco or in Boston or in Denver. My impression is that if I made a good hard effort some time I might so trade as to get an appropriation for that purpose, but I do not like to do so. I promise not to take more time than necessary. I am criticizing the bill as to those items which seem to me not to be essential now.

Mr. President, we should practice economy in public affairs. There is a day of reckoning coming, Senators. We have paid upon our national debt in interest since 1865 the sum of $3,089,000,000. We still owe the principal, and we are going to continue to owe the principal. We passed a bill yesterday adding over $400,000,000 to the national debt at 3 per cent, or $12,000,000 a year, and the child is not born who will ever see 1 cent of that money paid. The child never will be born who will escape that burden unless it is repudiated.

Mr. President, in my honest judgment, I may be mistaken, a man who loans money upon Government bonds does not object to seeing an increased bonded indebtedness in this country, for the interest-bearing bond is the endless chain which takes back to the bondholder the money that he advances upon the bonds which enables him to buy others. It all comes from the people. We are going to keep on issuing bonds now because they bear interest and because it is so easy to raise money in that direction. Taxes are unpleasant. We do not like to tax men who vote. They may vote against it. We have enacted an income tax which only affects a few voters and we have excluded all incomes under $3,000 because there are so many voters in that class. We have enacted an estate tax because that falls upon dead men and they can not vote.

Now, Mr. President, we propose to saddle our obligations upon our unborn children because they can not vote, and thus we shift the responsibilities which are upon our shoulders of making this Nation pay as it goes.

In 1862, Mr. President, the Government of the United States issued Treasury notes carrying not one cent of interest, and they were received by the people in good faith as their money. It was that sort of money which saved the Union—a money that is redolent with the aroma of nationality. The credit of this country is to-day better than it ever was. Yet we have provided in the bill we have just passed that in order to anticipate the coming revenues the Secretary of the Treasury may issue certificates of indebtedness to run not longer than one year carrying 3 per cent.

I proposed an amendment providing in this exigency for the issuance in our emergency of not to exceed $500,000,000 of Treasury notes—noninterest-bearing notes—in denominations of $5 and upward, which the people would gladly have; but there is no profit, Mr. President, in that sort of issue to the money changers of the country. Consequently, my proposition got but three votes besides my own from my Democratic brethren—one, that of my distinguished friend, who unfortunately retires from public life very soon, the honest and stalwart Senator from New Jersey [Mr. MARTINE]; my other friend from Mississippi [Mr. VARDAMAN], who sits beside me; and the venerable Senator from South Carolina [Mr. TILLMAN] indorsed it with that fearless courage that has always characterized his conduct in public life. Those four, and those alone, believe that it would be well to save the Government a little interest; but that is as far as I have got, and doubtless as far as I ever will get until we have war. When that comes, then the credit of the people turned into money will be necessary, and then, too, every effort will be made, as was made before, to depreciate it.

I know, Mr. President, that the specter of inflation always presents itself to the mind when the issue of Treasury notes is suggested; but an issue of the amount named, bearing no interest, could not possibly inflate the currency of a hundred millions of people, and the saving of $15,000,000 a year ought to be a little consideration to the taxpayers at the present time. I think, Mr. President, that instead of launching ourselves upon a Democratic policy of increased interest-bearing bonded indebtedness, it would have been well in this emergency to have

economized a little in the direction to which I refer; but, as I have said, it has not been done and it will not be done. So much, then, Mr. President, for the things in this bill to which I object, but object in vain.

If I had my way, I would strike out two of these battleships at least and substitute for them as many submarines as the money thus appropriated would build; if I had my way I would strike out the cruisers and use the amount of money there appropriated for purposes of aviation; if I had my way I would do away with a number of other seemingly unnecessary and impossible measures for immediate protection, and I would use the money in the construction of sea mines, and thus demonstrate to the people a world program of defense.

Mr. President, if preparedness were consistent I perhaps would be a greater friend to it in its moderate form. Every military writer declares that no system of military preparation is complete that does not involve the control of transportation; and I will venture the assertion to-night that not 10 per cent of the advocates of preparedness would stand a moment for governmental control of our huge systems of transportation; yet without it we may prepare and prepare until doomsday and yet a radical defect will exist in the system, which may lead to our undoing.

Mr. President, during the recent trouble in Mexico I saw an account in the newspapers of the transfer of a large consignment of horses from Wyoming to New York on their way to Texas. The failure of their consequent arrival resulted in serious and great inconvenience, and had the situation been acute it might have resulted in disaster.

Mr. President, let me refer to another subject before I conclude, and then I promise the committee that I shall offer no further obstacles to the consideration of this bill.

Mr. President, I am old-fashioned enough to believe that the first duty of a Government like this is to its own people, and the Government which fails in this obligation can not expect that singleness of loyalty which may become essential to its preservation. The Navy Department, for the purpose of carrying out its program, has reached out into the far West and there laid its hand, I am afraid perpetually, upon property developed by and belonging to citizens of the United States. We have deserts beyond the Rocky Mountains, Mr. President, some of them upon the eastern border, upon which nature has laid the interdict of drought; where human habitation is impossible except under highly artificial conditions; where nature, always seemingly perverse, has underlaid its stretches with great treasures of mineral oil. Some time ago the Government of the United States, in pursuance of that wise and beneficent policy under which the West has been populated and the obstacles of the savage and of nature have been subdued in the interest of civilization, invited her citizens to invade those countries and to explore them for their hidden wealth.

The lure of gold and of silver has been the basis of civilization since time began. It is that lure, more than any other, that has directed the course of generations westward. In the deserts of California and on the broad, dry plains of Wyoming a man may live by transporting with him all the needs of subsistence. To that country the prospector came in his search for oil a few years ago. He built his own roads; he expended his own money; he bankrupted himself; he used the best years of his life and took every possible risk in the sinking of wells in the search for petroleum. That is the sort of men who form the foundation of this Republic—men to whom we are indebted for every settlement west of the Allegheny Mountains; men without whom the star of empire would long ago have remained stationary; men who, courting danger, with wives as good and as strong and as enterprising as themselves—these men, I say, some years ago, following that instinct of adventure which has much to do with the progress of the race, braved the horrors of these deserts, sunk their wells upon them, and discovered great treasure houses of oil, to which they were and are entitled. Those have been taken from them by the so-called orders of withdrawal, some of which are said to be for the benefit of the American Navy and essential to its fuel supply. Perhaps the Navy may need them. If so, well and good; but not even the Navy of the United States, Mr. President, should have the power to take from a man that which he has acquired under the laws of his country without making compensation. Yet to-day there are scores and scores of honest Americans, stripped of their possessions, beggars at the doors of a great Government, whose all has been taken from them in the interests of the American Navy.

We have a bill here, Mr. President, giving these men, or attempting to give them, some measure of relief. I do not believe in its principle. I support it with great reluctance; but I have done so because I felt that as a Senator of the United States it is my duty, as far as possible, to relieve these people from the terrible condition which their own Government has placed them in. We have had the opposition of the Navy Department from the time this effort to relieve these people began; we have it to-day, and I have no doubt it will continue. We have appealed, and appealed in vain. I know that many of these people may not be deserving of relief. Our plea has been for those who are, and the spectacle of a great Nation, equipped with a mighty Navy, whose fuel supply has been obtained by the robbery of honest men, is inconsistent with our notions of a free Republic and of the duty which the Government owes to every citizen whose allegiance it demands.

I shall not resist this bill, Mr. President, because of the exigent situation, lest I be accused of being a "little American," lest I be reproached in the great metropolitan dailies as an obstacle to the imperious demand of the Nation in an hour of great crisis, lest I be called a "modern copperhead," which I am not. But I want to say, Mr. President, that when the next Navy bill comes up—and I am glad the Secretary is here—these men must be settled with; their rights, if they have any, must be considered. A country and a Government that does not do justice to its meanest citizen need not be surprised if it fails to secure the undivided allegiance of its greatest citizen. A country which fails to heed the plea for justice coming from the ranks of the humble men of the West must not be surprised if there be lacking in an hour of stress that great and mighty national spirit which, after all, is the true source of preparedness, and without which the expenditures of millions are in vain. The country which calls itself a Republic which will not do justice to its humblest citizen has forgotten the foundation of its origin and runs the risk of losing the loyalty of its children.

But, Mr. President, we submit for the present. I am speaking for no particular citizens of my State. Some of them have investments not directly affected by this situation. I am speaking for the people of California who have an appropriation of $1,500,000 in this bill for a navy yard, but who have not been able to get justice for their pleading citizens in whose behalf I am speaking. Some of them are in Wyoming, the great State to the north of my own, rich in the abundance of nature, its resources developed by the skill, the experience, the risk, and the hazard of Americans acting under the law. They, too, are asking for justice, so far in vain. In this behalf I speak for the West, that great section whose galaxy of States in the moment of Democratic peril brought Democratic victory when Democratic defeat seemed inevitable, and many of whose votes were cast by men who hope that this administration will give it that justice for which it has applied to others in vain.

These people are for peace with honor; they are the children of men who fought the battles of the Republic; they have themselves been engaged in a mighty struggle for the subjugation of the obstacles of nature and for the development of the resources of this mighty continent. They will be saddled with the burden of this $535,000,000; their part of it they must pay; and I shall appeal to the next Congress, if I am alive, to remember this, and to stretch out its protecting arm to them, to answer their petition for relief, and to give them the justice to which, as citizens of this common country, they are entitled.

APPENDIX A.

GREAT INCREASE IN NAVAL STRENGTH OF UNITED STATES SHOWN IN LATEST OFFICAL REPORTS—SEVENTEEN FIRST-LINE BATTLESHIPS AND 10 ARMORED CRUISERS—MANY SPEEDY DESTROYERS ADDED WITHIN THE LAST YEAR, AND SUBMARINE BUILDING ALSO GIVEN AN IMPETUS.

The following summary of the ships of the United States Navy is taken from official sources, such as the Navy Register and the latest reports of the Navy Department. It includes all vessels in active service and in the reserve, by far the larger number being assigned to the Atlantic, Pacific, and Asiatic Fleets. Supplementing these are constructions provided for by Congress in the three years' program formulated in 1916. Every class is included, and all except the minor types, specifically graded as unserviceable for war purposes, are believed to have a varying value. The names, tonnage, and dates of first commissioning of the armored classes only are set down, as these constitute the first line of defense.

The abstract of the strength of the personnel follows, and this includes the officers and enlisted men of the Navy and its Marine Corps, the total of officers and men, as extracted from the latest report of the Secretary of the Navy, representing what the maximum strength would be under the provisions of the act of August, 1916.

DIVIDED INTO TWO CLASSES.

The battleships are divided into two classes, according to their character and age, and the armored cruisers are units belonging to a type that will not be reproduced because it has been superseded by battle cruisers, none of which has as yet been laid down. The total enumeration of the ships is as follows:

Class.	Number.	Tonnage.
Battleships:		
First line	17	467,450
Second line	25	340,146
Armored cruisers	10	140,070
Cruisers:		
First class	5	46,465
Second class [1]	4	25,065
Third class	16	50,820
Monitors	9	32,944
Destroyers	57	46,876
Coast torpedo vessels	16	6,695
Torpedo boats	20	3,395
Submarines [1]	76	.....
Tenders and torpedo vessels	8	31,927
Gunboats	30	26,180
Transports	5	22,235
Supply ships	5	33,900
Hospital ship	1	5,700
Fuel ships	23	268,430
Converted yachts	16	9,476
Tugs	50	20,890
Special type	11	45,904
Unserviceable for war purposes	22	46,291
Miscellaneous	19	.....

[1] One lost.

GREAT INCREASE IN POWER.

In this list are grouped the newest and most important vessels, such as the battleships *Oklahoma*, *Nevada*, *Pennsylvania*, and *Arizona*, all of which have been added since 1915. "They represent a tremendous increase in the instantly available power of the Navy to meet any sudden and unexpected emergency, as they increase the number of battleships of the dreadnaught type from 8 to 12, a numerical increase of 50 per cent and a far greater proportional increase in fighting power," says Secretary Daniels.

In addition to the four battleships there have been added to the fleet during the last year the destroyers *Tucker*, *Conyngham*, *Porter*, *Jacob Jones*, *Wainwright*, *Sampson*, *Rowan*, *Davis*, and *Wilkes*, and the submarines *L–1*, *L–2*, *L–3*, *L–4*, *L–9*, *L–10*, *L–11*, and the submarine tender *Bushnell*.

VESSELS UNDER CONSTRUCTION.

Under construction at the present time are the following vessels, authorized prior to the naval bill of August 29, 1916: Battleships *New Mexico*, *Idaho*, *Mississippi*, *Tennessee*, and *California*; destroyers *Allen*, *Shaw*, *Caldwell*, *Craven*, *Gwin*, *Conner*, *Stockton*, and *Manley*; submarines *L–5*, *L–6*, *L–7*, *L–8*, *M–1*, the *Schley*, *N–1* to *N–7*, inclusive, *O–1* to *O–16*, inclusive, and fleet submarines *No. 2* and *No. 3*; fuel ships *Maumee* and *Cuyama*; transport *Henderson*; and supply ship *Bridge*.

Of these vessels the *New Mexico*, *Tennessee*, *California*, *Shaw*, *Caldwell*, *Craven*, *L–8*, *O–1*, *O–2*, *Maumee*, *Cuyama*, *Henderson*, and *Bridge* are under construction in Government navy yards. In addition to these, certain navy yards were directed, on August 29, 1916, the same day as the approval of the naval bill authorizing their construction, to proceed with the building of fuel ship *No. 16*, hospital ship *No. 1*, and gunboat *No. 21*.

TWO CLASSES OF BATTLESHIPS.

As of old, the battleship is still the primary element of attack and defense, the order in which the war value may be gauged being battleship, battle cruiser, scout, destroyer, and submarine. It will be noticed that the battleships are separated into two classes, those of the first one, of which 17 in all are now provided, 6 as yet being under construction. Those of the second line, numbering 25, and with the exception of the *Indiana*, *Massachusetts*, *Oregon*, and *Iowa*, the oldest was first commissioned in 1900 and are far, indeed, from being obsolete.

Battleships—first line.

	Date of commission.	Tonnage.
Delaware	Apr. 4, 1910	20,000
North Dakota	Apr. 11, 1910	20,000
Florida	July 15, 1911	21,825
Utah	July 31, 1911	21,825
Wyoming	Sept. 25, 1912	26,000
Arkansas	Sept. 17, 1912	26,000
New York	Apr. 15, 1914	27,000
Texas	Mar. 12, 1914	27,000
Nevada	Mar. 11, 1916	27,500
Oklahoma	May 2, 1916	27,500
Pennsylvania	June 12, 1916	31,400
Arizona	Building	31,400
New Mexico	do	32,000
Mississippi	do	32,000
Idaho	do	32,000
Tennessee	do	32,000
California	do	32,000

Total, 17.

Battleships—second line.

	Date of commission.	Tonnage.
Indiana	Nov. 20, 1895	10,288
Massachusetts	June 10, 1896	10,288
Oregon	July 15, 1896	10,288
Iowa	June 16, 1897	11,346
Kearsarge	Feb. 20, 1900	11,520
Kentucky	May 15, 1900	11,520
Illinois	Sept. 16, 1901	11,552
Alabama	Oct. 16, 1900	11,552

Battleships—second line—Continued.

	Date of commission.	Tonnage.
Wisconsin	Feb. 4, 1901	11,552
Maine	Dec. 29, 1902	12,500
Missouri	Dec. 1, 1903	12,500
Ohio	Oct. 4, 1904	12,500
Virginia	May 7, 1906	14,948
Nebraska	July 1, 1907	14,948
Georgia	Sept. 24, 1906	14,948
New Jersey	May 12, 1906	14,948
Rhode Island	Feb. 19, 1906	14,948
Connecticut	Sept. 29, 1906	16,000
Louisiana	June 2, 1906	16,000

Armored cruisers.

	Date of commission.	Tonnage.
Colorado	Jan. 19, 1905	13,680
Maryland	Apr. 18, 1905	13,680
Montana	July 21, 1908	14,500
North Carolina	May 7, 1908	14,500
Pittsburgh	Mar. 9, 1905	13,680
San Diego	Aug. 1, 1907	13,680
South Dakota	Jan. 27, 1908	13,680
Washington	Aug. 7, 1906	14,500
West Virginia	Feb. 23, 1905	13,680
Vermont	Mar. 4, 1907	16,000
Kansas	Apr. 18, 1907	16,000
Minnesota	Mar. 9, 1907	16,000
New Hampshire	Mar. 19, 1908	16,000
South Carolina	Mar. 1, 1910	16,000
Michigan	Jan. 4, 1910	16,000

Total, 15.

ARMORED CRUISERS DISAPPOINTING.

The armored cruisers have not fulfilled the expectations on which they were based, not only with us, but with all the other sea powers. They lacked the power to form a substantial aid in the first line of attack, nor had they the speed to warrant their employment as the fast wing of a fleet in action.

The *Memphis*, formerly the *Tennessee*, which belonged to this class was stranded on the rocks off Santo Domingo in the sudden burst of a hurricane.

The remaining vessels included in the summary of material are all, except the earlier torpedo craft and submarines, still of value, as necessary auxiliaries of a rounded fleet. It is gratifying to know that good appropriations have been made for their increase in numbers and efficiency.

NEW CONSTRUCTION.

The following table shows the vessels authorized in the three-year building program—those for which the first appropriations have already been made, those for which estimates for the fiscal year 1918 have been submitted to cover the first year's work, and those which will remain to be covered in the naval bill for the fiscal year 1919:

Type.	Authorized in 3-year program.	Appropriated for in naval bill for 1917.	Remaining to be provided for in naval bill, 1919.	Recommended to be appropriated for in naval bill for 1918.
Battleships	10	4	3	13
Battle cruisers	6	4	1	1
Scout cruisers	10	4	3	3
Destroyers	50	20	15	5
Fleet submarines	9	.....	4	5
Coast submarines	58	30	14	14
Fuel ships	3	1	.....	2
Repair ships	1	.....	.....	1
Transports	1	.....	.....	1
Hospital ships	1	1	.....	.....
Destroyer tenders	2	.....	1	1
Submarine tenders	1	.....	1	.....
Ammunition ships	2	1	.....	1
Gunboats	2	1	.....	1
Total	156	66	42	48

Owing to the refusal of private shipbuilding establishments to bid for the battle cruisers and scouts, on the ground that the limits of cost recommended by the department made this impossible, the Naval Committee of the House intends to recommend a sensible increase in the appropriations, and this is also to apply to the battleships, both for the first and second periods provided by the program. It is understood that the new amounts will secure bids and the work be begun as speedily as possible.

PERSONNEL OF THE NAVY.

It is a little difficult to set down with accuracy the strength of the personnel owing to increase in all branches by Congress and the fluctuations in number of discharges and enlistments. It is still quite true that the Navy is undermanned, seriously undermanned, and that the latest additions do not satisfy the needs of the active and the reserve fleets. This most vital element of sea power was long neglected by Congress, but a change has taken place, and it is expected that the total of seagoing men will soon be adequate to the demands.

OFFICERS.

The total number of officers authorized when the Navy has reached its maximum authorized strength under the provisions of the act of August 29, 1916:

Line	2,988
Medical	683
Pay	359
Construction	149
Civil engineers	60
Chaplains	84
Professors of mathematics	11
Dental	84
Midshipmen	1,762
Flying corps	150
Chief warrant officers	502
Warrant officers	362
Chief pay clerks, pay clerks, and acting pay clerks	325
Marine officers	637
Total	8,156

ENLISTED PERSONNEL.

There has been a steady increase in the personnel of the Navy, but never during the last 16 years previous to March 4, 1913, was ample provision made for adequately manning the ships of the Navy as new ships went into commission. It remained for this to be accomplished in the naval act of August 29 of this year, by which authority was provided to increase the enlisted personnel from 51,500 to 74,700 (68,700 men and 6,000 apprentice seamen). As a further increase the Hospital Corps of the Navy was fixed at 3½ per cent of the authorized enlisted strength of the Navy and Marine Corps, an increase of 2,929 men, and was made in addition to the regular enlisted complement in the Marine Corps.

The total increases in the complement, therefore, amount to more than 26,000 men, while the total number may be increased to 87,000 in time of national emergency. This will for the first time in this decade provide a personnel sufficient to man all the ships of the Navy in commission, and to keep the necessary quotas on ships in reserve and in ordinary. The present authorized strength of the Navy (enlisted men and apprentice seamen) is 74,700 men. In the fiscal year 1907 it was 37,000. In the fiscal year 1911 it was 47,500 men.

Mr. THOMAS subsequently said: Mr. President, I omitted asking permission to insert as a part of my remarks an editorial from the New York Times entitled "The world's navies." I ask unanimous consent to include this extract in them.

The PRESIDING OFFICER. Is there any objection?

Mr. SMOOT. As a part of the remarks?

Mr. THOMAS. As a part of the remarks.

The VICE PRESIDENT. The Chair hears no objection, and it is so ordered.

The matter referred to is as follows:

THE WORLD'S NAVIES.

Germany invites the hostility of nearly all the naval forces of the world while professing to promote, by action closely resembling piracy, and equally indefensible, that freedom of the seas which, she asserts, "has always formed a part" of her "leading principles." The lawless methods she has adopted and is using are condemned by the United States and other neutral nations. They fail to see how ruthless violation of the accepted principles of international law can, as she says, "serve the welfare of mankind." From day to day the chorus of neutral protest gains force. Germany's policy is denounced by the South American press. As the number of ships sunk and of lives and cargoes lost increases, the neutral world's indignation will become more intense. The commercial interests of this hemisphere now menaced are of great value. Our exports to Europe last year were $3,813,000,000. South America will suffer intolerable loss in both exports and imports.

It is conceivable that the navies of more of the neutral countries may eventually be found in direct opposition to the German lawlessness. In the following table the naval forces of the world are measured. Information which might slightly affect the figures has for some time past been withheld from publication by the belligerents. The number of small craft would be larger in any complete and official statement. It has been necessary to estimate tonnage in some cases. No accurate enumeration of the forces as they were at the beginning of the year can now be published, and it is impracticable at present to make full allowance for losses and for recent additions from the shipyards:

ENTENTE ALLIES.

Nations.	Battleships.	Cruisers.	Other vessels.	Tonnage.
Great Britain	77	128	488	2,900,000
France	31	34	339	1,100,000
Russia	14	24	158	824,000
Italy	13	18	148	540,000
Japan	25	30	118	855,000
Total	160	234	1,251	6,219,000

NEUTRALS.

United States	42	34	163	1,200,000
Argentina	4	6	27	162,000
Brazil	4	3	28	110,000
Chile	3	3	25	80,000
Peru		6	7	17,000
Colombia		5	6	16,000
Venezuela		1	6	5,000
Uruguay		2		5,000
Norway		4	23	37,000
Sweden		16	53	117,000
Spain	4	6	30	120,000

NEUTRALS—Continued.

Nations.	Battleships.	Cruisers.	Other vessels.	Tonnage.
Netherlands		11	36	80,000
Denmark		6	24	40,000
Greece		9	27	84,000
China		4	3	18,000
Total	57	116	458	2,091,000

TEUTONIC ALLIES.

Germany	28	37	241	1,350,000
Austria	16	18	101	530,000
Turkey	3	2	31	80,000
Total	47	57	373	1,960,000
Grand total	264	407	2,082	10,270,000

Germany is now opposed by three-fifths of the naval tonnage of the world. If her submarine attacks upon commerce draw in the ships of neutral nations, more than four-fifths of this tonnage will be used against what she calls an attempt to serve the welfare of mankind.

The PRESIDENT pro tempore. The question is on the amendment of the committee on page 66.

Mr. BRYAN. I desire to offer an amendment on behalf of the committee to the amendment. In lines 8 and 9 I move to strike out the words "as may be directed" and substitute the words "on plans and specifications provided or adopted." I hope we can have a vote on this amendment now, if the discussion as to it is concluded.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In the amendment of the committee, on page 66, line 8, after the word "both," it is proposed to strike out "as may be directed" and insert "on plans and specifications provided or adopted."

Mr. POINDEXTER. I should like to inquire what is the purpose of that change?

Mr. BRYAN. The Secretary of the Navy sometimes takes plans prepared by others. It is the same language which has been used heretofore.

Mr. POINDEXTER. The clause in which the amendment is inserted, according to the print of the bill that I have here, relates to the discretion of the Secretary of the Navy to have these vessels constructed either in private yards or in Government yards. I think the Senator must have offered the amendment at the wrong place or else I have a different print of the bill than he has.

Mr. BRYAN. The section would read as follows if amended:

The same may be let to contract to private builders or constructed by the Government navy yards, or both——

Mr. POINDEXTER. "As may be directed by the Secretary of the Navy."

Mr. BRYAN. "On plans or specifications provided or adopted by the Secretary of the Navy."

Mr. POINDEXTER. The Senator will note that in lines 5 and 6 there is a provision on the subject of which he is now speaking.

Mr. BRYAN. I will say to the Senator that I believe he is right. The Senator from Massachusetts asked me to offer this amendment, but I think he got it in the wrong place.

The PRESIDENT pro tempore. Does the Senator from Florida withdraw the amendment?

Mr. BRYAN. I withdraw the amendment; the amendment of the committee can be adopted, and, if necessary, corrected afterwards.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee, on page 66.

Mr. WEEKS. Mr. President, is an amendment to the amendment in order now?

The PRESIDENT pro tempore. An amendment to that provision is in order.

Mr. WEEKS. Then I move to strike out from the period on line 9, down to and including the word "coast," on line 12, page 66.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment, on page 66, beginning on line 9, it is proposed to strike out the following words:

Not less than 5 of the said fleet submarines and not less than 20 of the said coast submarines shall be constructed on the Pacific coast.

Mr. WEEKS. Mr. President, some 20 years ago there was undoubtedly a difference in the cost of constructing ships on

the Atlantic and Pacific coasts, and at one time in Navy bills provision was made for construction on the Pacific coast, allowing 5 per cent more for the cost of the vessel than if it were constructed on the Atlantic coast. I think at that time there was reason why that difference should be made, but I am satisfied that that reason does not exist to-day.

A couple of years ago I happened to be on a visit to the Pacific coast, and during that visit I made some examination of both of the great navy yards; and I found that at the Mare Island Navy Yard the Navy was constructing certain small gunboats and other vessels, auxiliary vessels of the Navy. I made an examination of the cost of the construction of those ships, through the aid of the officers of the yard, and I became convinced of what they claimed—that they could construct a ship as cheaply or cheaper at the Mare Island Navy Yard than it could be constructed in the New York yard or any other yard on the Atlantic coast. In fact, two ships exactly alike have been constructed, one at the Mare Island Navy Yard and the other at the New York Navy Yard, and there was not any doubt in my mind after the examinations were made that the ship at the Mare Island Navy Yard had been constructed for somewhat less cost than the one at the New York yard.

That being the case, I can not see any better reason for requiring the construction of vessels at some yard on the Pacific coast than at some particular yard on the Atlantic coast. I make this statement without any prejudice to Pacific-coast construction. I hope that there will be construction on the coast. I shall be glad to do anything I can to further the interests of those yards; but I would be ashamed to stipulate in this bill that a ship should be constructed at the Boston Navy Yard. I have no doubt that any Senator living in the neighborhood of a yard on the Atlantic coast would feel exactly that way; and I do not think the Senators from the Pacific coast should insist on any benefit which does not apply with equal force to yards on the Atlantic coast.

Mr. PHELAN. Mr. President, I am very glad to hear from the Senator from Massachusetts that his personal investigation has disclosed the fact that ships of the Government have in the past been constructed in the Mare Island Navy Yard at a price not in excess of the same character of ships constructed on the eastern seaboard. I do not know to what period he refers, but I know to-day that the cost of the transportation of steel is fully $15 a ton; and it so happens that I have a telegram in my hand which, in stating the facts to-day, and not relating to a personal investigation made some years ago, rather conclusively establishes the fact that some of the Pacific coast yards can not construct as economically as the eastern yards, for the reason that the material costs more; that the labor costs more; and that the transportation charges necessary in order to bring the materials from the East to our coast, are unavoidable and an added burden.

I do not know that I should hesitate to make a confession of that kind. It is a fact which can not be concealed, and unless the Government believes that ship construction should be encouraged for national reasons on the Pacific coast there is no greater reason why the Government should construct any of its ships upon the Pacific coast. But, of course, it is our national policy and advantage to maintain our shipbuilding industry on the Pacific coast in order that our Navy and our merchant marine may find upon the Pacific coast a convenient place for construction and repair, whether it be in peace or war. They certainly can not come to the eastern seaboard when they are out of repair. Therefore there is a stern necessity, from a military point of view, of establishing an adequate naval base on San Francisco Bay, recommended by the Helm Commission, not because it is an advantage to San Francisco Bay but because it is a necessity for the Navy to have docks there that will take the modern battleship out of the deep water and put her in a clean condition either to resume her voyage or to make repairs in case she is damaged by the enemy or otherwise.

But concerning the construction of ships, let me read this telegram, which I think conclusively shows that the Senator from Massachusetts is in error:

LONG BEACH, CAL., *February 14, 1917.*

Senator PHELAN,
United States Senate, Washington, D. C.:

We understand naval bill before Senate committee provides 18 submarines of 800 tons each, at $1,300,000 each, which ought to be increased to at least $1,400,000 each—

That is, $100,000 more than provided in this bill.

Mr. WEEKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Massachusetts?

Mr. PHELAN. I will yield as soon as I finish the telegram [reading]—

plus, say, 2 per cent extra for each month's delivery less than 30, if desired to construct any on Pacific, because Pacific construction on all classes of vessels costs from 6 to 10 per cent more than Atlantic, on account of higher costs of labor, materials, and freight, which alone exceeds Atlantic by $15 per ton on steel.

If smaller submarines are also authorized there must be plus differential appropriated specifically of least 6 per cent, otherwise economic impossibility build by Pacific private shipyard. We are building five coast-defense submarines, but recently rejected award three more, because economic imprudence to attempt to meet views of union under appropriations available.

Shipyard has been picketed since May by strikers who want union recognition and more money which economic impossibility under appropriations made by Congress.

It would be injustice to commandeer our shipyard if we reject awards under appropriations proposed, and we believe it fair to ask proper consideration economic situation incident to which we understand bill carries extra navy yards appropriation twelve millions, which can be used indirectly to drive private shipyards out of Government business, unless they meet uneconomic demands of union which claims in writing to dominate Congress, departments, and an ability to divert work to navy yards, unless we meet impossible demands.

If submarine base is to be established San Pedro seems strategic importance to have submarine building specialty shipyard like ours near.

Kindly refer to committee and Senators and try do needful and keep the Pacific coast States a part of the Union through adequate means appropriated for its defense, especially by submarines.

CALIFORNIA SHIPBUILDING CO.

Mr. BRYAN. Mr. President, is that a telegram?

Mr. PHELAN. It is a telegram.

Mr. President, I have here a telegram along the same general lines, which I will ask permission to have inserted in the RECORD without reading.

The PRESIDENT pro tempore. Without objection, that may be done.

The telegram is as follows:

LONG BEACH, CAL., *February 23, 1917.*

Senator PHELAN:
United States Senate, Washington, D. C.:

We understand Senate committee naval bill provides for Pacific coast construction upon Government's plans 20 coast-defense submarines, at $1,300,000 each, and 5 fleet submarines, at $1,900,000 each. We will not bid upon Government's plans unless at Government's risk and upon basis cost plus profit, which legislation does not provide for and can not bid upon our plans within above appropriation limits on account conditions outlined by our telegram of 14th, which please read in Senate along with this one. Our information is wholesale strike at every Pacific shipyard is brewing for fall, and 1 cent per minute is union's idea, all of which means under waiver of eight-hour law and time and half for overtime under proposed legislation at 10-hour day minimum wage of at least $6.60, which is manifest impossibility under above appropriation, plus 20 per cent premium heretofore authorized. If Congress provides unreasonably low appropriations and Pacific shipyards, don't bid, because can not meet union ideas, it would be ruthless confiscation and not commandeering to take our private shipyards to operate, subject to uncontrollable whims of an irresponsible combination of politics and unionism. Hence we trust needful appropriations will be made available to enable private shipbuilders to avoid repetition of conditions which have already delayed nearly a year the major part of preparedness program account insufficient available appropriations to meet rising costs of labor and materials.

CALIFORNIA SHIPBUILDING CO.

Mr. WEEKS. Mr. President, I supposed, in offering this amendment, that it would be supported by the Pacific coast Senators instead of opposed. I thought that they would take pride in showing to the people of the country that they were able to construct ships as cheaply there as they can be constructed anywhere in the United States. I think I see an indication that this amendment is going to lead to protracted debate, and I am so anxious to get on with this bill that I will withdraw the amendment.

Mr. PHELAN. Mr. President, to resume, I say that it is a matter of pride that at one time, according to the Senator, the Mare Island Navy Yard was able to construct ships at a cost less or equal to the cost on the Atlantic coast; and while I am on my feet I desire to say that whereas it is demonstrated now that private plants can not do so, I am prepared to say that the navy yard at Mare Island or at Puget Sound can. They have made a most excellent showing, as has been demonstrated here on the floor during the discussion of the Navy bill last year; but if we wish to encourage private plants, it seems to be necessary to allow a differential, for the reasons stated—greater labor cost, greater cost of materials, and greater cost of transportation.

Mr. WEEKS. Mr. President——

Mr. PHELAN. Mr. President, I will not sit down nor yield the floor until I answer, in a very few words, the address made by the Senator from Colorado [Mr. THOMAS], who singled out San Francisco Bay as an object of his attack. If that were the only attack we might anticipate, I might resume my seat; but we are informed to-night by the President's message that the story which appeared in the morning papers is an authentic story; that the German Government has plotted, with the assistance, it was expected, of Japan and of Mexico, to seize territory of the United States and to give to Mexico her so-called "lost Provinces"—Texas and Arizona and New Mexico.

I am surprised at the generosity of the triumphant allies of Germany, Mexico and Japan. I am now speaking of an authen-

tic communication. I am surprised that those triumphant allies have not parceled out the States of California and of Oregon and of Washington.

But the only reason why Mexico was given Texas, Arizona, and New Mexico in this arrangement was because the other powers intended, in fancy's dream, no doubt, to appropriate California, Oregon, and Washington. The fact remains that not only is the proposal authenticated by the President of the United States but our own knowledge of the facts must show us, without any doubt or equivocation, that it is well within the power of these Governments after the war, or for that matter during the European war, to take the Pacific coast.

Admiral Winslow testified before the committee of the House that one dreadnaught of a first-class power could subdue the entire so-called Pacific Fleet which to-day patrols our Pacific waters, and is of practically no value as a coast defense. If that be true, how mistaken is the Senator from Colorado in deprecating the expense of building a new Navy, as provided in the measure of this year and of last year. What is the value of Oregon and Washington and California, with their great littoral on the Pacific? What is the value of those States, that coast, to the United States of America? And if taken, as that territory may be taken to-day or to-morrow without resistance on our part, what would it cost this Government to recover it?

Over the mountains we would send our troops, only to be stayed by the enemy, who should have blown up the railroads in mountain passes. We would hurry our fleet from the Atlantic only to find the canal obstructed; and then when our fleet, such as it is, would arrive, it is also a matter of regret to say that they possibly would not be able to cope with the enemy, because Hawaii would have been selected as a base and easily subjugated; the great coal fields of Alaska would be the prey of the enemy, because Alaska is undefended; and the oil fields of California would serve their navy, having been taken by the foe, just as the oil fields of Tampico are now in the possession of a foreign Government.

So, in this helpless condition, it appears to me that the Senator from Colorado has more than emphasized the necessity for a Navy by figuring merely upon the expense, because, on the other side, he did not put the loss which would be entailed to this Government if it failed to protect the country which it now owns and enjoys. It never is the policy of the United States to be aggressive; there is no thought of reimbursing ourselves for the cost of the Navy by acquiring new territory. In this condition of the world we shall have served our greatest purpose in preserving our own territory. We have preserved it for the Union and the Constitution; for liberty and justice; and it is the oath of a Senator to support and defend the Constitution against both domestic and foreign foes. In the pursuit of our duty, in carrying out the oath of our office, we are shown by the men in command of our Military and Naval Establishments that these things are necessary, and in every instance we are taking expert advice to protect our country from foreign aggression. I think we would be recreant to our oath of office should we fail in this hour of necessity, when the President informs us of our imminent danger.

Therefore, Mr. President, the words of the Senator from Colorado have fallen on unheeding ears, because the higher duty of saving the Republic from peril is upon us to-night, and we shall not count the cost. One hundred million dollars a day is being expended in carrying on the European conflict—$100,000,000 a day—and here a few hundred millions are appropriated spread over the entire year, for the very purpose of averting a condition where we may also be obliged to spend $100,000,000 a day.

Although the Senator has made an eloquent plea for the oil pioneers of California, showing the injustice which has been done them by this Government, I would not consent to make their relief a condition upon which I would support the passage of this bill. We have a higher duty here. Although there can be no atonement for doing injustice even to the meanest of our citizens, yet it would be a mistake at this late hour of Congress to imperil this measure by introducing something which is not wholly relevant.

Mr. THOMAS. I certainly hope that when Japan hears we have appropriated a million and a half dollars for the navy yard at San Francisco she will abandon her nefarious designs against this country.

Mr. OWEN. Mr. President, while it appears from the record that the Zimmermann letter is authentic, there is nothing in the record which justifies the belief for the imputation in any way that Japan has considered the proposal to be a traitor to her allies or to accept the suggestion of the Zimmermann letter. I think it is an imprudent thing to take it for granted that Japan will be unfaithful to her pledges to the allies in this war, or that anything should be said here which would seem to take for granted that Japan would be capable of such treachery.

Mr. BRYAN. I desire to offer the following amendment to the amendment.

The PRESIDENT pro tempore. The Chair understands that the amendment offered by the Senator from Massachusetts is withdrawn.

Mr. NORRIS. I wish to renew that amendment.

Mr. BRYAN. Will the Senator allow me to offer an amendment to the amendment?

Mr. NORRIS. I will yield for that purpose.

Mr. BRYAN. In line 6, after the word "provided," I move to insert "or adopted."

The amendment to the amendment was agreed to.

Mr. NORRIS. Mr. President, I make this motion to amend because I believe the language that I seek to strike out ought not to be in the bill. The debate, so far as it has progressed, and the information that has been given the Senate has not convinced me, even if it has the Senator from Massachusetts, that this language ought to be retained. The language that I seek to strike out provides as follows:

> Not less than 5 of the said fleet submarines and not less than 20 of the said coast submarines shall be constructed on the Pacific coast.

I do not believe, Mr. President, that I have any prejudice against any navy yard or against either one of the coasts, the Pacific or the Atlantic. It has always seemed to me that we ought to take what I believe to be a broader view in the building up of our Navy than to use the Navy or the construction of new ships for the purpose of building up localities. As I come from a part of the country that is not connected with either coast, I think I am entirely free even from an unconscious prejudice. I believe that I speak the will of the people of the country as a whole when I say that our battleships, our submarines, and all other vessels belonging to the Navy ought to be constructed on a national idea, from a national viewpoint, and not for the purpose of building up any coast city or any locality.

There may be reasons that would convince me that this language ought to remain in the bill, but I have not heard any of those reasons given. I think it would be wrong for us to say that so many of these submarines should be constructed at Boston, so many at New York, so many at Philadelphia, and so many at Charleston, and parcel them out throughout the country to the different navy yards in order to assist in building up the various localities.

The object of the Navy is not to build up San Francisco or Seattle or any other Pacific coast city. It is not to assist in building up Boston or New York or any of the Atlantic coast cities. People who live away from the cities are interested, as well as those upon the coast, in the most economical construction of our Navy vessels. They ought to be constructed with the sole view of getting the best possible vessels and for the least possible expenditure of public fund. If it costs more to build a submarine in San Francisco than it does in Seattle, it seems to me that those in charge of the work ought to construct the vessel in Seattle. If they can build it for still less in New York or in some Atlantic coast city, they ought to construct it there; at least, they ought not to make any more difference in the cost of construction than it would take to transport the vessel from one coast to the other, and I doubt whether they ought to consider that in any degree, because these vessels are engaged in practice and maneuvering, going from one port to another and from one coast to another. If we want a certain number of submarines on the Pacific coast that are now on the Atlantic coast or that are being constructed on the Atlantic coast they can be taken through the canal, or around the Horn if necessary, and it would give good practice to the men who have charge of them when they are being taken around to the Pacific coast.

It seems to me, therefore, that the particular location where any submarine should be constructed ought to be left entirely with the proper officials of the Navy Department. I hope, therefore, that the Senate will strike out this language.

Mr. POINDEXTER. Mr. President, there is just one word that I desire to say in reply to the Senator from Nebraska. I am largely in accord with the principles he has expressed. The Navy ought not to be governed from any local or narrow viewpoint. No part of the Navy ought to be used to build up a locality. It is an arm of the national defense. But, of course, these ships have to be built on the coast; they can not be built in the interior; and it seems to me that a general provision which provides that a portion—much less than half the submarines, because there are other submarines provided for which the provision does not apply to at all—should be built on

one of the two oceans upon which the country fronts is a very reasonable provision.

The Senator, I think, by a process of reasoning out of his own logic and reasoning powers has arrived at a principle which has already been worked out in naval construction. I assume that he arrived by a reasoning process at the conclusion that it would not be reasonable to pay more for the construction of vessels on the Pacific coast than it would cost to construct them on the Atlantic coast and transport them to the Pacific coast for use there. For that reason there has been a provision in nearly all the naval bills to that express effect, almost in that same language, and there is an amendment prepared by the members of the committee for adoption in this bill not only applying to submarines but to any other ships that if built upon the Pacific coast they shall not cost more than if built upon the Atlantic coast and the cost of transporting them to the Pacific coast.

Mr. OWEN. Mr. President, I favor this amendment of the committee and favor the building of half these submarines on the Pacific coast, not for the sake of any local interest, but for the sake of the United States and the protection of her littoral of nearly 2,000 miles upon which there are the best harbors in the world.

As far as the extra cost of the materials is concerned, undoubtedly the Government, with large coal fields of its own and with a railroad in Alaska running to those fields, with its transports, with its own iron ore available could, if necessary, greatly reduce the future cost of materials by providing the material itself.

But this is a matter of national development. I believe that the Pacific coast ought to be sufficiently developed so that it would be prepared, through its own people and through the exercise of its own equipment, to protect that coast if necessary against any aggression from abroad.

Mr. JONES. Mr. President, the Senator from Oklahoma [Mr. OWEN] has just called attention to the real reason I think, for having half these ships constructed on the Pacific coast, leaving half of them to be constructed on the Atlantic coast. One of the great necessities of a navy is to have enough yards and construction plants for the construction of vessels suitable for the navy, and that is the reason why I am opposed to the amendment of the Senator from Nebraska to the amendment. I want to see the navy yards built up on both coasts. I want to see the instruments for the construction of ships, both of the Navy and of the merchant marine, at hand on both coasts. I want to see a force of mechanics and laborers who know how to construct these things in the most economical and efficient way, not only upon the Atlantic coast but upon the Pacific coast.

I think it is worth while for the Government to insure the establishment, the operation, and the maintenance of navy yards on both coasts by requiring a certain number of ships to be constructed on both coasts and not leave it to the mere matter of competition.

I remember, Mr. President, when I first entered the House of Representatives the people on the Pacific coast were very anxious to construct some battleships and naval vessels, especially battleships, and we made a fight in the House of Representatives for a differential in favor of the construction of battleships upon the Pacific coast, having in view especially the development of a plant at Seattle at which battleships should be constructed. We got a differential in the naval bill in two or three different bills and a battleship was constructed at Seattle under the encouragement of the differential that we gave.

But the differential was dropped and no more battleships were constructed at Seattle. The people could not afford to do it at that time. It may be true that conditions are different now from what they were then; I think possibly they are; but in order to assure the establishment and the development and the maintenance and the permanence of naval construction on the Pacific coast it is a wise policy to require certain of these ships to be constructed there so that there will be no doubt about the maintenance of those yards.

That is the reason why I am opposed to the amendment of the Senator from Nebraska to the amendment. I want to have the Government assured of navy yards and a naval-construction force upon the Pacific coast as well as upon the Atlantic coast.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Nebraska [Mr. NORRIS] to the amendment.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question is on the amendment of the committee, on page 66, as amended.

The amendment as amended was agreed to.

The next amendment was, on page 67, line 10, after the words "appropriated for," to strike out "$174,762,323" and insert "$209,762,323," so as to make the clause read:

Total increase of the Navy heretofore authorized and herein appropriated for, $209,762,323.

The amendment was agreed to.

The next amendment was on page 67, after line 10, to insert:

That in case of national emergency the President is authorized to suspend provisions of law prohibiting more than eight hours labor in any one day of persons engaged upon work covered by contracts with the United States: *Provided further*, That the wages of persons employed upon such contracts shall be computed on a basic day rate of eight hours' work, with overtime rates to be paid for at not less than time and one-half for all hours' work in excess of eight hours.

The amendment was agreed to.

The next amendment was on page 67, after line 18, to insert:

NAVAL EMERGENCY FUND.

To enable the President to secure the more economical and expeditious delivery of materials, equipment, and munitions and secure the more expeditious construction of ships authorized and for the purchase or construction of such additional torpedo-boat destroyers, submarine chasers, and such other naval small craft, including aircraft and ammunition for all of said vessels, and for each and every purpose connected therewith, as the President may direct, to be expended at the direction and in the discretion of the President, $115,000,000, or so much thereof as may be necessary, and to be immediately available.

Mr. JONES. I desire to offer an amendment. After the word "vessels," in line 1, page 68, I move to insert:

And for the construction of such dry docks as may be deemed necessary to meet the needs of the Navy.

Mr. BRYAN. I do not see any objection to that amendment.

Mr. JONES. Very well.

The amendment to the amendment was agreed to.

Mr. THOMAS. Mr. President, I wish to call the attention of the Senate to the fact that there is another bill pending here which provides for the issue of $100,000,000 of bonds, the proceeds to be placed in the hands of the President for the present emergency, making $215,000,000 in all. I ask in all seriousness whether this appropriation is needed in view of the provision which was made in the other bill?

Mr. WEEKS. I call the Senator's attention to the fact that we passed a bill yesterday providing that $500,000,000 of one-year notes might be issued in case they were needed for any purpose.

Mr. THOMAS. I called attention to that a few moments ago, and I thank the Senator for mentioning it. Of course, when this bill was introduced the emergency which caused the other to be prepared and introduced had not presented itself. I thought at the time that made ample provision for that emergency. So I was somewhat surprised at the addition.

Surely, it seems to me, Mr. President, that this is worse than reckless. Five hundred million dollars of notes provided for; $115,000,000 here as emergency fund; $100,000,000 here as an emergency fund. I do not think this provision should be adopted.

Mr. BRYAN. It will be noticed that this amendment is—

to enable the President to secure the more economical and expeditious delivery of materials, equipment, and munitions and secure the more expeditious construction of ships authorized and for the purchase or construction of such additional torpedo boat destroyers, submarine chasers, and such other naval small craft, including aircraft and ammunition for all of said vessels.

That is all to go to the construction and for speeding up the construction already authorized.

I understand the $100,000,000 of bonds provided for in the House bill is to take care of the usual expenses accompanying the event of war. For example, it is plain that there will be a necessity for $20,000,000 more money if we go to war, on account of the necessity for additional men already provided by law for the Army and the Navy. As I understand that provision, it is in a general way to give authority to do whatever is necessary in the event of our going to war. This deals only with the preparation of the ships and the purchase of ammunition. The expeditious building of ships will cost more money if we undertake to build ships that we did not contemplate building for two or three years and have them delivered a year or two ahead of time.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Washington [Mr. JONES] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. JONES. In connection with the amendment, I desire permission to have inserted in the RECORD the statement of the Secretary of the Navy at the close of page 824 of the hearings on this bill, down to the end of the paragraph which I have marked on page 825, and I hope the conferees on this bill will very carefully note the situation set forth, because I consider this the most important provision that we have put in the bill; and I hope that it will be retained.

The PRESIDENT pro tempore. Without objection, permission to print the matter referred to is granted. The Chair hears none.

The matter referred to is as follows:

Secretary DANIELS. I have had prepared and desire to insert in my hearing a table covering the general characteristics of our naval dry docks, inclusive of dimensions, costs, etc. As heretofore stated, our naval stations are far behind in their development to meet the needs of the fleet. This situation was bad enough when the limits of size and capacity were set by the dimensions and needs of our battleships. The decision of the last Congress to build battle cruisers nearly 900 feet long has made the situation, especially with regard to docking facilities, much more acute.

The table is as follows:

Government docks.

Location.	Maximum ship data.		Draft, mean high water.		Maximum ship.	Date of completion.	Cost.
	Length.	Beam.	Regular.	Emergency.			
Graving docks:	*Ft. In.*	*Ft. In.*	*Ft. In.*	*Ft. In.*			
Panama, Canal Zone, No. 1	1,004 0	110 0	34 6	36 0	Battle cruiser	1916	
Norfolk, No. 4	1,042 0	118 0	39 9	..... do		[1] 1919	[2] $3,500,000.00
Philadelphia, No. 3	1,012 0	118 0	39 5	..... do		[1] 1919	[2] 3,500,000.00
Pearl Harbor, No. 1	900 0	113 4	31 8	..... do		[1] 1918	[4] 4,442,115.43
Puget Sound, No. 2	801 0	113 1 110 0	35 0	36 6	Washington [5]	1914	2,300,000.00
Philadelphia, No. 2	722 0	89 6 91 8	29 5 28 5	29 4	North Dakota Utah	1908	1,471,550.67
Portsmouth, No. 2	720 0	88 6 91 10	29 9 28 3	29 8	..... do ..... Wyoming	1905	1,134,995.39
Boston, No. 2	719 0	80 2 92 2	29 6 28 0	29 6	Utah	1905	1,100,000.00
Mare Island, No. 2	719 0	92 3 88 2	28 3	29 9	North Dakota Utah	1910	1,556,878.01
Norfolk, No. 3	718 0	101 10 101 4	30 7	31 0	Washington [5]	1908	[6] 1,199,583.85
New York, No. 4	682 0	110 6 110 0	32 5	33 11	..... do [5]	1912	2,745,454.29
New York, No. 3	612 0	72 4	26 9	.....	Minnesota South Carolina	1897	554,707.08
Puget Sound, No. 1	602 0	74 6	27 5	.....	Minnesota South Carolina	1896	632,636.33
Charleston, No. 1	545 0	101 0 98 0	30 7	31 7	Utah	1908	1,249,907.90
Norfolk, No. 2	460 0	59 2	24 0	.....	Minneapolis Brooklyn	1889	504,980.76
Mare Island, No. 1	455 0	56 4	24 9	.....	Charleston Brooklyn	1891	2,772,332.08
Philadelphia, No. 1	451 0	60 4	22 5	23 4	Minneapolis Charleston	1801	548,700.00
New York, No. 2	421 8	74 6	23 5	.....	Missouri	1890	595,019.24 [7] 596,802.52
Boston, No. 1	359 0	53 8	19 3	.....	Chicago Amphitrite	1853	972,717.39
New York, No. 1	320 0	51 2	20 11	.....	Monterey	1851	2,003,498.05
Norfolk, No. 1	300 0	52 0	20 2	.....	Cheyenne Amphitrite	1834	943,676.90
Floating docks:							
New Orleans	456 0	76 10	24 6	.....	Vermont	1902	809,712.32
Olongapo	518 0	85 2	25 11	.....	North Dakota	1905	1,170,807.93
Private, State, and municipal docks:							
Massachusetts State (Boston)	1,160 0	118 0	42 3	44 3	Battle cruiser	[1] 1918	[8] 3,231,000.00
Hunters Point	900 0	108 0 110 0	38 0 36 0	39 6	..... do	[1] 1918	[4]
Newport News, No. 2	705 0	83 0	29 6	29 6			

[1] Estimated date of completion.
[2] Contract awarded; work under way.
[3] Authorized and plans completed.
[4] Building.
[5] Contract let.
[6] Extended, 1911, at cost of $561,891.94.
[7] Cost of rebuilding in 1901.
[8] Building, cost estimated.

NOTE.—Maximum length of ship is taken, giving 5 feet clearance from dock and caisson at bow and stern of ship. The emergency draft is that which gives 6 inches clearance over the sill or 6 inches clearance over a blocking depth of 3 feet. Philadelphia, No. 3, and Norfolk, No. 4, cost given is amount appropriated.

It will be seen from the above that were the battle cruisers now ready for launching the only dry dock at present capable of receiving them would be that at the Panama Canal. The only ones authorized to be of sufficient dimensions are the naval docks at Pearl Harbor, Norfolk, and Philadelphia, the Dock of the Commonwealth of Massachusetts, now under construction in the Boston Harbor, and the Commercial Dock at Hunters Point in San Francisco Harbor. The only dry docks capable of docking the largest battleships, so far authorized, but too short to accommodate the armored cruisers for which appropriation was recently made, are No. 4 at the New York yard, No. 2 at the Norfolk yard, and No. 2 at the Puget Sound yard. The last session of Congress made an excellent beginning in the way of preparedness to meet the requirements of our fleet when undergoing repairs. The need for additional docking facilities is, however, still great and additional appropriation should be made until the proper relief is had.

The next amendment of the Committee on Naval Affairs was, on page 68, after line 5, to insert:

That the establishment of an additional navy yard in San Francisco Bay is hereby authorized on such site as may be recommended as most suitable by the commission appointed by the President to report thereon in accordance with the provisions of the act of Congress making appropriations for the naval service for the fiscal year ending June 30, 1917, approved August 29, 1916: *Provided*, That such site is convenient to deep water and is approved by the President, and the Secretary of the Navy is hereby authorized to acquire, by purchase or gift, if not already owned by the United States, the site approved by the President; and the sum of $1,500,000 is hereby appropriated toward the acquisition and development of this site as a navy yard.

The PRESIDENT pro tempore. The question is on the committee amendment, which has just been stated.

Mr. WEEKS. Mr. President, I think there ought to be something said about that amendment before it is adopted. The expenditure of a million and a half dollars at this time for the purpose of establishing another navy yard at San Francisco will not add one particle to the fighting capacity of the Navy. There is now one navy yard near San Francisco, the Mare Island yard. It may be possible that, under some conditions, another navy yard should be established in that locality, but to spend a million and a half dollars now, when we can not get any possible return from it in any way for two or three years, and when we are expending $535,000,000 for the Navy, seems to me to be a reckless step to take. I hope that Senators will take notice of the establishment in this way of another navy yard in the immediate vicinity of one well established, and will reject the amendment.

Mr. BRYAN. I desire to have inserted in the RECORD the report of the Helm Commission on the necessity for an additional navy yard in San Francisco Bay, to be found on pages 83 and 84 of that report, and to say that this additional yard is recommended by the navy-yard commission, which made its report since the bill came out of the House of Representatives and since the House hearings. The report was printed under date of February 7, 1917.

I desire further to say to the Senator from Massachusetts that, as I understand, the Mare Island yard is not sufficient for the largest class of battleships.

Mr. TILLMAN. They could not get up to it.

Mr. BRYAN. And it was thought necessary to have a navy yard to take care of the largest ships afloat. I ask that there be inserted in the RECORD the matter to which I have referred.

The PRESIDENT pro tempore. Without objection, the matter referred to by the Senator from Florida will be printed in the RECORD.

The matter referred to is as follows:

SAN FRANCISCO BAY SITES FOR A NAVY YARD.

(17) In view of the limitations of the navy yard at Mare Island, an additional navy yard on San Francisco Bay, capable of accommodating the largest vessels of the fleet, is "necessary, desirable, and advisable."

(18) There are several sites on San Francisco Bay that can be developed in a suitable and economical manner into a modern docking and repair plant, capable of taking care of as many of the largest vessels of the present and prospective fleet as necessary.

(19) Funds and time at the disposal of the commission have not enabled its investigations to be carried far enough, as yet, to report definitely as to which of these suitable sites is the best and should be the one selected.

(20) A request has been made for an additional appropriation to enable the commission to continue the examination of the more favorable sites, in addition to performing other work elsewhere. This examination should be completed within three months after the additional appropriation is made available.

(21) There is such great need for an additional navy yard on the Pacific coast that in order to gain a year's time it is very important that action authorizing the establishment of such a yard should be taken at this session of Congress and an initial appropriation made, so that the necessary land can be acquired and its development begun just as soon as the best site has been definitely determined.

RELATION OF MARE ISLAND NAVY YARD TO ADDITIONAL NAVY YARD ON SAN FRANCISCO BAY.

(23) The establishment of an additional navy yard on San Francisco Bay should be undertaken with full recognition of the desirability of avoiding, at both Mare Island and San Francisco, an unnecessary duplication of navy-yard plant and accessories. The military administration and industrial personnel of the two navy yards should be so assigned as to make the two establishments complementary to each other and in no sense independent or competitive.

In determining the extent of the development of the navy yard in San Francisco Bay full consideration should also be given not only to the work which can be efficiently and economically performed at Mare Island but the possible use, to their fullest extent in time of war or other serious emergency, of all shipbuilding, repair, berthing, docking, and supply facilities of the region, whether under State, municipal, or private ownership.

And finally that, so far as may be practicable, definite arrangements to this end should be made in time of peace with a view to rapid, efficient, and economical service to the Nation in time of war.

Mr. PHELAN. Mr. President, I will simply content myself with reading the recommendation from the Helm report on this subject. The Helm Commission visited the Pacific coast to report upon aviation fields, submarine bases, and naval bases, and its recommendation with respect to this item, which is the only item of this character in the bill, is as follows:

There is such great need for an additional navy yard on the Pacific coast that in order to gain a year's time it is very important that action authorizing the establishment of such a yard should be taken at this session of Congress and an initial appropriation made, so that the necessary land can be required and its development begun just as soon as the best site has been definitely determined.

The establishment of an additional navy yard on San Francisco Bay should be undertaken with full recognition of the desirability of avoiding, at both Mare Island and San Francisco, an unnecessary duplication of navy-yard plant and accessories. The military administration and industrial personnel of the two navy yards should be so assigned as to make the two establishments complementary to each other and in no sense independent or competitive.

In determining the extent of the development of the navy yard in San Francisco Bay full consideration should also be given, not only to the work which can be efficiently and economically performed at Mare Island but the possible use to their fullest extent in time of war or other serious emergency of all shipbuilding, repair, berthing, docking, and supply facilities of the region, whether under State, municipal, or private ownership.

And, finally, that so far as may be practicable definite arrangements to this end should be made in time of peace, with a view to rapid, efficient, and economical service to the Nation in time of war.

The site is to be determined by the commission of the Navy Department and approved by the President.

Mr. BRYAN. I suggest to the Senator that I have already obtained permission to put into the RECORD the whole of the matter which appears in the Helm report in relation to this subject.

Mr. PHELAN. I am merely stating it so that Senators may vote intelligently. They will not have an opportunity to read the RECORD to-night, and I think it is important for them to know that this is recommended by a commission as a matter of great urgency and necessity, because we can have no fleet in the Pacific if there are no facilities for taking care of it.

Mr. WEEKS. Mr. President, before the vote is taken on the amendment I wish to call attention to the fact that within 20 miles of where it is proposed to establish this navy yard the Mare Island Navy Yard is now in operation. We are appropriating in this bill for—

Navy yard, Mare Island, Cal.: Floating crane, revolving type, to complete, $450,000, and the limit of cost is hereby increased to $750,000; maintenance of dikes and dredging, $50,000; improvements central power plant and distributing systems, $105,000; in all, $605,000.

The navy yard at Mare Island, Cal., was established in 1854. The cost of the site was $84,000, and there have been expended in appropriations to build up that yard since that time $21,298,000.

Mr. BRYAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Florida?

Mr. WEEKS. I yield.

Mr. BRYAN. If the Senator will allow me to do so, I desire to say that I am about to propose a unanimous-consent agreement for a vote upon this bill. The matter has been pretty thoroughly canvassed on both sides of the Chamber, and I have reason to believe that the proposed agreement will meet with the consent of the Senate. I ask that the Secretary may read the unanimous-consent agreement, which I send to the desk.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 11.40 o'clock p. m., on March 1, 1917, the Senate will adjourn to 11 a. m., Friday, March 2, 1917; and it is further agreed that at not later than 12 o'clock noon, on Friday, March 2, 1917, the Senate will proceed to the consideration, under the five-minute rule, of House bill 20632, the naval appropriation bill, and all amendments that may be pending, any amendments that may be offered, and upon the said bill through the regular parliamentary stages to its final disposition; and that the final vote shall be taken upon said bill not later than 3 o'clock p. m. on March 2, 1917. It is further agreed that no motion to table any amendment shall be entertained by the Chair.

The PRESIDENT pro tempore. Under the rule, the roll will have to be called.

Mr. HARDING. In view of the necessity of the roll call, I suggest that the time for the adjournment be fixed at not later than 11.45 p. m.

The PRESIDENT pro tempore. Does the Senator from Florida accept the amendment?

Mr. BRYAN. That is satisfactory.

Mr. WILLIAMS. I wish to ask a question before the request is submitted. Is there any provision in it for the consideration of the bill that has come from the Foreign Relations Committee? What does the Senator expect is to become of that?

Mr. BRYAN. The naval bill is to be voted on not later than 3 o'clock, and after 3 o'clock any other measure can be taken up. I want to say to the Senator from Mississippi that that is the very best arrangement we have been able to get.

Mr. WILLIAMS. Does the agreement propose to take a recess or to adjourn?

Mr. BRYAN. To adjourn.

Mr. WILLIAMS. Then, that will give us a chance to get the other measure in under the rule. So that is all right.

The PRESIDENT pro tempore. The Secretary will call the roll on the proposed unanimous-consent agreement presented by the Senator from Florida.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Phelan	Stone
Beckham	Husting	Pittman	Thomas
Brandegee	James	Poindexter	Thompson
Broussard	Jones	Pomerene	Tillman
Bryan	Kenyon	Ransdell	Underwood
Clark	Kirby	Reed	Wadsworth
Colt	Lane	Saulsbury	Walsh
Curtis	Lea, Tenn.	Sheppard	Warren
Fall	Lee, Md.	Shields	Watson
Fletcher	Lewis	Simmons	Weeks
Harding	Martine, N. J.	Smith, Ga.	Williams
Hardwick	Norris	Smith, Md.	Works
Hitchcock	Owen	Smith, S. C.	
Hollis	Penrose	Smoot	

The PRESIDENT pro tempore. Fifty-four Senators have answered to their names. There is a quorum present. Is there objection to the unanimous-consent agreement proposed by the Senator from Florida?

Mr. BRANDEGEE. I think it should be reported again.

The PRESIDENT pro tempore. The Secretary will again report the unanimous-consent agreement.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 11.45 o'clock p. m. on March 1, 1917, the Senate will adjourn to 11 a. m., Friday, March 2, 1917; and it is further agreed that at not later than 12 o'clock noon on Friday, March 2, 1917, the Senate will proceed to the consideration, under the five-minute rule, of H. R. 20632, the naval appropriation bill, and all amendments that may be pending, any amendments that may be offered, and upon the said bill through the regular parliamentary stages to its final disposition; and that the final vote shall be taken upon said bill not later than 3 o'clock p. m. on March 2, 1917. It is further agreed that no motion to table any amendment shall be entertained by the Chair.

The PRESIDENT pro tempore. Is there objection to the proposed unanimous-consent agreement?

Mr. SMOOT. Mr. President, I think that the hour fixed for a final vote should be later than 3 o'clock, in view of the fact that we are not to begin the consideration of the bill until 12 o'clock. Some of us have had no chance whatever to say anything on the bill, and I want to speak for a short while. Under this agreement, of course, all that we could do would be to speak five minutes, and one can not say very

much in five minutes. I have no objection to the unanimous-consent agreement, but I should like to have the discussion under the five-minute rule begin a little later and have the final vote taken, say, at 5 o'clock. That will give all of us time to discuss this question.

Mr. BRYAN. Mr. President, I hope the Senator from Utah will allow the agreement to be entered into. I would hardly feel at liberty to change it.

Mr. SMOOT. Mr. President, all the committee amendments have not yet been agreed to. There are a number of them yet to be passed upon, and if we begin the consideration of the bill at 12 o'clock, it will simply mean that three hours will be spent in the consideration of the committee amendments.

Mr. BRYAN. The Senate could take the measure up at any time in the morning hour.

Mr. SMOOT. We are to adjourn, and will have the routine morning business.

Mr. BRYAN. That only embraces the introduction of bills and joint resolutions, reports of committees, and so forth. As the Senator knows, any Senator can discuss the measure following the routine business, and it would be in order to move to consider the bill.

Mr. CURTIS. Will the Senator from Florida agree to move that the bill be taken up so that it may be debated until 12 o'clock?

Mr. OWEN. I will suggest that there is a conference report to be disposed of in the morning.

The PRESIDENT pro tempore. Is there objection to the proposed agreement?

Mr. BRANDEGEE. Will the Senator from Florida object to providing that immediately after the conclusion of the routine morning business to-morrow this bill shall be taken up and its consideration continued in accordance with the unanimous-consent agreement?

Mr. SMOOT. If the Senator will make the hour 4 o'clock instead of 3 o'clock, that will be satisfactory to me.

Mr. BRYAN. I am afraid if I agree to a later hour than 3 o'clock there might be objection on this side, because, as Senators understand, there are other measures which have to come up.

Mr. SMOOT. I will say to the Senator that this is a very important bill. Ordinarily, if this bill was discussed in detail by the Senate it would require a couple of weeks. I do not want to block its passage in any way, shape, or form, but, as I have said, the committee amendments have not yet been disposed of, and I want a little time to speak on the bill.

Mr. BRYAN. There are only two or three more committee amendments.

Mr. CURTIS. Mr. President, I suggest to the Senator from Florida that he make the hour 4 o'clock.

SEVERAL SENATORS. That is right.

Mr. SMOOT. That will give a little time.

Mr. STONE. What is that—to vote on the bill?

Mr. CURTIS. For the final vote on the bill.

Mr. FLETCHER. Mr. President, I want to say that I have been extremely anxious to get a vote on the river and harbor bill. Of course, I have understood from the other side that they are determined to defeat the bill. It has been stated that they proposed to discuss it for such a length of time that it will be impossible to pass it. I can not entirely credit that position, though it has been stated to me and almost reported to me.

I feel that this is a measure that means a very great deal to the whole country. In the most distressing war in all history, France and Germany are to-day keeping up their navigable waterways; and for us to abandon ours under these circumstances would be simply a disaster and a wrong that would be inexcusable.

I want to say that I have waited and acquiesced in agreements when they were pressed as being desirable, and I do not want to stand in the way of this agreement; but I do hope that the Senate will not adjourn without taking up the river and harbor bill. I feel very deeply about it and realize the significance of it. The direct loss to the Government in case it is not taken up, arising by reason of the idleness of the plants, the dredges, and the machinery of the Government itself, and the loss to the country by reason of the injury to commerce, would be simply incalculable.

Mr. PENROSE. Regular order!

Mr. FLETCHER. While I do not want to stand in the way of a proposal of this kind, particularly in the circumstances, I am almost in a quandary as to what my duty is in the circumstances. However, I presume this is the best arrangement that can be made, and I will not enter any objection to it.

The PRESIDENT pro tempore. Is there objection to the proposed unanimous-consent agreement?

Mr. SMOOT. There is no objection, Mr. President, if the Senator will make it 4 o'clock.

The PRESIDENT pro tempore. The Chair must determine whether or not objection is made to the agreement. The hour for adjournment named in the proposed agreement has almost arrived.

Mr. BRYAN. Mr. President, suppose we change the time for adjournment to 12 o'clock midnight to-night?

Mr. PENROSE. Oh, no; make it 4 o'clock.

Mr. BRYAN. No; let me state it. Suppose we change the hour for adjourning to 12 o'clock, because it is desired by a number of Senators to have an executive session that will not take over two or three minutes, and then change the time for beginning to vote to 4 o'clock?

Mr. WATSON. That is all right.

Mr. BRYAN. The voting will begin at 4 o'clock, then.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the unanimous-consent agreement is entered into.

The unanimous-consent agreement as finally entered into is as follows:

It is agreed by unanimous consent that at not later than 12 o'clock midnight on March 1, 1917, the Senate will adjourn to 11 a. m. Friday, March 2, 1917; and it is further agreed that at not later than 12 o'clock noon on Friday, March 2, 1917, the Senate will proceed to the consideration, under the five-minute rule, of H. R. 20632, the naval appropriation bill, and all amendments that may be pending, any amendments that may be offered, and upon the said bill through the regular parliamentary stages to its final disposition; and that the final vote shall be taken upon said bill not later than 4 o'clock p. m. on March 2, 1917. It is further agreed that no motion to table any amendment shall be entertained by the Chair.

THE INITIATIVE AND REFERENDUM.

Mr. OWEN. Mr. President, I ask to have printed as a Senate document a report on the initiative and referendum, by Judson King.

Mr. SMOOT. I ask that the matter be referred to the Committee on Printing.

The PRESIDENT pro tempore. Is there objection?

Mr. OWEN. Let it go to the Committee on Printing.

The PRESIDENT pro tempore. The matter will be referred to the Committee on Printing.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

Mr. STONE. I move that the Senate adjourn until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 11 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 2, 1917, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 1, 1917.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

Lieut. Col. Francis R. Shunk, Corps of Engineers, to be colonel from January 30, 1917, vice Col. Joseph E. Kuhn, appointed brigadier general.

Maj. George M. Hoffman, Corps of Engineers, to be lieutenant colonel from January 30, 1917, vice Lieut. Col. Francis R. Shunk, promoted.

Capt. Joseph H. Earle, Corps of Engineers, to be major from January 30, 1917, vice Maj. George M. Hoffman, promoted.

First Lieut. Charles F. Williams, Corps of Engineers, to be captain from January 30, 1917, vice Capt. Joseph H. Earle, promoted.

INFANTRY ARM.

First Lieut. Sylvester C. Loring, United States Army, retired, to the grade of captain in the Infantry Arm, with rank from July 1, 1916.

APPOINTMENTS IN THE ARMY.

CHAPLAIN.

Chaplain Nathaniel Alexander Jones, Fourth Infantry, Alabama National Guard, to be chaplain, with rank of first lieutenant from February 23, 1917, to fill an original vacancy.

VETERINARY CORPS.

Veterinarian Walter R. Grutzman, Eighth Cavalry, to be veterinarian, with rank from June 3, 1916.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Capt. Chandler Campbell to be a major in the Marine Corps, from the 29th day of August, 1916.

The following-named first lieutenants to be captains in the Marine Corps, from the 29th day of August, 1916:

William C. Wise, jr.,
Ernest A. Perkins,
Ralph E. Davis,
Roy D. Lowell, and
David S. Barry, jr.

The following-named citizens to be second lieutenants in the Marine Corps, for a probationary period of two years, from the 12th day of February, 1917:

George F. Adams, a citizen of Massachusetts,
George W. Spotts, a citizen of Virginia,
Bruce J. Millner, a citizen of Virginia,
Emmett W. Skinner, a citizen of Kansas, and
Jesse J. Burks, a citizen of Virginia.

POSTMASTERS.

ALABAMA.

Robert A. Baird to be postmaster at Castleberry, Ala. Office became presidential October 1, 1916.

ARKANSAS.

Duffy Allen to be postmaster at De Witt, Ark., in place of L. J. Miller, resigned.

James C. Perkins to be postmaster at Yellville, Ark., in place of Alfred Watts, resigned.

CALIFORNIA.

Margaret G. Finnegan to be postmaster at Nevada City, Cal., in place of George B. Finnegan, resigned.

Merle M. Kroff to be postmaster at Le Grand, Cal. Office became presidential October 1, 1916.

May Lent to be postmaster at Byron, Cal. Office became presidential October 1, 1916.

Joseph P. Schaefer to be postmaster at Mayfield, Cal. Office became presidential January 1, 1917.

FLORIDA.

Samuel W. Eldridge to be postmaster at Apopka, Fla. Office became presidential October 1, 1916.

ILLINOIS.

J. B. Coykendall to be postmaster at Yates City, Ill. Office became presidential October 1, 1916.

INDIANA.

S. J. Lenon to be postmaster at Culver, Ind., in place of John Osborn, resigned.

IOWA.

E. E. Beck to be postmaster at Leon, Iowa, in place of Caroline Y. Smith, resigned.

W. L. Hoggatt to be postmaster at Salem, Iowa, in place of Owen Hourihan, resigned.

Charles W. Westcott to be postmaster at Lake Mills, Iowa, in place of J. B. Conley, resigned.

KENTUCKY.

Charles W. Wescott to be postmaster at Lake Mills, Iowa, in place of Mary McR. Bruce, resigned.

J. Forrest Porter to be postmaster at Dixon, Ky., in place of Arthur L. Hall, resigned.

LOUISIANA.

Albert R. Smith to be postmaster at Mangham, La. Office became presidential October 1, 1916.

MAINE.

Charles W. Mower to be postmaster at North Vassalboro, Me. Office became presidential January 1, 1917.

Mark P. Pollard to be postmaster at Solon, Me. Office became presidential October 1, 1916.

MICHIGAN.

Mary A. Deplonty to be postmaster at Auburn, Mich. Office became presidential October 1, 1916.

Edward P. Ritzler to be postmaster at New Buffalo, Mich. Office became presidential October 1, 1916.

MINNESOTA.

H. A. Bye to be postmaster at Ashby, Minn. Office became presidential October 1, 1916.

Ole J. Leding to be postmaster at Cook, Minn. Office became presidential January 1, 1917.

MISSISSIPPI.

Samuel J. Craig to be postmaster at Sunflower, Miss. Office became presidential October 1, 1916.

MISSOURI.

George H. Applegate to be postmaster at Keytesville, Mo., in place of George H. Applegate, deceased.

MONTANA.

Charles H. Allan to be postmaster at Ryegate, Mont. Office became presidential October 1, 1916.

NEBRASKA.

W. N. Hunter to be postmaster at Syracuse, Nebr., in place of B. S. Littlefield, deceased.

Gertrude Shepardson to be postmaster at Homer, Nebr. Office became presidential October 1, 1916.

Anders P. Thomsen to be postmaster at Dannebrog, Nebr. Office became presidential October 1, 1916.

NEVADA.

Norman B. Price to be postmaster at Goodsprings, Nev. Office became presidential October 1, 1916.

NEW JERSEY.

Arthur D. Appleby to be postmaster at Spotswood, N. J. Office became presidential October 1, 1916.

NORTH CAROLINA.

W. T. Potts to be postmaster at Highlands, N. C. Office became presidental October 1, 1916.

NORTH DAKOTA.

Jeanette Gamble to be postmaster at Portal, N. Dak., in place of William Gamble, deceased.

Charles Lescault to be postmaster at Stanley, N. Dak., in place of John W. Doles. Incumbent's commission expired July 16, 1916.

Myrtle M. Williams to be postmaster at Makoti, N. Dak. Office became presidential January 1, 1917.

OHIO.

William J. Connolly to be postmaster at Grand Rapids, Ohio. Office became presidential January 1, 1917.

Clayton C. Schoner to be postmaster at Hartville, Ohio. Office became presidential January 1, 1917.

OKLAHOMA.

David Russell to be postmaster at Madill, Okla., in place of C. S. Cannady. Incumbent's commission expired July 13, 1916.

PENNSYLVANIA.

Charles E. Burket to be postmaster at Claysburg, Pa. Office became presidential January 1, 1917.

Isaac G. Mansfield to be postmaster at Sykesville, Pa., in place of G. B. McC. Hennigh, resigned.

Edith M. Phelphs to be postmaster at Ludlow, Pa. Office became presidential October 1, 1916.

PORTO RICO.

Alfredo Giminez y Moreno to be postmaster at Bayamon, P. R., in place of A. G. y Moreno. Incumbent's commission expired July 30, 1916.

TEXAS.

J. H. Shackelford to be postmaster at Cross Plains, Tex., in place of John M. Hembree, resigned.

WASHINGTON.

Minnie M. McCracken to be postmaster at Clearlake, Wash. Office became presidential October 1, 1916.

WEST VIRGINIA.

Wiley C. Agee to be postmaster at Eccles, W. Va. Office became presidential October 1, 1916.

S. D. Frantz to be postmaster at Mullens, W. Va. Office became presidential October 1, 1916.

WISCONSIN.

Joshua Thayer to be postmaster at Palmyra, Wis., in place of John S. Meldeen, removed.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 1, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our Heavenly Father, in whom justice and mercy are beautifully and harmoniously mingled, touch us with Thy spirit, illumine our minds, quicken our conscience, and direct our ways, that we may act well our part in the great eternal plan, moving ever on toward the final consummation with perfect faith in

That God which ever lives and loves.
One God, one law, one element,
And one far-off divine event
Toward which the whole creation moves.

For Thine is the kingdom, and the power, and the glory, forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 135) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians declared forfeited by the act of February 16, 1863.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20755) to provide a temporary government for the West Indian Islands acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1917, and for other purposes.

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 5948. An act for the relief of Hays Gaskill;

H. J. Res. 335. Joint resolution for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers;

H. R. 20748. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1918, and for other purposes; and

H. R. 20573. An act to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

The message also announced that the President had, on February 27, 1917, approved and signed bills of the following titles:

S. 40. An act to authorize agricultural entries on surplus coal lands in Indian reservations;

S. 1068. An act relating to desert-land entries;

S. 1792. An act for the relief of settlers on unsurveyed railroad lands;

S. 1878. An act making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code; and

S. 8252. An act to authorize the change of name of the steamer *Charles L. Hutchinson* to *Fayette Brown*.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 8317. An act to authorize the Legislature of Alaska to establish and maintain schools, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1082. An act to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 20748. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1918, and for other purposes;

H. R. 5948. An act for the relief of Hays Gaskill; and

H. J. Res. 335. Joint resolution for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 8316. An act granting a pension to Edith Blankart Funston, widow of the late Maj. Gen. Frederick Funston; to the Committee on Pensions.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, the motion of the gentleman from Kentucky [Mr. JOHNSON], when the House adjourned last night, to further instruct the conferees on the part of the House on the District of Columbia appropriation bill (H. R. 19119) as to Senate amendment No. 97, was pending, to insist upon their disagreement.

Mr. JOHNSON of Kentucky. The Journal is wrong. I made a motion, and inadvertently used one word for another. The Chair, in stating my motion, stated it correctly. The Chair's statement of the motion is not upon the Journal, but it was my inadvertent use of the word "insist" instead of the word "adhere."

Mr. PAGE of North Carolina. The inadvertence was on the part of the Speaker in putting the motion. The gentleman from Kentucky made the motion as recorded in the Journal. The Speaker in putting that motion used the word "adhere."

Mr. JOHNSON of Kentucky. The Speaker was using the correct word. I accepted it.

Mr. FITZGERALD. There is no such motion as the gentleman imagines he wanted to make.

The SPEAKER. The right words are "further insist," but the Speaker sometimes gets the language tangled up as well as others.

Mr. MANN. The House had already further insisted on the motion before the gentleman from Kentucky made his motion. The House had further insisted upon its disagreement to all the Senate amendments. The gentleman from Kentucky offered the motion to instruct the conferees and insist.

Mr. FITZGERALD. That is what the RECORD shows.

Mr. PAGE of North Carolina. Just preceding the motion of the gentleman from Kentucky the RECORD shows—

THE SPEAKER. The gentleman from North Carolina moves to further insist on the House disagreement to the Senate amendment and ask for a conference. Is there objection?

Then the RECORD shows that Mr. JOHNSON rose and addressed the Speaker, and the Speaker asked, "For what purpose does the gentleman from Kentucky rise?" And the gentleman from Kentucky replied, "To make a motion to instruct the House conferees." Then the Speaker says, "That comes after. The question is on the motion of the gentleman from North Carolina [Mr. PAGE]." Then in the next line the statement is made, "The question was taken, and the motion was agreed to." That was to instruct the conferees to insist on their disagreement to all amendments.

Mr. MANN. Not to instruct the conferees, but that the House further insist.

Mr. PAGE of North Carolina. Yes; that the House further insist upon its disagreement to the Senate amendments.

The SPEAKER. The motion that ought to be put, as it seems to the Chair, is to instruct the conferees not to yield on their disagreement; to insist on the disagreement. Those in favor of the motion will say "aye." Those opposed will say "no."

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. JOHNSON of Kentucky. A division, Mr. Speaker.

The SPEAKER. The gentleman from Kentucky demands a division.

The House divided; and there were—ayes 18, noes 60.

Mr. JOHNSON of Kentucky. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Kentucky makes the point of no quorum. Evidently there is no quorum present. The Doorkeeper will close the doors and the Sergeant at Arms will notify the absentees.

Mr. PAGE of North Carolina. Mr. Speaker, I move a call of the House.

Mr. FITZGERALD. The House is dividing, Mr. Speaker.

The SPEAKER. No call of the House is needed. This is an automatic call. The Clerk will call the roll. Those in favor of the motion will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 94, nays 288, answered "present" 4, not voting 48, as follows:

YEAS—94.

Abercrombie	Crisp	Helm	Morgan, La.
Ashbrook	Davis, Tex.	Hilliard	Nolan
Aswell	Dill	Houston	Overmyer
Ayres	Doolittle	Howard	Park
Barkley	Dowell	Huddleston	Quin
Bell	Ellsworth	Hughes	Rainey
Black	Esch	Hull, Tenn.	Randall
Blackmon	Evans	Jacoway	Reilly
Brumbaugh	Fields	James	Rouse
Buchanan, Ill.	Flood	Johnson, Ky.	Rucker, Ga.
Burgess	Frear	Johnson, Wash.	Saunders
Burnett	Gard	Keating	Shackleford
Candler, Miss.	Garner	Kincheloe	Sims
Cantrill	Garrett	Linthicum	Sisson
Caraway	Goodwin, Ark.	Littlepage	Slayden
Church	Gordon	Lobeck	Sloan
Cary	Gray, Ala.	London	Smith, N. Y.
Collier	Gray, Ind.	McKellar	Stafford
Connelly	Hamlin	Mays	Steagall
Cox	Heflin	Mondell	Stephens, Miss.

Tague	Thomas	Van Dyke	Wilson, La.
Talbott	Thompson	Vinson	Wingo
Taylor, Ark.	Tillman	Watkins	
Taylor, Colo.	Towner	Williams, W. E.	

NAYS—288.

Adair	Estopinal	Kreider	Ramseyer
Adamson	Fairchild	Lafean	Rayburn
Aiken	Farr	La Follette	Reavis
Alexander	Ferris	Langley	Ricketts
Allen	Fess	Lazaro	Roberts, Mass.
Almon	Fitzgerald	Lee	Roberts, Nev.
Anderson	Fordney	Lenroot	Rodenberg
Anthony	Foss	Lesher	Rogers
Austin	Foster	Lever	Rowe
Bacharach	Freeman	Lewis	Rubey
Bailey	Fuller	Lieb	Russell, Mo.
Barchfeld	Gallagher	Liebel	Russell, Ohio
Barnhart	Gallivan	Lloyd	Sabath
Beales	Gandy	Longworth	Sanford
Bennet	Gardner	McAndrews	Schall
Booher	Garland	McArthur	Scott, Mich.
Borland	Gillett	McClintic	Sears
Bowers	Glass	McCorkle	Sells
Britt	Glynn	McCracken	Shallenberger
Browne	Godwin, N. C.	McCulloch	Sherley
Browning	Good	McDermott	Sherwood
Bruckner	Gould	McFadden	Shouse
Buchanan, Tex.	Gray, N. J.	McKenzie	Siegel
Butler	Green, Iowa	McKinley	Slemp
Byrnes, S. C.	Greene, Mass.	McLaughlin	Small
Byrns, Tenn.	Greene, Vt.	McLemore	Smith, Idaho
Campbell	Gregg	Madden	Smith, Mich.
Cannon	Griest	Magee	Smith, Minn.
Capstick	Griffin	Maher	Smith, Tex.
Carlin	Guernsey	Mann	Snell
Carter, Mass.	Hadley	Mapes	Snyder
Carter, Okla.	Hamill	Martin	Stedman
Chiperfield	Hamilton, Mich.	Miller, Del.	Steele, Iowa
Clark, Fla.	Hamilton, N. Y.	Miller, Minn.	Steele, Pa.
Cline	Hardy	Miller, Pa.	Steenerson
Condy	Harrison, Miss.	Moon	Stephens, Nebr.
Coleman	Harrison, Va.	Moore, Pa.	Stephens, Tex.
Cooper, Ohio	Haskell	Moores, Ind.	Sterling
Cooper, W. Va.	Hastings	Morgan, Okla.	Stiness
Cooper, Wis.	Haugen	Morin	Stone
Copley	Hawley	Morrison	Sulloway
Costello	Hayden	Moss	Sumners
Crago	Hayes	Mott	Sutherland
Cramton	Helgesen	Mudd	Sweet
Crosser	Helvering	Murray	Swift
Curry	Henry	Neely	Switzer
Dale, N. Y.	Hernandez	Nelson	Taggart
Dale, Vt.	Hicks	Nicholls, S. C.	Temple
Dallinger	Holland	Nichols, Mich.	Tilson
Danforth	Hollingsworth	North	Timberlake
Darrow	Hood	Norton	Tinkham
Davenport	Hopwood	Oakey	Treadway
Davis, Minn.	Hull, Iowa	Oldfield	Vare
Decker	Humphrey, Wash.	Oliver	Venable
Dempsey	Humphreys, Miss.	Olney	Volstead
Denison	Husted	O'Shaunessy	Walsh
Dent	Hutchinson	Padgett	Ward
Dewalt	Igoe	Page, N. C.	Wason
Dickinson	Kahn	Paige, Mass.	Watson, Pa.
Dillon	Kearns	Parker, N. J.	Watson, Va.
Dixon	Keister	Parker, N. Y.	Webb
Dooling	Kelley	Patten	Whaley
Doughton	Kennedy, Iowa	Peters	Wheeler
Driscoll	Kennedy, R. I.	Phelan	Williams, Ohio
Drukker	Kent	Platt	Wilson, Ill.
Dunn	Kettner	Porter	Winslow
Dyer	Key, Ohio	Pou	Wise
Eagan	Kiess, Pa.	Powers	Wood, Ind.
Edmonds	King	Pratt	Woods, Iowa
Edwards	Kinkaid	Price	Woodyard
Elston	Kitchin	Ragsdale	Young, N. Dak.
Emerson	Konop	Raker	Young, Tex.

ANSWERED "PRESENT"—4.

Dies	Lindbergh	McGillicuddy	Sinnott

NOT VOTING—48.

Beakes	Doremus	Howell	Rauch
Benedict	Dupré	Hulbert	Riordan
Britten	Eagle	Johnson, S. Dak.	Rowland
Burke	Farley	Jones	Rucker, Mo.
Caldwell	Flynn	Lehlbach	Scott, Pa.
Callaway	Focht	Loft	Scully
Carew	Graham	Loud	Sparkman
Casey	Hart	Matthews	Stout
Chandler, N. Y.	Heaton	Mecker	Tavenner
Charles	Hensley	Montague	Walker
Conry	Hill	Mooney	Williams, T. S.
Cullop	Hinds	Oglesby	Wilson, Fla.

So the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. RAUCH with Mr. THOMAS S. WILLIAMS.

Mr. BEAKES with Mr. BENEDICT.

Mr. STOUT with Mr. BRITTEN.

Mr. WALKER with Mr. CHANDLER of New York.

Mr. CAREW with Mr. CHARLES.

Mr. WILSON of Florida with Mr. FOCHT.

Mr. CONRY with Mr. GRAHAM.

Mr. SCULLY with Mr. HEATON.

Mr. DOREMUS with Mr. HILL.

Mr. DUPRÉ with Mr. HINDS.

Mr. EAGLE with Mr. HOWELL.

Mr. FARLEY with Mr. JOHNSON of South Dakota.

Mr. FLYNN with Mr. LEHLBACH.

Mr. RUCKER of Missouri with Mr. LOUD.

Mr. RIORDAN with Mr. MATTHEWS.

Mr. HULBERT with Mr. MEEKER.

Mr. HENSLEY with Mr. MOONEY.

Mr. JONES with Mr. ROWLAND.

Mr. MONTAGUE with Mr. SCOTT of Pennsylvania.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors. The motion to instruct the conferees is lost, and the Chair announces as conferees on the part of the House Mr. PAGE of North Carolina, Mr. MCANDREWS, and Mr. DAVIS of Minnesota.

ARMING OF AMERICAN MERCHANT SHIPS.

Mr. HENRY. Mr. Speaker, I offer a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Texas sends up a resolution from the Committee on Rules. The Clerk will report it.

The Clerk read as follows:

House resolution 544 (H. Rept. 1596).

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 21052; that the first reading of the bill shall be dispensed with; that there shall be not exceeding three hours of general debate, the time to be controlled, one-half by the gentleman from Virginia [Mr. FLOOD] and one-half by the gentleman from Wisconsin [Mr. COOPER]; that all debate shall be confined to the subject matter of the bill. At the expiration of general debate the bill shall be considered under the five-minute rule and the Committee of the Whole House on the state of the Union shall perfect and report the bill to the House.

Whereupon the previous question shall be considered as ordered upon the bill and all amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. HENRY. Mr. Speaker, this resolution brings up for consideration the resolution of the gentleman from Virginia [Mr. FLOOD] in regard to our international complications. It provides for going into the Committee of the Whole House on the state of the Union, and for three hours' general debate, and then for consideration under the five-minute rule. After perfecting the resolution it is to be reported to the House, whereupon the previous question shall be considered as ordered on the bill and all amendments thereto to final passage, and there shall be one motion to recommit. That is the substance of the rule. Upon its adoption the House will take up this important resolution. Mr. Speaker, I yield 10 minutes to the gentleman from Virginia [Mr. FLOOD.]. [Applause.]

Mr. FLOOD. Mr. Speaker, the purpose of the bill which this rule brings before the House is to authorize the President to supply guns, ammunition, and gunners to vessels owned by American citizens and bearing American register for their defense against unlawful attacks, and to authorize him to use other means if necessary to protect such ships and American citizens in their lawful pursuits on the high seas. For these purposes the bill appropriates $100,000,000 to carry out the purposes of the enactment, and provides for a bond issue of $100,000,000 to reimburse the Treasury for this appropriation.

Mr. Speaker, Germany has declared her intention to disregard the promises it made to this country in April last in reference to the conduct of her submarine warfare in which she promised to conduct such warfare according to the rules and principles of international law as modified by the notes which passed between this country and Germany in reference to the use of submarines, and she is now undertaking to destroy every merchant vessel whether belligerent or neutral that attempts to land at any port of Great Britain or Ireland, the Atlantic coast of Europe, or the eastern ports of the Mediterranean.

The American merchant marine is tied up in our harbors, afraid to risk the dangers of the German submarines, and American commerce is congested in our ports as effectually as if the enemy had blockaded those ports.

This condition is intolerable to a free and a brave people, and it has continued as long as the American Government and the American people are willing to submit to it. [Applause.]

The pending legislation provides the President of the United States with means to remedy this intolerable condition and free our commerce and protect the lives of American citizens in their lawful pursuits upon the high seas. [Applause.] By it we are taking an essential step for the protection of American rights upon the seas.

Mr. Speaker, there are ample precedents for the action that Congress is asked to take in this legislation. There have been a number of occasions when an invasion of our rights have been such that the American Congress thought it necessary to vest the President for the time being with extraordinary powers. We enacted such laws when we were a small and feeble but a

brave Nation. We gave such powers in 1794, in 1805, in 1815, in 1839, and in 1856. Some of these were precedents strongly in support of this proposition; others were not so strong, but were in the same line. In 1798 there was a condition of affairs that was almost identical with the one we are confronted with to-day. France and England were at war, and France was outraging, depredating, and preying upon our commerce just as Germany is to-day, and the American Congress vested in the President of the United States just such powers as we are asking to be given to the President to-day. There were many people in the country at that time who contended that our commerce could not be protected; that the rights of our citizens could not be guarded; that our honor could not be upheld without going to war with France. But we gave the President these powers; we gave him some more drastic than those we are asking for. He acted under the powers conferred by Congress; and the result was that our commerce was protected, the lives of our citizens were saved, and the honor of the American Nation was vindicated, and war with France was averted. [Applause.]

We are asking for the same powers here to-day to enable the President to protect the American commerce, and above all to enable him to protect the lives of American citizens in their lawful pursuits upon the seas, where every man and every nation admits that they have the right to go. [Applause.] This measure will enable the President to protect our commerce and defend our rights, and will send our merchant ships to their proper and lawful destination. [Applause.]

This legislation is intended to avert war. It may not do this, but if it fails in this purpose it will have done little to bring about war, and if we should unhappily become engaged in the European war the passage of this bill will not be the cause that will bring about that direful result. We may be able to accomplish the purposes of this bill simply by permitting the President to use the guns and ammunition and the gunners of this Nation to arm merchant vessels. We may have to go further, Mr. Speaker, but if we do the fault will not be ours. When we have given the President the authority contained in this bill and he exercises it the issue of war or peace will be with Germany and not with us.

Our warships have the right to sail the seas, our citizens have a right to go there, and we propose to protect them in that right. I hope we can do it peacefully. If we can not we will do it with force and with arms. [Applause.] It is clear that Germany does not intend to lessen the ruthlessness of her submarine warfare in order to avoid a conflict with this country. It is clearly our duty to protect American shippers and citizens in the exercise of their undoubted rights. [Applause.]

Our duty is clear—to protect our citizens and our ships in their lawful pursuits. This measure provides for the protection of American ships and American commerce, and, Mr. Speaker, above and beyond that, it provides for the protection of the lives of American citizens. [Applause.]

If only commerce, if only ships were involved, we would not be here asking for this legislation. If Germany were undertaking to conduct her submarine warfare according to the principles of international law and the instinct of humanity, if she were exercising the right of visit and search, stopping our ships, searching them, and taking off the people on board and providing for their safety, she might interfere with our commerce, she might sink some of our ships, she might irritate our people, but we would take our chances in the prize courts for the damages that might accrue to our people by reason of such interference; but she is not doing this, Mr. Speaker. She is sinking merchant vessels without warning and without the slightest opportunity for the noncombatants on board to escape with their lives. America is not willing not to defend her citizens, and I can not understand how any man with American blood in his veins and American sentiment in his heart can hesitate to give to the President the authority to act so as to protect the lives of American citizens. [Applause.] I believe, Mr. Speaker, that this rule will be reported, and the bill will pass by a large majority of the Members on both sides of this aisle, because the question that it involves is for America, Americans, and American rights, and when such a question is presented to the House of Representatives no party lines are drawn. [Applause.]

Mr. HENRY. Mr. Speaker, I yield 30 minutes to the gentleman from Kansas [Mr. CAMPBELL], and ask unanimous consent that he be allowed to control it as he pleases.

The SPEAKER. The gentleman from Texas yields 30 minutes to the gentleman from Kansas [Mr. CAMPBELL], and asks unanimous consent that he be permitted to divide it up as he pleases. Is there objection?

There was no objection.

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, this bill as drawn by the President and first presented to the Committee on Foreign Affairs gave him power in his discretion to use such "instrumentalities and methods as might in his discretion" seem necessary to protect American interests. In other words, it in effect surrendered to him the war power. And the bill as now amended and before us does no better, because it would permit the President to arm and convoy merchant vessels of American registry loaded with arms and ammunition consigned to a belligerent country or to one of its citizens. This bill as amended and now before the House strikes out the words which would have authorized the President to use "instrumentalities or other methods" in his discretion, but, nevertheless, authorizes him to "protect"—and that means to protect by any method in his discretion—a ship carrying arms and ammunition consigned to a belligerent, although for him thus to arm and protect such a ship loaded with arms so consigned would be an unneutral act—an act of war by our Government. We are asked to do as President Wilson requests. I have no word of denunciation for President Wilson. He is a patriot, he is our President; but you and I, each of us, have as much interest in the Government of the United States as has he, and we should permit no man to drive us away from what we, after deliberate, calm reflection, deem to be our duty under our oaths as Representatives in the Congress of the United States. [Applause.]

At this point I direct attention to what George Washington thought was the only proper policy of the Government respecting American citizens engaged in carrying arms and ammunition consigned to belligerents. On the 22d day of April, 1793, in a proclamation of neutrality Washington said:

"A PROCLAMATION.

"Whereas it appears that a state of war exists between Austria, Prussia, Sardinia, Great Britain, and the United Netherlands of the one part and France on the other, and the duty and interest of the United States require that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent powers:

"I have therefore thought fit by these presents to declare the disposition of the United States to observe the conduct aforesaid toward those powers, respectively, and to exhort and warn the citizens of the United States carefully to avoid all acts and proceedings whatsoever which may in any manner tend to contravene such disposition.

"And I do hereby also make known that whosoever of the citizens of the United States *shall render himself liable to* punishment or *forfeiture under the law of nations by* committing, aiding, or abetting hostilities against any of the said powers, or *by carrying to any of them those articles which are deemed contraband by the modern usage of nations, will not receive the protection of the United States against such* punishment or *forfeiture;* and further, that I have given instructions to those officers to whom it belongs to cause prosecutions to be instituted against all persons who shall, within the cognizance of the courts of the United States, violate the law of nations with respect to the powers at war, or any of them."

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, I will ask the gentleman from Kansas to yield me three minutes more.

Mr. CAMPBELL. Mr. Speaker, while my time is all taken, I yield three minutes more to the gentleman.

Mr. COOPER of Wisconsin. Mr. Speaker, as I have said, the bill proposes to permit the President of the United States in his discretion to arm and to "protect"; that is, to convoy merchant vessels containing arms and ammunition consigned to a belligerent country or to any of its citizens.

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. MILLER of Minnesota. Mr. Speaker, does not the gentleman observe in that language which he just read that Gen. Washington carefully states that "whoever of the citizens of the United States shall render himself liable to punishment or forfeiture *under the law of nations*" will not receive the protection of the United States?

Mr. COOPER of Wisconsin. I do not understand the question.

Mr. MILLER of Minnesota. The inhibition President Washington presents against carrying contraband by Americans to belligerents is only under such circumstances as would be contrary to the law of nations.

Mr. COOPER of Wisconsin. Why, not at all.

Mr. MILLER of Minnesota. That is exactly what it reads.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. CAMPBELL. Mr. Speaker, two major questions are before us. The first is, the Constitution gave the war-making power to Congress. The President is asking Congress to give the war-making power to him.

The President says there is now no occasion for the exercise of that power, but that something may arise during our absence that would make it necessary for him to exercise it.

In contemplating the greatest emergency that could possibly arise the President only pleads the inconvenience of assembling and organizing the Congress in justification of delegating to him this extraordinary power. The President's solicitude for the convenience of Congress is not convincing. [Applause.]

The powers of the President are well defined. The duties of Congress are as clearly defined. The President should not shrink from his duties. Certainly we should not delegate ours or attempt to do so, in violation of the solemn oaths we have taken in entering upon our duties here.

The duties of Congress never bear more heavily than when they involve the question of peace or war. To delegate or shirk these duties and powers would be a violation of the most sacred obligations of public servants. The President's appeal to Congress at this time to delegate to him more powers than he possesses under the Constitution with respect to waging war should, with a high sense of duty and a dignified patriotism, be met with firm denial.

If we are confronted with an international crisis verging upon awful war, the Constitution, which the President has undertaken to support, imposes upon him the duty to call the Congress together in extraordinary session; and if he fails or refuses to perform that duty, the Congress should assemble upon its own motion to guard the welfare of the people and the integrity of the Nation.

We represent the people upon whom the burden of the war shall fall, if war shall come, and it is our duty to take every step that is taken that leads in the direction of war, or may even tend to involve us in the unspeakable war now raging.

The fear that Congress in any emergency that may arise may or may not make a declaration of war, the hope that the President in any emergency that may arise will or will not engage in war, neither justify or excuse the transfer of the war-making power to the Executive.

It is the duty of Congress to define and punish felonies committed on the high seas and offenses committed against the laws of nations; it is our duty to raise and support armies and to provide and maintain a Navy; it is our duty to make rules for the Government and regulation of the land and naval forces of the United States; and we should not and can not shirk or delegate, directly or indirectly, either or all of these duties and powers.

Awful war is consuming Europe to-day because the power to make war was exercised by the heads of Governments—emperors and kings. If we shall become involved in war, let it be the result of the action of the war-making power under the Constitution. We directly represent the people who will fight the battles and make the sacrifices, both in blood and treasure, involved in the prosecution of any war in which we engage. [Applause.]

There is no time, much less now, for the delegation of or the surrender of the constitutional powers and duties of Congress with respect to war. The President should perform his constitutional duties as they are defined, and we must not shirk nor flinch from our responsibilities nor delegate any duties in the most important matter than can confront our country.

On the other hand, it is proposed to arm merchant ships, and, by inference, to convoy them through the war zone to enable shippers of food or munitions to transport these products through the war zone to their destination in belligerent countries.

Mr. PHELAN. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL. I can not yield.

We need both the food and munitions at home. Hunger is felt and food riots are occurring in the large cities of the country. Urgent appeals are made in the press, from the platform, and in Congress for munitions of war to properly prepare our country for any eventuality that may arise. It is said to-day that there are plans for the invasion of our soil and the division of our territory.

Mr. PHELAN. Mr. Speaker, will the gentleman yield for a question?

Mr. CAMPBELL. No; I can not yield.

In the face of all this it is proposed, in effect, to go to war to enable exporters to take our food and our munitions out of our country. To do that now, it seems to me, would be an act of madness.

Have we lost our sense of proportion? Has the vision of war-consumed Europe made us mad? Is it useless to urge the necessity of conserving for our own country our food and our munitions of war? We need the food now. We may need our arms and ammunition later. As between the necessities of our own people and country and other people and countries there is but one choice—our own people and our own country.

If the American citizens endeavoring to drain our country of food and arms are patriots—and I believe they are—they will exercise every precaution to keep our food and munitions at home for the use of our own people and our own country.

The countries of Europe practice the most rigid policy for the conservation of everything essential to the welfare and safety of their people. The export of many products from many European countries has been prohibited.

Is it hopeless to urge our citizens to aid in every way in keeping our food and our munitions at home to feed our people and provide for the safety of our country? [Applause.]

When cause for war shall come I shall be for war. If under the powers granted to the President by this bill he engages our country in war, I shall support the war with everything necessary for its successful prosecution. [Applause.]

I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I can not agree in any respect to the argument advanced by my colleague upon the committee [Mr. CAMPBELL]. [Applause.] He states that this bill gives to the President of the United States the war-making power. Mr. Speaker, if the amendments proposed by the Committee on Foreign Affairs shall be adopted and the bill then enacted into law it will give to the President of the United States no war-making power that the Congress of the United States has. [Applause.] Not one syllable can be found in the bill that will delegate to the President the war-making power of Congress. What then will the bill do? It will enable him to protect American ships. From what? From unlawful attacks, and that is all. If war then shall come it will not be the act of the President of the United States, but it will be the act of the foreign power, whatever may be the nation, that made that unlawful attack. [Applause.]

Mr. FESS. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. FESS. In this bill is the power given to the President to protect American citizens who may be upon a belligerent ship that carries munitions of war?

Mr. LENROOT. The power is given, so far as power is concerned, to protect American citizens from unlawful attack wherever they may be [applause]; but I can not imagine a case where the President could in any practical way protect American citizens traveling upon a belligerent ship carrying munitions of war. He has not the power to put guns on that kind of a ship. I have not any idea that he would furnish as a convoy any battleships with which to convoy ships of any other nations than our own, because if he should resort to convoying, our Navy will be kept busy protecting our own ships carrying the American flag.

And, so far as the argument of the gentleman from Kansas [Mr. CAMPBELL] is concerned, not only is no war power delegated if these amendments be adopted, but we reserve it to ourselves, as Congress ought to do. I admit that if the power in the original bill had been granted, we possibly would have delegated to the President all of the power that Congress has. If war must come, not through our act but through the act of some power, Congress ought to reserve to itself the determination of what other steps, if any, shall be necessary to maintain American rights.

But as to those gentlemen who oppose granting this limited power, I want to say to them that they must decide to-day whether or not any power shall be granted to the President of the United States, such as is proposed by this bill, or whether Congress by doing nothing shall say that we believe that present conditions should continue and that we are willing neither that the President shall do anything nor that the Congress of the United States shall do anything. [Applause.] With any such position as that I am not in accord. I believe——

Mr. CAMPBELL. Will my colleague yield?

Mr. LENROOT. Yes.

Mr. CAMPBELL. The President says there are now no conditions justifying these acts.

Mr. LENROOT. But the President by a mere declaration can not influence my judgment upon that proposition, and he ought not to influence the judgment of the gentleman from Kansas.

Mr. SHERLEY. Will the gentleman yield?
Mr. LENROOT. I will.
Mr. SHERLEY. The President of the United States has made no such statement.
Mr. LENROOT. If he had, so far as I am concerned, I claim the right to judge of the situation myself and not accept the President's statements in that regard, if he did make them. [Applause.]
The SPEAKER pro tempore (Mr. CRISP in the chair). The time of the gentleman from Wisconsin has expired.
Mr. HENRY. Mr. Speaker, I ask the gentleman from Kansas to use the remainder of his time, if he wishes to do so. There will be only one speech on this side.
Mr. CAMPBELL. I yield five minutes to the gentleman from New York [Mr. BENNET].
Mr. BENNET. Mr. Speaker, I decline interruption.
The SPEAKER pro tempore. The gentleman from New York declines to be interrupted.
Mr. BENNET. Mr. Speaker, if the amendments suggested by the Committee on Foreign Affairs are adopted and the bill is not materially changed for the worse in other regards, I shall vote for it with pleasure. [Applause.] I believe, and have always believed, that the rights of every American to life and the enjoyment of property ought to be protected everywhere, at all times, and as against every nation. [Applause.]
Mr. Speaker, the wages of sin is death, and that is as true of nations as it is of individuals. When those two poor women who were passengers on the *Laconia* died, the nephew of Mrs. Hoy, in New York City, whose acquaintance I possess, wrote to his present Representative in Congress a very true word, to the effect that if the United States of America in 1913 and 1914 had protected the rights of American citizens in Mexico, the *Lusitania* and the *Laconia* would never have been sunk. [Loud applause.] The sin of failing to protect Americans in Mexico is being paid for by the death of Americans elsewhere.
Mr. GLASS. Will the gentleman permit an interruption?
Mr. BENNET. I decline an interruption.
The SPEAKER pro tempore. The gentleman declines to be interrupted.
Mr. BENNET. I am going to be true to my Americanism and my logical processes. I would have voted for any measure proposed to have defended American rights in Mexico. I will vote, if I can get the opportunity between now and the 4th of March, to give any explanation that we can to those brave, stanch Scandinavian nations to the north or that little Kingdom of Holland, with her motto of "Eendracht, maakt macht," as to why it is we do not protect our rights to traffic with them and with her. [Applause.] Therefore I will vote to-day as an American Representative, from an American district, in an American Congress, to protect these particular American rights that are assailed here and now. [Applause.] I do not cavil very much about words. I am in favor of putting naval guns and naval gunners on American ships, for two reasons. In the first place, that is the best way to protect the ships. In the second place, in my judgment, it is the best way to keep out of war. I have noticed as a practical man that the number of armed merchant vessels that are sunk by submarines is small, and I think if you would give these merchant vessels good, reliable guns and good, competent gunners, there will be very few American merchantmen sunk. That may not be statesmanship, but it is practical common sense. And, therefore, on those two grounds I will vote for this bill if it comes out in the form in which substantially it goes in.

In the one minute that remains I desire to say also that I voted for this rule, with a good deal of pleasure, in the Committee on Rules. It is a model and a modest rule. I have exercised my liberty as a member of the Committee on Rules to vote with the majority whenever they were right. I have not had very many opportunities [laughter], but I have pursued a consistent course, and on this, possibly my last, opportunity to speak as a member of the Committee on Rules I desire to say that I recognize the value of the Committee on Rules; I recognize the ability of my colleagues on both sides. Sometimes the ability of the majority has been somewhat distressing, but their acquaintanceship has always been pleasant, and it has been a pleasure to me, on the five or six occasions, when I could, to vote with them, when they were acting within their functions as the servants of the House, to bring before the House some great question on which the House desired to vote or ought to vote. On such occasions it has been my pleasure as well as my duty to vote with the united committee to report the rule. [Applause.]
The SPEAKER pro tempore. The time of the gentleman from New York has expired. The gentleman from Kansas has 5 minutes remaining, and the gentleman from Texas has 18 minutes remaining.
Mr. HENRY. Mr. Speaker, I had forgotten that I had promised three minutes to the gentleman from Ohio [Mr. EMERSON].
The SPEAKER pro tempore. The gentleman from Ohio [Mr. EMERSON] is recognized for three minutes.
Mr. EMERSON. Mr. Speaker, no Member of this House is more opposed to war with Germany or any other country than I am at this time. No Member of this House wants war. No Member of this House wants our boys sent over to Europe to fill the trenches.
This country is now passing through one of the greatest crises in its history. If I interpret the President's last message correctly, it does not mean war, but simply means that he intends to protect American commerce on the seas. It is his duty to do that, and it is up to this House to stand back of him. [Applause.]
In voting to sustain the position of the President I am voting to uphold American rights clearly defined.
The President's message does not necessarily mean war.
A nation divided against itself can not stand. Nations that do not stand up for the rights of their citizens are little respected by any other nation, and sometimes are not respected by their own citizens.
Had this country stood up for its rights, not only with Germany but with Great Britain, we would be respected by both of these nations; as it is, we are respected by neither.
Continual surrendering of one's rights does not necessarily mean peace and is often the surest way to war.
Small nations are often more respected than larger nations, because they stick up for the rights of their citizens.
This Republic stood up for the rights of its citizens many years ago, when we were much weaker than we now are, and our rights were respected by every nation in the world.
If we could insist upon our rights when we were younger and weaker than we now are, it seems to me we should stand for our rights when we are the strongest nation in the world.
It is not a question of what will happen if we insist upon our rights, but is a serious question as to what will happen if we do not insist upon our rights.
In the first place, our commerce will be driven from the seas, and that means trouble at home, men out of employment, and hard times.
It does not answer the question to say that Great Britain has imposed upon us, and I think she has, and I feel that the President and the country should enforce our rights upon the high seas, not only as to Germany, but as to Great Britain as well. With equal firmness, we should protect American rights against both.
I believe that when a nation vacillates as to the enforcement of its rights that no nation will respect its rights.
This has been clearly demonstrated in our relations with Mexico. If we permit one nation to impose upon us all nations will impose upon us.
Germany imposes upon us because she feels that the country is divided, and Great Britain imposes upon us for the same reason.
I shall support the President in this crisis, because I know it means peace; peace because if we are a united nation no other nation in the world will attack us or impose upon our rights. If the Members of this House want peace, they should stand by the President; if the country wants peace, the people should stand by the President.
This is no time for a divided front.
A divided front at this time necessarily means war.
If we do not defend our rights upon the seas now, if we do not defend the rights of our citizens now, if we do not defend our commerce now, then what will become of our rights?
We will simply be a large football for every other nation in the world.
I shall stand by the President at this time because I believe it means peace—peace with honor, lasting peace.
The only way we can have the kind of peace most desired is to stand for our rights now. Let us not be cowards in this hour.
This country should be prepared. There should be universal military training in all the schools and colleges of this country.
There are at least three reasons why there should be military training in the schools and colleges:
First. The physical advantages it would give the youth of this country.
Second. The patriotism it teaches.
Third. The military training would prepare these young men to be ready to defend their country in any emergency.

This country should be prepared to place several million men under arms if the necessity for it arose.

It has often been said that Germany's preparedness got her into this war, and that may be true; but had Great Britain and France been as well prepared, then there would have been no war in Europe to-day.

The only way to have peace is for all nations to be prepared or all nations unprepared.

If the world is to become an armed camp, the United States must do as the others do. Until we have a general court of peace, which is a long way off, the safest way to insure peace is to be prepared to protect the rights of your citizens at any time an occasion should arise.

This is the time for party prejudices to be set aside and all stand for one country and one flag. Serve notice on the world that to be an American citizen means something, to insult an American citizen anywhere means trouble, and we will have peace. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, the gentleman from Kansas [Mr. CAMPBELL] courteously yielded me the balance of his time, though I am not in accord with his position upon the proposition pending before the House.

Mr. Speaker, it is well known that I have done and will do everything within my power to keep this country from becoming involved in the European war and in the peace settlements which will necessarily follow the war; but I do not see how it is possible for a patriotic nation to refuse to give to the President at the time of crisis the power which he asks and which is provided for in the pending bill. [Loud applause.]

I recognize the fact that those who are opposed to the proposition are filled with patriotic devotion to the country, as the rest of us are, but I am not willing to cavil over the terms of the power we confer upon the President. When the time comes that our ships shall be assaulted and the limit is passed for patient bearing of the insults or destruction which may be heaped upon us, it becomes the duty of a free people and a great nation, aye, of a small nation, to defend its rights upon the sea and upon the land. [Loud applause.]

I long ago would have given the President of the United States the power to protect against unlawful attacks the citizens of the United States engaged in lawful and peaceful pursuits in the Republic of Mexico [applause], and I believe we ought to give him the power now to save our rights, our dignity, our people, our patriotism, and our Nation; and I hope and I believe that in giving this power to the President we are more apt by it to keep out of war than we are to have a declaration of war. [Applause.] I hope we will not have to declare war. I do not want to become involved in the European war, but I am willing to protect the rights of America. [Prolonged applause.]

Mr. HENRY. Mr. Speaker, it is my purpose to use only a moment of my time.

A few days ago the President came before the joint session of Congress and asked for certain powers, and the Committee on Foreign Affairs has brought into this House a report. In my judgment the committee have granted the power that he has asked. The President has not asked for any unconstitutional power, nor will he do so. He is the President of the whole country under the Constitution of the United States, and I am glad to-day to see this manifestation of approval on both sides to uphold the hands of the President of the entire people. [Applause.]

Mr. Speaker, the gentleman from Kansas [Mr. CAMPBELL] sounded a strange note in his address, and I wonder what he would do—if he would do less than the President is seeking to do. What I would like to see him do, and what should be done on this occasion, is for every Representative in this House on both sides of the aisle, Democrats and Republicans, to vote in favor of this resolution [loud applause], and serve notice on the world that we are a united people in this controversy; for in my judgment unanimity amongst a people is more useful than arms. When the crucial time does come, if war must come to the people of this country, we know full well that the President will have the support of all the people; and I hope to-day that the gentlemen who have spoken against this resolution may change their view, and vote with us, and let us give a unanimous vote in favor of the resolution. [Applause.]

I now move the previous question.

The SPEAKER. The gentleman from Texas moves the previous question.

The previous question was ordered

The SPEAKER. The question is on the resolution.

The resolution was unanimously agreed to.

The SPEAKER. The ayes have it unanimously. [Loud and continued applause.] The House automatically resolves itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes, and the Chair appoints the gentleman from Georgia [Mr. CRISP] to act as Chairman.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes, with Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes, and under the terms of the rule or special order the first reading of the bill is dispensed with. Three hours' debate is provided, one half to be controlled by the gentleman from Virginia [Mr. FLOOD] and the other half by the gentleman from Wisconsin [Mr. COOPER]. The gentleman from Virginia is recognized.

Mr. FLOOD. Mr. Chairman, I yield five minutes to the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. Mr. Chairman, I shall vote for this bill [applause], but not without hesitation and misgiving.

The Nation confronts the gravest crisis. It faces the supremest responsibility to itself and to the world.

Already the European catastrophe threatens the faith of mankind in Christianity—in civilization.

The widening of that catastrophe by a great, powerful Nation like ours would seem to challenge the right of Christianity to exist. It calls to the test the potency of civilization itself.

The world holds its breath at every step the Congress takes, at every utterance the President makes.

As he declared in his address to Congress, the President already has, under the necessary implications of the Constitution, all the power with which this bill would invest him with respect to the protection of American ships and American citizens.

If he wants to get this country into the European war and make the world one vast cataclysm of blood and slaughter, he can do so with or without the enactment of this bill.

If he wants to keep this country out of the European war and make its blessings to shine out to mankind through the coming ages an example of the divine reward of peace, he can do so with or without the enactment of this bill.

Clothed with the powers given by the Constitution, a President of the United States can, at his will, without let or hindrance of Congress, create a situation which makes war the only alternative of this Nation.

In reassertion of my confidence in the sincerity of the earnest desire but recently reiterated by the President in this presence to avoid war, and in the hope that he may use the confidence of Congress in him, which finds its undoubting expression in the passage of this bill, to maintain peace, I give to this measure my support. [Applause.]

Putting my trust in him whose steady hand has thus far, through three anxious, wearying years, guided us in the ways of peace, I shall so vote, and then pray God daily to give him the wisdom and the strength to find or make a way to continue, amid the increasing horrors of an almost universal war, to hold this Nation up to the vision of Christendom as the only hope and assurance of peace on earth, good will toward men. [Prolonged applause.]

Mr. FLOOD. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. FOSS].

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes.

Mr. FOSS. Mr. Chairman, recently the President appeared before us in this Hall and stated the unfortunate situation which had been brought on our country by the withdrawal on the part of Germany of her assurances of April last to conform to international practices in the conduct of submarine warfare, and he further states that henceforth she intends to pursue

that warfare against the commerce of neutrals—of which we are one—without regard to the established restrictions of international practice and without regard to any considerations of humanity.

In the memorandum accompanying the note of January 31, 1917, she states that after February 1, 1917, she will forcibly prevent all navigation, that of neutrals included, and sink all ships within a zone around Great Britain, France, Italy, and in the eastern Mediterranean—a great zone of the high seas, if you please, stretching out into the Atlantic for hundreds of miles and running hundreds of miles to the north above the Shetland Islands, a zone that can never be effectively blockaded. That, in effect, means that every ship, neutral or belligerent, within that zone, will be sunk at sight, without warning, visitation or search, and without regard to the safety of human life.

Already as a result of this warfare—which has heretofore been regarded by all civilized nations as unlawful and in violation of the law of nations—American ships have been sunk and American lives lost.

The President has appealed to Congress to grant him the power to arm American ships, the property of American citizens and bearing American registry, with defensive arms and with the necessary ammunition to ward off unlawful attacks, and to protect such ships and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

This measure meets that appeal in practically the language of the President's address. This bill provides defensive arms, and while the occasion has arisen which makes it apply directly to Germany, yet in fact it applies to all nations now at war, England, France, and others, wherever they fail to conform to the recognized rules of international practice.

While the President, by implication under the Constitution, may have such rights as are herein given, yet it is here made clear and unequivocal, and in the exercise of those rights he will stand all the stronger before foreign nations when they know that the American Congress has passed upon them and unitedly is behind him. [Applause.] He is our President and the President of all the people, and should have the support of every American in his efforts to protect American rights upon the seas.

As the President himself has said:

> No one doubts what it is our duty to do. We must defend our commerce and the lives of our people in the midst of the present trying circumstances with discretion, but with clear and steadfast purpose.

The American people do not want war with any nation. War is horrible to contemplate, but there is something worse than war, and that would be the loss of our own national self-respect. [Applause.] It is no time to quibble over words. This is no time to lower the flag. [Applause.] It is only by a firm insistence upon our rights, vital to our existence as a nation, and long since recognized by all civilized nations, that war can be averted. [Applause.]

Mr. FLOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes, and had come to no resolution thereon.

DEFICIENCY APPROPRIATIONS.

Mr. FITZGERALD, from the Committee on Appropriations, reported a bill (H. R. 21069) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1917, and prior fiscal years, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 1600), ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois reserves all points of order on the bill.

ARMING OF AMERICAN MERCHANT SHIPS.

Mr. MANN. Mr. Speaker, I ask for the regular order.

The SPEAKER. The gentleman from Illinois demands the regular order. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill 21052.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes, with Mr. CRISP in the chair.

Mr. FLOOD. Mr. Chairman, will the gentleman from Wisconsin [Mr. COOPER] consume some of his time?

Mr. COOPER of Wisconsin. I yield 10 minutes to the gentleman from Pennsylvania [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I do not care to be interrupted.

The CHAIRMAN. The gentleman from Pennsylvania declines to be interrupted.

Mr. PORTER. Mr. Chairman, I heartily agree with the gentleman from Virginia [Mr. FLOOD] in everything he said in regard to the protection of American citizens. My objection to the pending bill is based solely on the fact that it does not exclude arms and ammunition from the cargoes of the vessels that the President is authorized to arm. That we should arm our merchant vessels so as to protect our citizens and ships from this ruthless and wanton submarine warfare of the Imperial German Government is beyond all doubt, but in doing so we should be careful to keep clearly within the rules of international law so far as the cargoes of these armed ships are concerned. Our Government should "keep its own skirts clear" by excluding arms and ammunition from the cargoes of these vessels.

The bill authorizes the President to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and also with the necessary ammunition and the means of making use of it in defense against unlawful attack. It also authorizes the President to protect such ships in their "lawful peaceful pursuits" on the high seas. A vessel carrying the ordinary articles of commerce is exercising a "lawful peaceful pursuit" on the high seas, but this is not true of a vessel carrying arms and ammunition. A large portion of the cargoes now passing from this country to Europe consists of arms and ammunition consigned to one or other of the belligerent nations. The arming by our Government of vessels which carry these articles, or attempts in any other manner to protect a contraband cargo against the undoubted right of capture by the belligerent against which they are to be used, is an unneutral act.

There is a conflict of right over the munitions traffic which accounts for much of the confusion in the public mind. Under paragraph 7 of The Hague agreement of 1899 the restraining of the traffic is entirely optional with the neutral. I quote:

> A neutral power is not bound to prevent the export or transit for use of either of the belligerents of arms and ammunition or, in general, of anything which can be of use to an army or fleet.

Incidentally it might be mentioned that this agreement is conclusively binding on all of the present belligerents, as they were parties to it. While the neutral has the power to either acquiesce in the traffic or to stop it, the belligerent intended to be injured by it has the right of capture while the articles are in transit upon the high seas and to punish the offending citizens of a neutral by the destruction of the articles. In other words, our citizens have the right to make, sell, and transport contraband articles, provided our Government does not interfere. Should our Government aid in the transportation of these contraband articles by arming the ships on which they are carried, or convoying such ships with vessels of our Navy, it would be an unneutral act; in fact, an act of war. If we have the right to protect ships carrying these contraband materials, so that they will safely reach the ports of the allies, we have the same right to use the same force to conduct ships in safety to the ports of the central powers.

I shall not pursue this matter further, as I am informed the proponents of this bill concede this to be a correct statement of the law, but reply that the President will not allow the ships protected under the terms of this act to carry arms and ammunition. Why give to him in this crisis a power which he does not intend to exercise? Why legislate one thing and do another, which is bound to result in confusion and misunderstanding? Why put on the records of the Nation for all time to come a delegation of power like this one? Those who come after us may have similar situations to meet, and will, no doubt, refer to this act of the Sixty-fourth Congress as a precedent for authorizing the President to arm ships without regard to the nature of their cargoes. They will have no means of knowing that the power was not exercised, and this legislation is therefore unfair to posterity.

It may be commonplace to say that this Government is divided into three great branches—the executive, the legislative, and

the judicial—but referring to even a commonplace is sometimes beneficial and instructive. That the Constitution vests the sole power to declare war in the legislative branch of the Government, and that the President is without even implied power to do so, is beyond question. That the wisdom of placing this great power in the hands of the body elected by the direct vote of the people, so that every citizen, in theory at least, shall have a voice on the question of peace or war, is equally beyond question. This bill as it now stands gives the President the power to protect ships by arming or convoying vessels that carry contraband of war. If he exercises this right, it is an act of war. In other words, we delegate to the President one of the nondelegable duties of Congress. This, in my judgment, we can not do, as it would be an unlawful delegation of a power that, under both the letter and the spirit of the Constitution, must remain inviolate in Congress.

If the amendment which I propose is adopted, excluding arms and ammunition from the cargoes of these vessels, it would insure an innocent cargo. That our citizens would have the absolute right to use these ships to carry their merchandise or travel on them as passengers is beyond dispute, and any interference with these vessels by one or the other of the belligerents would be such a clear and intentional violation of their duty to us that neither explanation nor excuse would atone for the wrong done.

Much has been said by the belligerents about the rights of humanity since this holocaust in Europe began, but the fact is that all thinking men must realize that every one of these belligerents is fighting for its national existence and recognizes only the law of necessity and self-preservation. If we must have war, let it be in defense of an indisputable, not a doubtful, right; and if we will make our cargoes innocent, and therefore escape the violation of a plain rule of international law, and harm befalls either our cargoes or our citizens, no one will question our duty to redress the wrong.

The amendment which I propose, prohibiting the carrying of arms and ammunition on the ships armed under the authority of this bill, will somewhat restrict the munitions traffic in which, I regret to say, many of our citizens have been extensively engaged since the beginning of the war. However, the effect of it is to prevent their transportation only on the vessels so armed; all other vessels, whether belligerent or otherwise, that desire to take the risk can transport them, it being the rule that the purchasers of contraband articles take the risk of their being captured on the high seas. But this is no concern of our citizens who make the sales.

But assuming that the amendment does interfere with this ghastly traffic, it is immaterial, as we have the right to stop it altogether. We are the only neutral nation, with the exception of Spain, engaged in the manufacture of munitions that has not laid an embargo against their sale and shipment to the belligerents in the present war. The following is a list of the nations laying embargoes, furnished me by the Department of State:

Denmark, August 6, 1914.
Italy, August 1, 1914.
Netherlands, August 7, 1914, and June 10, 1915.
Norway, December 22, 1914, and February 5, 1915.
Portugal, August 3, 1914.
Sweden, September 16, 1914.
Switzerland, August 13, 1914.

The Republic of Brazil, on August 4, 1914, declared as follows:

The exportation of war material from Brazilian ports to any of those of the powers at war is strictly forbidden, whether such exportation be under the Brazilian flag or that of any other country.

All these nations took this highly moral and, to my mind, proper stand under the authority of article 7 of The Hague Convention heretofore referred to.

I have been opposed to this traffic since the beginning of the war, and repeatedly predicted that it would eventually bring us into the condition of stress and danger that now confronts us. It would have been better, much better, if we had followed the advice of Jefferson and sold only those things to the belligerents which were "innocently helpful" instead of listening to the voice of Mammon.

I have supported President Wilson in his foreign policy more steadfastly than some of the members of his own party, but I can not bring myself to vote for the measure that will vest in him the discretion to carry these instruments of death on vessels armed or convoyed by the naval powers of our country. I am anxious to vote for the present measure, but if it is not amended as indicated above I shall reluctantly vote against it. [Applause.]

Mr. COOPER of Wisconsin. I yield 10 minutes to the gentleman from Missouri [Mr. SHACKLEFORD]. As I wish the gentleman to have an audience, I make the point of no quorum present.

Mr. SHACKLEFORD. Oh, no; do not do that.

Mr. COOPER of Wisconsin. I want the gentleman to have an audience.

The CHAIRMAN. The gentleman from Wisconsin makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and four Members present, a quorum.

Mr. SHACKLEFORD. Mr. Chairman, I have a telegram from one of my constituents, which reads:

We expect you to stand by the President.

I sent him back a reply which read—

I assure you that you may depend upon the President and me both to stand by our country.

From the beginning of the European war until now there has been in this country a war party. It has demanded from the first that we should go into the European war on the side of the allies, to assist them in the spreading of the cause of democracy over the world, as they express it. That party has been backed up by a sinister press which from the beginning until now has been clamoring for war. To-day, when this question is pending in the House, which should be decided calmly and dispassionately, we see the most startling headlines which the press has ever carried. Those of us who may not favor going to war are denounced as traitors, as poltroons, as cowards. This course of the press has made the task of the President and the task of Congress very difficult. I congratulate the country that the President has, with so much fortitude, held our country at peace in the face of such difficulties. Is it your intention to-day to declare war? If so, I am not with you. [Applause.] Is it your purpose that the President shall have power to protect our ships and the rights of our citizens on the high seas? Then the President has that power already. I read to you his words as spoken to us two or three days ago in the message delivered on this floor. He said:

No doubt I already possess that authority without special warrant of law by the plain implications of my constitutional duties and powers.

If he possesses that power, why should we meddle with him in the performance of his executive duties? If it means war, then I maintain that Congress never ought to make that declaration except upon facts well understood by Congress at the time.

The man who tries to avoid his responsibilities in this great crisis by shouldering it on the President is a very near approach to one who is cowardly. You expect our boys to go up with courage and look into the muzzle of a blazing cannon, and yet you do not have courage enough to face a newspaper trying to force this country into war. [Applause.]

I am not what is usually denominated a pacifist. I am for war whenever our interests guided by justice counsel war. If we fight, we must fight for some material interest, and we must count the cost and determine whether we have more to win or lose if we fight. If there is to be more of a loss than of gain, then, sir, you lack the courage that a representative of the people should have if you send our boys to war.

Mr. Chairman, it is a day of supreme sadness to me when I see the trend of affairs. How can the people get information as to what is taking place? Only from the columns of the press. The columns of that press have been misleading from the time the war commenced until now. They have taken only one side. They have enlarged small incidents into matters of great portent, and for what? In order to excite public opinion to a point where it will drive you and me into sending our young men off to the Army to fight wars in which we have no interest. Mr. Chairman, I can not better express my views than by reading the following minority reports, which I filed with the committee's report of this bill:

VIEWS OF THE MINORITY.

An unsuccessful effort was made in committee to amend section 1 of this bill so as to except from its provisions ships engaged in carrying cargoes consisting in whole or in part of arms and ammunitions. It would be manifestly unneutral for our Government to arm and protect ships engaged in the munitions traffic with belligerents.

It is true that there is no international law imposing a duty on neutrals to restrain their citizens from selling arms and ammunitions to belligerents. But the belligerents against which such arms and ammunitions are intended to be used has a right to capture the same in transit on the high seas.

If the Government of the United States should arm and protect a ship carrying arms and ammunitions consigned to a belligerent, thus itself becoming a party to the traffic, it would commit an unneutral act—an act of war.

HENRY ALLEN COOPER.
DORSEY W. SHACKLEFORD.
CHARLES B. SMITH.
GEORGE HUDDLESTON.
J. B. THOMPSON.
STEPHEN G. PORTER.

The minority report by Mr. SHACKLEFORD is as follows:

The bill under consideration is a proposal to authorize the President to wage war on behalf of the United States.

I am not one who would favor peace at any price. I adhere to the doctrine announced by George Washington, our first and our greatest President, that we may choose peace or war, as our interests, guided by justice, shall counsel. Applying the foregoing principle, as stated by Washington, to the crisis now confronting us, two questions arise for determination: First, would we be guided by justice if we should choose war rather than peace; and, second, does our interest counsel that we should go to war?

The answer to the first question must be yes. Both Great Britain and Germany have given us ample provocation to justify us in going to war.

Great Britain has largely cut off our trade with the neutral world, making it necessary that either we should devote our energies to the production of those things needed by her and her allies, or leave our labor and our capital unemployed. She has taken our vessels and impressed them into her service. She has seized and rifled our mails. She has boldly declared that she is engaged in a war which she must win, and that she will resort to any means necessary to accomplish that result, regardless of the rights or protests of neutrals. On November 2, 1914, she gave notice to us and to the rest of the neutral world in the following language:

"It (the British Admiralty) gives notice that the whole of the North Sea must be considered a military area. Within this area merchant shipping of all kinds, traders of all countries, fishing craft, and other vessels will be exposed to the gravest dangers from mines it has been necessary to lay."

Two of our ships, the *Carib* and the *Evelyn*, went into that war zone, where they struck mines and went down with loss of lives of our citizens in both cases. The North Sea is a part of the high seas upon which all countries have a right freely to go unmolested and unafraid. The closing of that part of the high seas by Great Britain is a flagrant violation of our rights.

Germany has sunk many ships upon which American commerce and American citizens were being peaceably and lawfully carried. This conduct on the part of Germany has inflicted upon us great injury and resulted in the loss of many lives. She has declared a war zone around Great Britain into which she warns us we must not go except at peril to our ships, our commerce, and the lives of our citizens.

The other question is whether our interest counsels that we should choose war rather than peace. To determine this let us count the cost. We could not wage a war without the expenditure of billions of dollars. Our people for many years to come would be burdened with excessive taxation. Our country would be saddled with bonded debts oppressive to us and our posterity for generations. Our already large pension list would be greatly swollen. Our public revenues would be withheld from the useful purposes of the people in order to supply arms and ammunition to our Army and Navy. Our labor and capital would be diverted from the creation of those things our people need to the production of war supplies. Thousands of our young men would be taken from our fields and factories to fill up the ranks of war. Thousands of the flower of our young manhood would be cut down and thousands more sent home maimed for life to be charges upon the public. Thousands of our young women would be deprived of husbands. Sorrow and melancholy and gloom would overspread our land.

All of this for what? To enforce our right to sail the North Sea, which the British have mined and declared to be a war zone? To enforce our right to carry food, clothing, arms, and ammunition to the ports of Great Britain and her allies? I can not believe that it would be to our interest to wage such a war.

Humanity. The soul that does not live for humanity is lost; but the question for us to determine is, How can our country best serve humanity? Shall it be by sacrificing our young men to the diabolical god of war? No other country has done as much for humanity as has this Republic. We have planted other republics on every continent and in the islands of the sea. We have sent liberty and civilization into all of the world. We have done this not by the roll of the drum and the roar of artillery but by the teachings and example of a peace-loving, just, and enlightened people. We can best serve humanity by following the course laid out for us by Washington, Jefferson, and Monroe. Keep ourselves out of the broils of Europe and out of entangling alliances with other nations. Preserve our own liberties and institutions and continue to be a light to the world.

Under the Constitution the President has no authority to determine when or upon what provocation our country shall go to war. Congress alone has power to declare war. In the exercise of that power every Member should put aside all individual fears, all personal considerations, and rise to the level of his dreadful responsibility.

I am not wanting in confidence in the President. With patience, sagacity, and steadfastness Mr. Wilson has kept us at peace while more than half of the world has been at war. For this he has merited and won the affection of the people. Our country has never had a President more entitled to the confidence of the public. But our responsibility in this crisis is personal and should not be shifted to the shoulders of the President.

In my judgment our interest counsels that we should remain at peace, that we should forego our rights to navigate the high seas embraced in the war zones declared by Great Britain and by Germany rather than to wage war to enforce such rights.

However, if a majority shall hold a different view and our country shall be plunged into that insane war, then I shall, of course, stand by my country to the last dollar and the last man.

"Our country! In her dealings with other nations may she always be right! But right or wrong, our country."

May a merciful God guide us in this hour of peril.

DORSEY W. SHACKLEFORD.

Mr. KING. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Illinois makes the point of no quorum. The Chair will count. [After counting.] One hundred and five Members are present, a quorum. The gentleman will proceed.

Mr. FLOOD. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, one of the remarkable state papers of this war appears in the newspapers this morning, a letter of instructions from Dr. Zimmermann, the foreign minister of the Imperial German Government, to the German minister in Mexico. It is under date of January 19 last, and doubtless many of the Members of the House have already noticed it. Passing over other extraordinary features of this communication, I desire to read just two sentences from the memorandum which have a bearing upon the questions now before the House:

On the 1st of February we intend to begin submarine warfare unrestricted.

And then follows a sentence proposing an alliance between Germany and Mexico:

You are instructed to inform the President of Mexico of the above in the greatest confidence as soon as it is certain that there will be an outbreak of war with the United States.

"As soon as it is certain that there will be an outbreak of war with the United States." There was no suggestion of doubt in the mind of the Imperial German minister, who is very well informed as to the sentiment of this country, as to whether or not there would be war. He was perfectly clear on the 19th of January, two weeks before the announcement of February 1 was made, that this announcement must bring about war between the United States and Germany. He knew, of course, that there was a man in the White House who had been reelected upon a peace program, a man who stood for peace. He knew that the people of the United States desired peace, yearned for peace, and yet he felt that war must follow the declaration of February 1.

Mr. Chairman, this bill before us to-day is not a war measure. It is a peace measure, and the German Government will be astounded when it learns of the mildness of the measure which the Congress of the United States is passing to-day. It is a peace measure, I repeat. Notice the language of the bill itself. The first clause gives the President power to provide merchantmen with defensive armament against unlawful attack. This armament may be used only when the vessel is attacked, and even then only when the attack in unlawful.

Mr. McCRACKEN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I have only five minutes and I can not yield. Again, at the top of page 2 we find that our lives and property shall be protected only in the event of an "unlawful attack while in their lawful and peaceful pursuits on the high seas."

Mr. Chairman, I can readily understand how many men may feel that this resolution does not go far enough. I can by no means understand how any man in this House or in the country can think that the resolution goes too far. We are for the first time in Congress asserting that our citizens and our vessels on the high seas are to be protected against unlawful attack. [Applause.] Is there any suggestion of the warlike in that assertion? This country in its history has fared pretty well when it has held its head erect and squared its shoulders back. The chairman of the committee has referred to the incident of 1798. We then had only four or five millions of people in this country, and yet we faced without fear, but without bravado, Napoleon, who was just coming upon the scene as a world factor; although we did not declare war, although we did not even formally sever diplomatic relations, we protected our commerce and our rights and our lives against the aggressions of France.

The history of our unpleasantness with France during the years 1798 to 1800 is one of the proudest chapters—and, strangely enough, one of the least-known chapters—of our national life. The little country resolutely armed its merchantmen and freely furnished them convoys, so that our commerce upon the high seas might continue without the intolerable interference with which France was threatening it. We built a new Navy for the purpose. The frigates *United States*, *Constellation*, and *Constitution* all date from this period, and did yeoman service, although, of course, their renown and that of their commanders and crews date primarily from the War of 1812. But in the period with which I am now dealing, and in spite of the fact that war was never declared, we engaged in 84 hostile encounters upon the high seas with vessels of the powerful navy of France. In only one of the 84 encounters—and that the first—were the arms of the United States unsuccessful. Eighty-three naval victories out of 84 encounters—this is the proud record of the small but dauntless Republic. There was no thought of conquest, no yearning for the fray. The men of that day knew the hatefulness and the horror of war; yet they did not hesitate to adopt the firm and patriotic course of action which the situation demanded.

Repeatedly in our national life have we stood at the parting of the ways. One path seemed easy of travel; the other toilsome and difficult. And yet, when the country faced the issue squarely it has never hesitated.

In 1812 the easier way was to avoid a conflict with England. Many men—especially in New England—shrank from conflict; yet Congress went bravely on and succeeded in regaining for our commerce its rightful freedom of the seas.

In 1839 occurred an incident which threatened another break with England. The question of the boundary between the State of Maine and Canada was a most vexatious and difficult one. Yet under the guidance of President Van Buren Congress passed a law setting forth in no uncertain terms what Great Britain might expect if she ventured a step too far. The gentleman from New Jersey [Mr. PARKER] has already called the attention of the House to this statute, and it will be found in the RECORD of yesterday. It authorizes the President to "resist any attempt on the part of Great Britain to enforce, by arms, her claim to exclusive jurisdiction over that part of the State of Maine which is in dispute between the United States and Great Britain; and for that purpose to employ the Navy and military forces of the United States and such portion of the militia as he may deem it advisable to call into service." This act of Congress was approved on March 3, 1839. The Twenty-fifth Congress adjourned by constitutional limitation that same day and the next Congress did not convene until December 2. It is, I think, worthy of note how enormously broad was the power bestowed upon the President by this statute. And there is a singular parallel with the present situation in that then, as now, Congress was about to adjourn without day. Then, as now, the argument was urged that the law put far too much power into the hands of the President. Yet Congress unhesitatingly gave the tremendously broad power contemplated in the act. Should we, under the circumstances, be reluctant to give the President to-day the limited powers which are provided in this bill? As we all know, no state of war followed the passage of the statute. England saw that we meant business and the whole controversy was amicably settled by the Webster-Ashburton treaty of 1842.

I shall not attempt to recite other similar cases which might be referred to in this connection. Perhaps the most recent is that arising from the Venezuela controversy with Great Britain in 1895. Again, by the display of stalwart and courageous statesmanship, the United States was able, without conflict, to carry a point which it regarded as fundamental.

The supine course is not the safe course. Self-respecting vigor, among nations as among individuals, discourages aggression by others. The present bill is a bill of self-respect—a bill for the decent regard of our own rights and duties in the world, nothing more. A month has elapsed since Germany removed all restrictions from submarine warfare. In my judgment this bill comes a month too late. It has been an intolerable spectacle to see our vessels, our citizens, and our mails confined in the ports of the United States without that measure of governmental protection to which they are unquestionably entitled. I can not agree with the President, as he stated in his address to the House last Monday, that no overt act on the part of Germany has, in the meantime, occurred. The month of February, which ended yesterday, has been marked by a series of deliberately unlawful assaults upon American rights by the Imperial German Government. American lives have been taken, American vessels have been sunk, American cargoes have been destroyed, and American commerce has been paralyzed. Is there no overt act here? The arming for defensive purposes of our merchantmen four weeks ago would have avoided the worst of the harm which Germany has inflicted upon us. I have been unable to understand why so long a period has been allowed to elapse without action.

But I rejoice that the time has now come, even though late, when we are to assert and maintain our position as a self-respecting Nation. I can not conceive how any man of patriotism can, for a moment, shrink from a cordial approval of this bill—how, indeed, he can fail to understand that, as I said at the outset, it is in every true sense, as our history itself teaches us, a peace measure and not a war measure. I heartily approve the prompt passage of the bill and only hope that it may receive the unanimous vote of the membership of this House.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LEVER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had further insisted upon its amendments to the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Maryland, Mr. ROBINSON, and Mr. DILLINGHAM as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 12030) to amend an act entitled "An act to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.," approved August 3, 1914.

ARMING OF AMERICAN MERCHANT SHIPS.

The committee resumed its session.

Mr. HARRISON of Mississippi. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. TEMPLE]. [Applause.]

Mr. TEMPLE. Mr. Chairman, the situation at the present time on the high seas is abnormal. There is no provision in international law for the delimitation of a war zone, nor for such proceedings as are taking place within that war zone. Therefore, it seems to me that the general principles of international law do not apply. Nevertheless we propose to meet an abnormal situation by ways that are entirely legitimate. We propose to authorize the President of the United States to supply arms to our merchant ships in order that they may defend themselves against unlawful attack.

There is a lawful way to find out whether a neutral merchant ship is carrying contraband, and if she is carrying such articles there is a lawful way of preventing the delivery of the contraband to an enemy. We do not propose to interfere in the least with any of the rights that Germany or any other nation has by lawful means to prevent the delivery of contraband goods to an enemy or to seize our ships for violating a lawful blockade, but only to protect our ships and our people against unlawful attack.

Mr. McCRACKEN. Mr. Chairman, will the gentleman yield at that point?

Mr. TEMPLE. I prefer not to yield, because I have less time than I ought to have now. Germany's declaration was not that the British and French coasts were blockaded, but that an area of the open sea extending 400 miles west from these coasts was an area within which she would sink any ship, neutral or enemy, passenger or freight, carrying contraband or not carrying contraband—she would sink any ship found within that area, no matter what might be its destination or its port of origin. That is an unlawful proceeding, a hitherto unheard of proceeding, not provided for or contemplated at all in any code of international law.

The question has been raised whether even under those circumstances we have the right to protect American vessels carrying contraband against an unlawful attack. Few, if any, will say that we ought not to protect our ships carrying only passengers and ordinary cargo. There is no proposal to protect them against any lawful visit and search, which may, of course, be followed by seizure of contraband goods, but only a proposal to protect those vessels against unlawful attack.

I have here what I believe to be a very interesting series of documents to which I wish to call attention. The first of them is a letter from the German foreign office, signed by the German minister of foreign affairs on April 5, 1915, and addressed to the American ambassador in Berlin. The first paragraph of that letter merely acknowledges the receipt of a communication. The second paragraph narrates the history of the sinking of an American ship, the *William P. Fry*, on January 27, 1915, by the German warship *Prinz Eitel Friedrich*. The American ship had on board a cargo of wheat and was bound for England. The German commander sank the American ship after taking the ship's papers and her crew on board the German warship.

The third paragraph of this letter sets forth an argument attempting to justify the sinking of that vessel under the general principles of international law, and saying that the duties required by section 116 of the German prize law were fulfilled in that all persons found on the sailing ship, together with the ship's papers, were taken on board the German warship before the American ship was sunk. This incidentally shows what the German law, as well as international law, required in January, 1915, as to saving the lives of persons on board merchant ships carrying contraband.

The fourth paragraph discusses Germany's liability to pay compensation for the merchant ship which was sunk, but it is the fifth paragraph to which I wish to call special attention. I shall read it in full. Remember, it is a letter from the German minister of foreign affairs, dated April 5, 1915, two months after Germany had announced her war-zone policy, which she did on February 4, 1915:

The fifth paragraph of that letter reads as follows:

However, the legal situation is somewhat different in the light of the special stipulations applicable to the relations between Germany and the United States, since article 13 of the Prussian-American treaty of friendship and commerce of July 11, 1799, taken in connection with article 12 of the Prussian-American treaty of commerce and navigation

of May 1, 1828, provides that contraband belonging to the subjects of either party can not be confiscated by the other in any case, but only detained or used in consideration of payment of the full value of the same. On the ground of this treaty stipulation, which is, as a matter of course, binding on the German prize court, the Americans owners of the ship and cargo would receive compensation even if the court should declare the cargo of wheat to be contraband. * * *

In this letter of April 5, 1915, the German Government says that article 13 of the treaty of 1799 is still binding on the German prize courts. Allow me now to read that article:

ARTICLE XIII.

And in the same case of one of the contracting parties being engaged in war with any other power, to prevent all the difficulties and misunderstandings that usually arise respecting merchandise of contraband, such as arms, ammunition, and military stores of every kind, no such articles carried in the vessels or by the subjects or citizens of either party to the enemies of the other shall be deemed contraband so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless it shall be lawful to stop such vessels and articles and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding, paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors; and it shall further be allowed to use in the service of the captors the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed of a vessel stopped for articles of contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage.

Now, Germany proposes to sink these vessels without inquiring whether they are carrying contraband or not, though in her letter of April 5, 1915, she recognizes the binding obligation of a treaty which provides that a vessel carrying contraband, if willing to deliver out the contraband, shall be permitted to do so, and then shall not even be detained, but shall be allowed to proceed on her voyage.

Let me read the remainder of the article which two years ago Germany said was still binding, and then let us inquire in the light of its provisions whether a vessel carrying contraband may be armed. Here it is:

All cannons, mortars, firearms, bombs, grenades, bullets, balls, muskets, flints, matches, powder, saltpeter, sulphur, cuirasses, pikes, swords, belts, cartouch boxes, saddles and bridles, beyond the quantity necessary for the use of the ship, or beyond that which every man serving on board the vessel, or passenger, ought to have; and in general whatever is comprised under the denomination of arms and military stores, of what description soever, shall be deemed objects of contraband.

It says "all cannons, mortars, firearms * * * beyond the quantity necessary for the use of the ship." Does not that imply that a ship carrying contraband may carry cannons, mortars, and firearms for the use of the ship? How, then, can these men say we have no right to arm a vessel carrying contraband for the purpose of defending that vessel against unlawful attack? There is the right which is recognized in the treaty brought up by Germany in her own correspondence with this Government in the letter of April 5, 1915. Men may say the treaty is old and its provisions ought to be obsolete. You can not say so in view of the fact that it was recognized by Gemany in the case of the *William P. Fry*, when she sank that vessel on the 27th of January, 1915, and it will be difficult to show that it ought not to be applied to these submarine operations even if any justification whatsoever could be found for a "war zone," since the submarine proclamation was issued on February 4, and the letter recognizing the binding obligation of the treaty was two months and one day later, April 5, the same year. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back four minutes.

Mr. FLOOD. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman and gentleman of the committee, it is not my intention to take up much time this morning, the question before the House being a very serious one, and there being a number of gentlemen who wish to express their views. I wish to say, however, in the short time which is allotted me, that I am heartily in favor of bestowing upon the President of the United States the power to supply our merchant ships belonging to American citizens and bearing American registry with defense arms, and to provide them with sufficient ammunition and the proper means to make effective use thereof, so that they may protect themselves on the high seas against unlawful attack while in their lawful and peaceful pursuits.

I feel that the President should be given every power necessary for the protection of our commerce and for the purpose of upholding the rights of the American people.

When the people of this country elected Woodrow Wilson President in 1912 and again in 1916, they bestowed upon him not alone the office but all the duties and responsibilities thereof as prescribed by the Constitution of the United States. One of the great duties thus prescribed is Commander in Chief of the Army and Navy. I believe that under the power allowed him by the Constitution he has full jurisdiction and authority to do the things which he has asked the power to do in this bill (H. R. 21052). I think that he is abundantly supplied by the Constitution with sufficient power to carry into execution the requests which he made in his recent address to the Congress of the United States, with perhaps the single exception that he needs a credit in order to carry out this duty. This credit we have given him under the bill mentioned to the extent of $100,000,000.

The President, however, does not desire to go it alone in connection with a matter which concerns the whole people. He does not desire to ignore the rights and opinions of Congress; it is his desire that we should proceed as a united Congress, as a united country, in the performance of what we believe to be the rights of American citizens. He might, as I have said, have decided to have proceeded without the advice and without legislation from the Representatives of the people. This, however, he has not seen fit to do, and has brought to us all the facts concerning the present situation and has asked, through this bill, the approval of Congress to back up his stand in the interest of the people.

The legislation provided in this bill is not a new thing in the history of our country. A number of precedents can be cited where Congress has bestowed upon the Presidents the power and authority which we are attempting to bestow upon Woodrow Wilson by this bill, and not in one of these instances has this power to protect our ships against unlawful attack brought on war. In one instance, in the administration of John Adams, when the situation was even graver, if it could be, than it is at the present time, we gave him even greater power than we are attempting to give President Wilson by this bill, and it did not lead to war, but I verily believe it contributed largely to peace.

I believe that the steps we are taking in this matter—that of authorizing the President to grant means by which our ships can protect themselves against unlawful attack—will show to the world that we have at last reached that state where we can no longer accept insults and slights from any of the belligerent countries on the other side.

Some of our Members fear that the power granted the President will lead to hostilities. Let me say, Mr. Speaker, that for nearly three years the President has been able to guide this old ship of state through the troubled waters and still maintain peace. We have trusted him during that long period, and never has there been a doubt but that he desired to continue peaceful relations with all the powers of the world. I have no doubt that with the power granted him this policy will continue, and I believe that, instead of bringing about further strained relations, when the world knows that we are a determined people—not for aggression, but for self-protection—we will receive greater respect from them and there will be even a greater assurance of continued peace. Certainly, none of us can accuse the President of wanting war, because there has been hardly a day since the beginning of this great conflict when he could not have led us into the fray if he had so desired. The fact is, many of our people believe we have been too lenient, and feel that we should not only act but act promptly against the encroachments which are gradually being made upon us and our rights as a great and free people.

The President wants a united backing. He wants a united people. He wants the whole world to know that he does not stand out alone in his determination, but that he has the solid and substantial backing of the legislative branch of our Government and of the great mass of the American people. I am reminded of that verse in Scripture found in Exodus, chapter 17, verse 12, which reads as follows:

But Moses's hands were heavy, and they took a stone and put it under him and he sat thereon, and Aaron and Hur stayed up his hands, the one on the one side and the other on the other side, and his hands were steady until the going down of the sun.

As Moses found it beneficial to the interests of Israel that these great men, Aaron and Hur, should hold up his hands in the great battle against the Amalekites, so does the President of the United States wish to say to the world: "Not alone do I stand, single handed, for the upholding of the rights of the American people and for the protection of their commerce upon the high seas against unlawful attack, but I have with me, upholding my hands, both branches of the American Congress, and through them the American people." This act alone of saying to the world that we are united against all encroachment, that we are a united people behind our President, will do as much good perhaps as any other one thing to quiet the troublous waters. The belligerents have not apparently believed that we

would come out boldly for the protection of our rights, but when the result of the passage of this bill is flashed to the countries of the world they will know that the great democracy occupying that immense territory from the Atlantic to the Pacific Oceans, composed of 100,000,000 souls and backed by a wealth which no nation in the history of the world has ever before attained, is in earnest, and we will soon find that they will wake up to what the consequences may be. As has been well said in one of the papers of my home city, of Balitmore, "It is not a halt and backward march. It is forward march, and it is an order meant to be obeyed at once."

If we would protect our citizens in the maintenance of their lawful rights upon the high seas and that our flag, the great Stars and Stripes, shall not fade away, then we must grant our ships that protection for which the President asks by supplying them guns and ammunition, and means to use them in self-defense. [Applause.]

We are not on the offensive. We are merely giving him the authority to afford these ships protection if they should be unlawfully attacked. Mind you, the wording of the bill is "unlawfully attacked." They are not given authority to wage an offensive battle against any ship. They are not given the authority to go after the enemy, but they are merely given the means to protect themselves against an unlawful attack of the enemy, whether it be Germany, whether it be England, or whatever country it may be.

Coming from the great city of Baltimore, where a few troops, fighting with that intrepid American spirit for the protection of their country and their rights against English encroachments, in 1814 turned aside the proud hosts of Britain, I can not understand how any Member can oppose this bill. If you are devoid of an inspiration, then turn to the lines of the immortal Key, written on that occasion, where he says:

O say, can you see, by the dawn's early light,
What so proudly we hail'd at the twilight's last gleaming,
Whose broad stripes and bright stars through the perilous fight
O'er the ramparts we watch'd were so gallantly streaming?
And the rocket's red glare, the bombs bursting in air,
Gave proof through the night that our flag was still there.
O say, does that Star-Spangled Banner yet wave
O'er the land of the free and the home of the brave?

And then, as through "the mists of the deep" dimly loomed that gorgeous banner, fluttering in the first rays of the morning sun, he exclaims triumphantly:

'Tis the Star-Spangled Banner! Oh, long may it wave
O'er the land of the free and the home of the brave.

I say to you, shall that banner still wave or shall it be pushed from the pursuit of its lawful rights upon the high seas? I am for peace. I want peace with all nations, but I do not want that peace by the relinquishment of the rights of the American people.

Our forefathers labored, struggled, and shed their blood for the establishment of this great Nation, and it is left to us to maintain its honor, its dignity, and the liberties of its people, so that we may say in the lines of the great poet Longfellow:

Thou, too, sail on, O ship of state!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!
We know what Master laid thy keel,
What workmen wrought thy ribs of steel,
Who made each mast and sail and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat
Were shaped the anchors of thy hope!
Fear not each sudden sound and shock;
'Tis of the wave and not the rock;
'Tis but the flapping of the sail
And not a rent made by the gale!
In spite of rock and tempest's roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea!
Our hearts, our hopes, are all with thee;
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with thee, are all with thee!

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield three minutes to the gentleman from Illinois [Mr. KING].

Mr. KING. Mr. Chairman and gentlemen of the committee, you may argue this question from now until doomsday. You can "distinguish and divide a hair 'twixt south and southwest side," but there is one proposition which confronts us and only one: We are to-day, by the passage of this bill, declaring war upon a great nation, and you might just as well recognize it. You are not declaring war after due consideration as a whole, but you are declaring war upon the installment plan against the Empire of Germany. Pretty soon the request will come for more authority, and then again for more. What does the authority granted in this bill mean? The arming of a ship, the starting out on the ocean of the ship laden with munitions. She will strike the forbidden field and she will be sunk. We know that. What does that mean? That means war without any further resolution, without any further argument on the floor of this House. My friends, I may be wrong in my vote here to-day, but we are not entering a war. It is not a war in Europe. It is a conflagration, and we are authorizing the President of the United States, giving him a license to go there, to seize a brand from the burning, and start the fire on the North American Continent. [Applause.] Furthermore, to-day we are absolutely giving to the President of the United States power, not perhaps in this resolution, but in the ones to come, the absolute right to engage in this great war which is possibly about to engulf us. I deem it more important as a Member of Congress, who has not served here a great while it is true, to preserve the prerogatives of Congress rather than to turn them over to one who may himself become a potentate among potentates in this tremendous conflagration which is about to overtake us.

Now, I am not talking upon either one side or the other of the war. If you will pardon a personal reference, I am an American, just like the rest of you. My ancestors were born in Europe more than 250 years ago. But I am only thinking to-day of America, not thinking of the allies, not thinking of the central powers, but thinking of the United States and its participation in this war. Pass this bill to-day, gentlemen, and I call upon you to witness the beginning of the end, in my judgment, of peace on the western continent. First, for me, I am an American. I am willing to fight, but I will not abdicate. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. COOPER of Wisconsin. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COOPER of Wisconsin. What time has been consumed on this side?

The CHAIRMAN. The gentleman from Wisconsin [Mr. COOPER] has 67 minutes, and the gentleman from Virginia [Mr. FLOOD] has 54 minutes.

Mr. GARDNER. Mr. Chairman, I am glad as the day progresses to be able to convince myself that this resolution is destined to pass by an overwhelming majority. I have been surprised and pleased by the speeches which have been made by some gentlemen of whose support we have hitherto not been assured. I have been more than satisfied with the applause which those gentlemen have received from the House. I can scarcely expect such a reception.

If those of you who are familiar with your Scriptures will turn to the Gospel according to St. Luke, in the fifteenth chapter, seventh verse, you will find these words:

I say unto you that likewise joy shall be in heaven over one sinner that repenteth more than over ninety and nine just persons which need no repentance.

[Applause.]

Now, Mr. Chairman, the gentleman from Illinois [Mr. KING], who has just preceded me, has made an argument which has been made several times to-day. He says that if one of our merchantmen, after being armed, should encounter a submarine and should sink that submarine it would be war. Well, supposing the merchant vessel is not armed, and that the submarine encounters that unarmed merchant vessel and sinks that unarmed merchant vessel, is not that war, and is not that exactly what has been going on? How can the gentleman maintain——

Mr. FOCHT. The gentleman is speaking about wanting sinners to repent. Suppose the merchantman is loaded heavily with munitions consigned to one of the belligerents, do you propose we shall convoy and protect that ship with the naval or other force of the United States and still claim to be neutral?

Mr. GARDNER. Yes; by Germany's own announcement we have a perfect right to sell ammunition to belligerents; but she has an equal right to impede its delivery, provided she confines her methods within the limits set by decency and by international law. Germany herself supplied ammunition to Great Britain when Great Britain was fighting the Boers.

Mr. FOCHT. That would be insanity, and I do not think the American people will support any such practice, nor do I believe the President could possibly contemplate anything so extreme.

Mr. GARDNER. Well, later in the day we shall be able to judge whether the gentleman is correct.

I shall take leave to be so bold as to make a prophecy: Gentlemen who vote against this resolution to-day will not

find their German-American constituents behind them. A Member of this House last year in a very impressive address told us that his father and mother had come from the banks of the Rhine. He asked us how we could expect that his hopes in this strife could be otherwise than with Germany. I understood his point of view, and I sympathized with him. If I were of German blood, doubtless I should be proud of it, and perhaps I might see things exactly in the same light as does our colleague from Illinois [Mr. RODENBERG]. But mark my words: Before this day is ended that gentleman from Illinois will show us that when it comes to the test he stands with the United States of America against all its enemies and joins heartily with us in upholding our rights by sea or by land. [Applause.]

Perhaps we have heard too much about crises in the last few years. As each crisis floats harmlessly away down the stream of time, we begin to mistrust our ability to distinguish a crisis from a gigantic headline. Nevertheless, I venture to believe that when history reviews this day it will be found that we have reached a decisive moment in our history.

The eyes of future Americans are upon us to-day. Let us see to it that to-day's page in our history makes proud reading for our descendants.

I shall print in the RECORD Secretary Lansing's letter to the Austrian Government, dated August 12, 1915. It is the best statement which has ever been made of the right of our citizens to export ammunition to the belligerent nations:

[File No. 763.72111/2394.]

THE SECRETARY OF STATE TO AMBASSADOR PENFIELD.

[Telegram.]

No. 846.] DEPARTMENT OF STATE,
Washington, August 12, 1915.

Please present a note to the Royal Foreign Office in reply to its note of June 29, in the following sense:

The Government of the United States has given careful consideration to the statement of the Imperial and Royal Government in regard to the exportation of arms and ammunition from the United States to the countries at war with Austria-Hungary and Germany. The Government of the United States notes with satisfaction the recognition by the Imperial and Royal Government of the undoubted fact that its attitude with regard to the exportation of arms and ammunition from the United States is prompted by its intention to "maintain the strictest neutrality and to conform to the letter of the provisions of international treaties," but is surprised to find the Imperial and Royal Government implying that the observance of the strict principles of the law under the conditions which have developed in the present war is insufficient, and asserting that this Government should go beyond the long-recognized rules governing such traffic by neutrals and adopt measures to "maintain an attitude of strict parity with respect to both belligerent parties."

To this assertion of an obligation to change or modify the rules of international usage on account of special conditions the Government of the United States can not accede. The recognition of an obligation of this sort, unknown to the international practice of the past, would impose upon every neutral nation a duty to sit in judgment on the progress of a war and to restrict its commercial intercourse with a belligerent whose naval successes prevented the neutral from trade with the enemy. The contention of the Imperial and Royal Government appears to be that the advantages gained to a belligerent by its superiority on the sea should be equalized by the neutral powers by the establishment of a system of nonintercourse with the victor. The Imperial and Royal Government confines its comments to arms and ammunition, but, if the principle for which it contends is sound, it should apply with equal force to all articles of contraband. A belligerent controlling the high seas might possess an ample supply of arms and ammunition but be in want of food and clothing. On the novel principle that equalization is a neutral duty, neutral nations would be obligated to place an embargo on such articles because one of the belligerents could not obtain them through commercial intercourse.

But if this principle, so strongly urged by the Imperial and Royal Government, should be admitted to obtain by reason of the superiority of a belligerent at sea, ought it not to operate equally as to a belligerent superior on land? Applying this theory of equalization, a belligerent who lacks the necessary munitions to contend successfully on land ought to be permitted to purchase them from neutrals, while a belligerent with an abundance of war stores or with the power to produce them should be debarred from such traffic.

Manifestly the idea of strict neutrality now advanced by the Imperial and Royal Government would involve a neutral nation in a mass of perplexities which would obscure the whole field of international obligation, produce economic confusion, and deprive all commerce and industry of legitimate fields of enterprise, already heavily burdened by the unavoidable restrictions of war.

In this connection it is pertinent to direct the attention of the Imperial and Royal Government to the fact that Austria-Hungary and Germany, particularly the latter, have during the years preceding the present European war produced a great surplus of arms and ammunition, which they sold throughout the world and especially to belligerents. Never during that period did either of them suggest or apply the principle now advocated by the Imperial and Royal Government.

During the Boer War between Great Britain and the South African Republics the patrol of the coasts of neighboring neutral colonies by British naval vessels prevented arms and ammunitions reaching the Transvaal or the Orange Free State. The allied Republics were in a situation almost identical in that respect with that in which Austria-Hungary and Germany find themselves at the present time. Yet, in spite of the commercial isolation of one belligerent, Germany sold to Great Britain, the other belligerent; hundreds of thousands of kilos of explosives, gunpowder, cartridges, shot, and weapons; and it is known that Austria-Hungary also sold similar munitions to the same purchaser, though in smaller quantities. While, as compared with the present war, the quantities sold were small (a table of the sales is appended), the principle of neutrality involved was the same. If at that time Austria-Hungary and her present ally had refused to sell arms and ammunition to Great Britain on the ground that to do so would violate the spirit of strict neutrality, the Imperial and Royal Government might with greater consistency and greater force urge its present contention.

It might be further pointed out that during the Crimean War large quantities of arms and military stores were furnished to Russia by Prussian manufacturers; that during the recent war between Turkey and Italy, as this Government is advised, arms and ammunition were furnished to the Ottoman Government by Germany; and that during the Balkan wars the belligerents were supplied with munitions by both Austria-Hungary and Germany. While these latter cases are not analogous, as is the case of the South African War, to the situation of Austria-Hungary and Germany in the present war, they nevertheless clearly indicate the long-established practice of the two Empires in the matter of trade in war supplies.

In view of the foregoing statements, this Government is reluctant to believe that the Imperial and Royal Government will ascribe to the United States a lack of impartial neutrality in continuing its legitimate trade in all kinds of supplies used to render the armed forces of a belligerent efficient, even though the circumstances of the present war prevent Austria-Hungary from obtaining such supplies from the markets of the United States, which have been and remain, so far as the action and policy of this Government are concerned, open to all belligerents alike.

But, in addition to the question of principle, there is a practical and substantial reason why the Government of the United States has from the foundation of the Republic to the present time advocated and practiced unrestricted trade in arms and military supplies. It has never been the policy of this country to maintain in time of peace a large military establishment or stores of arms and ammunition sufficient to repel invasion by a well-equipped and powerful enemy. It has desired to remain at peace with all nations and to avoid any appearance of menacing such peace by the threat of its armies and navies. In consequence of this standing policy the United States would, in the even of attack by a foreign power, be at the outset of the war seriously, if not fatally, embarrassed by the lack of arms and ammunition and by the means to produce them in sufficient quantities to supply the requirements of national defense. The United States has always depended upon the right and power to purchase arms and ammunition from neutral nations in case of foreign attack. This right, which it claims for itself, it can not deny to others.

A nation whose principle and policy it is to rely upon international obligations and international justice to preserve its political and territorial integrity might become the prey of an aggressive nation whose policy and practice it is to increase its military strength during times of peace with the design of conquest, unless the nation attacked can, after war had been declared, go into the markets of the world and purchase the means to defend itself against the aggressor.

The general adoption by the nations of the world of the theory that neutral powers ought to prohibit the sale of arms and ammunition to belligerents would compel every nation to have in readiness at all times sufficient munitions of war to meet any emergency which might arise and to erect and maintain establishments for the manufacture of arms and ammunition sufficient to supply the needs of its military and naval forces throughout the progress of a war. Manifestly the application of this theory would result in every nation becoming an armed camp, ready to resist aggression and tempted to employ force in asserting its rights rather than appeal to reason and justice for the settlement of international disputes.

Perceiving, as it does, that the adoption of the principle that it is the duty of a neutral to prohibit the sale of arms and ammunition to a belligerent during the progress of a war would inevitably give the advantage to the belligerent which had encouraged the manufacture of munitions in time of peace and which had laid in vast stores of arms and ammunition in anticipation of war, the Government of the United States is convinced that the adoption of the theory would force militarism on the world and work against that universal peace which is the desire and purpose of all nations which exalt justice and righteousness in their relations with one another.

The Government of the United States in the foregoing discussion of the practical reason why it has advocated and practiced trade in munitions of war, wishes to be understood as speaking with no thought of expressing or implying any judgment with regard to the circumstances of the present war, but as merely putting very frankly the argument in this matter which has been conclusive in determining the policy of the United States.

While the practice of nations, so well illustrated by the practice of Austria-Hungary and Germany during the South African War, and the manifest evil which would result from a change of that practice render compliance with the suggestions of the Imperial and Royal Government out of the question, certain assertions appearing in the Austro-Hungarian statement as grounds for its contentions can not be passed over without comment. These assertions are substantially as follows: (1) That the exportation of arms and ammunition from the United States to belligerents contravenes the preamble of The Hague Convention No. 13 of 1907; (2) that it is inconsistent with the refusal of this Government to allow delivery of supplies to vessels of war on the high seas; (3) that, "according to all authorities on international law who concern themselves more properly with the question," exportation should be prevented "when this traffic assumes such a form or such dimensions that the neutrality of a nation becomes involved thereby."

As to the assertion that the exportation of arms and ammunition contravenes the preamble of The Hague Convention No. 13 of 1907, this Government presumes that reference is made to the last paragraph of the preamble, which is as follows: "Seeing that, in this category of ideas, these rules should not, in principle, be altered, in the course of the war, by a neutral power, except in a case where experience has shown the necessity for such change for the protection of the rights of that power."

Manifestly the only ground to change the rules laid down by the Convention, one of which, it should be noted, explicitly declares that a neutral is not bound to prohibit the exportation of contraband of war, is the necessity of a neutral power to do so in order to protect its own rights. The right and duty to determine when this necessity exists rests with the neutral, not with a belligerent. It is discretionary, not mandatory. If a neutral power does not avail itself of the right, a belligerent is not privileged to complain, for in doing so it would be in the position of declaring to the neutral power what is necessary to protect that power's own rights. The Imperial and Royal Govern-

ment can not but perceive that a complaint of this nature would invite just rebuke.

With reference to the asserted inconsistency of the course adopted by this Government in relation to the exportation of arms and ammunition and that followed in not allowing supplies to be taken from its ports to ships of war on the high seas, it is only necessary to point out that the prohibition of supplies to ships of war rests upon the principle that a neutral power must not permit its territory to become a naval base for either belligerent. A warship may, under certain restrictions, obtain fuel and supplies in a neutral port once in three months. To permit merchant vessels acting as tenders to carry supplies more often than three months and in unlimited amount would defeat the purpose of the rule and might constitute the neutral territory a naval base. Furthermore, this Government is unaware that any Austro-Hungarian ship of war has sought to obtain supplies from a port in the United States, either directly or indirectly. This subject has, however, already been discussed with the Imperial German Government, to which the position of this Government was fully set forth December 24, 1914.

In view of the positive assertion in the statement of the Imperial and Royal Government as to the unanimity of the opinions of text writers as to the exportation of contraband being unneutral, this Government has caused a careful examination of the principal authorities on international law to be made. As a result of this examination it has come to the conclusion that the Imperial and Royal Government has been misled and has inadvertently made an erroneous assertion. Less than one-fifth of the authorities consulted advocate unreservedly the prohibition of the export of contraband. Several of those who constitute this minority admit that the practice of nations has been otherwise. It may not be inopportune to direct particular attention to the declaration of the German authority, Paul Elnicke, who states that, at the beginning of a war belligerents have never remonstrated against the enactment of prohibitions on trade in contraband, but adds that such prohibitions may be considered as violations of neutrality, or at least as unfriendly acts, if they are enacted during a war with the purpose to close unexpectedly the sources of supply to a party which heretofore had relied on them.

The Government of the United States deems it unnecessary to extend further at the present time a consideration of the statement of the Austro-Hungarian Government. The principles of international law, the practice of nations, the national safety of the United States and other nations without great military and naval establishments, the prevention of increased armies and navies, the adoption of peaceful methods for the adjustment of international differences, and, finally, neutrality itself are opposed to the prohibition by a neutral nation of the exportation of arms, ammunition, or other munitions of war to belligerent powers during the progress of the war.

LANSING.

APPENDIX.

German exports of arms and ammunition to Great Britain.

Articles.	Quantity, 100 kilos.			
	1899	1900	1901	1902
Explosives	4,342	6,014	5,147	3,645
Gunpowder	28	658	243	69
Gun barrels	12	366	21	133
Shot, of malleable iron, not polished, etc.	30	43	38	.....
Shot (further manufactured), polished, etc., not lead coated	.....	4	.....	.....
Shot, nickeled or lead coated with copper rings, etc.	.....	3,018	176	.....
Weapons for war purposes	.....	.....	18	2
Cartridges with copper shells and percussion caps	904	1,595	866	982

Austro-Hungarian exports of arms and ammunition to Great Britain.

Articles.	Quantity, 100 kilos.			
	1899	1900	1901	1902
Arms, exclusive of small arms	190	374	12	.....
Separate parts of arms	1	1	.....	.....
Small arms	2	3	80	5
Ammunition and explosives under tariff No. 346	1	7	16	51
Other ammunition and explosives	.....	.....	4	.....

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. FLOOD. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. HEFLIN].

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes.

Mr. HEFLIN. Mr. Speaker and gentlemen of the House, this is a serious and a momentous occasion. We, the Representatives of the American people, are charged with the duty and responsibility of safeguarding American rights and liberties and of employing the means necessary to protect and preserve them. The President's friendly offices, his long and patient watchful waiting, and the dove of peace with the olive branch all seem to be forgotten, ignored, or disregarded by the Imperial Government of Germany, and it is the patriotic duty of Members of Congress before we adjourn on the 4th of March to give to the President all the power that is necessary to defend our rights against unlawful attacks. We do not know what step Germany will take next. We all hope and pray that she will not do the act necessary to make us go to war with her. However, judging the future by the past, we do know that, Germany having violated the pledges that she made to us, it is well and wise that we should be prepared to say to her, if the worst shall come, you shall not destroy our commerce with neutral nations and murder our citizens in the peaceful pursuit of their legitimate business. [Applause.] No nation in its effort to destroy another nation has the right to violate international law and destroy the rights of neutrals upon the high seas. What right has Germany to tell us that we can not ship the products of our farms and factories to neutral nations? What right has she to murder American citizens engaged in the peaceful pursuit of their legitimate business with neutral nations? I fear that Germany has not understood and appreciated our position. I fear that she has construed our desire for peace to mean a lack of purpose and determination to defend our rights and liberties.

Mr. Speaker, the opportunity is ours to-day to remove that impression if Germany has it. The moment that we remove all doubt as to our unity of purpose and our full determination to protect and preserve our national rights under international law, that moment we will have done more to insure peace and to cause Germany to respect our rights than anything that we can do here to-day. [Applause.] Our fathers displayed courage and heroism in achieving these rights. Will we be less courageous in providing for their protection and preservation? [Applause.] The President of the United States, under the Constitution, is commander-in-chief of our Army and Navy, and surely no loyal American citizen would have Congress withhold from him the power necessary to defend our rights until Congress could be assembled. [Applause.] The United States Congress gave this power to President Adams more than a hundred years ago. It gave power of like character to President McKinley, and we, Members of the present Congress, gave to President Wilson all the power necessary to defend our rights against the unlawful attacks of Mexican bandits. I know and you know that we are not going to surrender without a struggle our sacred rights—rights and liberties without which the Republic can not last and in the loss of which our national sovereignty is gone. [Applause.] Then why quibble here about taking the necessary steps to safeguard and defend them? Mr. Speaker, I care not what gentlemen have thought or felt heretofore about the war in the Old World. Some have thought and felt one way and some another. What I am concerned about and what the country is concerned about is how they think and feel now, when American rights and honor are at stake. [Applause.] I am anxious that the vote here to-day shall be so unanimous that the nations of the earth will see that we are one against any and every foe. [Applause.] If Germany by her unlawful conduct and ruthless disregard of American rights and honor shall force us into war, I have no doubt that we will have some trouble with a few cranks, but I want to say in this solemn presence that if we do have war with Germany, the great body of the German people in the United States will be as loyal to our flag as any other portion of our population. [Applause.] Mr. Speaker, we are fortunate to have in the White House at this critical time a man who hates war, one who has no desire for military glory, but one who loves peace and the processes of peace. [Applause.] In the stress and storm of nearly three years he has steered the American ship of state clear of the breakers and we know, and the American people know, that he will continue in the ways of peace if he can do so without surrendering American rights and honor. [Applause.]

Mr. Speaker, the American people believe in the President. They know that he will do everything in his power to keep us at peace with the world. They know that if the time shall come when physical force is necessary to defend our rights and liberties that he can be relied upon to take the steps necessary to do so. With him as our leader we shall feel that in any crisis he will do only that which justice and right require should be done to safeguard and protect the highest and best interest of the American people [applause] and we owe it to him, the head of the Government, and we owe it to the country to see that he is given power to act on behalf of the country if action becomes necessary when Congress is not in session. [Applause.] I take pride in the fact that the Representatives here from the South are standing solidly behind the President in this grave hour [applause], and, Mr. Speaker, if occasion shall require it, the South stands ready with the other sections of the country to make any sacrifice necessary in defense of the Nation's life and honor. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HEFLIN. I ask leave, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and forty Members are present—a quorum.

Mr. COOPER of Wisconsin. Mr. Chairman, I did not understand how many were present.

The CHAIRMAN. One hundred and forty.

Mr. COOPER of Wisconsin. In this Chamber?

The CHAIRMAN. The Chair has so counted.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. DECKER].

The CHAIRMAN. The gentleman from Missouri is recognized for 10 minutes.

Mr. DECKER. Mr. Chairman and gentlemen of the Congress, it is indeed a solemn hour, an hour that moves a man to call for guidance from a higher power. But in these troublous times we almost hesitate to call on God, when we remember that across the sea men bent on mutual destruction are calling on the same God of love and peace. It is right to call on God for guidance, but that does not mean that statesmen should hide their stupidity and cowardice under the blanket of Divine Providence. [Applause.] We should have faith, but we should also have brains. We should trust God, but we should also use the judgment that God has given us to do our duty. It may be true, as the gentleman from Massachusetts [Mr. GARDNER] says, that under international law the United States has a right, as this bill provides, to allow a citizen to load his ship with munitions of war, then put on board our naval guns and gunners, and sail out on the high seas, and deliver those munitions to Great Britain, and that Germany has no right to interfere unless she takes care of the safety of the crew and passengers, which she can not do if she uses the submarine. That is practically the gentleman's contention of international law as it has been laid down. But international law is one thing, justice is another thing. It may be international law, but I do not admit that it is right. Almost every proposition of international law has been modified during the existence of wars. England has modified international law in this war. She laid her mines in the North Sea contrary to international law. She had to do it, because she could not blockade with the battleships, for the submarines would sink them. In a note to this Government she admitted that she had to modify international law governing blockades which required the battleships to stay close to the coast and in the offing, because, forsooth, submarines would sink them, and she modified the law. I do not blame Woodrow Wilson for not going to war to make her obey international law. To-day she requires our ships to call at English ports, because if she stops them on the high seas to search them she is liable to be sunk by submarines. This is a modification of international law, but I believe our country would do the same.

The question is, Shall we go to war to prevent a modification of international law governing the use of submarines? That is the question. [Applause.] Ah, you can wrap it up in disquisitions and theories, in complex and abstruse arguments on international law, but I promised my people that when I voted for or against war I would vote from the standpoint of the plain people of my country, the kind who will have to die when the war comes. [Applause.] I am against this bill, as it is now written. Under the bill we authorize the great President—and I love him as much as some of these men who kotow and toady to him—we authorize the President to use our Navy to protect the lives of Americans riding on armed belligerent ships, and to protect American ships carrying munitions of war. Do not evade it. Face it like men. Every man whom you represent will have to have courage as a result of this day's work. Let us have courage ourselves. That is what this law as now written means. Ah, you say the President will not do it. Who said he will not do it? If he will not do it, then why do you authorize him to do it?

We, and we alone, have the power to say whether we shall or shall not go to war to enforce international rights. Ah, you may say the President has such power, and you appeal to precedents. There may be precedents; but when the fathers wrote our Constitution and said that Congress should declare war they did not mean that we should delegate it to any Executive, however good, however great, however wise, however peaceful he may be. The Constitution said that the Representatives and Senators should declare war, and that means that we have the right and also duty to determine upon conduct which almost inevitably must lead to war. There are few, if any, men here who do not know that this resolution delegates the power to start war. [Applause.] Why, you say, has this great power been left to us? Let me remind you in this solemn hour of the reason. It is because when you and I go back home and look into the faces of the men and women whose boys we have sent to war, we must give them the reason why. [Applause.] The President is a great man and a good man, but he does not see the people in my district. They love him. Oh, I know the gentleman who just spoke [Mr. HEFLIN] said that if it were left to the people of this country they would go to war even if they had a referendum. I am not appealing for a referendum.

The Constitution does not provide for a referendum, but the Constitution does provide for representatives whose duty it is to determine this question. God give us a House of Representatives that has the courage to do its duty as it sees it and not try to put the responsibility on some one else. [Applause.] I cast no aspersions or insinuations upon men who differ from me. As the gentleman from Alabama [Mr. HEFLIN] said, if the war shall come we will stand together. If war comes the people of this country—North and South, East and West, German-American and Irish-American and English-American—all will stand together. But that does not relieve us from our duty to-day of determining whether our men and our boys shall be called upon to die for the right to carry munitions of war and contraband through a submarine blockade while submitting to a blockade enforced by battleships and floating mines in the open sea. [Applause.]

I do not know what the future holds. I want to be with my country and with the majority; God knows I do. I know what it is to be called a traitor and a coward among the people whom I love for doing what I thought was right; but I can not see this any other way, and as God is my judge I shall vote my convictions, and I appeal to every man here to vote his. The people love the great man over there at the White House; but we can not put our responsibilities on him. Pilate tried to wash the blood from his hands nineteen hundred years ago.

Mr. FLOOD. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. Mr. Chairman, any nation, and particularly a republic, must act through its regularly constituted officials. This is always true respecting international matters. It is always true of military matters, the same as civil matters. The President of the United States is the constituted authority to act for this Government in all our international relations. The President of the United States, in addition, is Commander in Chief of the Army and of the Navy and the entire armed forces of the United States. If our international relations get into a condition requiring the protection of our rights by force or by war, we must delegate to some one the authority to act. The proper official for this purpose is the President. Therefore this resolution authorizes the President to act, but it limits his action to a well-defined sphere.

In the first place, it authorizes him to equip American merchant ships that are lawfully upon the high seas, engaged in lawful, peaceful pursuits, with guns, and to furnish men to serve these guns, to protect them against unlawful attacks. It simply means that we authorize the President to protect our citizens and their property when they are doing that which they have a right to do and when they are attacked in a manner that is unlawful. I can not conceive that we could possibly do less than this. We must clothe him with power, and every ounce of power that this resolution gives ought to be his. Therefore I am heartily for it. [Applause.]

Mind you well, gentlemen, in addition to authorizing the protection to be given merchant ships, it authorizes the protection to be given American citizens who are upon the high seas pursuing their lawful and peaceful pursuits, if they are unlawfully attacked. The fundamental reason that causes the people to group themselves together and form a nation is that the lives and property of those citizens may be protected against unlawful attack. One by one the citizens would fall, their lives sacrificed and their property destroyed, if we stood alone. We therefore band ourselves together to secure protection to life and the opportunity to pursue our lawful industrial pursuits. A nation that fails to protect the life of any one of its citizens against an unlawful attack fails in the fundamental reason of its very existence. [Applause.]

Gentlemen ask for an overt act. Good God in Heaven! What can constitute an overt act? Ships sunk without warning, American men, women, and children sunk beneath the icy waves of the sea, the flag of our fathers no longer a protection to them. I do not care to wait longer for an overt act. When I hear a man say he is going to shoot to kill, and I behold him shooting and killing, I do not need to wait until he shoots me before I see that an overt act has been committed. [Applause.]

Mr. CALLAWAY. Will the gentleman yield?

Mr. MILLER of Minnesota. I can not yield, I have only 10 minutes. If after I have completed my remarks I have any time left, I shall be glad to yield to the gentleman. The gentleman from Wisconsin [Mr. COOPER] has read in the hearing of the House, and was greeted with considerable applause, a message of the first President of this country. He emphasized in the rapid reading that he gave language that he thought meant one thing, and he read rapidly and slightingly over other language in the same message that gave the real meaning and truth to what the first President said.

I invite your attention to the sentence he has read:

And I do hereby also make known that whoever of the citizens of the United States shall render himself liable to punishment or forfeiture under the laws of nations—

By doing what?—

by committing, aiding, or abetting hostilities against any of the said powers, or by carrying to any of them these articles which are deemed contraband by modern usage of nations shall not receive the protection of the United States—

Against what?—

against such punishment or forfeiture.

What punishment or forfeiture is that? That punishment to which they naturally would be entitled to receive because they had violated the laws of nations—the punishment or forfeiture of that would be the consequence thereof. If they engaged in hostilities against one of these nations they would be offending against the laws of nations, against international law, and George Washington said he would not protect them from punishment therefor, a principle as sound as the foundation of this very building itself.

Also, if they engage in sending contraband to other nations, under the law of nations they will be subject to forfeiture—forfeiture of the contraband—and the first President rightly said he would not protect them against that forfeiture, and that is the law to-day; that is the law at this hour. It has not been changed a jot or tittle. If we pass the bill as it stands before us there is going to be no protection to arms and ammunition or munitions that may be seized by any of the belligerent powers, if they be consigned to the enemy of that belligerent, and are destroyed or dumped into the sea. That is not the question at issue here at all. The question here is, Shall American ships and American lives be allowed to pursue their peaceful ways under the laws of nations and under the laws of civilization—not contrary to law, but under the law?

Some gentlemen appear concerned lest the performance of acts to be authorized by this resolution shall lead us into war. Some even appear to feel that the passage of this resolution will itself be practically a declaration of war. Not in the least. I do not believe the procedure to carry out the authority granted by this resolution will end in war. It should not. We are not to be the aggressors. We are not to attack anyone. We are simply to defend against the unlawful attacks which have already begun. I believe this defense will end the unlawful attacks. But, whether it does or not, one thing it will do, it will replace the agonized cry of drowning American women and the choking sobs of helpless babes with the roar of American guns, served with deadly accuracy by American gunners, speaking a language these destroyers of innocent lives will understand.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield eight minutes to the gentleman from South Dakota [Mr. DILLON].

Mr. DILLON. Mr. Chairman, on March 7, 1916, I voted against tabling the McLemore resolution, believing that American citizens ought not imperil their own lives and those of a hundred millions of our people by insisting on traveling on belligerent passenger vessels carrying guns and munitions of war. To warn them to keep out of places of danger would not be a surrender of our international rights. This was a domestic question concerning the safety and welfare of our own people.

We warned our people to leave their property and flee from Mexico. We prohibit passenger vessels from carrying explosives under certain conditions. The State Department limits the effect of passports issued to our citizens. Our neutral vessels ought to be good enough for the American travelers. If our flag is good enough to live under it is good enough to sail under. I do not believe that we should insist that our citizens have the right to travel upon a belligerent passenger boat carrying guns and ammunition. This very insistence has brought us to the brink of war. If we could avoid war by giving the warning we ought to give it.

There are a few well-recognized rules of international law: the right of visit and search; the right to carry defensive armament; to maintain an effective blockade; a neutral merchant vessel must first be warned in order that visit and search may be permitted and must not attempt to escape or resist; if there be contraband cargo on a neutral vessel it may be seized, and when it is impossible to take it into port it may be destroyed after passengers and crew have been protected. If some such principles as these could be embodied in this bill it seems to me that every belligerent would concede these rights to all neutral vessels.

It is now proposed to arm American vessels with guns and place experienced gunners upon the vessels for defensive purposes. The submarine is a fighting craft, and the peaceful merchant vessel may likewise become a fighting vessel when armed with guns and gunners if they are under instructions to destroy the approaching submarine. Each of these vessels may thus become the aggressor, each seeking to destroy the other, the object being to see which can first do the deadly work.

If these conditions exist, what becomes of the right of visit and search, an international right that has been undisputed for a hundred years? The right of visit and search implies the duty of submission on the part of the neutral vessel. Are we now ready to abandon this principle of international law and say that the submarine is an outlaw incapable of carrying out the provisions of international law in the matter of visit and search and deny the right to capture and destroy cargoes of contraband?

True it is that the submarine is "the devil of the deep blue sea," but may it not legitimately visit and search a neutral vessel bound for a belligerent port? If the submarine demands the right to visit and search, shall we reply with shot and shell and thus make the armed merchant ship the aggressor? Are we to spend millions of dollars for submarines and then insist that they shall be outlaws on the sea? [Applause.]

The British Admiralty has armed its passenger vessels and given instructions to destroy the submarine at first sight, and the submarine, in retaliation, uses its torpedoes without warning, because the right to visit and search is denied.

In my judgment, there is no such thing as defensive armament if you deny the right of visit and search. Backed with orders to destroy the submarine at sight, the neutral vessel becomes a fighting craft, whether it carries one gun or a dozen, because the guns are then used in aggressive warfare. Should we not go back to the fundamentals of international rights of the belligerents to visit and search for contraband of war?

There is much force in the argument that we should not lay an embargo on the exportation of munitions of war, because the manufacturer has the right to deal in his lawful articles of commerce. But the Government should not furnish guns and gunners for the vessels that transport these articles of commerce. When the National Government furnishes guns and gunners to assist private institutions in transporting munitions of war to one of the combatants, it becomes a partner of the munition manufacturer. When we take this position we become a governmental abettor, a partner in the shipment of munitions of war, and lose our neutrality. Who would claim that our Government could manufacture guns and ammunition in our Government plants and sell them to the allies of Europe without being a participant in the war?

If this measure can be framed so that our ships will not be armed for the purpose of protecting cargoes consisting of munitions of war, but for the protection of cargoes of neutral goods bound for ports all over the world, where no real blockade exists, we would be placed in a neutral position toward all warring nations and little criticism of the bill could be made.

It is true that our neutral rights have been violated by all countries at war. Our neutral trade with Scandinavian ports and with Holland has been flagrantly obstructed and our commerce everywhere has been hindered.

But we will not improve our commerce by going to war. Neither will our rights upon the sea be improved by engaging in this world-wide war. We should only arm those ships that do not carry munitions of war, and then insist that our ships, free from contraband, shall go into every neutral port. [Applause.]

In this conflict we must not be forced to join the allies nor must we be a partner of any warring nation. To do so means that we must pay the bills and be embroiled in the European entanglements. If we become a participant, our partnership liabilities will be unlimited.

The best way to keep out of the war is not to get in. Let us content ourselves with the maintenance of the Monroe doctrine. To extend the Monroe doctrine over the nations of Europe is a visionary dream. Let us abandon the thought of this fatal blunder. It means competing alliances, competing armaments, the abandonment of our democracy, and a long step backward. [Applause.]

True, our national rights are outraged, but it is better to have "peace under provocation" than to seek redress for our outraged rights at sea, since it is impossible to restore international

law while one-half of the world is engaged in armed combat. We, the one large neutral, can do more in the future toward maintaining our rights at sea for the future than we can now by joining in the combat. We can not drive the submarine nor the mine from the sea by joining in the war. There has never been a war on the sea where the neutral rights have been respected and probably never will be. Let us join a league of armed neutrals rather than a league of armed belligerents. In this way we will keep our rights and our neutrality.

It may well be maintained that the bill as amended does not give the President any power that he does not now have. The bill allows the use of defensive arms against an "unlawful attack." It seeks to protect only American ships and the citizens of the United States against unlawful attack while in their lawful and peaceful pursuits upon the seas.

To sink an American vessel without warning would be an unlawful attack. If the American vessel should shoot at a submarine and deny the right of visit and search it would become the aggressor. Great caution must be used, as these rights are practically concurrent, and neither party should become the aggressor by doing an unlawful act.

In his message to Congress the President said:

> War can come only by the willful acts and aggression of others.

He further said:

> I am the friend of peace and mean to preserve it for America so long as I am able. I am not now proposing or contemplating war nor any steps that need lead to it.

The statement has been made by those close to the President that no attempt would be made to arm our merchant vessels that carried munitions of war. I would like to see the bill so amended as to carry into effect the assurance so given.

I believe that we should protect American vessels against any unlawful attack; that our citizens should be protected on land and sea. No one should want war, but if we are to preserve our liberty and our rights we must be ready to maintain them. The position that our neutral vessels can be sunk without warning is intolerable, and this Government can not abandon its rights nor refuse to protect the lives of our citizens. To do so would be a national dishonor.

If we refuse to grant the power requested, we would send to the world a notice that we are not behind the President; that we are a divided nation. If we vote for the bill, we are, in effect, one people upholding the Executive. If we vote against the bill, we announce that we are divided and invite the nations to attack us as weaklings.

There is no good reason why Congressmen should not remain here and be ready to give service in these trying times, and I believe every Member is patriotic enough to welcome a special session of Congress, so that they may be ready to pass on these questions as they shall be presented.

I close with a quotation from H. G. Wells in Mr. Brittling Sees It Through:

> Until a man has found God and been found by God, he begins at no beginning, he works to no end. He may have his friendships, his partial loyalties, his scraps of honor, but all these things fall into place, and life falls into place, only with God—only with God. God, who fights through men against blind force and might and nonexistence. He is the only King. And before the coming of the true King, the inevitable King, the King who is present whenever just men foregather, this blood-stained rubbish of the ancient world, the puny kings and tawdry emperors, these wily politicians and artful lawyers, these men who claim and grab and trick and compel, these war makers and oppressors, will presently shrivel and pass, like paper thrust into a flame.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FLOOD. Mr. Chairman, I yield five minutes to the gentleman from North Carolina [Mr. STEDMAN].

Mr. STEDMAN. Mr. Chairman, in the brief space of time to which I must restrict my remarks I can not speak satisfactorily with reference to the provisions of the resolution now before the House. I wish I had more time to do so. My chief purpose in rising is to declare my unqualified approval of the resolution. [Applause.] I have been very much surprised at some of the statements which have been made here by some of the speakers to-day. They are entirely mistaken. They say that we are delegating the power of Congress to the President of the United States. That is not true. He does not desire that power, and it is not given to him. They go on and say that it is a war measure. It is not a war measure, but it is a peace measure. Every line in the bill looks toward peace, and if war does come in spite of the bill, it can not be helped; but, my friends, there is something that is worse than war and worse than death. It is dishonor. [Applause.] The bill gives the President power to protect the commercial rights of our people in the first place. It then gives him the power to protect the lives of our citizens while in the lawful pursuit of their business, and the whole result of the bill is that it gives him the power to protect the honor and the glory of this great Nation.

Great names have been invoked here to-day. The name of George Washington was invoked. The gentleman who spoke of George Washington certainly had read his life in vain. George Washington always assumed every responsibility which duty demanded, regardless of the consequences to himself. [Applause.] Representatives from the South, descendants of Confederate soldiers, I call your attention to another great name, the name of Stonewall Jackson. I should think that the words which went from Jackson's tomb to the young men of America would be ringing in your ears to-day and would find an echo in your hearts. "What is life without honor? Degradation is worse than death. We must think of those who are alive and present with us and by God's blessing endeavor to preserve for them the privileges and the freedom which we have inherited and enjoyed." [Applause.]

I must say another word here. I feel it is a duty to the section from which I come. The gentleman from Missouri [Mr. DECKER], who alluded to the gentleman from Alabama [Mr. HEFLIN], and indirectly spoke of the people of the South and the Confederate soldier, said that his people had never fired upon the flag. I wish to tell him that he knows but little of the character of the Confederate soldier if he would asperse them——

Mr. DECKER. Mr. Chairman, will the gentleman yield?

Mr. STEDMAN. Yes.

Mr. DECKER. I wish to say that I never meant to cast insinuation upon the Confederate soldier. My father, who fought on the other side, taught me to love the Confederate soldier.

Mr. STEDMAN. I am very much obliged to the gentleman, and I wish to say to him now that if the trial ever comes and that the flag is in peril, amongst its truest and bravest and strongest defenders will be found the descendants of Confederate soldiers from the land of the South. [Applause.]

I want to invoke another great name. You gentlemen who belong to the great Republican Party, the party of Abraham Lincoln, I wish to ask a question. I have read his life time and time again, and I have for him the greatest admiration and respect. You know his life, all of you, as well as I do, and you love his memory, and it is beloved throughout the civilized world. How think you Abraham Lincoln would vote upon this bill if he were here to-day? You know and I know. My friends, this House should send a message to-day to all the nations of the earth; it should declare to them, in terms which can not be misunderstood, that it will protect the commercial rights of its people; that it will protect the lives of its citizens engaged in lawful pursuits; and that it will preserve the honor and the glory of the American flag in its pristine splendor wherever it may float, on land or sea, to the uttermost ends of the earth. [Applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, my friend the gentleman from North Carolina, Maj. STEDMAN, a distinguished Confederate veteran with whom I am glad to be associated as a member of the Committee on Foreign Affairs and for whom I have an abiding affection, as devoted an American patriot as there is in all the membership of the House [applause], asked a moment ago what Abraham Lincoln would do were he here at this hour to vote.

I do not know, but judging from the record of his illustrious life, I believe that he would vote against a bill to give any President of a country claiming to be neutral the power to arm and convoy ships loaded with arms and ammunition consigned to belligerents. [Applause.] Why do I so believe? Because Lincoln thought more of his country than of any possible renown as a war President. [Applause.] I recall, too, that that mighty American, while a Member of the House of Representatives, did not hesitate to denounce the conduct of President Polk respecting the war against Mexico. Abraham Lincoln would not on great questions affecting the welfare of the American people surrender his clear convictions of right at the demand of any man, even though that man were the President.

A large number of gentlemen, including fully one-half of those entitled to seats on the other side of the aisle, have absented themselves throughout the debate. It would seem almost as if certain gentlemen believe that there is nothing to do here except to await the time for voting, and then to obey orders. Apparently, for them, it is sufficient to know that the President demands that Congress pass this bill, and thus approve his claim that he already has the constitutional right, without action by Congress, to arm and convoy a ship loaded with arms and ammunition consigned to a belligerent—the right, in other

words, to commit an act of war. Apparently these gentlemen completely fail to understand the tremendous significance of this business. But listen to this grave comment of the London Times:

"The act of President Wilson (the severance of diplomatic relations) is an event of measureless importance in the history of mankind. Whatever the immediate consequences of the breach, a new chapter is opened for the New World and the Old. For the first time since it became a great power the United States has directly intervened in a European war—a course pregnant with untold results hereafter."

"A new chapter for the New World and the Old." "A course pregnant with untold results hereafter—untold results hereafter." And yet gentlemen say, "Leave it all to the President—leave it all to the President." I deny that it is the duty of a Representative in Congress to "leave it all to the President" in a great crisis in his country's affairs. [Applause.] This is no time to announce that we will leave it all—all this question of our Government arming ships carrying cargoes of arms and ammunitions to belligerents—all this question of possible peace or war—to one man. This is a Government of laws, not of men. We have a written Constitution by which certain powers are delegated to the Congress, certain other powers to the Executive, and still others to the judiciary, and by which all powers, not thus either expressly or impliedly delegated, are reserved to the States or to the people. If this Nation is to live these departments of the Government must forever be kept separate, each within its own constitutional boundaries. The Constitution gives only to the Congress the right to declare war. And yet the President insists, in effect, that the Congress shall abandon this sole right, or rather share it with him, by passing this bill and approving his claim that he already possesses constitutional authority to protect American ships in their "peaceful pursuits on the high seas," by arming and convoying vessels loaded with arms and ammunition consigned to a nation at war. I respect the President, but I will not by any vote of mine indorse that claim of constitutional power.

The issue must be kept clearly in mind. The people have been misled. This is not a question of what private individuals or corporations in dealing with belligerents may do. It is a question of what under the Constitution a President can make the Government itself do. We all, of course, admit that private individuals or corporations may without violating either international law or any law of the United States sell and deliver arms and ammunition to a country at war or to any of its citizens. But it is a far different thing which this bill proposes. For it would authorize the President to make the Government itself a party to the traffic in arms and ammunition with belligerents, although when a Government becomes a party to such traffic it thereby commits a deliberate act of war. The bill is an attempt, in effect, to yield to the President a part of the constitutional power of Congress to declare war. There would be the gravest danger in giving any President more power to bring on war than already is lodged in his office. Already he has the power in his discretion to sever diplomatic relations with any country—an act often only the short prelude to war. And if in addition to this he is to have, or as he insists already has, the further constitutional power to make the Government itself help to carry arms and ammunition to a belligerent, then, of course, at any time the whole question of whether this Republic shall enter into a war raging in Europe, or Asia, in this hemisphere, or on the other side of the world, is left to one man.

To me the bill in its present form is utterly impossible of defense. Immediately upon its being presented in committee I objected because it would authorize the President to put the Government into the ammunition traffic with belligerents. We were told that to amend the bill so as to meet that objection would be considered as a reflection upon the President. This did not appeal to me nor to others of the committee who signed the minority report.

VIEWS OF THE MINORITY.

"An unsuccessful effort was made in committee to amend section 1 of this bill so as to except from its provisions ships engaged in carrying cargoes consisting in whole or in part of arms and ammunitions. It would be manifestly unneutral for our Government to arm and protect ships engaged in the munitions traffic with belligerents.

"It is true that there is no international law imposing a duty on neutrals to restrain their citizens from selling arms and ammunitions to belligerents. But the belligerent against which such arms and ammunition are intended to be used has a right to capture the same in transit on the high seas.

"If the Government of the United States should arm and protect a ship carrying arms and ammunitions consigned to a belligerent, thus itself becoming a party to the traffic, it would commit an unneutral act—an act of war.

"HENRY ALLEN COOPER.
"DORSEY W. SHACKLEFORD.
"CHARLES B. SMITH.
"GEORGE HUDDLESTON.
"J. B. THOMPSON.
"STEPHEN G. PORTER."

There is no mistaking the issue. A few minutes ago the distinguished gentleman from Massachusetts [Mr. GARDNER], when asked in debate whether he would have the President arm and convoy ships loaded with arms and ammunitions consigned to a belligerent, replied, "Yes." There is no mistaking the issue. We are asked to approve the claim of constitutional power made by the President and to authorize him, while the Government is at peace, to commit an act of war. This it is which creates the real issue here. And we are asked to leave it all to one man! What becomes of your oath to support the Constitution which gives to Congress the exclusive power to declare war? To arm and protect ships loaded with munitions of war consigned to a belligerent is to put our Government itself into the munition traffic and in danger of being forced to become a party to the awful conflict.

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. COOPER of Wisconsin. I can not. I have but a little time and am very sorry not to be able to yield to the gentleman from Washington. I was not consulted about the rule by which general debate on this most important measure is limited to so short a time. The House ought, in justice to itself, to have a much greater opportunity to discuss a subject of this tremendous magnitude than is allowed under the rule limiting this general debate to only one hour and a half on a side.

Mr. BRITTEN. And the naval gun pointers.

Mr. COOPER of Wisconsin. The suggestion of the gentleman from Illinois means that if this bill should become a law the President could put naval gun pointers, our experts, on board ships loaded with arms and ammunition to kill men on the other side of the water. And we are to do all this and still profess to be neutral!

What but an act of war would all this be? Why do men say that it would not be an act of war? What would they think of such an act were conditions reversed and the United States at war? We must not say now what we would not say then. We should not so fondly love the people of one foreign nation, nor so fiercely hate those of another, as to forget to be true to the interests of our own kindred and country. We must not be "pro" anything except straight pro-American. Suppose that this Republic were struggling against a coalition bent upon its destruction. And this suggestion is not wholly visionary. There is not a monarch on earth who loves us. And sometimes monarchies very quickly make new alignments. You remember when the Balkans were together fighting Turkey and how the next year they were at each others' throats. Suppose that we were fighting to save the Republic, the last refuge, it may be, of liberty on this earth, and some nation on the other side of the world should, while professing neutrality, enact a law authorizing its executive—Emperor, Mikado, King, or Czar—to arm, to supply with expert naval gunners, and to convoy ships loaded with arms and ammunition for our enemy's troops already landed in Mexico or elsewhere near. What, then, would American citizens think of the justice of the opinion that this would not be an act of war? Answer that, you gentlemen who are pleased to call us cowards. I am too big a coward to rise on this floor and lie to accommodate anybody. [Applause.] Who does not know that you would consider it an act of war—plain, flagrant, dangerous—if the United States were the nation threatened by ships carrying arms and ammunition to kill its defenders—your father, your brother, your friend, your boy?

Gentlemen have to-day denounced Germany. A few days ago the gentleman from Wisconsin [Mr. LENROOT], in a written speech, called Germany an outlaw. While listening to-day to the fierce denunciation, I was reminded that Lechy, in his history of morals in Europe, says that "the harsh judgments of the world are in large part attributable to the lack of imagination in those who utter them." He means, of course, that they are unable to put themselves in the place of those whom they condemn.

Let us remember the facts.

All of the belligerents have repeatedly violated our rights and the rights of other neutrals. It has become a war beyond the rule of right or reason. It is a war to the death. The entente allies have so decreed. The crushing of England would be a world calamity. So, too, would be the crushing and dis-

memberment of Germany. And is our indignation to be aroused only against her violations of international law? Has it been reserved to this late day for us to become so indignant that we are willing to have our ships loaded with ammunition consigned to a belligerent convoyed and armed by the President of the United States?

The gentleman from Massachusetts took occasion to refer to the debate of a year ago and to say that gentlemen need not at this time be afraid of their German-American constituencies. He is the same gentleman who, when confronted before a committee of the House, by a telegram of his dated August 20, 1915—18 months ago—which reads as follows:

"HAMILTON, MASS., *August 20.*

"If Wilson takes a bold stand, the country will take a bold stand, even if it means war. If Wilson wabbles, the country will wabble. If I were Wilson, I should send Count Bernstorff home at once and call Congress together, with the recommendation that war be declared against Germany. I hope that the President will not write any more notes.

"A. P. GARDNER,
"*Member of the House of Representatives.*"

said to the committee (I read from the report):

"That is absolutely correct; I take pleasure in verifying it."

In the debate of a year ago on the McLemore resolution I contended that American citizens should be warned not to take passage on belligerent ships going into the zone of war. Listen to this dispatch in the Washington Post of Saturday last:

WOMEN TAKEN FROM SHIP—ONLY AMERICANS ALLOWED TO SAIL WHEN LINER STOPS AT HALIFAX.

"HALIFAX, NOVA SCOTIA, *February 23.*

"A number of women and children who arrived here on a steamship from the United States for Europe were taken off to-day by the Government authorities under a regulation which provides that women and children may not sail from a British port for England at present.

"Three American women aboard the liner, which arrived in port last night, were permitted to continue the voyage. Clearance papers were refused the ship until 25 Canadian women and children had been removed. They were taken ashore in tugs.

"The name of the steamer was deleted by the censor at Halifax."

Ever since the debate of a year ago it has been frequently alleged that I am a German. One man wrote and had printed a letter that has caused me some correspondence, in which he declared that both my father and my mother were born in Germany, that neither (to quote his words) "could hardly speak a word of English" and that he "knew my father well." Permit me now once and for all to state the facts and correct some of the minor discrepancies in that letter.

There is not a drop of German blood in my veins. If there were I would not deny it, for there is none better in the world than the best German blood. [Applause.] My parents were born in Vermont, one in Rochester the other in Stockbridge. My ancestors first came to America in 1647; all have been English, Irish, or Scotch, except one French woman, who married into the line about the year 1700. The Germans in my district are far from constituting a majority.

Mr. Chairman, the reasons for the present portentous situation of the United States are set forth with impartiality, force, and truth in an editorial in the New Republic, a paper conducted with very remarkable ability. It is very strongly proally. It urges the United States to enter the war. I do not always agree with its recommendations, but it tells the truth:

"All along the Germans have seen two great truths: First, that British command of the sea has become absolute and has abolished the neutral rights which interfere with it; second, that America's policy has been to protest feebly and without effect against Britain while Germany has been held by threat of war from using the submarine fully to relieve the pressure. The Germans have pointed out quite accurately that the result of this policy has been to close the road to Germany and hold open the road to Britain and France. The German highway we have allowed the allies to bar, the allied highway we were ready to keep open at the risk of war. We have not merely been committed theoretically to selling munitions and supplies to anyone who can come and fetch them. We have, in fact, permitted the allies to cut off Germany; we have been, in fact, prepared for war to deliver munitions and foodstuffs to the allies. Stripped of all its technicalities this is the issue and the Germans have not been slow to recognize it.

"A number of things have obscured the issue. The first and most spectacular is that no American lives have been lost by the action of the allies, and consequently their illegalities have never seemed monstrous to most of us. Nevertheless inhumanity is not the real difference. No American lives would have been lost had we acquiesced in Germany's policy as we have in Britain's. American lives would almost certainly have been lost had we refused to agree to Great Britain's "blockade" as we have to Germany's "war-zone" decree. If Britain said we must put into a certain port, we have put into it; if Britain said we must not use certain areas of the North Sea, we have not used them; if Britain said we could do only a certain amount of trade with Holland, that is all the trade we have done. Nor is there any reason for regarding the submarine war as more deadly than the blockade of Germany. It is well to remember that the German people are suffering anguish as the result of it; that their children's vitality is being sapped; that there is an alarming increase of tuberculosis within the German Empire. The blockade and the submarine are both terrible weapons, and the blockade is the more effective of the two. In choosing between them we are not choosing between legality and illegality, nor even perhaps in the last analysis between cruelty and mercy."

* * * * * * *

"We have wanted to assist the allies and hamper Germany, but we have wanted also to keep out of war. Our Government therefore has been driven to stretch technicalities to the breaking point. We have clothed the most unneutral purposes in the language of neutrality. But we have never had any right to expect that we could go on forever without facing the consequences. Having started on the road of assistance to the allies we have to follow it through. So when we talk about American honor being involved we mean just this: That since we have created an unneutral policy we can not now abandon it because it is dangerous. * * *

"This basic truth has been clouded for us by something more than our legalism. The radical proallies especially along the eastern seaboard have raised the absurd legend that the policy of the administration was either pro-German or at least neutral in effect. Fastening all their attention on the dramatic patience of the President, they often seemed to forget entirely the drastic effects of his inactivity in regard to the blockade. They never seemed able to realize that the decision not to break the encirclement of Germany is one of the great strategic facts of the war. It may indeed be the most decisive victory the allies have won, and it has earned for us the dangerous hostility of the German people.

"Only by a clear grasp of the situation and its gigantic consequences can we steer our course now or in the future. We have chosen to render the allies definite assistance, negatively by allowing them to close the seas to Germany, positively by insisting that the seas be kept open to them."

It is well, gentlemen, if we pretend to statesmanship at all, calmly to see all sides of this tremendous problem, and then vote as will best serve the interests of the United States.

Said George Washington in 1793:

"And I do hereby also make known that whosoever of the citizens of the United States shall render himself liable to punishment or forfeiture under the law of nations by committing, aiding, or abetting hostilities against any of the said powers, or by carrying to any of them those articles which are deemed contraband by the modern usage of nations, will not receive the protection of the United States against such punishment or forfeiture."

In other words, anybody undertaking in the days of George Washington to carry munitions of war from this country to a belligerent country did it at his own risk. And yet this bill as originally introduced made it possible to use the $100,000,000 to be put into the war-risk fund to insure cargoes of ammunition. The committee changed that by making it impossible to use any portion of the appropriation to insure ammunition.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield for a suggestion right there?

Mr. COOPER of Wisconsin. Yes.

Mr. BRITTEN. Would we not in fact, under this bill, guarantee the delivery of ammunition under threat of going to war?

Mr. COOPER of Wisconsin. Well, if we are to arm and convoy a ship, I do not know what is going to happen in the middle of the ocean. But if these ships were heading this way while we were at war we would say that the very passage by the Reichstag of Germany, the Corps Législatif of France, the Parliament of Great Britain, or the Duma of Russia of a bill like the one before us would be an act hostile to the people of the United States.

It is indeed true that the issue which now confronts this great Republic is of "measureless importance to mankind." [Applause.]

In considering this measure it is important also to remember the order of the British Admiralty of November 2, 1914:

"It [the British Admiralty] therefore gives notice that the whole of the North Sea must be considered a military area. Within this area merchant shipping of all kinds, traders of all countries, fishing craft, and other vessels will be exposed to the gravest dangers from mines it has been necessary to lay and from warships searching vigilantly by night and day for suspicious craft.

"All merchant and fishing vessels of every description are hereby warned of the dangers they encounter by entering this area except in strict accordance with Admiralty direction. Every effort will be made to convey this warning to neutral countries and to vessels on the sea, but from November 5 onward the Admiralty announces that all ships passing a line drawn from the northern point of the Hebrides through the Faroe Islands to Iceland do so at their own peril."

Mr. SHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. SHERWOOD. How was our blockade during the Civil War?

Mr. COOPER of Wisconsin. That was an actual blockade, in strict accordance with international law, by ships near harbor entrances everywhere. But the blockade by England by planting mines in the open sea is in direct violation of international law. It instantly puts in jeopardy any ship, however innocent its mission. Ships belonging to American citizens and flying the American flag have been sunk in the North Sea by mines. So also have ships flying the flags of other neutral nations.

Mr. COPLEY. Will the gentleman yield for a question?

Mr. COOPER of Wisconsin. Yes.

Mr. COPLEY. Have we a treaty of arbitration with Great Britain, which practically prevents our fighting with her, and under which any question in dispute must be referred to The Hague tribunal?

Mr. COOPER of Wisconsin. It is my understanding that there is such a treaty.

Mr. GORDON. Will the gentleman yield for a question?

Mr. COOPER of Wisconsin. Yes.

Mr. GORDON. Have we not also a treaty with Germany, by the terms of which, under the circumstances now existing, if American ships are loaded with contraband, the German Government has covenanted and agreed to take the contraband and pay for it, but not to destroy the ships?

Mr. COOPER of Wisconsin. This is not a question of destroying American ships. This is a question of authorizing the President to arm and convoy American ships loaded with arms and ammunition consigned to belligerents. Why does the gentleman want the President to arm and convoy ships?

Mr. GORDON. To protect the rights of our citizens.

Mr. COOPER of Wisconsin. Would not the gentleman rely upon the treaty, if there be one?

Mr. GORDON. We are relying upon the treaty. We have a treaty under which we do that very thing. The treaty, I guess, is the law.

Mr. COOPER of Wisconsin. I must reserve the balance of my time for other gentlemen who are opposed to the bill.

I oppose this bill, but not because I am opposed to preparedness. I voted for the appropriations for the Navy, for the Army, for fortifications, for aeroplanes, for submarines. I have by voice and vote always supported the measures to make the country ready to defend itself. But this does not mean that by my votes I must approve the claim of the President that he already has the constitutional power to arm and convoy ships carrying arms and ammunitions consigned to a belligerent. While the bill was before the House I moved to recommit with an amendment, viz:

"At the end of line 5, page 2, add the following: '*Provided*, That no ship of American registry armed in the manner aforesaid shall carry cargo consisting in whole or in part of arms or ammunition consigned to a belligerent country or to a citizen thereof.'"

This amendment received 125 votes, but was defeated.

The President in his message asked for "full and immediate assurance of the authority which I may need at any moment to exercise. No doubt I already possess that authority without special warrant of law, by the plain implications of my constitutional duties and powers."

We are asked to establish a precedent fraught with the gravest danger to the Nation.

I am opposed to granting to a President more power to endanger the peace of the country than is already given him by the Constitution. That a President has such power is the view of President Wilson himself in his book Congressional Government, published in 1885:

"His (the President's) only power of compelling compliance on the part of the Senate lies in his initiative in negotiations, which affords him a chance to get the country into such scrapes, so pledged in the view of the world to certain courses of action, that the Senate hesitates to bring about the appearance of dishonor which would follow its refusal to ratify the rash promises or to support the indiscreet threats of the Department of State."

I respect the President. He is the President of all the people. I said a year ago that if war should come to us we would be united in support of the Government. But I denied then, I deny now, that before war does come, while the Nation is at peace, it is my duty to give my unreasoning approval to whatever he may do or demand. Some later President, ambitious of military glory, of the renown which attaches to a war President, and possessed of what Carlyle calls "the sixth sense—vanity," might make dangerous use of this precedent.

Men are called disloyal who suggest doubts as to the wisdom of the President's recommendations. As if doubting the infallibility of an executive officer meant disloyalty to the Government. I deny that such is the true conception of our duty here. I have a right as a Representative in Congress freely and fairly to discuss any request or recommendation in a message of the President which threatens an encroachment upon the constitutional authority of Congress.

"Through the ages," said Daniel Webster, "the struggle has been to rescue liberty from the grasp of executive power."

Mr. FLOOD. I yield five minutes to the gentleman from South Carolina [Mr. RAGSDALE].

Mr. RAGSDALE. Mr. Chairman, when my mind was first directed to the proposed legislation my first thought was that which seemed to have animated the words of many who spoke here to-day, that the enactment of this legislation would be a very serious thing in the history of this country. The more I have studied this legislation, and especially in its amended form, the more convinced I am that it means nothing in so far as bringing about any war with any power is concerned. We are not giving the President of the United States any new power to declare war. There is an appropriation of a sum of money herein for the purpose of protecting our commerce on the sea, merely for the purpose of extending our commerce in this time of danger. But when we consider this bill and consider what is an act of war, then it seems to me that all this talk of the solemnity of this occasion must necessarily fall to the ground of its own weight. Why, we are not urging the President of the United States to any act of aggression; but, on the contrary, when we read this bill we find the statement enunciated therein that the President is given the power to protect our ships and the citizens of the United States against unlawful acts while in their lawful and peaceful pursuits on the high seas. There is no other power given therein, in so far as the use of our powers of war are concerned. Let us take what Calhoun said in discussing a war measure on the floor of this House in 1814:

> I will lay it down as an universal criterion that a war is offensive or defensive, not by the mode of carrying it on, which is an immaterial circumstance, but by the motive and cause which lead to it. If it has its origin in ambition, avarice, or any of the like passions, then it is offensive; but if, on the contrary, designed to repel insult, injury, or oppression, it is of an opposite character and is defensive.

The whole power given herein, in addition to the insurance clause, is only that the President may have the necessary arms and ammunition and means of making use of them in defense against an unlawful attack. Is there a man on this floor to-day who would put his country and put his President, without regard to whom that President might be, in such a position that he could not use the arms, the fleet, and the power of this country to defend its citizens, its people, and its property against an unlawful attack? If there be such a man, he comes not from my State and he comes not from our part of the country, for whatever differences may have existed in the past, thank God our people are here to-day not to bring about a war of aggression, nor to inflame the people with a desire to go to war. Without a single exception, every expression I have heard from home has been not to plunge this country needlessly into war, but I believe I properly represent the State from which the great statesman whom I have quoted came when I say that our people stand with one accord to place their entire power, their patrimony, their all behind our flag and our President in defending it and our country against any aggression on the part of any people or any unlawful interference with our rights. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Chairman, I will ask not to be interrupted.

The CHAIRMAN. The gentleman from Ohio asks not to be interrupted.

Mr. LONGWORTH. Mr. Chairman, I fully realize the responsibility that rests upon myself and every Member of this House in deciding wisely upon this occasion. It is only after calm and thoughtful deliberation that I have decided that my duty lies in the support of this bill. [Applause.]

I realize fully that its passage may—I do not think it will, and in that I agree with my gallant and venerable friend from North Carolina, Mr. STEDMAN—but it may bring about a situation which will involve us in war with a great nation, but, if so, it will be a war decided upon and declared not by the President of the United States, not by a referendum, but by the Congress assembled under the dome of this Capitol.

I devoutly hope that I may not be called upon to vote for war. I hope that peace may be maintained, but it must be a peace entirely consistent with the honor and dignity of the American Nation. If the price of peace shall be the abandonment of American rights, the refusal to protect the lives of American citizens exercising those rights, it would be a peace, to my mind, so ignoble that it ought not to be or to endure; a peace that would cause Washington and Lincoln and Grant and McKinley to rest uneasily in their graves; a peace so inconsistent with American ideals that it would inevitably bring to the Nation consequences infinitely more disastrous than any war in which we might now engage. [Applause.]

The President has asked us for authority to more fully protect American rights. By this bill we grant him such authority, as I believe, suitably circumscribed. We do not give him the powers of a dictator. We delegate to him no functions which it is the right and duty of Congress to exercise.

I candidly admit that I would not have agreed to the request made here by the President in person as I understood it. I understood his request to mean that Congress should adjourn on next Monday until the first Monday in December, and that in the meantime we should hand him an unlimited power of attorney and a blank check on the Treasury of the United States. To my mind he asked too much. In this bill we give to the President only the powers and the credit that he ought to have in this emergency. Furthermore, we expect to remain on the job here in Washington for at least some portion of the time between now and next December.

While this emergency exists I propose to stand by the President of the United States. [Applause.]

Mr. FLOOD. Mr. Chairman, I yield to the gentleman from Missouri [Mr. HAMLIN] five minutes.

Mr. HAMLIN. Mr. Chairman, I do not know all that was in the mind of the President when he was before the Congress a few days ago, whether he had in mind arranging matters so that Congress could adjourn on next Sunday and stay adjourned until the 3d of December next or not, but I do know that it would be the best thing that could happen to this country if we would.

I do not subscribe to a statement made by another gentleman who spoke this afternoon, when he said that this was to him a happy day. Not so with me, because I realize that what we do to-day is fraught with grave consequences. If I know my own heart, I want peace. But, gentlemen, I am an American citizen and I love my country, and I am not willing that any nation or combination of nations shall drive my country off the high seas and tell us what we shall do or shall not do. I know that the President wants peace—that he is intensely loyal and should be given all reasonable authority to deal with this delicate and complexed situation.

I am surprised that gentlemen will rise on the floor of the House and even intimate that they are afraid to delegate to him this authority. For three years almost he has wrestled with these great problems. He has been accused and criticized for not asserting with enough vigor the rights of this Nation, and now when he comes and asks to be given the power to arm ships for defensive purposes only, gentlemen seem to see in that a power and purpose on his part to declare war. I do not believe it. War may likely come, but not because of anything that the President will do. [Applause.]

I was not in favor of this resolution when it was first introduced, but for a different reason than that I have just referred to. I have not been able to reconcile to my own conscience the idea of our manufacturing and selling, much less shipping in our own bottoms, arms and ammunitions to belligerents, I care not to what country. I would not be willing for the President, or anybody for that matter, to arm our ships or convoy them to send arms and ammunition to any foreign country engaged in a war, although I recognize as a matter of fact that it has been the custom of nations from the dawn of civilization to sell arms and ammunition to nations engaged in war, but let them come to our ports and get them and take the risk of getting them home.

Mr. KEARNS. Will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. KEARNS. This bill gives him that authority?

Mr. HAMLIN. No; that is what I am inclined to think it does not do.

Mr. KEARNS. It does not deny him the authority.

Mr. HAMLIN. I am sure many Members have a misapprehension of what the bill provides. It grants him practically only one power, and that is: "That the President of the United States be, and he is hereby, authorized and empowered to supply merchant ships, the property of citizens of the United States bearing American register, defensive arms, ammunition, and so forth, to protect such ships and the citizens of the United States against unlawful attack while in their peaceful pursuits upon the high seas." The proviso in section 2 of the bill I think prevents the construction that my friend from Ohio [Mr. KEARNS] seems to place on this bill. It prohibits the Government from insuring any vessel carrying arms and ammunition consigned to belligerent countries or citizens thereof. I confess this provision is not as definite and specific as I would like to have it. I repeat, that I am not in favor of arming ships or convoying them when they are laden with arms and ammunition consigned to any of the belligerent countries, and if an amendment is offered to this bill specifically prohibiting the same, I shall vote for it, but it occurs to me that no shipper of arms and ammunition will take the chance of shipping these things in vessels where they can not insure them and are compelled to carry all the risks themselves. Therefore I do not believe that our ships will be engaged in the carrying of arms and ammunition.

Mr. Chairman, I can not understand how any reasonable person can for a moment entertain the idea that the President wants war—everyone of us knows that he has had innumerable causes, and some of them the most justifiable, during the last two years and a half, but he has steadfastly set his face toward peace. As for me, I have an abiding faith that if there is any honorable way through the present crisis other than war, the President will find that way.

Of course, I shall most gladly support this bill because I believe that the President is in a position to handle this delicate question better than we can.

Mr. FLOOD. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. BROWNING].

Mr. BROWNING. Mr. Chairman, I am proud to say that I am authorized by the eight Republican Members of this House from the State of New Jersey, the President's own State, to announce that we will vote as a unit for the bill now before us in support of the President of the United States. [Applause.]

Mr. FLOOD. Mr. Chairman, I would like to have the gentleman from Wisconsin use some of his time.

Mr. COOPER of Wisconsin. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Wisconsin has 10 minutes and the gentleman from Virginia 15 minutes.

Mr. COOPER of Wisconsin. I yield one minute to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Chairman, it seems to me that my Republican colleagues ought to be fully apprised of what is going on. Our Democratic friends this morning each received this notice:

FEBRUARY 28, 1917.

DEAR CONGRESSMAN: There is likely to be an extra session of the Sixty-fifth Congress called for March 6; if so, it is very important that you be ready at a moment's notice and be on hand at the opening of the session. This is really important.

THOMAS M. BELL,
Democratic Whip.
J. N. GARNER,
J. A. M. ADAIR,
Assistant Whips.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield five minutes to the gentleman from North Dakota [Mr. HELGESEN].

Mr. HELGESEN. Mr. Chairman, the bill under discussion is of peculiar interest and of a peculiar nature. We are told by the distinguished Member from Wisconsin [Mr. COOPER] that it was written by President Wilson himself on his own typewriter, within the sacred precincts of his private office, without the aid of a stenographer, and therefore voices the President's own ideas and desires, uncontaminated by any outside influence. Let us see, then, for just what the President asks the Congress

of the United States. The bill as drafted by President Wilson reads:

A bill authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes.

Be it enacted, etc., That the President of the United States be, and is hereby, authorized and empowered to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, should it in his judgment become necessary for him to do so, and also with the necessary ammunition and means of making use of them in defense against unlawful attack; and that he be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may in his judgment and discretion seem necessary and adequate to protect such ships and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

SEC. 2. That the sum of $100,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended by the President of the United States for the purposes herein stated, the said sum to be available until the 1st day of January, 1918; and the President is authorized to transfer so much thereof as he may deem necessary to the Bureau of War-Risk Insurance, created by act of Congress, approved September 2, 1914, for the purpose of insuring vessels, their freight, passage moneys, and cargoes against loss or damage by the present risks of war.

SEC. 3. That for the purpose of meeting the expenditures herein authorized, the Secretary of the Treasury, under the direction of the President, is hereby authorized to borrow on the credit of the United States and to issue therefor bonds of the United States not exceeding in the aggregate $100,000,000, said bonds to be in such form and subject to such terms and conditions as the Secretary of the Treasury may prescribe, and to bear interest at the rate not exceeding 3 per cent per annum: *Provided*, That such bonds shall be sold at not less than par, shall not carry the circulating privilege, and that all citizens of the United States shall be given an equal opportunity to subscribe therefor, but no commission shall be allowed or paid thereon; that both principal and interest shall be payable in United States gold coin of the present standard of value, and be exempt from all taxation and duties of the United States, as well as from taxation in any form of all State, municipal, or local authorities; that any bonds issued hereunder may, under such conditions as the Secretary of the Treasury may prescribe, be convertible into bonds bearing a higher rate of interest than 3 per cent per annum if any bonds shall be issued by the United States at a higher rate than 3 per cent per annum by virtue of any act passed on or before December 31, 1918.

SEC. 4. That in order to pay the necessary expenses connected with the said issue of bonds, or any conversions thereof, a sum not exceeding one-fifth of 1 per cent of the amount of bonds herein authorized to be issued, or which may be converted, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct.

Mr. Chairman, such was the bill as presented by the President to the Congress of the United States. It has been amended by the Committee on Foreign Relations, but this is the original form in which it was presented by the President, and therefore sets forth clearly his desires and intentions.

As I said before, the measure is drawn in a peculiar manner. It reminds me strongly of a bill which was presented by the gentleman from Virginia, Mr. HAY, chairman of the Committee on Military Affairs. Mr. HAY desired to have a certain man appointed to a certain position. He therefore prescribed that the man who filled that position must be of a certain age, must be a resident of a certain place, must have been a judge on the bench for a certain length of time; in short, he prescribed conditions with which only one man in the United States could comply.

In like manner the bill as presented by the President seems designed to apply to only one nation, and that nation Germany.

To be more explicit, let us see for just what the President asks. The bill provides that the President be authorized and empowered to provide American merchant ships with defensive arms, and also with *the necessary ammunition and means of making use of them* in defense against unlawful attack.

Mr. Chairman, this means that, in addition to supplying arms for arming our merchant ships, the President also desired Congress to grant him the authority to furnish those guns with ammunition "and means of making use of them." In other words, furnish the trained gunners to work those guns.

The President claims that in making this request of Congress he has asked for no unconstitutional power, but that he already has power under the Constitution of the United States to thus arm and equip our merchant ships. If this claim is true, why does President Wilson come to Congress for such power? Why does he not act on his own initiative, as he has done in many other instances? Apparently, because he is unwilling to take the responsibility of an action, which, even if within his constitutional powers, is so manifestly unneutral that even the President shrinks from taking the step without the support of the Congress.

Mr. Chairman, I wish to call special attention to the President's own opinion as to the status of an armed merchantman. In his note to Germany of January 18, 1916, President Wilson said:

I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel *carrying an armament of any sort*, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be *an auxiliary cruiser*, and so treated by a neutral as well as by a belligerent Government, and is seriously considering instructing its officials accordingly.

Therefore, according to President Wilson's own theory, the arming of a merchantman would automatically convert her into "an auxiliary cruiser" to be treated as such by both neutral and belligerent Governments. Unless the President has undergone one of his lightning changes of base, such armament as he asks Congress to authorize for our American merchantmen would make those merchantmen auxiliaries to our Navy, subject to treatment as such by both neutral and belligerent Governments. It does not require the miraculous vision of the seventh son of a seventh son to see where such a theory would lead this country, were it put into practice. We could adopt no more speedy or efficacious method than this to involve the Nation in war—short of an actual declaration of war.

We note also that the proposed measure, both as presented by the President, and in its amended form, is so drawn that it makes no pretense of protecting our *rights* on the high seas. Its nominal object is to provide our merchantmen with defensive arms for defense against unlawful attack, but it is not specific as to what constitutes an "unlawful attack."

As the only attacks to which our shipping has been subjected during the progress of the European war are *actual* destruction by mines and *threatened* destruction by submarines we must conclude that it is one or both of these potential dangers against which the President proposes to arm our merchantmen.

On November 2, 1914, more than two years ago, the British Admiralty issued a notice to the world in which, among other things, it said:

It [the British Admiralty] therefore gives notice that the whole of the North Sea must be considered a military area. Within this area merchant shipping of all kinds, traders of all countries, fishing craft and other vessels will be exposed to the gravest dangers from mines it has been necessary to lay and from warships searching vigilantly by night and day for suspicious craft.

All merchant and fishing vessels of every description are hereby warned of the dangers they encounter by entering this area, except in strict accordance with admiralty direction. Every effort will be made to convey this warning to neutral countries and to vessels on the sea, but from November 5 onward the admiralty announces that all ships passing a line drawn from the northern point of the Hebrides through the Faroe Islands to Iceland do so at their own peril.

Following the course outlined in this "warning," Great Britain thereupon proceeded to strew a large portion of the Atlantic Ocean, heretofore a marine highway, free and open to all nations alike, with destructive mines. Two of our American ships, the *Carib* and the *Evelyn*, encountered these mines while in their lawful and peaceful pursuits on the high seas, and were destroyed, with a resultant loss of American lives. The only reason why more of our ships and American citizens have not been lost by similar destruction is because we have profited by the warning of Great Britain and have remained away from the restricted area.

At this time we have lost no American ships through the action of submarines. On January 31, Germany gave notice to the world that any ship entering a certain restricted zone would run the risk of destruction. We submitted meekly for more than two years to the prohibition of our ships, citizens, and commerce from a restricted zone prescribed and mined by Great Britain, and during those two years found it neither necessary nor desirable to arm our merchantmen in defense against unlawful attack (by English mines) while in their lawful and peaceful pursuits on the high seas.

Therefore, as this proposed measure to prepare our merchantmen for defense against unlawful attack was not drawn until after Germany's notice was issued, it is evident that an "unlawful attack" by submarines is the special and specific danger against which our merchant ships are to be armed, unless we are to understand that, after a period of more than two years, we are again to enter the zone designated by Great Britain as a proscribed area, and "armed for defense against unlawful attack" boldly traverse the seas regardless of Great Britain's warning. We surely have the same right to carry on our "lawful and peaceful pursuits on the high seas" in the area proscribed by Great Britain as we have to travel through the zone outlined as a danger tract by Germany. Suppose, for instance, that the Germans, instead of giving notice that ships traveling through their "war zone" would risk destruction by submarines, had given notice that they had heavily mined that portion of the high seas. Would such a procedure be "unlawful"? And if unlawful for Germany why not for Great Britain, who has followed exactly this course for more than two years to the exclusion of our peaceful commerce from that restricted area. The person who loses his life in a so-called war zone does not appreciate the difference between an English mine and a German submarine, the result being the same in both instances, although the commander of a submarine may exercise his discretion and authority to "visit and search" a suspected ship before sinking it, but I have never known of a deadly mine giving any warning whatsoever. The difference, therefore, ap-

pears to be that a submarine is directed by a human mind and by human hands, and its destructive power is contingent on the judgment and discretion of its commander; while a mine is planted by human hands in a place chosen by human mind, and is thereafter left to wreak destruction on anything that comes its way.

If we really feel that our patience is at last exhausted and that we can no longer submit to the dictation of first one and then the other of the belligerent nations, in regard to the route which our foreign-bound ships may travel, a plain and simple course is open to us. We can say to both belligerents that we shall no longer tolerate their interference with our commerce, and request both to immediately rescind their respective orders, clear the high seas of mines sown by them and withdraw their submarines. Instead of such a purely neutral act as this would be, we contemplate the adoption of a measure which does not look to the enforcement of our *rights* in any degree, but is evidently intended to offer "defense" against only one particular danger or attack from one particular belligerent, leaving the other belligerent free to continue her obstruction of our foreign commerce unmolested and undisturbed.

Mr. Chairman, I do not think that many of us really want war. I think most of us prefer to avoid war, and the only question, therefore, is how best to avoid such a national calamity. Some of us feel that this bill, even as amended by the committee, is not adapted to attain the desired end, and will have to be still further and materially amended if it is to keep us out of war.

I have made the statement before, which I now repeat, that this Nation is in a position to voluntarily defer some of its rights, temporarily without relinquishing any of them. In his reply to Great Britain's notice of November 2, 1914, which I have already quoted, President Wilson said in his communication dated December 26, 1914:

> It is needless to point out to his Majesty's Government, usually the champion of the freedom of the seas and the rights of trade, that peace, not war, is the normal relation between nations and that the commerce between countries which are not belligerents should not be interfered with by those at war, *unless such interference is manifestly an imperative necessity to protect their national safety and then only to the extent that it is necessary.*
>
> It is with no lack of appreciation of the momentous nature of the present struggle in which Great Britain is engaged, and with no selfish desire to gain undue commercial advantage, that this Government is reluctantly forced to the conclusion that the present policy of his Majesty's Government toward neutral ships and cargoes exceeds the manifest necessity of a belligerent and constitutes restrictions upon the rights of American citizens on the high seas which are not justified by the rules of international law or *required under the principle of self-preservation.*

This note carried the most extraordinary waiver of our rights on the high seas ever made by any neutral nation; nevertheless, we accepted England's warning and for more than two years have prevented the loss of innumerable American lives in the restricted area by the simple expedient of remaining out of the proscribed zone as much as possible.

After tamely submitting to this abridgment of our manifest right to travel on the high seas when and where we please for more than two years, our administration now presents us with the bill under discussion and demands that we accede to its provisions.

I wish to call attention again to the provisions of this proposed measure, that our ships are not to be armed for offensive purposes but for "defense against unlawful attack." I have shown that under existing conditions the submarine attack is the "unlawful attack" against which this proposed measure would arm our merchantmen. Let us recall what President Wilson said on January 18, 1916, in his note to Germany. This note read:

> The placing of guns on merchantmen at the present date of submarine warfare can be explained only on the ground of a purpose to render merchantmen superior in force to submarines *and to prevent warning and visit and search by them. Any armament, therefore, on a merchant vessel would seem to have the character of an offensive armament.*
>
> If a submarine is required to stop and search a merchant vessel on the high seas, and in case it is found that she is of an enemy character and that conditions necessitate her destruction and the removal to a place of safety of persons on board, *it would not seem just nor reasonable that the submarine should be compelled, while complying with these requirements, to expose itself to almost certain destruction by the guns on board the merchant vessel.*
>
> It would therefore appear to be a reasonable and reciprocally just arrangement if it could be agreed by the opposing belligerents that submarines should be caused to adhere strictly to the rules of international law in the matter of stopping and searching merchant vessels, determining their belligerent nationality, and removing the crews and passengers to places of safety before sinking the vessels as prizes of war, *and that merchant vessels of belligerent nationality should be prohibited from carrying any armament whatsoever.*

We recall that the German merchant vessel, the *Deutschland*, on her two trips to this country carried no armament of any kind whatsoever, though diligent search was made to discover something which could be considered armament aboard of her by our Government officials.

President Wilson has so far modified his opinion in the last year that instead of holding the theory that "merchant vessels of belligerent nationality should be prohibited from carrying any armament whatsoever" he now holds that even neutral merchant vessels should arm themselves in a manner and with a purpose to render them "superior in force to submarines and to prevent warning and visit and search by them" (submarines).

"But," fiercely demand our war-hungry friends, "are we to sit supinely by without protest, while our sacred rights are trampled upon? Are we to submit to every indignity that can be heaped upon us by the belligerent nations without asserting and maintaining our rights?" By no means; but, as I have already pointed out, the proposed bill says not a word about our "rights," but is only to protect us against "unlawful attack." And, furthermore, admitting that our rights should be maintained, war is not the only method to accomplish that end. In an open letter to the American people, published on February 9, 1917, former Secretary of State Bryan said:

> There are several alternatives from which to choose:
>
> First. We can postpone until the war is over the settlement of any dispute which can not now be settled by peaceful means.
>
> Second. We can keep American citizens off belligerent ships.
>
> Third. We can refuse clearance to ships of the United States and other neutral countries carrying contraband and passengers on the same ship.
>
> Fourth. We can withdraw protection from American citizens who are willing to jeopardize the Nation's peace by traveling as seamen with contraband on American or neutral vessels.
>
> Fifth. We can, if necessary, keep all American vessels out of the danger zone for the present, just as the mayor of a city keeps citizens in their homes when a mob is in possession of the street.
>
> Sixth. Congress, which has exclusive power to declare war, can submit the declaration to referendum vote, making exception in case of actual invasion.

Any or all of these alternatives which I have quoted would serve admirably to keep this country at peace with the warring nations of Europe, and that, too, without discarding or permanently waiving any of our so-called rights on the high seas.

The ex-Secretary of State might have added that we could also have taken the same action adopted by some of the other neutral nations, and withdrawn protection not only "from American citizens who are willing to jeopardize the Nation's peace by traveling as seamen with contraband on American or neutral vessels," but from American citizens who selfishly jeopardize the Nation's peace by traveling as *passengers* on the vessels that carry contraband. Very early in the war Sweden warned her citizens against such travel. Other neutral nations have done likewise. Australia refuses to allow English women and children to travel the seas at the present time, regardless of their destination. On February 23 we witnessed the action of the English authorities at Halifax in removing 25 women and children—British subjects—from a ship bound for Liverpool. Three American women were allowed to continue their journey to England. We have no law or warning to prevent their going, and their presence on the ship destined to England served as a possible protection and insurance to the ship and cargo. We were willing to allow our American women to take a risk and exercise a "doubtful legal right" which Great Britain would not permit her own women and children to take, although they unquestionably had the same "right" to travel when and where they please as have Americans.

That an effective embargo has already been placed on our neutral commerce by Great Britain is abundantly proven by many indisputable instances, of which I shall quote one. On February 13, 1917, a telegram was sent to President Wilson by a prominent American importer of New York City, which read:

> NEW YORK, *February 13, 1917.*
>
> His Excellency WOODROW WILSON,
> *President of the United States, Washington, D. C.:*
>
> As a loyal and patriotic American citizen I congratulate you upon your reelection to the high office which you have been holding so graciously during the last four years, and wish to call your attention to the failure of the State Department to secure for me from the British authorities a permit of delivery and for transportation across the ocean, unmolested by the British men-of-war, goods which are held for my account at Rotterdam and in Germany, and for which I have partly paid and am financially responsible for the balance. These gloves have been sold by me to customers all over the United States, and they are demanding delivery. I appeal to you for assistance to secure for me the permit in question, and beg of you to insist upon the freedom of the seas, which you so earnestly advocate.

———.

This appeal from an American citizen was answered by the State Department in a letter which I shall quote:

> DEPARTMENT OF STATE,
> *Washington, D. C., February 17, 1917.*
>
> Your telegram dated February 13, 1917, addressed to the President, regarding your desire to secure from the British authorities the uninterrupted transit of certain goods of German origin, has been referred to me for answer.

Upon recent representations made to the British authorities in behalf of American importers relative to the noninterference of shipments of goods from Germany, they have expressed an unwillingness to grant any further facilities for the shipment of enemy goods, irrespective of the circumstances of purchase or the character of the goods.

In view of this situation I regret to inform you that further efforts made in an endeavor to secure the release of these goods at this time would be unavailing.

Yours, truly,

MARION LETCHER,
Acting Foreign Trade Adviser.

On February 27, 1917, the same American importer of New York City wrote a letter to President Wilson relative to this high-handed proceeding on the part of the British authorities, in which he said:

NEW YORK, *February 27, 1917.*

His Excellency Mr. WOODROW WILSON,
President of the United States of America,
The White House, Washington, D. C.

SIR: * * * That a few reckless people are courting danger is simply regrettable. They belong to the rich class, and the majority of the population in the United States as well as all over the world, being poor, the rich ones are in the minority. The poor ones can not go. They have hardly enough to eat and they should not be asked to take up arms in behalf of some few rich who do not consider the well-being of their less fortunate fellow citizens.

My own case is vividly described in my telegram to you of the 13th instant, and of which I am again inclosing copy. It concerns the import of merchandise, as you will see. The exporters are not in a better position. They have to humbly bow their heads before the British consul in order that he may condescend to give them a permit for the unmolested transportation of merchandise on the ocean, for if an exporter does not get it the British men-of-war which are outside of our harbor will take the ship to the nearest English port and confiscate the merchandise, the same way as they hold up and confiscate our mail to the rest of the world.

I know of a Spanish merchant who is here now and wants to buy several thousand tons of goods for shipment by steamer direct to Spain. The British consul objects, demanding that the goods be sent via Kirkwall by English steamer, which, however, did not appeal to the Spaniard, because he made a shipment that way about six months ago and has not received the goods up to this time, which he plainly told the consul. He left without a permit, and hence the Spaniard has been unable to buy merchandise. It looks strange that you should go out of your way to speak of the *German* blockade, while the *British* are the real culprits in my case. As a good neutral, would it not be advisable to speak to both of the two transgressors who interfere with our business with equally tender or harsh words, whichever you may choose? But by all means get the merchandise over which has been contracted for several years ago and free the seas from all interference, for the present state of affairs entails untold losses to our business community, which will be followed by poverty and suicide. Filing a claim with the British Government is not a bankable asset, and the claimants of losses that arose from our last war with England are starving while the cases are being adjusted for the last 30 years in courts. I therefore again beg of you to insist upon the freedom of the seas with equal determination toward both belligerents.

With due respect to you and your high office, I remain,

Respectfully, yours,

The contention which this American importer makes in his letter to the President seems to me a just one. Treat the warring nations with neutrality pure and simple. If we meet one with kind words, meet the other in an equally kindly spirit.

International law has received many modifications in times of war. England modified international law, when, to suit her own ends, she mined the North Sea and a large part of the Atlantic Ocean. We submitted to such modification. Why are we not equally ready to accept Germany's modification of international law to suit *her* ends, when she adapts such modification to her submarine warfare? As I have stated before, our only proper course under such circumstances is to give notice to both belligerents that we can no longer submit to their arbitrary mandates, and that they must proceed immediately to clear the high seas of obstructive and destructive mines and submarines.

We claim that our "peaceful commerce" must receive no let or hindrance—at least, at Germany's hands. What a travesty on peace is the word when applied to weapons of deadly destruction which we have sent forth by shipload after shipload to one of the belligerents!

The United States is the only so-called neutral Nation, with the exception of Spain, which has continued the reprehensible practice of shipping arms and ammunition to any of the belligerent nations. More than a year ago Denmark, Italy, Netherlands, Norway, Portugal, Sweden, Switzerland, and Brazil declared embargoes against such shipments to the warring nations, our sister American Republic of Brazil setting the world and civilization a splendid example by her proclamation that—

The exportation of war material from Brazilian ports to any of those of the powers at war is strictly forbidden, *whether such exportation be under the Brazilian flag or that of any other country.*

The nations which I have mentioned have the same *right* possessed by the United States, to ship arms and ammunitions to either or both of the belligerents, but have preferred not to exercise that right, and Brazil, by the proclamation which I have quoted, has shown herself a leading exponent of the principles of justice and humanity.

Mr. Chairman, one of my strongest objections to the proposed bill is that it will serve to defeat its own nominal ends, and instead of keeping us at peace with the world will bring us into the European conflict more quickly than any other method short of an actual declaration of war. President Wilson himself has said that an armed merchantman should be considered an auxiliary cruiser and should be treated as such. Therefore, if one of our armed merchantmen is treated as an auxiliary cruiser and uses her armament to sink a submarine, that in itself may be considered an act of war, and, Mr. Chairman, I strongly protest against entering this European war for no greater cause than the protection of our ships against attack in the war zone, or the privilege of shipping war materials to Great Britain. We have listened to congressional and other speeches in which the orators express great pride in the thought that our young men may soon mingle their blood in the trenches of Europe with that of the soldiers of England and France to help the cause of "civilization and liberty." I have said before, and I say again, that since the outbreak of the European war innumerable efforts have been made by men professing to be neutral to ally the United States with the entente powers. I shall continue to raise my voice against any such unneutral alliance. If the United States is eventually obliged to make war against any nation or defend itself against any nation, let us settle our difficulty without alliance with or assistance from any foreign power. If we must fight, let us fight alone. We can not allow our young men, the sons of liberty, to be under military orders from any foreign ruler, be he emperor, czar, or king.

A notable feature of the war advocates both in and out of Congress is that the days of the years of their lives have been many. The Hon. Joseph H. Choate, ex-ambassador to Great Britain, and one of those who cries most vociferously for the United States to maintain her rights, even at the expense of war, is too old to enlist himself. Although when his country called for volunteers in the Civil War he was 28 years of age, we do not find Mr. Choate's name among those who fought to maintain the integrity of the Nation. Hon. Elihu Root, another esteemed gentleman who is anxious that the country go to any length, even though it means war, to uphold her rights on the high seas is now beyond the age limit for enlistment. Mr. Root attained his nineteenth year during the latter part of the Civil War when the Nation needed every available man to aid her in her life struggle, but, although we have historic record of the enlistment of boys of 16, 14, and even children 12 years of age, Mr. Root's name is conspicuous by its absence from the list. Many others who clamor loudly for the young men of our Nation to show their patriotism by a willingness to fight in the trenches of Europe, were too young to fight in the Civil War, did not have time in the Spanish-American War, and are now too old. It is easy to be patriotic by proxy.

We are often told that we should be willing to fight to protect our "honor." This argument has a speciously patriotic sound but is a relic of ancient times, which has been discarded as civilization has advanced. A few centuries, yes, even a few decades past, a man who considered that an insult had been offered him was ready to fight to the death with pistol, sword, or other chosen weapon, to "vindicate his honor." The advance of civilization, with a broader, deeper conception of what constitutes honor, has changed this reprehensible practice, and a duel is now prohibited by law in all civilized countries.

The honor of a nation, like the honor of an individual, is its own, and can neither be lessened or increased by the act of other individuals or nations. A man's reputation may be temporarily blackened by others; his true character or honor rests in his own hands. Likewise the honor of a nation depends on its own course and can in nowise be affected by any power outside of itself. How utterly futile and unresultant, therefore, for a nation to take up arms in defense of its "honor." A nation's honor, like an individual's, is a spiritual not a material quality, and can never be successfully defended or vindicated by force of arms.

The much-heralded war sentiment in this country is a manufactured sentiment and does not represent the voice of the people nor is it as widespread as the advocates of war would have us believe. The men who own interests in munition factories or other lines of manufacture or commerce which benefit by a state of war, and a few—very few—"yellow journals" are the sources from which spring the demands for action on the part of this Nation which would lead us into war.

During the time of the Civil War "abolitionist" was a term of reproach hated by both sides of the great struggle. In these later days "pacifist" is employed to a like end, and every man who is not ready to fight at the drop of a hat is ridiculed as a fatuous "pacifist," in whose veins runs water rather than red blood and who is necessarily false to the traditions and principles of his forefathers and his country.

Every true American, whether his name has a hyphen that connects him only one generation removed or ten with some foreign ancestor, is ready to fight to the death for a principle or for the integrity of the Nation, but very few true Americans desire that this Nation shall go to war to uphold a mere "doubtful legal right" and the profits of those whose business is dependent upon the exportation of munitions of war.

I am not and never have been an advocate of "peace at any price," and if we eventually find at any time that war is necessary to uphold the integrity of the United States I shall regretfully but promptly vote for war, but I do oppose the involvement of this country in the great European struggle on the side of either of the warring factions, or to uphold a right which the President himself has declared to be "a doubtful legal right."

History shows us that in times past such action as is proposed by this measure has led to war. During the Napoleonic wars, when American ships were sunk by the belligerents in 1807, President Jefferson requested the Congress to forbid our ships to leave their ports. The Congress acceded to the President's request and war was prevented. The exporters, however, then, as now, greedy for commercial gain by the export of their war materials, succeeded after two years in having this embargo rescinded, and "armed neutrality"—just what President Wilson now proposes—was instituted, and the terribly disastrous and wholly unnecessary War of 1812 followed. If we really desired to avoid war, we could place a similar embargo now, and advise Americans that they enter the war zone at their own peril, and not at the peril of 100,000,000 of their countrymen.

We are told that a principle is at stake, one of the fundamental principles of liberty on which our Nation is founded. But the sinking of the *Carib* and the *Evelyn* in the North Sea two years ago by illegally planted British mines, and the destruction of the *Lusitania* a little later by a German submarine, with resultant loss of American lives in each instance, were not deemed by the administration a sufficient cause for war.

No drastic measures were taken or proposed by President Wilson until danger threatened the ships carrying arms and munitions to the allies. Then he hastens to Congress and urges that he be given authority to arm our ships, which action carries the inference that American lives are of less value than the profits of the traffickers in war materials. As in 1812, so in 1917, it is the traffickers in war materials who force this issue, and who demand that American ships shall be armed. Therefore if war results, as is almost certain, it will not be a war for principles, but a war for commercialism. In commercialism the leading question is always one of profit and loss. One vital point for us to decide in the consideration of this proposed measure is which is of the greater value to the Nation, the money which will flow into the coffers of the dealers in war materials or the lives of millions of our citizens who will eventually be drawn into the European maelstrom of horror and death. If we consider that the added wealth of the few is of greater value to the Nation than the lives of millions of our young men, we shall take this action which will lead us into war.

But let me say to you, my colleagues, and to the country as a whole, that as this authority which the President urges us to place in his hands, if granted and exercised, can mean only war, the Congress ought not to hastily rush into war for commercialism for the enrichment of the few.

We ought to review the history of the present European war for the past two years and a half, and if we honestly believe that the sinking of our ships and the loss of American lives through mines illegally planted in the high seas, and by the use of submarines (though as yet no American ships have been sunk by submarines) involves a principle so sacred and of such great import that we are justified in going to war in its defense, then let Congress itself declare war impartially against *all* nations who have thus violated our rights and our principles. But above all let us be honest with ourselves and with the world. Let us not drag out a violation of our rights of two years ago, and use that as a justification for war, when our sole cause and purpose for war at the present time is the protection of manufacturers and traffickers in the deadly implements and other materials of war.

Mr. Chairman, I wish to take the time to compare the provisions of this proposed bill, which the President of the United States has "requested," not to say ordered, Congress to pass, with some outpourings of that same President in a work of high literary merit, a work abounding in well rounded periods and polished sentences, as well as sentiments abounding in truth. Let us see how some of these sentiments agree with the provisions of this bill.

In his widely advertised work entitled, "Congressional Government: A Study in American Politics, by Woodrow Wilson," President Wilson says of the Congress of the United States:

> It is the proper duty of a representative body to look diligently into every affair of government and to talk about what it sees.
>
> It [the Congress] *is meant to be the eyes and the voice and to embody the wisdom and will of its constituents.*
>
> It was something more than natural that the convention of 1787 should desire to erect a Congress which *could not* be subservient, and an Executive which *could not* be despotic.

How do these sentiments compare with the provisions of the proposed bill as sent to Congress by President Wilson?

In this bill Mr. Wilson apparently does not wish the Congress to perform its proper duty and "look diligently into every affair of Government and to talk about what it sees." On the contrary, he asks that the Congress give him sweeping power and authority to use "any other instrumentalities and methods as may *in his judgment and discretion* seem necessary and adequate." In other words, he demands that Congress deliberately change itself into a body which *will be* subservient to an Executive, and under those conditions that Executive *can and may be* despotic. This is an abdication of the law-making power of Congress in favor of the President, a power exclusively bestowed on the Congress by the Constitution of the United States, and a power which Congress has no constitutional right to delegate to any other branch of the Government, even to the President.

I can imagine conditions—which I hope will never arise—under which the American people may be forced to say: "Now WE must go to war." I can not imagine conditions or circumstances arising under our Constitution, when one man shall have the right to say to the citizens of this free country of ours: "Now YOU *MUST* go to war!"

Nothing is more difficult than to impress on the minds of the people how little they really know of the causes of war. In this Government "of the people, for the people, and by the people" our citizens too readily swallow the soothing, narcotic phrase of "Trust in the President; he has sources of information of which we know nothing," and forget that the same sources of information which are open to the President and his advisers ought also to be open to the common people, those people on whom rests the burden of war, if war comes—the women who have endured the pain of child-bearing and the labor of child raising only to see their sons, grown to manhood, go forth to the trenches; the men who have struggled and toiled to provide for their families, who are forced to forego the smallest luxuries of life and whose daily bread is taxed to raise funds to carry on a war of whose cause they are ignorant—these are the people to whom every source of information in regard to the causes of a war should be as open as the day. Instead of this the curtain is drawn in front of diplomatic scenes; and in secrecy are laid the plans of intrigue by enormous interests, the working out of which may have the most disastrous effect on the future of the Nation.

It is an unfortunate truth that in no country in the world are the people allowed cognizance of the "diplomatic policy" of their Government, and, too often, a single man has the power to bring a nation to the verge of war and involve it in a policy which may result in the loss of millions of human lives as a result of his "diplomatic" negotiations.

Under the present administration our foreign policy is shaped without reference to the wishes of the people and without deference to Congress; that is, as in the case of Mexico, a step of vital importance is frequently taken first and Congress is later asked to confirm such action.

Secret diplomacy was the cause of the European war, and of many other wars. Yet in his book on Constitutional Government in the United States, President Wilson writes thus:

> One of the greatest of the President's powers I have not yet spoken of at all; his control, which is very absolute, of the foreign relations of the Nation. The initiative in foreign affairs, which the President possesses *without any restriction whatever, is virtually the power to control them absolutely.* The President can not conclude a treaty with a foreign power without the consent of the Senate, but he may guide every step of diplomacy, and to guide diplomacy is to determine what treaties must be made if the faith and prestige of the Government are to be maintained. He need disclose no step of negotiation until it is complete, and when in any critical matter it is completed the Government is virtually committed.

Even in Germany, whose Government we are wont to term "despotic," one man does not make or unmake foreign policies, as in the United States. The Czar of Russia has not the arbitrary power in dealing with the foreign affairs of his nation that can be exercised at will by the President of the United States.

The war in Europe to-day is not a war of the common people—although as always, the common people must fight and die

to carry on the war. It is a war of great commercial interests. England, formerly the manufacturing center of the world, has seen Germany, little by little, slowly but surely, turning her attention and the wonderful ability of her people from agricultural to manufacturing and commercial pursuits. Germany has gradually proselyted the South American trade, formerly England's own, until she became a recognized formidable rival in a field which England had controlled almost to the exclusion of other nations. Herein lay one great cause of the European war; that is, the commercial and manufacturing "interests" of the country were forced into competition with equally great manufacturing and commercial interests. Feeling that neither was able to successfully monopolize this trade, attention turned to war.

In event of war the munitions makers and manufacturers of arms and machinery of war reap rich harvests of wealth. What are a few millions of human lives—the lives of the common people—compared with the enormous accretion of wealth to the chosen few? War was the inevitable result.

But how about the people who fight? Do they blindly and willingly go forth to battle in order that the overflowing coffers of these great financial powers may be still further augmented? By no means. The people give their lives for freedom. This point has been beautifully illustrated in a little poem by W. N. Ewer, the words of which I shall quote. The poem purports to relate the experience of six souls, who give the cause which led them forth to the battle field:

FIRST SOUL.

I was a peasant of the Polish plain;
I left my plow because the message ran:
Russia, in danger, needed every man
To save her from the Teuton; and was slain.
I gave my life for freedom—this I know,
For those who bade me fight had told me so.

SECOND SOUL.

I was a Tyrolese, a mountaineer;
I gladly left my mountain home to fight
Against the brutal, treacherous Muscovite;
And died in Poland on a Cossack spear.
I gave my life for freedom—this I know,
For those who bade me fight had told me so.

THIRD SOUL.

I worked in Lyons at my weaver's loom,
When suddenly the Prussian despot hurled
His felon blow at France and at the world;
Then I went forth to Belgium and my doom.
I gave my life for freedom—this I know,
For those who bade me fight had told me so.

FOURTH SOUL.

I owned a vineyard by the wooded Main,
Until the Fatherland, begirt by foes
Lusting her downfall, called me, and I rose—
Swift to the call—and died in fair Lorraine.
I gave my life for freedom—this I know,
For those who bade me fight had told me so.

FIFTH SOUL.

I worked in a great shipyard by the Clyde;
There came a sudden word of wars declared;
Of Belgium, peaceful, helpless, unprepared,
Asking our aid; I joined the ranks, and died.
I gave my life for freedom—this I know,
For those who bade me fight had told me so.

THE CONSCIENTIOUS OBJECTOR.

I was a soldier of the Prince of Peace;
"Thou shalt not kill" is writ among his laws,
So I refused to fight, and for this cause
Myself was slain. 'Twas thus I gained release.
I gave my life for freedom—this I know,
For He for whom I fought has told me so.

Mr. Chairman, the writer of this poem has stated in his pathetic lines practically all that the people know of the cause for which they fight. They "know" that they fight for freedom because "those who bade them fight have told them so."

In these days when two nations declare war on each other it is because the "powers that be" in those two nations want war, either for political advancement, financial gain, or some personal reason best known to themselves, but the people who "are bade to fight" must be led to believe that they are fighting in defense of their lives, their fortunes, or their sacred honor. The great private interests in the nations involved seize every opportunity to arouse suspicion of motive in the most insignificant act that citizen or government of the opposing nation performs. Every move which is capable of antagonistic construction is distorted, and an ever-growing sense of uncertainty and disquietude is thus created. The financial manipulators pull the strings and the people dance.

In the early days of the history of mankind men were forced to fight for mere existence. Later they fought to protect their families from dangers that assailed them, and still later in the evolution of civilization they were forced to fight for national independence and integrity. Surely in these days of progress, of mental and spiritual growth and development, we do not find it necessary to resort to the methods of our cave-dwelling progenitors to settle our difficulties. Two of our greatest Presidents have expressed the sentiments of the broadest humanity and Christianity in regard to this question of war. President U. S. Grant, one of our great Presidents, told us that—

There never was a time when, in my opinion, some way could not be found to prevent the drawing of the sword.

President Abraham Lincoln, who saw and felt the bitterness of war, more, perhaps, than any President since the time of Washington, said:

Let us have faith that right makes might, and in that faith let us to the end dare to do our duty as we understand it.

Mr. Chairman, in the face of the sneers and recriminations of those who cry "War" to defend ourselves against fancied or real infringements of our rights, I hope that those of us who uphold peaceful methods may continue to have the courage and the strength to withstand the poisoned barbs of criticisms from the tongues and pens of those who would willingly and gladly plunge this country into the horrible depths of war for causes which can so easily and honorably be avoided.

Mr. Chairman, my words have been almost wholly critical, and as I believe that no good end is ever attained by a policy of purely destructive criticism, I offer this method of remedial construction: Inform the people as to the true situation. Let them know who is behind the scenes directing the actors on the stage of warfare. Give them the requisite knowledge which will enable them to decide for themselves whether or not they wish to join in the enactment of the terrible world tragedy which is shaking Europe to its foundations. Let the people who must fight and many of whom must die, know the *real* cause which sends them to the battle fields and the trenches—not the cause falsely told them by "those who bade them fight." And, Mr. Chairman, if this is done, the voice of the people of this Nation will sound forth a mighty cry against a war that will bring death and destruction to the many and blood-stained riches to the few; while the folds of our flag will not be entangled in the meshes of foreign emblems, but will continue to wave free and untrammeled, the glorious symbol of liberty and peace. [Applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, I yield five minutes to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Chairman, the form which this proposed legislation will finally take when it is enacted into law is fraught with more importance to the future course and conduct of this Nation than any measure that has come before this Congress in half a century. I listened with the deepest interest and attention to the amazing request made in his message to the Congress a few days ago by the President of these United States for unlimited authority to arm merchant ships of this Nation, and for unlimited authority to direct as he might choose the affairs of this Government until the next regular session of Congress. I listened to the reasons that he gave which have resulted in bringing this bill before the Congress. He wanted, he stated, the unlimited power and approval he requested because of the time and difficulty of convening the next Congress in extraordinary session.

"I believe the people will be willing to trust me," said the President, and this was the sentiment and underlying thought which ran through his message. Why, Mr. Chairman, that is what the Cæsars, what every dictator has said since time began—I believe the people will trust me; let me do it. I say to you gentlemen here on the floor of the House each and every one of you has a duty and responsibility to the people of these United States just as great, just as important as that of Woodrow Wilson or any President of these United States, and I believe that every man on the floor of this House is just as anxious to protect the full rights of the people of these United States as Woodrow Wilson. I am confident that, if need there be, every man here is willing to remain in Washington and assume his duties and responsibilities in this matter and carry them out. There is nothing to the claim that it will take any great length of time to convene the Congress in extraordinary session. This can be done within 24 hours, if necessary. Of course, if we are going to again build up kings in this country we ought to give the President the unlimited authority he asks and adjourn and go home. Do we as representatives of the American people wish to do that? I trust not.

As has been referred to, the historian Lecky has said that much of the harsh judgment of the world is due to the fact that we are unable to place ourselves in the position of the other party and see the situation from his viewpoint. In considering this grave question we should place ourselves in the position of the other party and look at the matter from his

viewpoint. What is the German view of this proposition? The German, whether he be the man in the trench, in the shop, or on the farm, or the man at the head of administrative affairs in Germany, says the problem is like this: "Two years ago you, the people of the United States, permitted England to mine the North Sea and to say that your merchant ships should not go through the English prescribed war zone there. That placed a mine blockade around Germany which prevented the German people from getting food supplies. Now, we, the German people, have declared a war zone around England, and we have placed in that prescribed war zone not mines but submarines." The present administration, which quietly yielded to the English mine blockade of the North Sea, which has continued for two years now, is loudly proclaiming against the German submarine blockade of England and asserts that our rights on the high seas are being ruthlessly violated by Germany. This distinction is made and claimed, that while England violated our rights on the high seas by mining the North Sea, England in doing this has not actually destroyed the lives of American citizens; but, on the other hand, Germany in drawing the circle of submarine blockade around England, violates our rights on the high seas and not only destroyed American property but also the lives of American citizens. Replying to the distinction thus made Germany says: "Why have not the lives of American citizens been destroyed in the North Sea? Simply because you have kept out of the North Sea." Now, what are the facts? Is that so, or is it not so? Two American merchant ships nearly two years ago were destroyed by English mines in the North Sea. Why have we kept out of the North Sea? You gentlemen know and need not be told why—simply because it is altogether more dangerous for ships to go through a mine field than it is for ships to go through a submarine field. Mining the high seas is incomparably more inhuman and ruthless warfare than warfare by means of submarines. I believe that we should look at this question from not only our own viewpoint and the viewpoint of England and her allies but also from the viewpoint of Germany and her allies.

Least of all times, in this time of crisis in the history of our country should the members of the American Congress turn over their constitutional duties and responsibilities to any man, be he even the President of these United States, desirous and willing to assume and bear these duties and responsibilities.

The real history of the affairs of this Nation during the last two years will disclose that the rights on land and sea and the best interests of the American people have been more safeguarded and protected by the actions and the attitude of the Congress than by the actions and attitude of President Wilson. Does anyone here who knows the inside history of the affairs of our Government during the past two years doubt that had the President and those who are now most loudly clamoring to give the President full and unrestricted approval and authority to take such action as he may wish against Germany for her violation of our rights to traverse the high seas off the coast of England been given their way in this matter this Nation would have months ago joined in the European war on the side of England and her allies? I have little doubt of what the result would have been if the President had been given approval and authority by Congress two years ago to involve this Nation in the European war.

Having in mind the duties and responsibilities intrusted to me by my constituents, having in mind the duties and responsibilities of a Member of this House under the Constitution of this Union, and having in mind the principles on which the perpetuity of my country depends, I must oppose the granting by Congress to the President unrestricted approval and authority to do whatever he may choose to do to enforce the rights of American citizens upon the high seas as against the violation of these rights by the German Government.

I am not a pacifist. I have no sympathy with those who are in favor of peace at any price. I am neither pro-English nor pro-German, but I am decidedly and emphatically pro-American. Consistency in the actions of a Nation are as valuable and as desirable as consistency in the actions of an individual. I believe in protecting and enforcing American rights on land and sea wherever the Stars and Stripes float to the breeze. I do not, however, believe in enforcing these rights by force of arms against one Nation while quietly yielding to their violation by another Nation which benefits by such violation of our rights to the injury of the other Nation.

While I feel that I can support the restricted approval and authority granted to the President in the amended resolution as reported by the Committee on Foreign Affairs, I pray that if approval and authority is given the President by this Congress he will exercise it in a spirit of true and consistent neutrality as between the nations engaged in the mad warfare now being waged across the seas. [Applause.]

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. FLOOD. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, it is too late now to further discuss the propaganda that has stirred up a war spirit in the United States. Those newspapers which have sought to influence Congress and the President have fired their last shot. This morning we had the final word in the questionable but startling announcement that Japan and Mexico were invited into an alliance with Germany to seize Texas and two other of our border States. It was said the President had been in possession of this information since January 19 last. It is sufficient for the time that the Japanese Embassy has unofficially, but very emphatically, denied this sensational story as "monstrous" and "outrageous." We have not yet heard from the Carranza government as to the truth of these newspaper charges, which have been so strangely held up as a "last card," but we are informed that a resolution has been presented in another body which may bring from the White House an accurate statement as to the truth or falsity of so surprising a piece of information.

It is too late to pursue further the motives of those who would draw us into a foreign war; too late to speak of those whose love of profit exceeds their patriotism; too late, even casually, to observe that no ships flying the American flag have been reported sunk within the prohibited submarine zone; too late even to observe that the *Laconia*, the latest victim of submarine warfare, was a British ship, sailing under the British flag; too late to discuss effectively the barbarity of mines as well as submarines.

We are now brought face to face with the President's request for authority to supply American merchant ships—and I pause to emphasize the word "American"—with the necessary means to defend themselves "against unlawful attack." What does the President ask and upon what premises does he come to Congress? Does he seek a declaration of war? No. He specifically denies that this is his purpose. Let me quote what he says:

> It is devoutly to be hoped that it will not be necessary to put armed force anywhere into action. The American people do not desire it, and our desire is not different from theirs. I am sure that they will understand the spirit in which I am now acting, the purpose I hold nearest my heart and would wish to exhibit in everything I do. I am anxious that the people of the nations at war also should understand and not mistrust us. I hope that I need give no further proofs and assurances than I have already given throughout nearly three years of anxious patience, that I am the friend of peace and mean to preserve it for America so long as I am able. I am not now proposing or contemplating war or any steps that need lead to it. I merely request that you will accord me by your own vote and definite bestowal the means and the authority to safeguard in practice the right of a great people who are at peace and who are desirous of exercising none but the rights of peace to follow the pursuits of peace in quietness and good will—rights recognized time out of mind by all the civilized nations of the world. No course of my choosing or of theirs will lead to war. War can come only by the willful acts and aggression of others.

Such an emphatic declaration of pacific intent can not well be misunderstood. The President seeks to arm American ships, and American ships only. He wishes to have them able to protect themselves "against unlawful attack while in their lawful and peaceful pursuits on the high seas." No one will deny that if American ships—and I pause again to emphasize the word American—are in danger upon the high seas they should be equipped to defend themselves. Nor should the rights of American citizens upon the high seas be violated. We all agree to that. [Applause.]

The authority asked for by the President is not of itself a declaration of war, nor is it such authority as Congress might not properly confer upon a President in time of emergency, when Congress is not in session. The question is, Will the President so use the authority he asks for as to bring the country into war? I am willing to assume that he has no such purpose. I could not assume it, in view of his own utterances to the country.

I do not understand the authority asked for to mean that the United States is to protect munition ships, or the ships of any other nation than those of the United States, engaged in peaceful commerce. I understand it to mean that the President, if necessary, will use his authority to protect American ships, and American ships only; that he will use it only to protect the lawful rights of American citizens upon the high seas; that he will not use it in such a way as to involve this Nation in the war in Europe or in derogation of those national traditions which the people of the United States have held dear from the days of George Washington down to the present time. The President received the indorsement of a majority of the people at the recent election, and in a few days he will be inaugurated

for a second term. He comes to Congress with that indorsement and asks the support of this body in what is conceded to be a national crisis. I am unwilling to refuse him that support while Congress is absent. I shall support the bill, believing the President will uphold the honor, dignity, and independence of the United States and keep it free from entangling alliances. [Applause.]

Mr. FLOOD. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Chairman, like the gentleman from North Carolina [Mr. KITCHIN], I shall vote for this bill; but, unlike the gentleman, I do not vote for it with hesitation. I have no doubt in my own mind as to my duty and the duty of Congress on this very solemn occasion. I appreciate the horrors of war. I realize how civilization itself seems to be trembling in the balance, and all that mankind holds dear about to be consumed in a world-wide war. I appreciate what peace means. I appreciate that the Great Savior came into the world to preach peace on earth and good will toward men; but I realize that there can be no peace on earth unless there is good will among men, and that no nation can afford to so love peace as to be willing to purchase it at the price of justice. I do not want my country to be forced into war, but I had infinitely rather she would go to war than that she should stay at peace by a surrender of the dearest rights of mankind. [Applause.] Much is apt to be lost sight of by virtue of the character of the discussion here to-day.

We are not called upon to pass judgment as to our likes or dislikes for particular belligerents engaged in the European war—as to whether our sympathies are with one nation or with another. We are not asked to use the great strength of this Nation on behalf of one side or the other, but we have presented to us the plain and fundamental proposition of whether the American Nation proposes to defend and protect its citizens in the most sacred right on earth—the right to live; whether we propose to permit the right of peaceful noncombatants to live to be ignored and violated at the dictation of another nation. Some gentlemen have been inclined to hesitate because we can not foretell the ultimate consequences should we be drawn into the European war. What they may be I know not, but I do know the consequences that follow when a nation fails to maintain the sacred rights of its citizens. Our forefathers did not hesitate in their duty from fear of what might be the consequences of their actions. They were willing to pledge their lives, their property, and their sacred honor that they and we might enjoy the rights of a free people. And can we now afford to say to the world that the most important right in all time, that has been secured by the peaceful nations of the earth from the warlike, shall be ignored and denied?

In this resolution we surrender no right of Congress, and we give, in my judgment, no right to the President not now possessed, but we do by passing it give a strength to him in the exercise of the right, aye, the duty that he has to protect the lives of American citizens. [Applause.]

The bill provides for the arming of American vessels and the protection of the lives of American citizens. Gentlemen have tried to make it appear that by that we propose to not only convoy ships carrying munitions, but to guarantee that those ships shall arrive safely in the harbors of the allies. No such proposal is meant, but because an American ship is carrying contraband is not a reason why the lives of the people on that ship shall be destroyed. [Applause.] It does not give to Germany the right, which she has served notice she will claim and exercise, to destroy that ship without regard to the lives of Americans aboard. But it is not simply a question of the destruction of ships carrying contraband. She has not limited her notice or her actions to ships carrying contraband, but she says that any ships found within the prescribed zone will be destroyed without notice.

The duty of this country is to protect not only its commerce, without which the Nation can not hope to live and thrive, but over and above all the lives of its citizens in their legitimate pursuits. How there can be any question where our duty lies is beyond my understanding. The very treaty that exists between Germany and America to-day, a treaty that she herself so recently called attention to, and, mark you, after her notice of her new submarine policy, provides explicitly not only for the protection of the lives aboard, but even the ships, though they are engaged in carrying contraband, and also for compensation for the contraband thereon that may be seized and destroyed. But we are now told that we ought to rely upon that treaty and Germany's observance of it, and not take any steps to compel its observance, when every hour brings further evidence of the fact that Germany does not propose in any regard to abide by the solemn declaration that she made to this country a hundred years ago and to which she called attention within less than two months, though evidently without thought of the language contained in article 13 of the treaty. Such a course has been too long pursued; to continue it would not only mean national disaster, but national dishonor.

It may be that other nations engaged in the European war have trespassed upon the rights of America and of American citizens. No great war has ever occurred where the rights of neutrals have not been more or less disregarded, but the plain fact remains that in one instance the disregard is a disregard that can subsequently be measured in damages, because it is a disregard of property rights, and in the other case it is a disregard of life itself, and no self-respecting nation can permit the continuance of actions that sacrifice the lives of its citizens. This is what makes the great difference in our attitude toward the belligerents; not that we are in favor of one as against another in their conflict, but over and above it all we are in favor of protecting the lives of American citizens [applause], and that basic fact can not be lost sight of by any discussion of the merits of particular countries or as to the barbarities that they may have engaged in with each other. The issue is plain. It is only in the one instance and with one nation that America has to meet the plain issue of whether she will submit to a disregard of human life and its sacredness or whether she will use her might to protect and to safeguard that life. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Under the rule adopted in the House all general debate has expired, and the Clerk will now read the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized and empowered to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, should it in his judgment become necessary for him to do so, and also with the necessary ammunition and means of making use of them in defense against unlawful attack; and that he be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may in his judgment and discretion seem necessary and adequate to protect such ships and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

The CHAIRMAN. The Chair will direct the Clerk to report the committee amendments.

The Clerk read as follows:

Amend, on page 1, by striking out, after the word "arms," in line 6, the following words: "should it in his judgment become necessary for him to do so."

Amend, on page 2, by striking out, after the word "to," in line 1, the following words: "employ such other instrumentalities and methods as may in his judgment and discretion seem necessary and adequate."

Page 2, in the same section, after the words "United States," in line 4, insert the words "against unlawful attacks while."

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. What is the question now pending?

The CHAIRMAN. There are certain committee amendments, and the Chair recognizes the gentleman from Illinois.

Mr. CANNON. Mr. Chairman, I do not know that I can interest or instruct the House touching this bill.

Suppose for a moment that during our Civil War the President of the United States, with or without authority of Congress, had notified all neutral nations, or at any subsequent time, after we had gotten our monitors and substantially put the navies of the world out of existence, that any or all neutral ships that might come, say, within 400 miles of our coast boundary, without notice, without rhyme, without reason, whatever might be their mission, would be seized and destroyed. How would we have gotten along? It is unthinkable.

What is the attitude of Germany? God knows I have love for Germany and sympathy for her. She has given notice that an American ship, any ship, all ships, that come within the zone that she marks out, except one a week, that may go to a certain port or ports, will be destroyed without notice and without regard to life or property. There is the situation.

Now, the rights of neutrals, I think, are fairly well defined. I am not a sharp in international law, and do not pretend to be, but I understand that a neutral may trade with other neutral nations or with the belligerents and be secure, so far as life is concerned, unless there is notice in connection with their being loaded with contraband or not. I think I am correct in that statement.

Now, the President came a few days ago and delivered a message to the House and Senate. He apprised us of the condition, and then he asserted that while he has the authority under the Constitution to do what he asked Congress to approve, he would like the approval of Congress. That is what it means.

Now, just a minute. Suppose we do not grant his request, what would be the result in the world? Why, it would indicate that the Congress of the United States, the legislative body for 100,000,000 people, is not in harmony with the President. So much for that.

Now, let me say one other thing. President Polk sent the Army, he being Commander in Chief, across the Rio Grande before there was any declaration of war. Mr. Lincoln, who was in Congress at that time, and Mr. Corwin and others opposed it, but the President made such a condition that when war was declared, as I recollect, by Mexico on account of the invasion of her territory, Whigs in Congress voted for all the appropriations for the munitions of war and for soldiers right along. Well, Lincoln and Corwin did not recover from it, and Lincoln was bothered with it up until 1858, when in the Charleston (Ill.) joint discussion with Douglas the latter charged him with not supporting the Army. Lincoln drew up Col. Ficklin (his Democratic colleague in 1845 or 1846, who was presiding over the joint discussion between Douglas and Lincoln, and was a political friend of Douglas) by the coat collar and said, "We served in Congress together, you a Democrat, and I a Whig; tell me the truth. Did not I vote for every appropriation that you did?" And Col. Ficklin answered in the affirmative.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the time of my colleague be extended for five minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that the time of his colleague be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Now, then, whether the President has the power or not, he claims that he has, as Commander in Chief of the Army and Navy and charged with our diplomatic relations. We have not much of an Army, and it will never be ordered across the sea into the trenches of the allies or of the central powers. Whatever of defense or offense we make will be upon the seas. Now, he can produce a condition, if he should call the next Congress together, closely divided in the House politically, by reason of which we will fall over ourselves to comply with his demands, if the country is involved in war.

Now, you say that England got everything. Well, she had the ships with which to carry her products and our products. Germany did not have the ships. But how we did rejoice when that little submarine came under the sea and landed at Baltimore and later on, I believe, in New London and loaded up with copper and other contraband articles and sailed back under the sea! We were glad of it. We would just as soon sell to Germany, being neutral, or to Austria as we would to any of the other of the warring powers. [Applause.]

Now, here is another thing to think about: There is a shortage of food in New York and Philadelphia, and bills are introduced to appropriate millions and millions to relieve the suffering poor. Oh, you have read about it. Why? There is any amount of wheat and corn and provisions to be had from the interior of the United States. We have nearly half of the railways of the world; but the trouble is, you know, that the multiplied thousands of cars are acting as warehouses and can not be relieved for traffic. Even in the present condition we have a partial embargo, and if it lasted 60 days longer—and I am speaking now of an economic or partially economic fact—if it lasts 60 days longer, hell will be to pay in the United States, and no pitch hot. [Laughter.] Is that any reason why we should prefer one to the other of the warring powers? No. But as a neutral we have the right to go and land our American ships in other neutral countries or to belligerents, subject only to the law of nations. True, under the treaty with Prussia, as the gentleman from Pennsylvania [Mr. TEMPLE] explained, they might seize the ship and pay for the contraband, and so forth, and so forth. You recollect his statement. It is also true that if any of the other warring powers were to seize our ships they would have to pay. Well, you may say they have no right to seize. They have seized them, but they pay. That is the best we can do. We have got to cripple along. Somebody said that he did not want war. God knows, I do not want war. Nay, nay. But let me tell you, gentlemen, a nation may profess to follow the teachings of the Master, and believe you should turn one cheek and then turn the other; but you know what the old negro said—"The third one is yourn." [Laughter.] You recollect about that.

A nation that will not protect her citizens and protect their rights in war or in peace if other nations step upon her toes unlawfully will become a nation composed of hewers of wood and drawers of water. [Applause.]

Now, I have not at all times agreed with the policy of the President when he made war with Mexico at an expense of $162,000,000 and then marched out. I did not agree with him; but I am not here to criticize. That is behind us. The country has substantially forgotten it, you know. It is not worth while to rake up those matters. We have to deal with the present and look to the future. Therefore I have made up my mind, partisan Republican though I am, that it is my duty to support the administration and the Commander in Chief of the Army and Navy of the United States under present conditions and in the present emergency. [Loud and long-continued applause.]

Mr. FOSTER. Mr. Chairman, the resolution which is now before this House for consideration is one which I believe every Member of this House will act upon solemnly, patriotically, and with a conscientious devotion to his public duty.

The President of the United States has asked that this request, conveyed in his recent message delivered in this House, may be granted by Congress. Our country for two and a half years has passed through a most critical time. We are all to-day thankful that this country has escaped this war, and we hope and pray that in the future we may not be drawn into the conflict which rages across the sea. Authority has been asked by the President that he may use whatever forces may be necessary in this resolution to protect the lives and the lawful commerce of the citizens of our country. When the President, knowing the situation as he does, asks this, can this Congress grant less? The President has repeatedly said he wants to avoid war and will use his power to keep our country out of this conflict. Certainly no one will deny he has suffered abuse at times, because he has refused to listen to those who would have us engage in war not only in Europe but in Mexico. He has been sincere in his desire to keep this country at peace, and during the last four years he has succeeded in doing so.

My friends, I believe that in this crisis through which our country is passing it is my duty—and I speak only of myself—to stand by this resolution and vote for it and give the President the authority that he asks. Men may not all agree with the President at times in the conduct of our international affairs, but it is easy to criticize and find fault. Members on this floor have always exercised their conscientious and patriotic judgment as they see it in performing their duty as Representatives, and I am sure they will do so now. But, gentlemen, I say to you to-day that in this crisis of our country we should show to the world that this Congress is solidly behind the President in his efforts to protect the life and property of our people. [Applause.] I am going to vote for this resolution and give the President the authority that he asks, believing when I do so there is less danger of war than to show to the world we do not stand by our President and are a divided people.

This is the only great Nation that is left in the world that is not in this conflict, and every patriotic American citizen, I am sure, sincerely hopes that our country may escape the conflict, and that we may be a beacon light of "peace on earth, good will to men" to shine around the world, so that when this war shall close we may have some part in settlement of peace and help to bind up the wounds of the nations now at war. God knows that when this struggle shall end there will be enough work for us to do. We bear no ill will against any nation now at war. Many people in our country may sympathize with the land of their birth across the sea, but that does not necessarily make them less loyal to the country of their adoption, and there is no doubt the great body of our naturalized citizens will stand for this country and use their best efforts to uphold the flag. Too often we cry loud of our rights and think too little of our duty. We should do our utmost to so act that we will assist the President in keeping us out of war. He wants the cooperation of all our people in these trying times to keep our country at peace. Let us be calm and act with mature judgment and remember that as American citizens we owe much to the flag which stands as the emblem of our liberty. To-day let us not falter in our devotion to duty. [Applause.]

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Chair asks the indulgence of the committee for a moment. There are a great many gentlemen desirous of speaking on this resolution, and the Chair has made a list, putting the Members of the House on it as they approached and presented their requests at the desk. The Chair believed that that was the only way for the Chair to do, with this exception, that under the rules of the House the members of the Committee on Foreign Affairs are entitled to preferential recognition.

Mr. MANN. Mr. Chairman, if the Chair will yield to me for a moment, there are three committee amendments to this first section. I apprehend that there will be amendments offered from the floor. I do not know whether there is any opposition to the committee amendments or not. It seems to me it would

be a wise thing if there is no special opposition to the committee amendments, to get those disposed of so that Members can commence to discuss, in connection with their arguments, amendments that are offered from the floor.

Mr. DAVIS of Texas. Mr. Chairman, I desire to ask a question for information.

The CHAIRMAN. The gentleman will state it.

Mr. DAVIS of Texas. Do I understand the ruling of the Chair to mean that unless some Member has gone to the desk and asked permission that he be listed down at the foot, he can not get recognition until all those people are recognized first?

The CHAIRMAN. The Chair will state to the gentleman that the question of recognition is purely in the discretion of the Chair, and that if a dozen or half a dozen Members rise at a time it is for the Chair to determine and indicate whom he will recognize. The Chair thinks that is the fairest possible method.

Mr. DAVIS of Texas. I understood the Chair to say that the Chair had listed them as they had come in turn to the desk.

The CHAIRMAN. That statement is correct.

Mr. DAVIS of Texas. That means that I have to go up and get recognition from the Chair.

The CHAIRMAN. Yes.

Mr. COOPER of Wisconsin. Mr. Chairman, I wish to offer a proviso at the end of the section. When will there be an opportunity?

The CHAIRMAN. When the committee amendments are disposed of.

Mr. FLOOD. Mr. Chairman, I am going to suggest along that line——

Mr. MANN. I ask unanimous consent, Mr. Chairman, that the committee may vote upon the three committee amendments to the first section en bloc.

Mr. KEATING. I want to discuss one of the committee amendments.

Mr. MADDEN. Reserving the right to object, Mr. Chairman, during the general debate a good many Members of the House went to both the ranking member of the Committee on Foreign Affairs and to the chairman of the Committee on Foreign Affairs and in some cases they were required when they asked for the privilege to speak to say in advance what they were going to talk about and what language would be employed. Some were not willing to do that, and they were cut out by that from the opportunity of debating the question under general debate. I submit now the question of the propriety of giving these men the opportunity which they sought before other amendments are offered. Let them talk on the pending amendments, and then let the matter of the discussion be confined to amendments that are offered later on.

Mr. MANN. I do not think we could do the latter. I think there will be a wide latitude for discussion given to Members, but it would be better probably to have the amendments that are really involved in the debate before the committee disposed of. I hope my colleague will not object.

Mr. MADDEN. I do not intend to object.

Mr. FLOOD. It is not the purpose of the committee to cut off anybody if it is possible to get a reasonable time.

Mr. MADDEN. That is all very well. The same thing was said during general debate. I do not say that the gentleman from Virginia said it.

Mr. FLOOD. Oh, no.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman from Virginia a question. Could not the gentlemen come to some sort of an agreement for at least a definite extension of debate or discussion of this question, but with the understanding that speeches are to be limited, say, to four minutes, with the privilege of extension? That will accommodate more gentlemen and give them an opportunity to print. The gentleman can arrange that.

Mr. FLOOD. I would like to ask unanimous consent that the debate under the five-minute rule run until half past 6 o'clock

Mr. SLAYDEN. Unless sooner concluded.

Mr. LANGLEY. Does the gentleman mean on the entire bill?

Mr. MANN. We can not get through by half past 6. I think the feeling of the House is that, even if we sit here very late, there ought to be a fair latitude allowed for Members to express their opinions upon a matter of this importance. I hope the gentleman will not attempt to crowd the matter, even if we stay here very late to-night.

Mr. BORLAND. Does the gentleman from Virginia desire a vote first on the committee amendments?

Mr. FLOOD. I prefer that; yes.

Mr. BORLAND. Does the gentleman intend that there shall be a separate vote on each committee amendment?

Mr. FLOOD. The gentleman from Illinois [Mr. MANN] asked unanimous consent that all three be voted on at one time.

Mr. BORLAND. I do not think it is possible to do that, because there may be differences of opinion about those amendments.

Mr. MANN. If there is a difference of opinion, I will withdraw my request.

Mr. BORLAND. I think there will be a difference in the vote on these committee amendments.

The CHAIRMAN. Does the gentleman from Illinois withdraw his request?

Mr. MANN. I withdraw the request. I was only trying to save time.

Mr. CULLOP. Does not the gentleman from Virginia think it would be better to let the five-minute debate run for awhile? Then an agreement may be more easily reached.

Mr. FLOOD. Very well.

Mr. MANN. As far as I am concerned, I expect—I do not say I will—to vote against all the amendments that may be offered from the floor, but I think Members are entitled to have the opportunity to offer amendments.

Mr. FLOOD. I think so.

Mr. MANN. Of course it is quite possible that with three committee amendments pending, if there is a long discussion of them, the Members of the House may get tired of hearing the discussion, and close debate entirely upon the section, and then the Members who offer amendments will have no opportunity of explaining them.

Mr. FLOOD. That is true.

Mr. MANN. That ought not to occur.

Mr. FLOOD. The gentleman is right about that.

Mr. FERRIS. Why not let all amendments to be offered to this section be read for information, and then go on and debate the section?

Mr. FLOOD. Before that is done let us vote on these three committee amendments.

Mr. FOSTER. Why would it not be proper to take up the committee amendments and have the discussion confined to them at first? The gentleman from Colorado [Mr. KEATING] wants to say something on one of those amendments. Most of the Members probably will not want to talk on that particular amendment, but let the discussion first be confined to those particular amendments, for or against them.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin [Mr. COOPER], who is the ranking member of the committee signing the minority report, may have leave to offer an amendment to the first section now, to be pending, so that the whole thing can be discussed by various Members.

Mr. SABATH. Reserving the right to object, why can we not dispose of the first amendment to which there is no objection, and get through with these committee amendments?

Mr. MANN. That was suggested, but it did not seem to be agreeable.

Mr. FOSTER. Why would it not be the better plan to take these amendments in their order. If there is nobody who wants to discuss the first amendment, why not dispose of that?

Mr. MANN. I will say to my colleague that it is perfectly certain the committee will not now close debate.

Mr. FOSTER. I understand.

Mr. MANN. And without closing debate they may be discussing the first amendment an hour and a half from now.

Mr. FOSTER. I think, in good faith, Members would not do that.

Mr. MANN. Oh, in good faith! My colleague and I have talked. Other Members have not.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Wisconsin [Mr. COOPER], the ranking minority member of the Foreign Affairs Committee, be permitted to offer now an amendment to the first section of the bill and have it pending. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin will send his amendment to the desk, and the Clerk will report it.

The Clerk read as follows:

Amendment by Mr. COOPER of Wisconsin, to follow the first proviso of the first section: After line 5, on page 2, insert the following:

"*Provided*, That no ship of American registry, while armed in the manner aforesaid, shall carry a cargo consisting in whole or in part of arms or ammunition consigned to a belligerent country or to any citizen thereof."

The CHAIRMAN. The gentleman from Arkansas [Mr. GOODWIN], a member of the Foreign Affairs Committee, is recognized.

Mr. GOODWIN of Arkansas. Mr. Chairman, it seems to me this discussion has gone far afield. All legislation is a compromise, and it is well that it is so. But, Mr. Chairman, for the first time I have heard the argument advanced here to-day—if not in so many words, yet in effect—that the rights of one man are paramount and superior to the rights of all men. I believe that as a body of legislators most of us may well agree as to the law of self-defense; likewise as to the law of justifiable homicide, which obtains in most American Commonwealths. If I constitute myself a great highwayman and wantonly and ruthlessly shoot down all men, women, and children who may venture upon a certain highway, there is no law in Christiandom and no court in all the earth that will hold up my hands and proclaim me innocent or that will justify me in that willful deed. Now, Mr. Chairman, the law of self-defense as it obtains throughout the American Republic finds its counterpart largely in the so-called statutes of international law. There are certain rules and regulations prescribed by which the citizens of neutrals may travel upon the high seas in time of war as well as in time of peace, and in conformity with those prescribed rules and regulations neutrals are granted permission to enter all parts of the seven seas without let or hindrance. Therefore, if a great highwayman, be he a member of the entente group or of the central powers, restricts and proscribes a zone through which neutrals conforming to the laws of nations may not pass, he then and there becomes a violator of the established rules of international law.

Again, if I as a highwayman breathe out threatenings against all persons residing in a certain community and inflict death on all who may legitimately travel upon a given thoroughfare while in the discharge of their peaceful errands, the court will not stop to moralize upon the foolhardiness or the lack of expediency of the slain; but the penalty of the law will or should be visited summarily upon me for wantonly and ruthlessly taking the law in my own hands.

So it is, Mr. Chairman, with the law of nations. The right of neutrals to peacefully pursue their errands upon the seas under certain conditions and stipulations is an inherent, inalienable right vouchsafed by the rules of international law. And while it may be inexpedient as to the safety of neutrals to exercise this unquestioned right by entering upon the proscribed zone, yet no neutral is compelled to forego that right.

But gentlemen say that international law is not keeping pace with the evolution of the means of destruction, that that lurking, unseen, stealthy sleuth, the submarine, is a modern instrument of warfare, and that international law has not adjusted itself to these modern weapons of warfare. Mr. Chairman, from time immemorial all nations have legislated against homicide, and from the time that Moses handed down the tablets of stone upon which was written the inscription "Thou shalt not kill" this inhibition has been placed on the statute books of all civilized countries. That inhibition obtains not only upon the land but upon the sea. Murder is murder wherever the crime may be committed, whether it be out on the far-flung lines of the ocean's tide or on the shores of any civilized land in all the world.

Justice and principle are immutable. They find their inception in the very womb of time. They are coincident, they are coeval with God himself. Therefore I say, Mr. Chairman, that it makes no difference whether international law has failed to keep pace with genius and the development of the machine gun or not; for to take a man's life is murder whether committed by the brute savage with his bludgeon or committed by the most modern 42-centimeter gun that may be developed by the genius and knowledge of man. But, Mr. Chairman, these are rather abstract illustrations. These are but axioms of the law, so to speak. Let us get down to the concrete essence in this case.

Only last year Germany said, after having often violated the rules of law, that she would confine her sea warfare to the rules of international law, and then and there the whole world applauded that acquiesence, for the world was then as now sick and tired of war. We do not have to recall that hundreds of people have already filled a watery grave and that our patience and charity have been taxed time and again almost to the breaking point.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. FLOOD. The gentleman is a member of the committee, and I ask unanimous consent that he have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODWIN of Arkansas. I had just said, Mr. Chairman, when this great foreign power in the passage of notes between that nation and this decided to conform to the rules of international law the whole world applauded that decision. The rule prescribes the warfare that may take place, but in defiance of that rule a certain great power has overridden the established order of law and wantonly and ruthlessly pursued her unbridled course. This is not a government of men, but a government of laws; and when peace once more prevails in the councils of nations the world will again be governed by law and not by arbitrary dictators. If the established institutions of our country are to be trampled under foot by any power, whether it be of the entente group or the central group, without remonstrance on our part, or without the right of self-defense, then, Mr. Chairman, we are unworthy of the priceless heritage vouchsafed to us by the fathers. [Applause.]

I need not recall, because it is known of all men, the trespasses that have been made on our rights, on our property; but some gentlemen seem to differentiate between the right to send goods on the sea and the right to travel on the sea. You can not separate the two. Mr. Chairman, the principle is indivisible; you can not divide it. The best-trained surgeon skilled with the knife, the most skillful metaphysician can not cut asunder by any sophistry the great principles that abide from eternity to eternity.

Mr. GOOD. Will the gentleman yield?

Mr. GOODWIN of Arkansas. Yes.

Mr. GOOD. The gentleman is a member of the committee, and I want to know what substantial reason there is for opposing the proposition submitted by the gentleman from Wisconsin [Mr. COOPER]?

Mr. GOODWIN of Arkansas. I will soon come to that. As I was about to say, Mr. Chairman, you can not divide the right, for the right of commerce upon the seas certainly can not be higher or greater than the right to travel on the sea. The right, the principle, makes a great circle, so to speak, a circle that has neither beginning nor end. If it is right, if it is just, if it is a principle, it abides and has no division and no subdivision. Yet certain gentlemen would divide this circle of right into two hemispheres—when it is not divisible. Upon one hemisphere tonnage may be borne, upon the other the right to travel is denied, whereas the right to do both is indivisible.

Now, in reply to the query propounded by the gentleman from Iowa I will say that the committee, knowing the established rules of international law as proclaimed first on this proposition in this country by Thomas Jefferson, that to refuse to sell munitions to one belligerent for the reason that that belligerent commands the seas and can deliver munitions upon her own shores, whereas her enemy is not so fortunate, is ipso facto an unneutral act and may be provocative of war. And this has been the uniform holding of other Secretaries of State since that day.

Mr. PORTER. Will the gentleman yield?

Mr. GOODWIN of Arkansas. I yield to my good friend.

Mr. PORTER. Is the gentleman aware of the fact that outside of Spain we are the only nation that has laid an embargo upon ships and arms?

Mr. GOODWIN of Arkansas. That is a matter of expedience, and may be waived. If the statement of my friend be absolutely accurate, which I have not understood to be the case, still my friend must remember that all the nations that are now disengaged are exceedingly small and impotent nations, and few of them are engaged, or have ever been engaged, to any considerable extent in the manufacture of munitions for purposes of exportation.

But, Mr. Chairman, once you begin to forbid the exportation of one kind of contraband others will surely follow, such as cotton, grain, meats, leather, and, in short, all foodstuffs and other things that give comfort and sustenance to belligerents. The right to trade is a natural right, but stop exportations of all things contraband and our fields will go untended, our factories will be closed, our railroads stopped, and labor will go without employment, and business and commercial paralysis will overtake our people.

The House will recall that when war was declared in August, 1914, cotton was selling at 13 cents per pound, whereupon an embargo was put upon cotton exportation; neither ships nor insurance could be had, and as a result cotton dropped from 13 cents to 5 cents per pound, and when the embargo was temporarily raised cotton jumped to 12 cents per pound.

Hundreds of thousands of tons of products of the fields and factories are now stored in railroad cars, but these are con-

gested and can not find ships, because the ships can not be had owing to Germany's resumption of her ruthless submarine warfare against all the established rules of international law. And what does Germany propose to do, Mr. Chairman? She serves notice that she will destroy the ships of all neutrals—merchant ships bearing only noncontraband goods within 400 miles of all English and French ports.

Now, Mr. Chairman, this bill only seeks to authorize the President to arm merchant ships engaged in their peaceful pursuits to resist unlawful attacks. Individuals may arm themselves against unlawful attacks at the hands of other individuals. Shall we now say that American rights as against a foreign foe are less sacred than one American's rights as against the unlawful attack of another American?

Mr. MONDELL. Mr. Chairman, I shall vote for the resolution now before us authorizing the President to act in the protection of the ships and citizens of the United States against unlawful attacks while engaged in lawful and peaceful pursuits on the high seas, and I shall do so in the hope that within his constitutional powers and under the authority of the resolution the President will be able to maintain peace with honor. [Applause.]

I have grave doubts of the wisdom of arming merchant ships as a means of asserting or maintaining our rights upon the high seas, and I should have preferred the resolution had it omitted the specific reference to the arming of merchantmen, but I bow to the judgment of the committee in this regard, hoping that other means and methods may be preferred and utilized.

I am opposed to the amendment offered by the gentleman from Wisconsin, because I believe that at a time when we are preparing to assert our rights in general terms it is not well to attempt to define those rights, least of all is it a time to limit those rights. [Applause.] I say that as one who has no love for the munitions business and one who wishes we were not engaged in it.

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I am sorry that I can not yield. The Constitution lays upon the Congress the responsibility of declaring war and the Congress can not and should not attempt to shirk or delegate that authority or responsibility. However, in the hope that it may be possible, without resort to war or the extended use of force, to secure recognition of our rights and insure the protection of our citizens, I believe we are justified and that it is our duty to pass some such resolution as the one before us.

Mr. Chairman, I regret that the papers of this morning carried sensational dispatches and news items relative to an alleged conspiracy claimed to have been promoted and fostered by one of the European belligerents seeking to involve two other nations in a hostile combination against us, and I regret it whether the tale be largely imaginary, as I believe it to be, or supported by some foundation of fact, for it will be assumed by some that our action to-day favoring this resolution, instead of being based on a calm determination to proceed in this matter in the light of ascertained facts and known conditions, is predicated on sensational stories of a doubtful character. I resent the suggestion, or the implication, that in a matter of this kind Congress can be stampeded. I desire to have it clearly understood that so far as I am concerned my determination to support the resolution was fixed before the publication of the so-called Zimmermann letter.

I further regret, Mr. Chairman, that we have not approached the present crisis with a clear and clean record of insistence upon the rights of neutrals and respect for and protection of the rights and lives of our citizens in our neighboring Republic and in the theater of the European war. Our failure to do so in the past brings us to the present crisis with serious embarrassment and under circumstances in which our motives may be seriously questioned.

These things, however, are behind us and we must meet the situation as we find it. We shall not abdicate our functions or shirk our responsibility, but with this Congress about to close and the recognized difficulty of convening the new Congress and securing action by it promptly, we must grant to or recognize in the President such authority as may be necessary in the assertion and maintenance of American rights with the expectation that the President will exercise his great authority with judgment and discretion.

No man can say what shall be the final issue of the present situation. We hope it may be peace, but our prayer for peace is for peace with honor. Above all things, I pray that if my country must unsheath the sword, its flashing blade shall be cloudless of the tarnish of sordid interest, and if we shall unfurl the standards of war, they shall display no stain of hypocrisy. If we must and shall invoke the dread arbitrament of arms, may it be clear as the noonday sun that it is solely in the defense of American honor, in the assertion of vital and material American rights, and for the protection of American citizens everywhere in their lawful and legitimate pursuits. [Applause.]

Mr. MILLER of Delaware. Mr. Chairman, it is high time that a measure of this character be brought before this House. I intend to vote for it as it is reported from the Committee on Foreign Affairs without any change. On the 3d of February the President notified us that he had dismissed the German ambassador, and in his message to Congress he referred to the *Sussex* note of April 18, 1916, in which he notified the German Government that if ships were sunk without warning or summons he would sever diplomatic relations. The German Government thereupon promised not to do so. The recent order of the Imperial German Government has been shown to be absolutely illegal in international law by the gentleman from Pennsylvania [Mr. TEMPLE], and I want to disagree with the gentleman who spoke to-day, who stated that we should not consider international law. If we do not consider international law, why consider civil or domestic law in our own Government? Since that order went into effect we have seen portions of the high seas turned into another Belgium. One hundred years ago two other nations, France and Great Britain, tried to drive our flag from the seas, and though we were a young and feeble Nation we resented it with our armed forces. That controversy has been referred to to-day as a precedent. We do not need any antiquated precedents to guide us to-day. Neutral shipping to-day is running into ports, fleeing from submarines. We are the greatest and most powerful neutral. Why should we not take the lead in this matter? The President in his address said that our shipping was "timidly keeping to their home ports." That phrase, and that phrase alone, should have brought in this measure before to-day. That is a very potent reason why we should pass this bill to-day. The broken promises of the past few months and the actions of the central powers on the high seas are the immediate precedents that should guide us. In his last message to Congress the President said that the sinking of the American steamer *Law* disclosed a ruthlessness of method which deserves great condemnation. If we are looking for an "overt act," there is an act which should make us consider the advisability of passing this legislation.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Delaware. I can not yield. The United States is not at war, and yet we leave to nations that are at war the transportation of our citizens, of our commerce, and of our mails. If it were not for the English or the French no Americans now would be able to communicate by mail or otherwise with their friends or relatives abroad, and if it were not for that same assistance our Government could not communicate by mail with its own diplomatic representatives. We should not approach a vote upon this measure to-day as a question of war, but from a still greater viewpoint, that of presenting a united front in international affairs. The passage of this bill will stimulate and unite our national spirit, and when we pass this bill we notify the world that all the moral and armed forces of this Nation are behind our citizens, their lives and property, and the Commander in Chief of our Army and Navy. Call it armed neutrality if you desire, call it war or an approach to war, but the already overpatient American Nation will support the Congress and back it up in passing this measure to-day. [Applause.]

Mr. EDWARDS. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto end in one hour, and that we then vote on the section and the amendments.

Mr. MADDEN. I object.

Mr. HAMILL. Mr. Chairman, I can not see how any Member of this Congress can, consistently with his duty as an American Representative, fail to support the President and vote for this bill. I come to that conclusion in this manner: Congress at the last session, by a decisive vote, tabled the McLemore resolution and supported the contention of the President that American citizens and American ships have a right to travel the seas in every part of the globe regardless of conditions created by the war. I am one of those who did not believe that doctrine to be sound and who therefore voted against tabling the resolution. But that, to use the words of other gentlemen to-day, is all past history, and when the American Congress disposed of that resolution in the way it did it spoke for me and for every other loyal and patriotic American citizen. [Applause.] Therefore the doctrine that Americans may travel the seas to-day in every part of the world is as firmly fixed as is the Monroe doctrine, and it is our patriotic duty to live up to it. The President, in view of that encouragement given him by Congress or in view of the approval thus given him by Congress of the doc-

trine he announced, calls upon us to give him the very least power that we can to hold up his hands, and to make the doctrine effective. In fact, he asks only for such powers as he possesses by the plain implication of the Constitution. He asks for armed neutrality. Therefore no American, and surely no Member of the American Congress, can fail to give him his vote on any ground consistent with patriotism. To fail to give him our vote at this time, in this momentous crisis, would be to commit a very grave and irretrievable error. My purpose in rising to-day, Mr. Chairman, is to say that the Democrats of the State of New Jersey will all support this bill, and I understand that all the Republicans of New Jersey will do the same, and it must therefore be a significant spectacle before the country and, I dare say, a matter of gratification to the President to know that the State which gave him as Chief Executive to the Nation, the State of which he is the first and most honored citizen, by the united voice of its Representatives on this floor, is standing solidly behind him at this delicate and dangerous juncture of affairs in the history of the Republic. [Applause.]

Mr. FERRIS. Mr. Chairman, I am not in favor of delegating the constitutional power that the Congress has to President Wilson or anyone else, and neither does this resolution do that thing. The President has not asked for it, neither does the resolution seek to do it. Twice in the first paragraph of this bill it emphatically recites that this legislation is granted only for the purpose of defending against unlawful acts. I repeat, it does that not only once, but twice, in the first paragraph.

Mr. SWITZER. Will the gentleman yield?

Mr. FERRIS. I can not yield; I will not have the time.

Mr. SWITZER. Only as to the construction——

Mr. FERRIS. I can not yield. American commerce and American human life on legitimate errands on the sea, as elsewhere, is entitled to be let alone. [Applause.] It has not been let alone; and, not only that, Mr. Chairman, but it is asserted by the Imperial Government of Germany that they do not propose to let it alone. They even do more than that: They assert that they propose to sink our ships and destroy whatever little commerce we may have, whether it be contraband or not contraband. I do not know what character of red blood courses through the veins of Members here who are unwilling to support a resolution upholding the hands of our President under conditions of this sort. I do not challenge the good motives nor the patriotism of the course of the few gentlemen who oppose it, for I know them well personally and have served with them here for 10 years, but I do want to say that it seems to me the men who are opposing this bill to-day on both sides of the House are not using the good judgment they generally have. It is far from my duty and my purpose to impugn the motives of men like the gentleman from Wisconsin [Mr. COOPER] or the gentleman from Missouri [Mr. SHACKLEFORD], two of the oldest Members in the House, but to me on this proposition they have undoubtedly gone awry in their better judgment.

If American commerce and American lives are entitled to be let alone, they are entitled to be protected, and that is all this resolution seeks to do. To be protected, how? Simply against unlawful attacks? How? By furnishing them guns to defend themselves. They are clearly entitled to that much protection. They ought to have been given that protection before and I am proud to say that practically all the Republicans to-day have forgotten their petty party criticism and are standing shoulder to shoulder on a great matter with Democrats and doing their full duty. [Applause.] It speaks well for the Republicans; it speaks well for the Democrats. I am always pleased when partisanship vanishes, for it is then that reason really has a chance. I insist that when this vote is taken that not a corporal's guard on either side will vote against it. I said the other day if we voted that day there would not be 50; I doubt now if there will be 25; if we voted to-morrow there probably would not be any. This is just a repetition, Mr. Chairman, of the McLemore resolution fiasco. When that resolution first came on the floor everybody on this side practically thought they were against it, everybody on the other side knew they were against it, but when it came up for a vote there was not a corporal's guard who dared to back their judgment. It is simply the old story. You can not appeal from the judge in the courthouse to the rabble in the yard. You can not take matters from regularly constituted diplomatic channels and take them into the House and deal intelligently with them. We do not have the facts on which these intricate matters rest before us in such shape as to entitle us to deal with them intelligently. [Applause.]

No nation can live and prosper unless they protect and keep alive at least their right to carry on commerce on the sea. An open sea and unmolested commerce are essential to our citizenship in every walk of life. This is a time when the Nation should be united. This is no time to cavil, quibble, and quarrel about words. It is time to stand behind the President and uphold his hands. He can and will handle this intricate matter with zeal, patience, and good sense. He will say and do the things that ought to be said and done. He is the Commander in Chief of the Army and Navy. I am willing to trust. I feel so sure the American people are willing to trust. He will keep us out of war. He will retain and preserve the Nation's self-respect. He is the hope of the Nation. He is our President.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Mr. Chairman, this is an American question, and it deals with American interests, and with only American interests. I do not want any war, and nobody wants war. I want to preserve American honor; all Americans do. I want to assert all American rights. No American denies the importance of that. I want to hand American institutions unsullied down to the coming generations. Who can deny the importance of that? I want in every proper way to enable the President to perform his constitutional functions, but I want to do my part to aid him in performing those functions so that he may be able to preserve American honor [applause] and American prestige. I do not intend to abdicate any of my constitutional rights in aiding the President of the United States, and when I vote for this bill I do not believe that I am doing that, for I do not recognize the enactment of this law in any sense as being a declaration of war. We have a right under international law to the free use of the seas, and I want to insist on the exercise of every right to which America is entitled. I am opposed to sending American soldiers to fight on European battle fields. This bill does not contemplate that. I am opposed to seeing crêpe on any American door due to the loss of American life on European battle fields. I do not want to witness the sorrow of American mothers on account of the loss of their sons on the blood-stained fields of Europe, fighting for a cause that does not concern America. I am opposed to this Nation sitting at the counsel table to mark the boundary lines of European nations. I am opposed to any American-European alliance, and I want the United States to stand alone in the assertion of American rights, and after that has been accomplished I want America to withdraw. [Applause.]

This bill does not declare war. If it did I would vote against it. I hope war never will come; but if there be need for war and it does come, we ought to meet it like men and patriots. We must stand for peace with honor, but we must preserve the Nation's honor at any cost. We must protect the rights of Americans in every land and upon every sea. We should stand for America and American rights. We should do our part to maintain this country as the beacon light to point the way to a broader liberty for the people of the world, and when we give this power to the President of the United States, the Commander in Chief of the Army and of the Navy, we should say to the President, as the spokesman of the American people, "God speed you as our spokesman and our leader in the preservation of American rights and of American honor." Stand for America always. And no matter whence those may have come who live under the American flag, they should stand for America, for American rights, and for the defense and the preservation of American honor, or else they have no place on the American Continent. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The Chair recognizes the gentleman from Minnesota [Mr. SCHALL]. [Applause.]

Mr. SCHALL. Mr. Chairman, history is the handwriting of God; men the instruments with which He writes. On the banks of every nation's Rubicon He stands a Cæsar; on every Marston Moor He triumphs a Cromwell; in the snows of every Valley Forge He kneels a praying Washington; at the call of every French Revolution He answers with a Napoleon; at the sound of every Sumter's gun He sends a Lincoln. And so to-day through the voice of the people in the greatest crisis the world has ever known He has raised our Nation's leader, our President, Woodrow Wilson. [Loud applause.] I believe it my patriotic duty to stand for this resolution as amended by the committee, that we may show a united front to the world. [Applause.] The bristling dangers that surround us to-day should invoke a soul of national patriotism and inspire something more than lukewarm insipidity, half selfish, half indifferent. Words oft mouthed until they mean nothing should be flamed into life again until no man could say, "My country and my flag" without a thrill of patriotic devotion for that country and that flag,

which means all there is of human freedom and human equality. [Prolonged applause.]

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman and members of the committee, I am one of the Members of this House that is very jealous of its rights and very anxious that we maintain the coordination of the three departments, which is really the one distinguishing feature of our Government from all the other Governments of the world. The request of the President from the desk was too broad. It was tantamount to delegating to him the war-making power. That is why I introduced a resolution to call Congress in special session to share responsibility with him.

This resolution, as I read it, does not extend to the abdication of the war power of the Congress to the Executive. If it did, I would not support it, for I believe that it is the duty of the House of Representatives and the Senate to remain here, if necessary, to cooperate with the President in the maintenance of our rights upon the sea or upon the land, whatever they may be and wherever they may be in question.

Now, fellow members, "once to every man and nation comes the moment to decide," and that moment, it seems to me, for the Nation and each Representative here has arrived. The issue is this, Shall we surrender our rights that are clearly defined, not only in international law and practice but from every standpoint as a sovereign nation? The high seas can not be under the ownership of any nation or any group of nations who find themselves in war, to the exclusion of the rights of other nations who are neutral. The rights of nations must respect neutral as well as belligerent countries. No nation can build an invisible fence out in the sea and then say to neutral countries, "Stay out at the price of loss of life as well as of property." That is not a blockade. Were it so we would respect it, as we demanded all countries to do in 1860 to 1865. It is not international law. It is not under any circumstances, whatever way you might take it, effectual. A blockade to be valid must be effectual. This is our contention with England.

Mr. KEATING. Will the gentleman yield?

Mr. FESS. There is no possibility of making a blockade effectual out in the open sea, belonging to all the nations, by invisible weapons that do not come under the terminology of international law. Germany has conceded this point in every dispute, and especially in the *Sussex* case. These weapons must be brought under the requirements of international law, which demand warning, search, and a chance to escape, as required of other vessels. If they can not operate under such regulations, it is not the fault of the neutrals. If the submarine can not come under the terminology of the rights of nations as thus described, then the use of it unlawfully must cease.

I have a good deal of sympathy for the situation of Germany. I think I appreciate her disadvantage, but there can be no justification for violation of a nation's rights. My position on this question is not because I favor Great Britain in the struggle—farthest from it. I have insisted more than once that our future demands that this House, with the Senate and the President, shall bring Great Britain to book upon international law the same as Germany. [Applause.] But I have never insisted that the dispute with the two countries ought to be so confused that one adjustment must depend upon the other. Each must stand upon its own bottom and each one must be adjusted of itself. The one thus far extends to loss of property, which may be adjusted by a money damage; the other to loss of life, which can not be recompensed by a money consideration.

To-day is the deciding point whether America will willingly surrender the rights of life and the rights of liberty of national enterprise, the rights of property and the rights of honor. Some Members say we do not want to defend our rights, because it might mean war. My friends, war is more apt to come if we shilly-shally than if we take a definite position and let the world know that we intend to stand by that position. Inaction will never be any security, but is most often an excuse for war. The thing that will prevent war is an announcement that we want nothing save our rights, and these we will have. Some things are worse than war, and one of them is the loss of national honor. Therefore I shall vote for this resolution, not to give the President any power he has not already but simply to tell the world that we are still a nation, ready to demand our rights.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Tennessee [Mr. AUSTIN] is recognized.

Mr. AUSTIN. Mr. Chairman, I favor the bill reported from the Committee on Foreign Affairs and now under consideration, and I regret that it does not go farther and empower, authorize, and direct the President of the United States to protect American lives and property in the Republic of Mexico if the so-called Carranza government fails, refuses, or is powerless to protect American life and property. One of the strongest and most patriotic planks in the platform of the national Democratic Party adopted in 1912, and upon which President Wilson was elected, is as follows:

> The constitutional rights of American citizens should protect them on our borders and go with them throughout the world, and every American citizen residing or having property in any foreign country is entitled to and must be given the full protection of the United States Government, both for himself and his property.

One of the strongest arraignments in the Chicago platform upon which we nominated Gov. Hughes was upon the present administration for failing and refusing to stand up and maintain American rights in foreign lands; and, having criticized and arraigned the national Democratic administration for its failure to discharge its duty to American citizens in foreign lands, I can not consistently as a Republican fail to vote authority to the President of the United States for doing what we claimed in our platform and throughout the campaign was the duty of the national administration.

I congratulate the President of the United States for waking up on this question, and regret that he has been inactive for the last three years. I think an American life and a piece of American property in Mexico is entitled to just the same amount of defense and protection as an American ship and American goods off the coast of Great Britain. We will be respected throughout the world when we give the world to understand that no American citizen acting within his rights can be harmed or injured on any sea or in any foreign land. [Applause.]

I represent a district of about 300,000 people, a district which has always patriotically discharged its duty in every war in which our country has been involved. I speak for the patriotic people of that district, without regard to political convictions, in saying that they believe in this resolution and believe in the stand of President Wilson. I have an only son in the American Navy, and I think this question of a probable war comes as near to me as to any Member of this House. I believe that any and every sacrifice must be made for the honor of our flag and for the rights, honor, and dignity of our country. [Applause.]

Mr. BORLAND. Mr. Chairman, in giving my adherence to this bill I do so in the firm confidence that it does not mean the plunging of this country into the European strife, but, on the contrary, it means so definite an assertion of our own position as that war can not come except by the deliberate action of a foreign aggressor.

I do not share the apprehensions of gentlemen who feel that we can not, by our own free act and definite bestowal, confer the full power upon that Chief Magistrate who at every stage of these critical proceedings has opened his mind and his purpose to the legislative branch of the American Government. It is he who has come before us to say that, regardless of the high powers with which the Constitution has already clothed his office, he desires a full and free expression of the will of the American people in a definite bestowal of their power. Nor do I share the apprehensions that control gentlemen who feel that in defense of American rights we must in some way become entangled in the politics of Europe. Gentlemen must remember that this bill looks solely to the protection of American rights. It does not involve us in the struggle in Europe. Neither our policy nor our history indicates that our country is prone to engage in the quarrels of others. In fact, I may say without fear of successful contradiction that our country began earlier and has gone further than any other known nation in enforcing the rules of neutrality upon its own citizens. If I am not mistaken in my reading of history, we early began, during the struggles of the Napoleonic wars, to enforce the rules of neutrality by rigid restriction upon the actions of our citizens. In doing so we went far beyond what was then the accepted international law, and from that day until this, nearly a hundred years, we have kept ahead of the procession of nations in the care and judgment with which we have compelled neutrality at the hands of our own citizens. And to-day, whatever may be the thoughtless comment of some of our press, our neutrality laws are far more far-reaching, more perfect, and more rigid than those of any other nation under the sun. We have obeyed those laws with a greater exactness and conscientiousness than has been exhibited by the people of any other nation.

I trust that this does not mean war, and I believe that it does not, for I feel that a firm and united assertion of American rights will do at this crisis what possibly no other thing will do—prevent further aggression upon American rights. If anything will do so, the firm and united voice of the American peo-

ple behind the American President will do so. I believe that this country ought to keep out of the European war. I believe that somewhere in this war-torn world the processes of peace and civilization ought to be going on. Some nation ought to hold aloft the torch of civilization and Christianity in a world torn with the madness of internecine strife. I believe in peace, but I do not place peace above principle. I see in that flag of ours the red, the white, and the blue—the three colors. I see no streak of yellow, and I shall never vote to put one in. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. LONDON. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. STEENERSON. I do not think that is fair. The gentleman ought to be content with five minutes.

Mr. LONDON. I will try not to use it all.

The CHAIRMAN. Does the gentleman from Minnesota object?

Mr. STEENERSON. He says he will not use it.

The CHAIRMAN. The Chair hears no objection.

Mr. LONDON. Mr. Chairman, there is very little hope of converting anybody now, and the gentleman from Minnesota [Mr. STEENERSON] is probably right when he objects to an extension of time. After the distinguished minority leader [Mr. MANN] has so suddenly shifted ground, and after the genial majority leader [Mr. KITCHIN] has announced that he will hereafter pray, I think that all opposition is about gone. [Laughter.] We have reached a stage where sentiment rules and reason is suspended. This is a sensible body, as a rule. Members of the House generally know more or less what they are about, but when we reach the stage of sentiment, and when a man finds it necessary to proclaim how deeply he loves his flag and his country, he does not realize that he makes as much a fool of himself as if he should declare how deeply he loves his wife. It is taken for granted that a Member of the American Congress loves this Republic and will give his life for it if necessary, and all these protestations of patriotism are entirely superfluous. [Applause.]

I wish I could get myself to believe with the genial leader of the majority that prayers would do us any good. I would forego the religion of my fathers, which has given inspiration to the religions of the civilized world, and would do nothing but pray; but there is some doubt about the immediate efficacy of prayer just now, particularly with the experience of Europe, and particularly when ministers of the same religion address the Almightly asking of Him the most contradictory things. The German appeals on behalf of the 42-centimeter gun, and the minister in the French Army appeals on behalf of the 45-millimeter gun, and between those conflicting requests God has evidently determined to let them fight it out. I do not want to be irreverent; I think I am talking common sense.

Now, there is a great deal of talk about national honor, and I agree with some of the distinguished gentlemen who preceded me in saying that there is something worse than war, and that is dishonor. I agree with that, but I claim that no man can compel me to be dishonorable, and I believe that no nation can be dishonored unless it commits a dishonorable act. No one can attack your honor, no one can commit an offense against the honor of the American people unless it be the American people themselves. Please do not confuse vanity, pride, interest, or commerce with honor. They are entirely different things. [Applause.] Nor, gentlemen, is it true—and I ask you now to consider the doctrine of extraterritoriality. When gentlemen on the Republican side, when gentlemen from Tennessee and Illinois remind you all the time of your having failed in your duty in Mexico they are logical. They adopt with all its horrors and with all its consequences the doctrine of extraterritoriality, which means that an American citizen making an investment in Mexico or in any other foreign country is entitled to the protection of America, and that with his investment in a foreign country he takes along with him the army of his country to protect him. If you stand by that theory you will find yourselves fighting in Siberia, in Ireland, in England, in the Choo-Choo Islands in the Pacific. You will find yourselves fighting everywhere, because some American has made an investment, and if his investment is in danger, under the theory of extraterritoriality it is your obligation to defend him everywhere.

Mr. AUSTIN. Will the gentleman yield?

Mr. LONDON. Pardon me a moment. I will just develop my thought and then I will yield. To-day you are asked to defend American rights and American commerce where? Within a war zone. On what theory? On the theory that there is freedom of the sea, freedom of the ocean. Here you have the greatest industrial country in the world, the greatest republic. Since the Civil War you have had the freedom of the sea. No one has prevented you from having control of the sea, and still you have permitted England, and trailing behind England, Germany, to control the seas, because they have a definite and settled policy and have built up a merchant marine; and you, not having developed a merchant marine in time of peace, and not having control of the sea in time of peace, now seek control of the sea when we have to fight for it at the point of the sword. Was there ever anything more absurd, more indefensible, presented to intelligent people?

Mr. AUSTIN. May I ask the gentleman a question?

Mr. LONDON. Yes.

Mr. AUSTIN. When Americans in Mexico are obeying the laws there, if they are killed and their wives are outraged and their children mutilated, what would the gentleman do? Under what circumstances would you agree to fight for your country?

Mr. LONDON. I have said repeatedly that it is the duty of every American to defend the country when it is seriously menaced.

Mr. SNYDER. Yes; but you had that taken out of the RECORD in your last speech.

Mr. LONDON. The gentleman is seriously mistaken.

Mr. SNYDER. I thought you did.

Mr. LONDON. I never took it out of the RECORD. It is in the first address I delivered in the House, on the 18th of January, 1915.

Mr. AUSTIN. Now please answer my two questions.

Mr. LONDON. I believe that a man who makes investments in a foreign country is subject to the laws of that country, and is not entitled to take with him the army and the navy of the country of his origin. [Applause.]

Mr. AUSTIN. What is the duty of the American Government to its citizens in Mexico, obeying the law, who are killed there, whose wives are outraged, and whose children are mutilated? And under what circumstances would you agree to fight for the United States?

Mr. LONDON. Well, the President of the United States has answered that question for me.

Mr. AUSTIN. I want you to answer it.

Mr. LONDON. In this I stand by the President. He has answered that question.

Mr. AUSTIN. No; you dodge it. Why do you not have courage enough to answer it yourself?

Mr. LONDON. I have answered it by saying that I approve of the policy of the President regarding Mexico. He refused to send the American Army to protect investors in Mexico.

Mr. AUSTIN. What about the American women that are violated and the children who are mutilated? Answer that, and tell us under what circumstances you would fight for the flag of your adopted country?

Mr. LONDON. The gentleman does not want me to say that I stand for the violation of women or the mutilation of children. Why, I have told the gentleman repeatedly that the doctrine which obligates a country to protect the property of its citizens invested in a foreign land may lead to conflict and to war with that foreign country.

Mr. AUSTIN. I am asking you about the women and children, not about the men who invest their money.

Mr. LONDON. The question is so evidently improper that it does not deserve an answer, and it takes me away from the main subject. Now here is the situation: You had an opportunity for acquiring unlimited control of the sea in times of peace, and we are now fighting for it in times of war.

In war the right of the freedom of the seas is limited by the right of blockade and by the law of blockade. The situation reduces itself to a controversy as to certain weapons used, whether they are in violation of international law or not.

Now, Mr. Chairman, I can not go into a discussion of the horrible details of war; that is too self-evident. I would have cheerfully voted for this resolution if I was not conscious of the fact that it leads us directly into war. I would have cheerfully voted for it if I did not realize that whether we wanted it or not, having once adopted this policy of protecting property outside of your own territory, and within the war zone, you necessarily carried your Army and Navy with this resolution.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LONDON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks, and eliminate questions not relative to the subject.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks.

Mr. AUSTIN. I object to his revising; but I do not object to his extending his remarks. I want him to put it into the RECORD as it occurred.

Mr. VARE. Mr. Chairman, it is my intention to support the resolution reported by the Committee on Foreign Relations. This is no time for quibbling or partisanship. The President of the United States at a time like this must forget that he is a Democrat, and it is equally our duty on this side of the House to forget that we are Republicans. We should simply remember now that we are all American citizens, comrades under the same flag.

We should not stand behind the President, we should stand with him. There can be no question of his patience or his love of peace. If this country should unhappily be forced into war, it will be because there was no other way out compatible with national honor.

The road of honor is the only safe road to peace. If we surrender our honor, we will surrender our national safety, making our Government the plaything of Europe.

The President of the United States is the natural leader at a time like this. If he spoke only for the Democratic Party, he would be unworthy of his trust. But he speaks for all the people. He has come to Congress for cooperation and wholesouled support. We would be unworthy of our trust if we withheld that support or gave it grudgingly.

The Republican Party can render no finer service to the country than by standing squarely with the President of the United States in his effort to uphold the honor and dignity of the Government. [Applause.]

No one wants this country to remain at peace more than I do. I realize what peace means to the toilers of America, what it means to the mothers, fathers, husbands, and wives, and to all the people. Peace means no more to us now, however, than it did to the people of the American Colonies in the early days; no more than it did to our people when war became necessary to save the Union; no more than it did when we went into the Spanish War, because we knew we were right. The people of those days fought because they believed there was no way out of it compatible with honor.

The United States, I am glad to say, never has had a President who wanted war. We have never had a President who did not strive to his utmost to preserve peace. George Washington did not want war, nor did Abraham Lincoln nor William McKinley, nor does Woodrow Wilson. The people of Pennsylvania do not want war. They want peace with all their strength and their hearts and their souls, but they love the honor and dignity of America better than they love peace or their own individual lives and happiness.

They do not confuse placid and supine peace with national safety. They do not believe that the surrender of a single national principle or any part of the rights of the Nation under international law will preserve the peace of this great Nation. They have seen by experience that the lack of adequate preparedness did not prevent encroachments upon America in this present crisis.

The Republican Party frankly and fairly criticized the present administration for its failure to act promptly and vigorously at the various times when such prompt action would have convinced European belligerents that it would not be safe for them to taunt the United States Government.

The most effective weapon that can be used for the preservation of peace is the united public opinion in favor of upholding the honor of the Nation. The national spirit of resolution, the knowledge abroad that the Nation stands behind the President in whatever he may deem necessary to do to uphold that honor, will be far more effective than the dissenting resolutions passed by professional pacifists.

Notes have been of little avail. When the President finally sent his ultimatum to Germany, definitely threatening the severance of relations, Congress gave evidence of united support of the Government, and Germany modified her submarine warfare. When Germany again felt that America was divided, her extended submarine warfare was announced. The severance of relations, promptly announced by President Wilson, has actually had the effect of causing Germany to take precautions against sinking American ships. How long this care will be exercised now depends, in my opinion, upon the unity with which the American people support President Wilson and the United States Government in a firm policy upholding American honor, American dignity, and the rights of the Nation under international law. If there is any sign of weakness, if there should be a division of opinion, it will be an invitation for war.

The vast majority of the people of Pennsylvania want no peace that is not accompanied with national honor and dignity. At a time like this there should be no political division. Chairman Willcox, of the Republican national committee, spoke the real sentiment of the Republican Party when he issued his recent statement that there should be no party lines now, but that we should all stand behind the President of the United States, who is acting in the interest of all the people.

May God grant that the country be kept at peace, but the desire for peace, strong as it is, must be subordinate to the love that is in every American's heart for the honor of the Nation. The peace of the Nation can be better safeguarded by unity and resoluteness than by dissention and vacillation. [Applause.]

Mr. GILLETT. Mr. Chairman, I suppose few Members have been more critical of the present administration **than I** have. Few have had less confidence in either its domestic or its foreign policies. But ever since the news of the sinking of the *Lusitania* I have refrained from any public utterance here concerning our foreign policies. What I said publicly then I have adhered to ever since, that the question was too serious to be lightly discussed, and that I thought the one matter of importance was that in any crisis Americans should all stand together, and I was not willing to embarrass my own attitude or in any way weaken the hold of the President by expressing any disapproval which I might feel.

I do not pretend that I have been satisfied with his conduct of our foreign affairs, but what has been done can not be helped now, and the momentous question is the future. If the crisis has really come, I propose that whatever influence and effort I have shall support him. [Applause.]

I believe that will be the attitude of the whole country. I do not believe that even the avowed pacifists will hold back when their country is in peril. All war is immoral—at least on one side; we all hate as well as dread it. But when it is forced upon us I do not see how any man who appreciates his duty to his country can falter.

In ordinary times we do not stop to think what our country is to us—that it means our daily safety and livelihood and social existence. All these without the organized protection which our laws afford us would be precarious and insecure and worthless. And when the issue is really made, and we are faced with an attack on our country which might be fatal, every man's selfish interest as well as his patriotism ought to incite him to offer every sacrifice. In that wonderful tale of Edward Everett Hale, The Man Without a Country, which I wish every American would read just now, there is the sentence:

> Remember, boy, that behind all these men you have to do with, behind officers, and government, and people even, there is the country herself, your country, and that you belong to her as you belong to your own mother. Stand by her, boy, as you would stand by your mother if those devils there had got hold of her to-day!

That ought to be our feeling. This resolution does not go far, but I am glad to give the President this power, and it shall be my earnest effort and purpose throughout these critical times to give him my ungrudging and unpartisan support. [Applause.]

Mr. MILLER of Pennsylvania. Mr. Chairman, permit me to read the first section of the bill, to see what is being considered, as I want it to appear in my remarks:

> *Be it enacted, etc.*, That the President of the United States be, and is hereby, authorized and empowered to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and also with the necessary ammunition and means of making use of them in defense against unlawful attack; and that he be, and is hereby, authorized and empowered to protect such ships and the citizens of the United States against unlawful attack while in their lawful and peaceful pursuits on the high seas.

Mr. Chairman, the people of the district I have the honor to represent are unanimously opposed to the United States being drawn into the European war, and they are equally opposed to the United States declaring war against Germany or any of the warring powers unless it is absolutely necessary to do so to defend the rights and honor of the Nation and to defend and protect the lives of American citizens.

The President, in his address to the joint session of the two Houses of Congress, delivered February 26, 1917, said that thus far no overt act on the part of Germany had been committed that would justify the United States in declaring a state of war. If I thought that the passage of this bill would empower the President to declare war without further action on the part of Congress, or if I thought the President under the provisions of this bill would without further action on the part of Congress declare war against Germany or any European power, I would not vote for it. It does not empower him to declare war. It does not empower him to embroil the Nation in war. All that it does is to authorize the President to supply our merchant ships with defensive arms and ammunition to protect our com-

merce and our citizens traveling on such ships against unlawful attack while in their lawful and peaceful pursuits on the high seas. The plain and only intent is to enable American ships to defend themselves against the unlawful attack by a German or any other belligerent submarine war vessel.

In my opinion American citizens should not travel on merchant ships carrying munitions of war, and I so said in a speech delivered on this floor March 8, 1916. As a legal proposition they have a legal right to travel on such a ship, and as long as they have this legal right to so travel the ship carrying them should be allowed to carry defensive armor to protect them against unlawful attack.

I can not better express the sentiments of the vast majority of the citizens of the district I represent than it is expressed in an editorial in the Venango Daily Herald, published in Franklin, Pa., in the district I represent, February 28, 1917, which is herein printed by the consent of the House first obtained. The editor of the Herald is recognized in that community as one of the most conscientious, fearless, intelligent, and foremost editorial writers in western Pennsylvania. The editorial follows:

[From the Venango Daily Herald of Feb. 28, 1917.]

THE PRESIDENT'S DEMAND.

Strong and right as is the disposition to "stand by the President" while he is dealing with the present crisis, it must be admitted that the history of the past four years, as written by the administration at Washington, does not present a strong incentive for handing the supreme power of the Nation over to him, to be exercised according to his sole will for nine months. To go further than that, it is to be doubted, and very much doubted, whether such action is fully in harmony with sound governmental principles or has the warrant of applicable precedent in our past history.

Nobody doubts that President Wilson is a man of great ability, of broad enlightenment, of high ideals, and of deep conscientious conviction; but no one can dispute that for four years past he has showed a sad inaptitude in dealing with international affairs. It must be conceded that his tasks have been many and complicated, that the opportunity for making mistakes was much better than the opportunity for winning success; but the fact can not be concealed that he has no success to his credit at any point in international affairs.

President Wilson inherited the Mexican trouble from the Republican administration which preceded him; he has had it always with him for four years, and while it seems harsh to say it, it is no harsher than the truth to say that the four years form a history of clumsy bungling, with absolutely no result favorable to the welfare and dignity of the American people and with the situation certainly fully as bad to-day as it was at the beginning of the Wilson administration, and probably far worse.

President Wilson has been wrestling with the problems presented by the European war for 31 months. He has not solved one of them. In not a single case has he secured a clear vindication of any violated American right. In dealing with neither side of the European struggle has he been strong in anything but words. The entente allies have more or less politely ignored every demand and slighted every protest. The central powers have subjected us to unbearable injuries and intolerable insults, and have now gone to the extent of slapping us squarely in the face. And not once has the President risen to the occasion in any other fashion than verbally.

Worse than all that, through the whole four years the President has exhibited a lamentable disposition to "back and fill," to go forward and come back, to threaten and recede, to announce a resolution and repent of it. The Vera Cruz incident, the punitive expedition, the *Lusitania* notes, even the broken relations with Germany are illustrations of this.

We do not believe that the President lacks courage; we do not believe that he lacks a sense of duty; but he lacks something that should be had by a man at the head of a great nation in such a time as this.

In view of these facts, it is unfortunate that the President has esteemed it necessary to ask Congress to give him such power as, relative magnitude of the issues involved being considered, no other President ever exercised.

We confess ourselves not very well content when the interests of the Nation rest in the hands of Congress; there are in Congress too many men of petty minds and narrow horizon, too many men whose action is controlled solely by personal or partisan selfishness; but, upon the whole, we believe it will be safer to trust Congress. The President will gain more credit to himself and give greater satisfaction to the people if he withdraws his demand for extraordinary power and calls together the new Congress to take up the burdens which the Constitution lays upon it.

I fully agree with the article that if the bill under consideration conferred absolute authority on the President to declare war, or authorize the commission of acts the equivalent thereto, it should not be enacted, and I would not vote for it. As I view this bill, however, I believe, as stated by the President in his address delivered February 26, he already possessed all the authority by the plain implication of his constitutional duties and powers that this bill confers upon him. If more is needed in the future, he should follow the advice contained in the editorial and summon Congress in extra session.

Why not, then, grant the President what he asks for in his address to Congress and what is contained in this bill? Is there any Member of this House that will refuse to grant him that authority and to so empower him? In Pennsylvania, and I presume in all other States of the Union, it is unlawful for any citizen to carry concealed weapons, but if I go before a court with a petition and state that my life or the destruction of my property has been threatened and ask leave to carry arms for protection the judge of the court grants it. Why? Because I have a right to it, and why not furnish defensive arms to American ships that go out upon the high seas to defend against unlawful attack? Why not grant the President authority to put defensive arms upon them, to put guns on them, to put ammunition on them, to put American gunners on them? What for? To protect the ship, to protect the crew, to protect the cargo, to protect the passengers traveling upon that ship. From what? Unlawful attack. It is proposed to amend this bill by exempting ships that carry munitions of war. I am not sure but that I would vote for a proposition to place an embargo on the shipment of munitions of war on a passenger merchant ship to any belligerent. Indeed, I am sure I would. But that has not been done, and the citizens of the United States owning ships bearing American registry have the same legal right to carry munitions of war on merchant passenger ships as to carry food. If you protect one, why not protect the other? American citizens may lawfully take passage on a ship that is carrying munitions, and why not empower the American owner of that ship to carry defensive arms to defend them? I am in favor of this bill not simply for the purpose of standing behind the President. That is not it. He does not need me to stand behind him, and I do not need to stand behind him to vote for it. I vote for it as an American Congressman to protect our rights, to protect the flag that floats over us, and as an American citizen proud of my country and proud of her honor I shall vote for this bill. [Applause.]

Mr. SMITH of Michigan. Mr. Chairman and gentlemen of the House, I think we should express ourselves on this bill in no uncertain terms. Two reasons for that are that we should give the country, first, to understand that here in the Congress of the United States, where we are supposed to be familiar with these questions, but where we are not, we are unanimous in our action; that as one man we stand for the honor of our country, and may that action here to-day give the other nations of the earth notice of that fact. In that way we can make our vote and our action here to-day worth while and effective. I would like to say to those who think they are yielding anything to the President of the United States that in time of war the President of the United States is Commander in Chief of the Army and Navy, and if he can be trusted with the Army and Navy in time of war why can he not be trusted in time of peace to protect the lives and property of American citizens? This bill gives him authority to arm American ships of American registry. I would not say that we ought to convert merchant ships into warships and change the status of our merchant marine by putting guns upon them. If we do that for the people who own these ships we do no more for those ships than is done for many foreign ships that come into our harbors. At one time we stated that by putting a gun upon a merchantman it made a warship of it; but we subsequently took that back. That changes our status; and I want to say to you that it changes the status of an American citizen as to whether he is on a neutral vessel, one of our own, or upon the vessel of a belligerent that has arms and ammunition upon it to be furnished to a belligerent nation; and while I am sorry for the life of any of my countrymen, and I will vote to protect the lives of my countrymen, and never would pull down the flag or see it dishonored nor give up the sovereignty of the United States, yet as an American soldier, if I should see a vessel coming from Germany or Japan loaded with guns and ammunition to use against us in Mexico or any other country with which we were at war, whether there were neutrals upon it or any other people, I would destroy it if I could before it got into the enemies' port. They say that we are going to fight to protect the lives of American citizens. It is going to make a lot of difference about their status at the time the ship is sunk and whether or not they were on one of our own merchant ships or on the merchant ship of a belligerent. They say we are going to protect our commerce.

The fundamentals of any nation are agriculture, manufacture, and commerce, and the minute that we give up any one of them we give up our sovereignty. I am for protecting the lives of American citizens. We went to war down in Mexico; what for? The resolution said it was to compel Huerta to make amends for affronts to our Government. This bill says that we will give authority to the President to protect the lives and ships of Americans. If we give him the right to protect the ships and lives of American citizens we give him full power and authority to use our Army and Navy and every means at the command of the Government, and the little pittance of a hundred million dollars will be used up before we get the guns on our ships. [Applause.] On the 20th of April, 1914, this Congress passed the following resolution:

Resolved, etc., That the President of the United States is justified in the employment of the armed forces of the United States to enforce the demands made upon Victoriana Huerta for unequivocable amends

to the Government of the United States for affronts and indignities committed against the Government by Gen. Huerta and his representatives.

Under this resolution, which was passed almost unanimously, President Wilson sent our Navy to Vera Cruz and our Army into Mexico.

In relation to the procedure in Congress prior to the Spanish War, let me add:

The Committee on Appropriations, on the 8th day of March, 1898, submitted the following as one of the clauses in the Naval Establishment bill:

NATIONAL DEFENSE.

For the national defense, and for each and every purpose connected therewith, to be expended at the discretion of the President and to remain available until January 1, 1899, $50,000,000.

This resolution was afterwards carried unanimously by the House—313 for, none against.

Again, on the 13th day of April, 1898, the House passed the following declaration, termed "The declaration of war with Spain":

Joint resolution authorizing and directing the President of the United States to intervene to stop the war in Cuba, and for the purpose of establishing a stable and independent government of the people therein.

The bill now before the House, which, we are informed, was drafted by the President himself, provides:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized and empowered to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and also with the necessary ammunition and means of making use of them in defense against unlawful attack; and that he be, and is hereby, authorized and empowered to protect such ships and the citizens of the United States against unlawful attack while in their lawful and peaceful pursuits on the high seas.

If, under the resolutions for carrying on the Spanish War and for redressing our grievance with Mexico, the President sent our Army and Navy into foreign waters and foreign lands, there can not be any question but what President Wilson can carry on war with any foreign power to protect the lives and ships of American citizens.

Neither can there be any doubt but what the President can also protect our foreign commerce. Our foreign export commerce with England during the fiscal year of 1916 was $1,750,000,000, but of this great export trade only $108,000,000 worth was carried in American ships. If this amount of commerce carried in American ships to England were the only question involved, we might better turn the prows of our American merchant marine toward South America. Neither do I think that arming our ships will be to our great advantage. It will be remembered that the *Laconia*, the great Cunard liner, was sunk at 10.30 on Sunday night, February 25, just passed. I think that submarine warfare might best be waged with submarines on both sides and with our ability in the United States to manufacture 50 of these war craft a day, it would not be long before we could fill the seas with them. A merchant ship even armed with a gun has little chance with a submarine.

Mr. Chairman, I do not underestimate the great importance and gravity of our action. I stand for my country; I stand by my country. I hope for peace; but when any other country challenges us with submarines or warcraft and takes away our constitutional rights and deprives us of our liberty, it leaves us no alternative. Let us get ready. The notice is served on us. Let us preserve the sacred heritage handed down to us by our forefathers—

Thou, too, sail on, O ship of state!
Sail on, O Union strong and great!
Humanity, with all its fears,
With all its hopes of future years,
Is hanging breathless on thy fate!

[Applause.]

Mr. Chairman, under the leave granted me to revise and extend my remarks I herewith incorporate the law of nations on seizure and search of merchant ships by belligerents as adopted by the Convention of Paris, 1856:

The cruiser, if it comes across a vessel it suspects to have enemy's goods on board, requests it to lay to, and sends a boat on board with an officer whose duty it is to examine the vessel's papers. If there appears from these reasonable and probable cause to believe that the vessel itself is the property of the enemy or that there is contraband of war or enemy's property in the cargo, the captain of the cruiser, on his responsibility and at his risk, puts a prize crew on board and takes the vessel into port. He may not break bulk nor touch or embezzle an article on board the vessel under pain of forfeiting his whole share in the prize, together with treble the value of the articles embezzled. He may not injure a person on board; he may not even ransom the prize and set it at liberty, but must bring it into port for adjudication. Once there the vessel is delivered over to the prize court, which proceeds to decide whether the capture is good prize or not; and if not, the captor is liable and is condemned to pay costs and adequate damages for his interference with the vessel. There is, in short, no warlike act which is so fenced about with conditions and with securities as this, none in which the voice of the dispassionate judge is heard as it is in this, none in which injury to the innocent is so guarded against, none in which the excesses of the strong and the violent are so precluded. In other operations of warfare, such as battles ashore or on the seas, the whole black array of human passions are let loose and encouraged to do their worst; in this they are restrained by the most rigid rules, and forced to submit themselves to the judgment and approval of a calm and orderly tribunal, before which if any man has wrought violence or inflicted injury he has to answer for it.

Mr. LANGLEY. Mr. Chairman, I must of necessity speak briefly for lack of time and I trust that I shall also speak with full consciousness of the gravity of the question and of the occasion. I have prayerfully sought to divest myself of every possible political influence and to consider this bill solely from the standpoint of the duty of a patriotic American citizen. I am a Republican—an earnest, partisan Republican—but I do not carry my politics beyond the boundary line of my country. I heartily disagree with the domestic policies of President Wilson and his party upon the great fundamental questions that divide the two great parties. The same is true of his so-called Mexican policy, as well as of certain other steps that he has taken in international matters. But we are confronted to-day with a different proposition.

Mr. Chairman, I represent a people who are profoundly desirous of peace and who are willing to go to the extreme limit of patience and forbearance in order to maintain peace, if it can be done with honor. On the other hand, they are ready to fight, if need be, for the honor of the flag and for the preservation of the lives and liberties of our people. They have done this before, bravely and nobly, and they will do it again if the country needs them. They know the awful horrors of war as well as the priceless blessings of peace. I wish I could know at this moment the sentiment on this crucial question that is in the heart of every man, woman, and child in the tenth district of Kentucky, for I want to do what they want me to do and what is best for them and all the people of our land. Would that I could part the veil that hides the future from our view so that I could see whether this momentous step that we are about to take will help keep us out of war or help get us into it. If the failure to take the step meant the sacrifice of national honor, a mere discussion of the alternative would of itself be ignominious, for a nation without honor can not long endure, and deserves not to endure. I hesitate to say it at this time, but sometimes I have feared that the money madness of some of our people is overshadowing and causing some to think too little of that plain, plodding class of our citizenship who earn their daily bread in the sweat of their faces, who would have to fight our battles for us, if fight we must, and whose fathers, mothers, sisters, brothers, wives, and children, next to them, would suffer most from the terrible consequences of war. The life of an American soldier or sailor is far more precious than a mere merchant ship; and the peace, happiness, and prosperity of our people are infinitely more important than all the cargoes of merchandise that might be sent to the bottom of the sea. But there is more involved in this situation than the mere destruction of property.

The President tells us that it is his purpose only to protect our citizens against illegal attack and to preserve the unquestioned rights of our country upon the high seas, acting upon the defensive only. Surely we can not afford as a great Nation to do less than that. I would prefer to see the power to arm ships carrying munitions of war to belligerent nations excluded from the bill, because I fear that to arm them will increase the danger of us getting into war, and also because I have never in my heart approved of our people shipping, for the gain of gold, the instruments of death to either side. But we have been assured in this debate, by persons professing to speak for the President and with his authority, that this class of ships are not to be armed. It has been contended by some that this bill delegates to the President the powers of the Congress. I do not think it does. I have a jealous regard for the functions that the framers of the Constitution gave to this body and for the wise foresight of the fathers of the Republic in vesting solely in Congress the war-making power. If I thought that this bill delegated that power to the Executive, I would not vote for it. I feel rather that by enacting such legislation we are only exercising the duty which the vesting of that power in Congress necessarily imposes upon us, which is to help hold up the hands of the President and aid him in performing his own proper and constitutional functions in such an emergency. At the same time

it is my firm conviction that Congress should remain here until the danger of war has passed, or to declare war if the necessity arises, the legislative and executive branches working patriotically together for the preservation of the country's honor and peace, sweeping aside party lines, as we are doing here to-day, and thus presenting to all the world, friend and foe alike, a united, invincible front, so vital at such a time. [Applause.]

Mr. Chairman, I believe that Divinity intended this great continent of ours, with its matchless natural defenses and boundless resources and possibilities of development and expansion, to be the permanent home of the mightiest Republic of the greatest people, the foremost champion of the universal liberty of all mankind, and the leader of the world in civilization and Christianity. I believe also that one of the ultimate results of this terrible cateclysm of war in Europe will be a decrease in the number of monarchies and the establishment of more republics upon the earth. We want our Republic to continue to be, as it has ever been, the greatest Republic of them all. That can not be if we have reached the stage where we will not trust the chosen head of that Republic, whoever he may be, the Commander in Chief of our Army and our Navy, to patriotically perform his duty in a crisis like this. The President solemnly assures us that the enactment of this bill into law is essential to aid him in the proper and effective performance by him of that duty, and believing that I am acting in accordance with the wishes and best interest of the great people I represent, I shall vote for it. [Applause.]

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none.

Mr. LONDON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. LONDON. To ask unanimous consent. I renew my request to extend, revise, and correct my remarks.

Mr. JAMES. Mr. Chairman, I object; Mr. AUSTIN should be here when the gentleman makes that request.

Mr. LONDON. I will object to every other request.

Mr. JAMES. If the gentleman wants to make a request when Mr. AUSTIN is here, all right, but not in his absence.

Mr. AUSTIN. Mr. Chairman, I do not object to the gentleman extending his remarks, but I object to his revision, as his remarks include a colloquy between the gentleman and myself, and I insist on it going into the RECORD as it occurred.

Mr. LONDON. Mr. Chairman, the reason I wanted this eliminated was that the gentleman from Tennessee interrupted me——

The CHAIRMAN. Is there objection?

Mr. AUSTIN. Mr. Chairman, I object. I interrupted the gentleman with his permission.

Mr. DYER. Mr. Chairman, I ask unanimous consent to extend my remarks on the prohibition bill passed yesterday.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object—for the present I do object.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. COX. Mr. Chairman and gentlemen of the House, I am not willing to content myself with merely voting for this resolution. I want to say a few words for the resolution. I soon will have served in this House 10 years. To me it is the gloomiest day I have ever experienced in this House, because I fear that our country is upon the verge of being forced into this war. I see, as I think a vast majority of this House sees, but one hope and one avenue of escape, and that is for Germany to live up to the promises which she on five different occasions solemnly gave that she would do. We can afford to divide in this country upon internal questions and all be patriots, but when it comes to a division between the allegiance to our flag and our country and divide that allegiance with any other flag and any other country there is no common ground on which any man who calls himself an American citizen can possibly stand. But, in my opinion, I believe I am able to draw a clear distinction between the loss of property upon one hand and the loss of human life upon the other. It was perfectly apparent to every thinking man when this war broke out that we would be compelled to take many an insult, many an injury, enough in all human probability to justify and to provoke us into war. We have taken them. We protested against the allies in their injury and destruction of our property.

There will come a time in the future when our protest will be made good in some court, some tribunal competent to sit in judgment on our protests and compel them to repay us for the loss of property. But there is no compensation upon this earth that can compensate for the loss of human life. I undertake to say that this resolution would not be here this evening for us to vote upon if the only controversy between us and Germany or the other central powers was a controversy over property rights alone. Our protest would save our rights with them, and would take them into the Hague tribunal or some other common tribunal later on, where they would be adjusted. But when two hundred and upward of American citizens, following the peaceful pursuits of life, have been ruthlessly murdered, contrary to all international law that has existed for a thousand years, the time has come, in my judgment, for every man, without regard to politics, without regard to his nativity, if he be a citizen of this country, to support this resolution. [Applause.]

The President does not want war. Why, in the latest utterance he made to the House of Representatives upon this question he said:

> It is, rather, of fundamental human rights, chief of all the right of life itself. I am thinking not only of the rights of Americans to go and come about their proper business by way of the sea, but also of something much deeper, much more fundamental than that. I am thinking of those rights of humanity, without which there is no civilization.

The rights of humanity is what has made this question acute. It is not property rights, but it is the right of human life that has brought this question to us and has made it so acute to-day.

I am willing to support the President of the United States in whatever he wants, whatever he asks, and, so far as I am concerned, I am going to cast my vote to-night to turn down every amendment that is offered here that I feel this committee does not approve of. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. COX. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STEENERSON. Mr. Chairman, I ask to proceed for 10 minutes.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for 10 minutes.

Mr. FLOOD. Mr. Chairman, are there not 20 gentlemen who have asked for recognition? Has not the Chair a list of about 20 up there?

The CHAIRMAN. The Chair has a list of about 26.

Mr. FLOOD. I will have to object to any one gentleman speaking 10 minutes.

Mr. STEENERSON. Some have spoken for 10 minutes.

Mr. FLOOD. Then I have nothing to say. I withdraw my objection.

Mr. STEENERSON. If I do not want it, I will not use it.

Mr. Chairman, this is indeed a most important question for this Nation. I am glad to say that as I have understood the President's message asking for power, and as I understand this bill, it is not a war, but a peace measure. This authorizes the President to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and also with the necessary ammunition and means of making use of them in defense against unlawful attack. Later on there is a provision about war-risk insurance, and it expressly provides that ships carrying munitions of war to belligerents shall not be insured by the Government. Taking these provisions together, I believe that this authority ought to be granted, although I subscribe to the statement made here both by the President and the various speakers on this question, that the President of the United States has this authority under the Constitution anyway. But Congress, in passing this act, simply cooperates with the President of the United States and tells the world that we stand united for this program of defending our rights upon the seas.

What is it that we are going to defend ourselves against? Is it a blockade? No; it is a threat of murder and piracy. It is a threat to destroy all ships, whether they be ships of one kind or another, peaceful merchant ships upon necessary errands, traveling upon the high seas.

Now, what does that mean? That means that Germany in this instance has set itself up against the whole world, against all law, the same as an outlaw that stands with revolver and threatens your life, thereby forfeiting all rights. You have the right to defend yourself against such aggression at all hazards.

Now, let us remember that we often overlook the fact that these ships upon the high seas are a part of our country over which the Stars and Stripes float. The Constitution itself provides that Congress shall have power to define and punish piracy and felonies committed upon the high seas and offenses against the laws of nations, and to make rules for the government and regulation of the military and naval forces. There is not any place upon the high seas where one of our ships may be that is not a part of the United States. The men and women on that ship are just as much within our jurisdiction as if they were living here in the city of Washington, and their rights are as sacred, and the duty rests on this Government to protect them in all those rights. Now, see the consequences. If we should submit to such threats as these, it would have serious results. It might result in famine even in our own country. We take a just pride in the exercise of our generosity and humanity in sending food supplies across the seas to the starving millions, especially those who by the calamity of war have been put in need. But if a threat to sink our ships and murder their sailors and their passengers is to be effective, how can we then feed those people who are entitled to our aid. Even the people of Belgium, or the people of Poland, or any other people of these more afflicted countries, will be shut off. Our commerce will be entirely destroyed. And here is another thought: There are neutral countries that are dependent for food supplies on free access to the ocean, and neither Spain, Holland, Norway, nor Sweden, or any other could exist for a long time without importation of foodstuffs. The people of some of these countries are even now facing starvation. If we submit to these threats, the products of our farms could not be exported. We could get no imports. Our people would suffer, whether at home or abroad. I am as zealous for the rights of Congress as anyone, but I contend that this measure does not encroach upon the proper functions of the legislative branch of the Government. The war power is in Congress, but this does not delegate that power to the President. It only authorizes him to do a lawful act, which it is his duty under the Constitution to do. He says he favors peace, and I believe he does. The people believed him when he said in the last campaign he was for peace. I have no reason to doubt him now.

This ruthless submarine campaign seeks, by violence and threats of violence, to cut off all traffic from the ocean. It is not a blockade, unless it may be called blockade by duress—duress per minas. We can not recognize it because it is wrong and unlawful. The mere utterance of the threat has already deterred many ships from carrying necessary supplies abroad and carrying supplies from other countries here, and we are only at the beginning of it.

This is the kind of unlawful acts that we authorize the President here to suppress. We are not committing an act of war when we do that. We are doing what we have the lawful right to do.

Gentlemen have spoken here about acts of war. This resolution only authorizes the President to do what is lawful, and what is our duty. That is not an act of war. Some gentlemen have said that this is an American question. It is indeed, but it is a much greater question. It is a question of humanity, and are we not the leading Nation in the world, among the neutral powers the most powerful. Should we not therefore take the lead among all the neutrals to fight for this vital fundamental and necessary right? But, as I say, the suppression of lawlessness and piracy is not of itself an act of war, and we are merely authorizing the President to do what is his right and his duty to do, and showing to the world that we cooperate with him in that enforcement of the law. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. GREEN of Iowa. Mr. Chairman, I am unable to understand the position of gentlemen who claim that this resolution confers additional authority and power upon the President. It gives him no authority that he does not now possess. He possesses every authority and power contained in it now, and more. What gentleman has specified any authority that is given him by this bill that he could not exercise without it? The bill is, in fact, merely a method on the part of the President of applying to this Congress to ascertain whether they will ratify the exercise by him of certain powers which he now possesses in the event that he should use them; and one of the powers which he thus possesses and which he may exercise is that of defending American citizens against unlawful attacks. Who will say that he has not that right, and who will now say that he shall not exercise it?

Mr. Chairman, we have now reached the period where we must determine whether this House will say by its vote on this bill that it will neither act itself nor permit the President to act. It is no longer, Mr. Chairman, merely a question of asserting our rights. It is a question of whether we shall abandon unquestioned rights, rights that even those who seek to deprive us of them admit that we possess, and of whether, under threats and compulsion, we shall advertise to the world that whosoever will may come and take them from us with impunity. [Applause.]

This bill is no declaration of war, nor does it even make for war. It provides for no aggression. It asserts nothing but our right of self-defense. It has no tendency to provoke war, except as resistance in support of our rights may bring about a conflict. In express language it provides only for "defense against unlawful attack." I impugn the motive of no man, but I am unable to understand how any patriotic and true citizen of this country can fail to support this measure. Have we reached a state where we fear to even act in self-defense? If so, the time of our decadence is at hand. We are no longer a sovereign people, but must submit to the dictates of other nations.

If the bill dealt only with property rights I could understand how some might doubt or hesitate and say that redress could be found in the damages which proper tribunals would award. But it concerns life—life for which no payment can be made and no recompense is sufficient, and which, when lost, can never be restored. If we can not defend life, what can we defend? There is nothing more sacred.

In my place in this House as best I could I have steadfastly opposed every measure which might unnecessarily bring about a conflict or provoke an attack. I am for peace. For peace I hope and fervently pray. But the time has arrived when we ought to make known that the American flag still stretches out its protecting folds to safeguard its citizens wherever they may be, at home or abroad, on land or at sea. Peace is not to be won by tamely yielding our rights. We did not obtain our position as a nation in such a manner. We owe our very existence to a contrary course. We obtained our rights by boldly asserting them and maintaining them to the end. [Applause.]

While this bill is limited in some respects, it still leaves to the President some discretion. Of this I approve. It is no time for quibbling or haggling over his powers, and we should do nothing which might seem to deprive him of authority to protect our citizens in their rights. The great duties of his high office have been laid upon him, and for weal or woe he must captain the ship of state. We ought, and indeed we must, trust in him to avoid the perils that now threaten it. He can succeed with our united support, and to grant him anything less than full support in such an hour is to give aid and encouragement to those who benefit by our dissensions.

More than half a century ago, quoting from a book that never errs, President Lincoln once said, "A house divided against itself can not stand." It was true then. It was true in Biblical times. It is true to-day. In such an hour as this, shall we sit like so many reeds shaken by the wind, turning in every direction that the breeze may blow? Shall we not rather stand erect together, bound by the common ties of our citizenship, our patriotism, and our traditions, and so act that the precious heritage of liberty which was received from our fathers shall pass unsullied to generations yet to come? [Prolonged applause.]

Mr. SLAYDEN. Mr. Chairman, it has seemed to me that there has been quite an unnecessary amount of protestation of loyalty and patriotism to-day. I have assumed, and believe I have the right to assume, that every Member of this House is not only loyal to his country in peace and in war, but that his heart honestly beats with patriotic impulses for the welfare of the country. Now, there are differences of opinion, as there ought to be among so many men, as to what is the wisest and most patriotic course for them to follow. Some believe, or at least say they do, that we ought to exhaust every possible avenue of hope and of opportunity to avoid war. I agree with those gentleman, and I resent the insults of those people who declare that a man who is a pacifist is a coward. Men who say those things are fools and liars. [Applause.]

It is not true, and they know it is not true. But there is nobody here that I know of or in the whole country who is what they call, with a sneer, a "peace-at-any-price" man. I have never known a Member of the American Congress in my 20 years of service who was not willing to make any personal or national sacrifice for the honor and the security of his country.

Mr. Chairman, there are 300,000 or more Americans in my district. All of them are loyal to the country, and, so far as I know—and I know that district pretty well—none of them wants war as long as it can be honorably avoided, and they do not want peace a moment longer than it becomes necessary to defend the honor and the rights of the country. But they have

their views about how we should approach this great question; and I think men indulge in extravagance and intemperance of speech who denounce those who do not agree with them as lacking in patriotism or in courage.

Those people are not cowards, yet 49 out of 50 of the communications I have received since these days of agitation have come on have been prayers for peace, and the writers of those communications have not thought it necessary to protest their patriotism. They do not doubt it themselves, and their neighbors do not. Yet, sir, when the call comes for a sacrifice I venture to say that the district which I have the privilege of representing in this body will respond with as many men who will cheerfully undertake the hardships and hazards of war as any other in this country. There are thousands of people in that district of German descent and of German birth, and in their name I resent the insinuations that have been made by some gentlemen and by many newspapers that their loyalty could not be relied upon.

Mr. Chairman, in looking around over this House I see only two other Members who served with me in the Fifty-fifth Congress, the distinguished gentleman from Illinois [Mr. MANN] and the gentleman from New Hampshire [Mr. SULLOWAY], who were here during all those exciting days just prior to the Spanish-American War. At that time a fury had seized upon the people; a frenzy had possessed them. They were clamoring for war, the people and the press alike, but that is not the case now. The people are wiser, calmer now, and they prefer to investigate. They would rather reason now than shout, and I have been wonderfully impressed by the calm bearing and reasonable attitude of the Members of this House. [Applause.]

Yesterday in an interview with Miss Jane Addams, a leading worker for peace, the President said, "I have done, I am now doing, and I shall continue to do all I possibly can to keep the United States at peace."

If that is an honorable and proper course for the President, why is it not also an honorable and proper course for Members of Congress and citizens generally? It is honorable, and in taking such a position the President does himself honor. This is not a war resolution. It stops short of that fatal course, and in doing so offers a hope that peace may yet be preserved. I shall vote for it as better than what appears to be the alternative. I shall vote for the amendment offered by Mr. COOPER of Wisconsin and for every other amendment that tends to preserve the peace and helps to establish our neutrality, a course of action enjoined by the President as a patriotic duty.

I still hope that with so moderate a declaration by the Congress and the pacifist pronouncements of the President our people may escape the horror of being plunged into the greatest horror the world has ever known.

Mr. PLATT. Mr. Chairman, the President of the United States concluded his address to the Congress on February 26 with these words: "I can not imagine any man with American principles in his heart hesitating to defend these things." That sentence undoubtedly expresses also the sentiment of the American people in this hour of crisis. However the pro-Germans and the pacifists may rage and imagine a vain thing, the people of the United States as a whole can not imagine how any man with American principles at his heart can hesitate to defend these things—"rights which our hearts support and whose foundation is that righteous passion for justice upon which all law, all structures alike of family, of state, and of mankind must rest."

But there are gentlemen in this House, Mr. Chairman, who not only hesitate to defend these things, but refuse to look the facts fairly in the face, who persist in darkening counsel by words without wisdom, and in confusing the issue with irrelevant matter, who insist upon pointing to the misdemeanor of one nation as an excuse for the murder in the first degree of another, who even seek to deter us from our plain duty by holding before us the horrors of war and reiterating that if we shall dare to protect our citizens or our ships we shall be plunged into war, as if our great Nation were a nation of cowards.

Mr. Chairman, the possibility of war was before our predecessors of the Fifth Congress, who, in 1798, represented a little Nation of scarcely 5,000,000 people, but they did not hesitate to arm our merchant vessels, or to direct our Navy to go out on the high seas and "subdue, seize, and take" the submarines of the day that were menacing our commerce. Can it be possible that the Members of the Sixty-fourth Congress, representing 100,000,000 people, are afraid to authorize the same measures of defense to-day? The gentleman from Pennsylvania [Mr. TEMPLE] has convincingly shown that Germany herself has distinctly recognized, since the beginning of her illegal submarine warfare, the right of American merchantmen to arm for defense even if carrying contraband and munitions, and the treaty which Germany has declared in force was made in 1799, during the very period of European war to which I am referring.

But, Mr. Chairman, this bill does not go so far, by any means, as the bills of 1798, passed by the Fifth Congress. Personally I should like to see the same measures taken now that were taken then, so far as they are not obsolete. I should like to see this bill distinctly authorize our Navy to go out on the high seas and "subdue, seize, and take" any German armed vessel menacing our commerce, to quote the words of the act of July 9, 1798. Next to that I should prefer to see this bill passed just as it was introduced. President Wilson himself wrote the first section. It should not have been changed. In my opinion, it has not been strengthened, except by the omission of the language which implies that the emergency does not now exist. Certainly it ought not to be emasculated by the adoption of the amendment offered by the gentleman from Wisconsin [Mr. COOPER]. There ought not to be one vote in this House against giving President Wilson the authority he has requested. [Applause.]

Mr. FARR. Mr. Speaker, I shall support this bill. Under its provisions the President is authorized and empowered to protect American ships and the citizens of the United States against unlawful attack while in their lawful and peaceful pursuits on the high seas.

Who can dispute this right or evade this duty? What American sanctions a violation of these peaceful American privileges on the seas?

We do not want war. We have done nothing to cause war. We have not been killing the people, sinking the ships, destroying the property, or invading the rights of other nations. We do not intend to do so. The responsibility for trouble will not be on our shoulders. It will rest on those who further disregard our rights. We simply give notice to the world, after much patience and long-suffering and great injury, that we are for that flag and the liberty and ideals it represents; that we are united in support of the rights it guarantees our people, and that we now stand ready to uphold them at all hazards. That is not a threat of war. It is the best step for peace we can make. It is notice that we want peace, but notice also that we are ready to enforce peace.

If war should be forced upon us, as all hope it may not be, there will be the greatest uprising of real, patriotic American sentiment in the history of our country. No matter how many different racial lines we may have or how closely in feeling they may be knit to the warring countries, they know under what flag they want to live. They know the Government that gives them and their children liberty, opportunity, and the enjoyment of everything worth while in life, and they will be willing and ready, as in the past, to do their full duty to defend and protect these rights, so that the mighty millions to come may enjoy the blessings of a free country.

In a word, Mr. Speaker, the enactment of this measure, as so well stated by the President, means to enable him "to safeguard the rights of a great people who are at peace and who are desirous of exercising none but the rights of peace, to follow the pursuits of peace in quietness and good will—rights recognized time out of mind by all the civilized nations of the world." [Applause.]

Mr. HOPWOOD. Mr. Chairman, when the McLemore resolution was before this House I voted to warn Americans to not avail themselves of the "doubtful right," according to Mr. Lansing, of traveling on the armed ships of the belligerent powers. I believed it was not essential to the welfare or happiness of any American to take the chance of involving this country in war by losing his life in such an adventure. The thrills he would enjoy before the sea swallowed him up would hardly repay him for the long time his bones would rest beneath the waves; and as for me I would not vote to go to war to avenge his death.

But now, Mr. Chairman, we are confronted with an entirely different proposition. Shall Americans on peaceful missions on their own ships submit to an order from any nation forbidding them to cross the seas under threat of destruction of such ships with all on board should they disobey such insolent order? Emphatically I say no to any such order. It matters not from what nation such order comes. I hope that our "peace-at-any-price" citizens have not so undermined the very fabric of our institutions and destroyed the virility of American manhood as to render a supine submission to such an order a possibility.

So far as I am concerned, I made up my mind to support the President in this crisis; and immediately after he had addressed the House the other day I wrote him as follows:

FEBRUARY 26, 1917.

Hon. WOODROW WILSON,
President of the United States:

As a Republican I desire to express my entire appreciation and approval of your message to Congress to-day. I am ready to support a resolution granting to you the power and authority to maintain our rights as a neutral to travel the high seas without dictation from any foreign power.

On February 8 I inserted some remarks in the RECORD that more fully set forth my opinion on this subject.

My term expires on March 4, but I shall as a private citizen lend my influence to your support on the lines you have mapped out.

Sincerely, yours,

R. F. HOPWOOD.

To this letter I received the following answer:

FEBRUARY 27, 1917.

MY DEAR MR. HOPWOOD: I warmly appreciate your letter of yesterday and thank you for it most gratefully.

Such expressions of approval and support bring us nearer to the right attitude of parties.

Cordially and sincerely, yours,

WOODROW WILSON.

Hon. R. F. HOPWOOD,
House of Representatives.

I quote a few sentences from my speech referred to of February 8:

To begin with, nobody wants war. By that I mean that no American with common sense wants war, and I am of the opinion that our people, from the men who toil in the mines, mills, and factories and on the farms to the man who presides over the destinies of the Nation as its Chief Magistrate, are endowed with more of that commodity than the people of any other nation.

* * * We do not want war. We have no hatred of the German people or of any other. If war comes, it will be by open acts of hostility and aggression that leave us no choice but to stand for our essential and undoubted rights against the offender.

It would certainly be the part of wisdom for any nation hunting trouble to go elsewhere to seek it than to compel this Nation to engage in war. While we are not prepared for war, yet our resources are boundless and our people loyal and courageous. If they must fight they will, and they will never be conquered or defeated. This I say not in a boasting way, but from a firm and abiding conviction in its truth.

Our hope is, however, that we may not be involved in war, but that we may be able to use our power and influence to bring peace to a distracted world.

My desire now is to see the American Congress, as one man, stand solidly behind our President.

If we do this, it will be the kind of an argument for peace that any nation looking for trouble can understand, and they will think a long time before committing the overt act that will arouse a peaceful Nation of a hundred million people, united, strong, and resourceful beyond comparison, to go to war.

Peace will never be maintained by hiding our heads in the sand and crying out, "We do not want to fight." [Applause.]

Mr. CULLOP. Mr. Chairman, the paragraph under consideration embraces, as I read it, two propositions. First—

That the President of the United States be, and he is hereby, authorized and empowered to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and also with the necessary ammunition and means of making use of them in defense against unlawful attack.

What American citizen could object to that proposition? It is only empowering a nation to do what every individual in any country has a right to do. Self-defense has always been a valid defense in every court in every civilized country in the world. This, instead of provoking war, is a means of preventing war. Every man in this Republic knows that the President of the United States is the greatest apostle of peace in the world to-day, and he would be the last of any of the citizens of this Republic to precipitate war. That no man would go further than he to avert war is well known by every citizen in this great country; but, if driven to defend our rights, none would do it with more courage.

Now, what is the next proposition?

And that he be, and is hereby, authorized and empowered to protect such ships and the citizens of the United States against unlawful attack while in their lawful and peaceful pursuits on the high seas.

Does any American citizen object to that? Does any American citizen believe that when any citizen of this country is attacked, when the property of the citizen is destroyed upon the high seas, where both have a right to be, the President of the United States should not defend both person and the property thus unlawfully assailed? Is it not better to go prepared to prevent the loss of life or the destruction of property than to go unarmed and fight after the life has been lost or the property destroyed? In either event, whether life or property is destroyed, if thus attacked it would not bring it back into existence again. So this is a means of preventing war, of preventing the loss of life, of preventing the destruction of property, and it means peace more than it means war. The resolution calls for the appropriation of $100,000,000. In such a time as this does any man object to that sum? I would vote to put it in his hands and at his disposal if the amount were five times greater than that proposed in this bill.

In his message last Monday the President stated to Congress that he had the right under the Constitution to do everything that this first paragraph of the resolution proposes to give him authority to do. He was right. But, gentlemen, if this bill passes the American Congress by a large vote, it will go out to the world that the American people—this great law-making body which represents the American people—are solidly behind the President of the United States. [Applause.] The man who votes against this bill does more to provoke war than anything else that can be done in connection with the consideration of this important matter. [Applause.]

A division of any considerable importance here on this important question will encourage a hostile feeling and have a tendency to inspire a disregard among those who threaten to invade our rights and hinder our commerce. This would be intolerable, and the American people from every section of the country would look with disfavor upon such action. The people everywhere are jealous of their rights, and any invasion of them is quickly resented.

This great Nation does not seek war, and the President of the United States stands for peace, but both are opposed to peace without honor or peace with the sacrifice of sacred rights. This great Nation, the richest and most powerful in the world, stands ready to defend its rights either upon land or sea, and it does not propose to surrender them at the behest of any power at home or abroad. To this doctrine the people are pledged, and they confide in the President to maintain this great principle, which has made this Nation the greatest of all the world powers, and in so doing they well know the great issue is safe in his hands, and the trust confided to him will be kept inviolate.

Let us give the world to understand we intend to preserve our rights, defend them if assailed, and that we stand as a unit behind the President in his determination to see that American citizens and their property will be protected when unlawfully assailed by any foe whether on land or on the high seas.

Mr. MANN. I understood that there were others to be heard.

The CHAIRMAN. There are other Members on the list.

Mr. MANN. I will say that we had an understanding a while ago that there were so many on the list that there would be no vote until half past 8.

Mr. DAVIS of Texas. Mr. Chairman and fellow Members, I have felt to-day a seriousness I never felt before. I have made up my mind since this bill has been revised to support it. [Applause.] It gives no power to the President he does not now lawfully and properly possess. It only provides funds for action and execution in that power and gives him a vote of confidence as Congress adjourns. In this I am more than willing to concur, but in doing so I feel the direful forebodings of a future fraught with terrible consequences. I feel something as I did nearly two years ago when wife and I stood by and saw one of our boys laid out on an operating table. The attending doctors said it might mean death either way. To delay might mean death; the operation might mean death. So it is in this case. It may mean war, no matter which way I turn. I move in the light that the attending physicians, our leaders, say affords the best hope of escape from war, for to me it seems a sad fact that all things are working together for those who want to plunge our country into war. Europe is war mad. Thousands of military men are maniacs maddened in the frenzy of raging war, and the contagion of that war is spreading throughout our country. Morgan, with his millions, and the munition makers, with their huge piles of excessive wealth coined out of the misery and degradation of Europe's war, have prostituted a large element of our metropolitan press to the basest passions of brutal war. Appalled and bewildered at the developments in the record of damnation and distress that seems to pervade every land and clime, I simply want to put myself in these brief remarks in the RECORD as a man of peace, as an uncompromising advocate of peace, as one who believes that the distinguishing difference between heaven and hell is—

Heaven, with her joy, peace, and eternal life,
And hell, with her turmoil, woe, and eternal strife.

I call to mind that nearly 2,000 years ago a bevy of angels left the shining courts of heaven, came down and hovered over a heaven-born Babe in Bethlehem. A halo of glory hung in mystic splendor and covered the land round about with radiating beauty. The stars in the heavens stood vigil with their espangled rays pointing like searchlights from heaven to the Babe in the manger. The angels sang in glad refrain, "Glory to God in the highest, and on earth peace, good will toward men."

I am one of those who believe that Jesus Christ was born among men, wore the habiliments of men, died an ignominious

death to make these truths a living fact in the life of nations. I reverence that song as a part of the service of my God, and my life is filled with sore regret that my country and my people seem to ignore and contemn the grandeur of these solemn truths. Men on this floor, men in our pulpits, men in our schools, high in authority, supreme in command, spurn the laws and doctrines of God and cry aloud with flippant tongue for something they call national honor and national dignity. That expression to me is a meaningless term unless buttressed and backed by the laws of God, the love of humanity, and the right of mankind. I affirm here and now on the floor of this Congress in the presence of my God and these honorable Members that there is no honor in the conduct of men or the conduct of government that does not glorify God and add to the common weal, comfort, contentment, and peace of mankind. The hoary pages of history tell of whole continents that have been baptized in blood by tyrants and usurpers, who led millions of helpless and confiding soldiers to vanquish, slaughter, and slay, in murder, rapine, and plunder, and all of it done in the name of national honor and national dignity.

Cæsar, Napoleon, and hundreds of arrogant nabobs and crowned usurpers have assassinated millions of men, outraged millions of helpless women, in the name of national honor. In the bigoted bravado and tyranny of their conduct they put whole continents into the thralldom of death and despair. Rome stifled, strangled, and wiped out with the sword the whole of Juden, God's once chosen land and people. She put the sacred city of David and Israel in cinders, manacled millions of her people as slaves, despoiled the beautiful women in the bestial lust of their lives. England has snuffed out the light of a score of helpless nations, making peons, serfs, and slaves of the people. She waged two ruthless wars on this glorious country of ours in the name of national honor and national dignity. She set a premium on the heads of our leading patriots for signing the glorious Declaration of American Independence, that breathed into life our glorious Republic. At Bunker Hill, Valley Forge, and Yorktown she stood for the slaughter of our country, clamoring for the life of our patriots, and did it all in the name of national honor. Every crowned usurper, tyrant, and plunderer that is waging war in Europe to-day is lustily yelling national honor and national dignity. Rome crucified the Son of God between two malefactors after she had reviled, condemned, mocked, and spit upon Him. This she did in an unctious call for national honor and national dignity. But her conduct was so revolting to every sense of honor that heaven covered the scene in utter darkness while the earth trembled in the presence of the direful and damnable tragedy.

I do not understand what you mean by national honor when you propose to crimson the ocean in the blood of our soldiers to serve mammon, the god of money. Such philosophy and principles are taken from the codes of hell, and the results of its teaching fills the earth with misery, woe, and want.

Morgan, mammon, and money, the three great Molochs that are now swaying the minds of our men and leading us to a death march in war, would make us sacrifice millions of lives and billions of money to satiate their inordinate greed.

We hear men talk of our rights on the seas. These are pleasant terms to contemplate, but we have no rights on the seas to defend. We vacated them nearly two years ago and acquiesced in England's unscrupulous control of the seas of the earth. She told us and told the world she had created a war zone, strung a dead line of blockade around the central powers, and had mined a whole ocean, as it were; and I ask you men, in the name of God and righteousness, who authorized England to plant mines in God's highways and God's free zones on the ocean? The answer is that the same devil incarnate, the same imps of hell, that dwelt in the heart of Germany when she planted submarines in the ocean, had possession of England when she planted mines in the ocean. But instead of proposing to fight England we tamely, yea, ignominiously, calmly surrendered and have allowed her during all these months to chaperon our ships as a kind of godfather to our commerce in order to keep our ships from being blown to atoms by the infernal mines that she had planted beneath the waves of the seas. This we did after she had scuttled a number of our ships, rifled our mails, hitched her tugs to us, dragged us from the ocean, and put us in impound to await her sweet will. The truth is, in the rightful pursuits of our commerce, in our transit across the seas, our people have met two unscrupulous desperadoes. Both of them robbed us with insolence and impunity, denied our right to travel on the high seas; but in so doing one of them murdered in merciless cruelty a number of our people. This I consider wrong—gravely, seriously, dastardly wrong—an infamous outrage not only against us but against civilization. But why, oh, why, should we be willing to bear in forgiveness, forbearance, and conciliation the unscrupulous, unmitigated conduct of England and fold her to our bosom—the same poisonous asp that has tried twice to sting us to death—while we rave for war with Germany?

Oh, but you ask me why this great Republic did not mount its guns for action and call for a patriotic move to protect our rights against England? Let me answer in stentorian tones loud enough to echo around the world that Morgan, England's minister of munitions and chairman of her foreign affairs relations, who disgraces the term by pretending to be an American citizen, would not let us. That was no part of his program; would have spoiled his whole plan and would have been an unpardonable act in the estimation of him, his minions, and myrmidons. [Laughter and applause.] He and his crowd invested two billions of money in the Governments of the allies. He underwrote the enterprises of their war. He guaranteed their finances while they fought. To make this investment good and this enterprise secure he has so manipulated the distribution of intelligence and information and so managed our metropolitan press as to crystallize our public conscience into a frenzy against Germany, and to mitigate, condone, and forgive every offense that England did, no matter how drastic or damnable. Great wealth in all ages has given great power, and likewise in all ages men vested with great power have trampled on human rights, stifled liberty, prostituted virtue, disregarded humanity, and defied God in an effort to augment their own power and satisfy their lust and greed. The experience of mankind has taught that when wealth is centralized in the hands of a few they have been able to dominate, control, and sway the public mind, the public conscience, and public functions, but God has said, "Verily, verily, I say unto you, they shall have their reward."

I stand to-day in sight of the gathering gloom of impending war that is devastating, decimating, and destroying the civilization of Europe, with its accumulation of the ages, and I will cast a vote for this measure, trusting in God and Woodrow Wilson, who in this impending crisis can alone keep us out of that war. May God tone his heart and tune his lips to speak in terms of peace. May the guiding omnipotence of that merciful God lead him as our leader in paths of peace that we may live as a Nation and a people to carry on that glorious process of liberty, justice, and freedom that has made us and our country the beacon light on the ocean of life, that has guided millions of the oppressed of the earth to a haven of rest in our country.

Mr. FIELDS. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. MANN. Reserving the right to object, I gave notice a little while ago, at the request of the gentleman from Virginia [Mr. FLOOD] in charge of the bill and the gentleman from Wisconsin [Mr. COOPER] representing the minority, that in their behalf I would object to any extension of time. So I hope that the request will be withdrawn.

Mr. FIELDS. Mr. Chairman, I was not on the floor at the time, and I now withdraw the request.

Mr. DILL. Mr. Chairman, I am opposed to this country's entrance into the European war. I am so opposed to our entrance into that war that if I were sure that by voting against this bill peace would be certain to continue until the end of that war I would vote against it. If I were sure that by voting for it pence would be insured I would vote for it. If I were sure that by any amendment whatsoever peace would be certain I would vote for the amendment. But, Mr. Chairman, we can not be sure of anything in times like these. We must act according to the information we have and the judgment we have.

For this reason, Mr. Chairman, I shall vote for the amendment that has been proposed by the gentleman from Wisconsin, because I believe in so doing I shall vote to remove the one dangerous part, if there is a dangerous part, of this bill. I had prepared a similar amendment to this bill myself. When the President came before the House he said that it might become necessary to resort to "armed neutrality." If we arm ships to carry munitions of war to one of the belligerents, that will not be armed neutrality, but instead it will be armed assistance to that belligerent. It is said by gentlemen that the President will not use such power; that it is unnecessary to put in such a provision. They say it would be unlawful to carry munitions in armed ships. If he will not use the power there should be no objection to putting in the amendment annulling it, and it will be a notice to the munition makers of this country that the armed forces of the Nation are not to be used to assist them in making such enormous profits in the future as they have been making in the past. Every armed neutrality that has ever existed in the world has provided that contraband should not be free; that the flag of a neutral country on an armed ship was a guaranty that it did not carry contraband, and if the President meant what he said the

other day—and he generally does mean what he says—he meant it was not the desire of this country to carry munitions of war to one of the belligerents. The first armed neutrality in history, proclaimed by the Empress of Russia in 1780, was joined in by a number of nations, and the chief contention of those countries was that they had a right to arm their vessels and to send them from port to port anywhere in the world so long as they did not carry contraband. So that I believe the vital point in this bill which is about to be enacted is the proposed prohibition against carrying munitions of war in these vessels which are to be armed.

It is already provided that the war-insurance fund shall not be used to pay for munitions that may be lost. Why not take one more step by saying that these ships shall not carry munitions, and when we have said that we shall have said to the whole world that we propose to continue the pursuit of our peaceful rights upon the sea by the use of force, if need be, but that we do not propose to go upon the sea as a neutral nation and, under the guise of carrying on our peaceful pursuits, give armed assistance to one set of the belligerents. I believe the American people expect Congress to give the President the power he asked, but the power he asked was to arm neutral ships and not ships carrying munitions of war to one of the belligerents.

For two and one-half years the President has kept this Nation at peace. The people reelected him under that belief. He has said he is not asking for the power to declare war. I believe he meant that, and therefore I trust him, and, whatever the fate of this amendment, I shall vote for the bill. May the God of our fathers direct and guide him in the wise exercise of the powers we are granting him to-day, so that our people may remain at peace.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that the vote be taken on section 1 and all amendments thereto at 8.30 o'clock.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate be closed on section 1 and all amendments thereto at 8.30 o'clock. Is there objection?

Mr. KITCHIN. Mr. Chairman, reserving the right to object, I would like to say to the House that we have an appropriation bill which we hope to pass to-night and a conference report that will require some discussion, and I hope the gentlemen who desire to speak will make their speeches just as short as possible, so that we can get through this bill and begin to vote upon it about 8.30 o'clock.

Mr. CLARK of Missouri. There are four or five conference reports waiting, are there not?

Mr. BOOHER. Mr. Chairman, reserving the right to object, I would like to ask the gentleman if it is not possible to close this debate at half past 7 and commence voting upon the bill at that time?

Mr. MANN. There is a long list of names, and a great many Members went away with the understanding that we would not vote before half past 8 o'clock.

Mr. BOOHER. Was that the assurance of the leaders to Members?

Mr. MANN. That was the assurance to a great many.

Mr. BOOHER. I would not want to interfere with that agreement, of course.

Mr. SIMS. The vote on the first section does not mean anything unless you go a little further with that.

Mr. BOOHER. I should dislike very much to keep any Member from expressing his opinion upon this bill, but we have had opinions on every side, and it seems to me that we ought to limit debate if possible.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on section 1 and all amendments thereto shall close at 8.30 o'clock. Is there objection?

Mr. DILLON. Mr. Chairman, reserving the right to object, I trust that I may have three or four minutes in which to offer an amendment. There are 30 or 40 names on the list, and if I can not have that time I shall not be able to get in.

Mr. MANN. I hope the gentleman will not insist upon that. He can offer his amendment.

Mr. KITCHIN. Suppose the gentleman offer his amendment and let it be pending?

Mr. MANN. This does not cut off the right to offer amendments.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like five minutes on my amendment.

Mr. MANN. The gentleman can get that at any time.

Mr. COOPER of Wisconsin. Can I, if there are so many ahead of me?

Mr. MANN. I should think that the gentleman from Virginia and the gentleman from Wisconsin would both be entitled to five minutes of time regardless of this.

Mr. KITCHIN. There will be no trouble about the gentleman obtaining it by unanimous consent.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia that debate on section 1 and all amendments thereto shall close at 8.30 o'clock? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MANN. Mr. Chairman, let me make a suggestion to the gentleman that possibly no one would object to. That is, that except as to the gentleman from Virginia, if he wants five minutes, and the gentleman from Wisconsin [Mr. COOPER], that the other gentlemen be limited to three minutes.

The CHAIRMAN. Does the gentleman from Virginia submit that request?

Mr. FLOOD. I make that request.

Mr. MORGAN of Oklahoma. Make it four minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that during the discussion of this bill, up to 8.30, gentlemen be limited to three minutes each, except the gentleman from Virginia [Mr. FLOOD] and the gentleman from Wisconsin [Mr. COOPER], they to be entitled to five minutes each. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Now, Mr. Chairman, another request. Let me suggest to the gentleman that this is section 1, and why not agree now upon the length of time for debate on section 2?

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that 15 minutes——

Mr. MANN. Make it half an hour.

Mr. FLOOD. There are three more sections.

Mr. MANN. Are there?

Mr. FLOOD. Why not make it 30 minutes, 10 minutes to a section?

Mr. AUSTIN. Mr. Chairman, I wish to give notice that I intend to offer an amendment as a new section and I want five minutes on that.

Mr. MANN. This would not cut that out.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent——

Mr. MANN. Now, sections 2, 3, and 4 all relate to the same matter.

Mr. FLOOD. Yes.

Mr. MANN. Ask unanimous consent that sections 2, 3, and 4 be read and considered as one section, so amendments could be offered to any of them after they are read and debate on the whole be limited to 30 minutes.

Mr. FLOOD. Mr. Chairman, I make that request.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that sections 2, 3, and 4 be considered as one section; that all debate be limited on said sections and amendments thereto to 30 minutes. Is there objection?

Mr. JOHNSON of Washington. Reserving the right to object, what would become of amendments to section 2?

Mr. MANN. They would be in order.

Mr. JOHNSON of Washington. And to be handled within the 30 minutes?

Mr. MANN. Yes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The gentleman from Connecticut [Mr. FREEMAN] is recognized for three minutes under the change of order of consideration.

Mr. FREEMAN. Mr. Chairman, there has been much said in the course of this debate as to what Lincoln would have done under the present circumstances. The written record clearly shows what Abraham Lincoln would have done. In his first inaugural speech when the issue of peace or war was trembling in the balance he said, "In your hands, my dissatisfied fellow countrymen, and not in mine, lies the momentous issue of civil war. This Government will not assail you. You can have no conflict without you yourselves being the aggressors. You have no oath registered in heaven to destroy this Government, while I have a most solemn one to protect, preserve, and defend it." The President of the United States has time and time again assured the Imperial German Government that we have no desire to assail it. German officials have been repeatedly told that there can be no conflict unless they themselves are the aggressors, and in this resolution the President asks only the means to protect, preserve, and defend American rights in the proper fulfillment of his oath of office. In the beginning of this debate it was said that "it was no time to talk of supporting the President." If the time is not now, I wonder when it ever will be time for patriotic Republicans to support the President of our country. Now is the time and here is the place. [Applause.] I confess to a certain feeling that there has been little to be proud of and much to regret in the foreign policy of this administration, especially in relation to Mexico, but inasmuch as the country has given it a vote of confidence, and

to this administration for another four years has been committed the destiny of my country, I have faith that "While the lamp holds out to burn the vilest sinner may return." Therefore I give my vote to this resolution in the hope that it will prove the basis of loyal patriotic action. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FREEMAN. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RUBEY. Mr. Chairman, more than two and one-half years have passed since the breaking out of the European war. Millions of men have shed their blood in the awful conflict. Our great President has by his untiring patience and by his great diplomatic skill so managed the affairs of our beloved country that to-day we are at peace with all the world. Shall that much-deserved peace continue? In my humble judgment, much depends upon the action of this House here to-night. The eyes of 100,000,000 people are turned toward the Capital City of our Republic this day. The cables, the telegraph, and the wireless will convey almost instantly the result of the vote taken in this body here on this most critical occasion to every country in the world.

"United we stand, divided we fall," is the motto of my own beloved State, Missouri, and I invoke that sentiment here to-night on this great body. This resolution is here before us for action. It must be voted up or it must be voted down. Vote it up by a unanimous vote and you say to the world, "We are one people, united and firm, trusting in our President, and ready to uphold his hands." Vote it down and you announce to all that we are a divided people, and you by that vote invite attacks which can but lead to war. We have trusted the President in the trying hours gone by, and I am willing to trust him now in this the most critical hour we have yet faced, and I shall vote for the resolution. [Applause.]

Mr. MORGAN of Oklahoma. Mr. Chairman, this bill authorizes and empowers the President to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and also with the necessary ammunition and the means of making use of them in defense against unlawful attack; and authorizes and empowers the President to protect such ships and the citizens of the United States against unlawful attack while in their lawful pursuits on the high seas. The bill carries an appropriation of $100,000,000 to enable the President to carry out the provisions of the bill.

It should be borne in mind that this bill is not a declaration of war. It is not directed specifically to any particular nation. The President can use the power given him against any nation. It can only be used to protect our people in their lawful rights. The President is authorized to arm only merchant vessels of American registry belonging to citizens of the United States. Vessels are to be armed only for defensive purposes against unlawful attack.

All concede that the European war has reached that state when our commerce has been driven from the seas and when our citizens endanger their lives in pursuing their lawful business in the commerce of the world. Under these circumstances we must determine what course this Nation shall pursue. For my part, I think this bill as amended by the committee should be passed.

We can not turn back the hands on the clock of time to mark the 1st day of August, 1914, when the European war was inaugurated. That hour has been passed. Since that day mighty events have transpired. These events have influenced our Nation, our people, as well as all the rest of the world. It has been beyond our power to control the course of events which have brought us to the present situation. We are not responsible for what other nations have done. In spite of anything we could do to prevent it, the sanguinary struggle going on in Europe has reached a point where the rights, the property, and the lives of our own citizens are in jeopardy. If we do not uphold our citizens in their rights, if we do not safeguard their property, if we do not at all hazards protect their lives, we sacrifice the honor of our Nation. It is not a question of property. It is not a question of money. It is not a question of trade, commerce, or business. It is a question of national honor. We appropriate $100,000,000 for the purpose named in this bill. We would gladly appropriate a billion of dollars to keep out of war, if by so doing we could avoid war and still maintain the national honor. But we can not buy peace with honor. There is at this time but one way to maintain the honor of this country. We must at whatever cost, and against all nations, protect our people in all their rights, at home and abroad, on land and on sea.

Objections have been raised to conferring power upon the President. Whatever power the President may have under the Constitution, Congress should share with him the responsibilities of this hour. If we believe that no action should be taken to protect our citizens in their rights on the high seas, we will so declare by voting against this bill. On the other hand, if we believe that the rights of our citizens should be safeguarded, then we should vote for this bill.

I have often thought about the power of the President. I remember when I first came to Washington as a Representative elect in 1909. A few days thereafter I marched from this House to the Senate Chamber to witness the inauguration of a President. After certain ceremonies I saw William Howard Taft reach forth his hand and touch the Holy Bible and repeat the oath of office which made him President of the United States. Four years later, on the east portico of the Capitol, near the spot where Lincoln delivered his memorable second inaugural address, I heard the oath repeated which made Woodrow Wilson President of the United States. On each of these occasions I though about the immense power that was reposed in one man's hands, and of the mighty responsibilities placed upon one man's shoulders. Shortly after the inauguration, in 1909, I appeared in this House and, with a group of others, marched down in front of the Speaker and took the oath of office which made me a Representative in the Congress of the United States, conferred upon me certain power in the National Government, and placed on my shoulders a part of the responsibility in directing national affairs. Each time that I have taken the oath as a Member of this body I have tried to comprehend more fully its meaning and to appreciate to a higher degree the sacredness of the oath. The power and responsibility of a single Representative is insignificant compared with that of the Chief Executive of the Nation. But in exercising our power we should exercise the highest diligence to preserve the rights of our citizens, to safeguard their lives and their property, and to maintain the credit, the dignity, and the honor of the Nation. As a self-respecting Nation; as a great, independent, free people; as a mighty Republic in the forefront of all the nations of the world, we must courageously face the duties and responsibilities of the hour, pursue the path of honor, and allow nothing to swerve us therefrom. Duty, justice, patriotism, and humanity point the way. Let us follow these great lights. They will guide us safely through the perils of the hour, protect the rights of our people, safeguard their lives, preserve the honor of our country, and leave our flag, as it is to-day, untarnished and unstained. [Applause.]

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KREIDER] is recognized.

Mr. KREIDER. Mr. Chairman and gentlemen of the Congress, I have listened with a great deal of interest and the deepest concern to the arguments and debate indulged in by Members of the House in the consideration of this bill.

The action of this House to-day will unquestionably be a determining factor in the position this Government will assume in regard to our relations with foreign countries, and it is therefore perhaps more far-reaching and affects more vitally the interests of the American people than any measure that has been before this Congress since I have had the honor of being a Member of this body. Never before have I heard such eloquent pleas and appeals intended to arouse our patriotism, our love to our country, and our love to the flag, and never before have I heard the Scripture quoted so frequently on the floor of the House.

I have also noticed that the speeches in which such appeals were made received the greatest applause and seemed to meet the most general approval of the Members of the House. I believe there are times when it is perfectly proper that the burden of the address should be along those lines, but I do not believe there are times when it is perfectly proper that the burbias or influence our judgment or course of action. This is the time for most serious, careful, conscientious thought and deliberation. There is no Member of this House who has not expressed the hope and prayer that this country will not become involved in war. The awfulness of war has been pictured time and again, but very little has been said as to how we ought to conduct ourselves as a Nation so as to accomplish the object so devoutly hoped and prayed for. It seems to me that the burden of most of the speeches has been an expression of loyalty to America and her interests.

Now, the truth is, Mr. Chairman, that there is not a Member on the floor of this House that doubts for one moment that this bill will not pass with an overwhelming majority. There is not a Member of this House whose loyalty to the flag or his country can be questioned; there is not a Member of this House who is not

willing that the rights of American citizens should be protected upon land and sea, and who will not go to the utmost limit in order to accomplish this.

And if war should unhappily come, the American people will unite as one individual to defend and protect this country against any and all foes.

While many of us have not at all times agreed with the President in the handling of our foreign relations—in fact, we may have criticized him severely—now is not the time for criticism. Many of us believe that had he followed a different policy in regard to the stand he has taken since the outbreak of the European war we would not find ourselves in the condition we are; but these matters are history, and it does not avail us anything to talk of them now. We must forget the past and consider the present and future.

Personally I intend to vote for this bill and intend to support the administration with my voice and vote, but I can not permit this bill to become a law without calling the attention of the House to the fact that if we are so intensely interested, as we profess to be, to stay out of the war, it would be better that we should give some expression to that thought now rather than to appeal to our patriotism and what will be our duty after war has been declared.

Now, what are the facts?

This bill provides that the President shall protect American vessels on the high seas against unlawful attack. The truth is that up to this time no American vessel has been attacked contrary to international law as we or this administration interprets international law for which a complete disavowal has not been given to this country, and, so far as I know, no country intends to do so. Even in the case of the sinking of belligerent ships, where a few American lives have been lost, it would seem that those ships, if the press reports are to be believed, had violated international law, in so far as they were equipped with large guns, with a large quantity of ammunition, and manned with gunners and officers from the navy of belligerent nations, which is expressly forbidden. One of the clauses in our memorandum dated September 19, 1914, issued by Secretary Lansing, provides:

> That the vessel is manned by its usual crew and the officers are the same as those on board before war was declared, that the guns and small arms carried are few in number, that the quantity of ammunition carried is small—

And so forth.

In other words, that its equipment and armament are such that will indicate its peaceful mission and that such armament is not intended to be used for offensive purposes. It might not be out of place to state here that the whole proposition of arming merchant vessels is really a play of words.

The truth is in this day and age, there is no such thing as an offensive or defensive armament; but be that as it may, let us content ourselves by maintaining a strict neutrality. Let us hope that the purpose of this resolution will not be construed as instructions to the President to arm American ships for the purpose of carrying contraband of war in violation of international law to either belligerent nations, and let let us not discriminate too closely between the blockade which England has declared and that which Germany has declared.

Is it not possible that both blockades are contrary to international law? Is England maintaining a blockade in the North Sea contrary to international law by the laying of mines, which is unlawful and which she resorted to because she could not blockade with battleships because German submarines would sink them? Now Germany is blockading England by submarines, because she can not blockade with her battleships because England would sink them, and are we now to regard the blockade of Germany in the North Sea with floating mines by England as legal and regard the blockade of England by German submarines as illegal, and are we to convoy our ships through one blockade and not through the other? If we arm our merchant ships with guns from our Navy and possibly gunners and officers from the same Navy, are we not at the very beginning violating international law, which we pretend to abide by? Is it the intention of an armed American merchant vessel, should she encounter a German war vessel, whether it be a battleship or a submarine, to submit to the right of search and the destruction of any and all contraband of war which may be found on board? Or is she supposed to resist capture, and with the aid of her guns destroy a war vessel of a nation with which we are at peace? It seems to me that if we are as anxious to stay out of war as we pretend to be these matters should be discussed, and we should, it seems to me, be deeply concerned as to what our course shall be while we are still at peace.

Let me remind you that this is the time to reason. Let us have courage to do our duty here and now and give suggestions as to what should be done and not try to put this responsibility upon the President of the United States and then criticize, no matter what he does.

If the time should come that we should send our men and our boys to fight and, if necessary, to die upon the field of battle, shall it be because we have insisted upon our right to carry munitions and contraband of war through a submarine blockade, while submitting to a blockade established by floating mines in the open sea? Let us think soberly, earnestly seeking to avoid war. Let us not act in haste and repent at leisure, but let us maintain a strict neutrality; let us observe international law, at least as we ourselves have interpreted international law, and see whether by so doing we can not lessen the chances of becoming involved in a war.

I do not want to be misunderstood. I do not advocate giving up our rights, I do not advocate a dishonorable peace; but I do advocate a policy which will be so neutral in its conception and application that if, unhappily, war should come, no blame can rest upon the American people. We all agree that not only we, the representatives of the people, but the people whom we represent, do not desire war, and I can not believe that either of the belligerent nations wants to provoke war with us. I rather feel that these nations will go to the utmost limits to avoid a war. This being the case, why should not the American Congress lend a helping hand to our President, who, I believe, is sincerely and honestly striving to keep us out of war by every honorable means at his command. Let us be honest with ourselves, honest to our constituents, and honest to our country; and I most earnestly counsel caution and moderation. If we do anything less than this we will not be doing our duty. [Applause.]

Mr. MEEKER. Mr. Chairman, I have, since being a Member of this House, insisted in season and out of season on just what has been said by the gentleman from Pennsylvania [Mr. KREIDER]. I have said since the President's message of last Monday that I should vote against delegating to him any power or authority which this Congress has. If this resolution did such a thing as that I would be compelled to vote against it. It does not carry any such proviso. It seems to me that a careful reading of section 1 and the reading of the proviso at the end of section 2 should satisfy all critics and all objectors as to what is the intent of Congress in regard to what the President shall do with this appropriation. Now, Congress in this resolution manifests the determination to maintain American rights as against all nations, and the responsibility will rest upon the Executive to maintain those rights. We can not give him less than is here given and give him any support whatever. And it seems to me, whether we be on one side or the other in regard to when it should be necessary to take this step, we can not as the American Congress do less than asked for and is proposed in this resolution. I believe that every right of Congress and every right of American citizens is protected by it. And my hope is that the President shall use this power which is to be delegated and this money as against all nations, everywhere, that interfere with the rights of American citizens. [Applause.]

Mr. DILLON. Mr. Chairman, I send to the Clerk's desk an amendment which I wish to offer.

The CHAIRMAN. The Chair desires to state that there are several amendments already pending, and the Chair will not now pass upon whether this amendment is in order or not.

Mr. DILLON. I would like to have it read for information.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> After the word "attack," line 9, page 1, add:
> "But nothing herein shall be considered as a denial of the lawful right of visit and search."

The CHAIRMAN. The gentleman from Indiana [Mr. WOOD] is recognized.

Mr. WOOD of Indiana. Mr. Chairman and gentlemen, I desire to say a word or two in favor of the resolution introduced by the gentleman from Wisconsin [Mr. COOPER]. I believe that while we are considering this resolution, which we will pass, we should do a second thing—incorporate in it the proposition proposed by the gentleman from Wisconsin, so that the people of the United States may feel that we are not encouraging warfare. There is no mistaking the proposition that there are very, very many citizens of the United States who do not feel that the central powers have been fairly treated by the United States. They are not confined to those who have German blood in their veins. There are thousands upon thousands who have purely English blood in their veins who believe that thing to be true.

I believe if this amendment is adopted it will do more to cement a good feeling among our citizens than any other one thing this Congress can do. And we want the good feeling of all our people, cemented all together, in this great crisis. It may be said that if that were done we would be surrendering some of our rights. I deny that that is true. We would not surrender our rights to manufacture or to sell arms to any nation or to any citizen of any nation. All that we would be doing would be to take away that protection which we are giving to other commodities. I think it is worth while. I believe that in doing this thing, as I said before, we can serve a double purpose not only in this resolution, declaring our purposes to protect the rights of American citizenship upon land and upon sea, and our property likewise, wherever it may be, but at the same time say to the people of the United States of all classes that we propose that this shall be a fair proposition and that instead of encouraging warfare or the extension of warfare, we will discourage it in so far as we can within our constitutional rights. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from New York [Mr. HUSTED] is recognized.

Mr. HUSTED. Mr. Chairman, I have heard it said over and over again that we want peace, and said in such a way as to intimate that it was a reason why we should not pass this bill, or should not pass it in the form in which it was presented by the Committee on Foreign Affairs. Of course we want peace. Every sane nation and every sane individual wants peace, provided it can be had without sacrificing those things which are more precious than peace. But as much as we love peace and as much as we hate war, as reluctant as we are to take any steps which would plunge our Nation into the horrors of war, we must realize that there are certain things which no nation can do and retain a vestige of the respect of its own citizens or of the world at large.

One of those things which no nation can do is to refuse protection to its citizens in the lawful exercise of an undoubted right. We Americans, citizens of a neutral nation, have a right to trade with any nation on earth, in contraband or in noncontraband goods, in time of peace or in time of war, subject only to two belligerent rights—the right of blockade, and the right of visit and search; and the belligerent right of visit and search is limited in its exercise by the requirements that warning must be given, that the manifest of the vessel must be examined, and the character of its cargo determined.

If it is proved that its cargo is not contraband, then the vessel must be allowed to proceed upon its way. If the cargo is contraband of war, the vessel may be seized and under certain circumstances destroyed; but in any case, before that vessel may be sunk provision must be made for the safety of the passengers. This is a universally acknowledged requirement of international law; but, if it were not, it is a dictate of humanity which every civilized nation should respect.

The Imperial German Government, in flagrant contravention of the provisions of international law limiting the exercise of the belligerent right of visit and search, has notified our Government that it will sink our ships wherever they may be found in a so-called zone of war which that Government has arbitrarily prescribed, and American owners, in the face of that notice, are unwilling to send their ships to sea in a defenseless condition. Our vessels are in our ports, tied to their docks, and their owners have appealed to the Government for protection. [Applause.] The President of the United States wants and intends to give this protection, but prefers to have our approval of the authority to do so, which he asserts the Constitution confers upon him.

The question before us is whether by passing this bill we shall show to the world that we stand by the President in upholding our neutral right to trade and in maintaining the honor and dignity of the American Nation, or whether by defeating this bill we shall pusillanimously declare, for the sake of avoiding possible complication with a foreign power, our willingness to surrender a clear and undoubted neutral right to the freedom of the seas for the purposes of trade with any nation on earth and to refuse to American citizens the protection which they seek against unlawful attack while engaged in their lawful and peaceful pursuits on the high seas. I can not understand how any American, much less a Representative in the Congress of the United States, can hesitate for an instant as to what course he should take in this matter. As for myself, I stand by the President absolutely and gladly, and I am proud to say I know my constituents would disown me if I took any other position. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HUSTED. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MORGAN of Oklahoma. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. KENNEDY of Rhode Island. Mr. Speaker, at this time one year ago the Congress of the United States at the urgent request of the Chief Executive was called upon to express its convictions relative to a resolution introduced in the House providing that Americans should be warned against taking passage on belligerent merchant ships that carried arms to be used against unlawful attack. At the close of the debate the House voted to lay the warning resolution on the table, thereby upholding the immemorial doctrine that citizens of the United States have the right to travel on belligerent merchantmen that are armed for the purpose of defense. So far as this Congress is concerned we then settled that particular question; but now the more recent developments of the war present to us an entirely different proposition which strikes at our own very doors, Shall American merchant vessels be compelled to lie idle in American ports because a threat of destruction has been heralded by one of the belligerent powers, or shall this Government give to these vessels, their cargoes and passengers such protection as will enable them to carry on their lawful pursuits on the seas?

The precise point involved in the discussion a year ago was purely a question of law. It was not settled by the House on any consideration of sentiment or sympathy entertained on the part of the Members. It was purely an American question, which went to the fundamental rights of American citizens to travel in peace and safety on the high seas. So, too, the question involved in this present instance is purely American and ought to be settled from the American point of view.

Civilization has done much to mitigate the horrors of war and evolve moral and legal principles which, as far as possible, tend to humanize even warfare.

The principles for which we are contending are absolutely clear and unmistakable; so unmistakable, in fact, that come what may we can not in justice to ourselves submit to any abridgment of them. We unreservedly hold and must continue to maintain that the lives of noncombatants are sacred; that neutral vessels, though liable to have contraband arrested and seized, can not otherwise be justly interfered with. To destroy neutral property, other than contraband, is brigandage; to destroy the lives of noncombatants on the high seas or elsewhere is a thing that can not be justified by any military exigency or doctrine of reprisal.

These are the elementary rights of security for life and property for which we are contending, and failure to pass the resolution we are considering would be an utter abandonment of these rights.

We have apparently reached the point where a vindication of our rights on the seas necessitates the use of defensive armor on our merchant vessels, because of a threat recently made and carried fully into execution only a few days ago. If I interpret correctly the attitude on the part of the Members, there appears to be a strong feeling here that the United States must take some determined steps in this crisis. Members of the House seem to differ only in the distance to which this Government should go in affording protection to our ships.

If we have any rights that are worth defending—and no one will deny that we have—it would be folly on our part not to assert them in the fullest measure without abating one jot or tittle from them. Any curtailment of the exercise of our fullest rights as neutrals is pro tanto equivalent to a declaration that we do not possess the rights we would be willing to exclude. We can in justice to ourselves waive nothing to which we are entitled both morally and legally to make claim.

If we are going to authorize the arming of merchant ships—and there is ample reason and precedent for so doing—let us not, as proposed by the minority report, defeat our own purpose by setting limitations on our well-defined and long-established rights. Such action would be nothing short of submission. It would constitute a concession on the part of a sovereign nation to a change of the rules because, forsooth, a new and destructive weapon has been recently introduced into the operations of war. No new warlike contrivance howsoever destructive can ever be permitted to subvert the dictates of humanity. If we consent to any change in our just and well-defined rights at this time, once that is accomplished there will not be any ground in

the whole realm of international law upon which we can safely or securely set our foot.

Let it not be understood that we propose to arm our merchant ships to rove the seas for the purpose of chase and capture. This we could not do without participating in the war. We are merely providing that our merchantmen shall come and go on their journey as peaceful traders and carry on their business in the ordinary peaceful way, but equipped, nevertheless, if need be, to repel violence by violence and resist unjust aggression purely as a matter of self-defense. We can do nothing less than this under the circumstances. It is the duty of this Nation to safeguard and secure the rights of its citizens and their property by every means consistent with the principles of justice.

As a member of the Committee on Foreign Affairs I supported the pending measure and shall do so here because of the convictions I entertain that American rights must be maintained.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The gentleman from Nebraska [Mr. KINKAID] is recognized.

Mr. KINKAID. Mr. Chairman, it is perfectly clear to me from the expressions of Members made individually and remarks made upon the floor that the pending bill will pass this body. But I urge that it would be the part of wisdom to more clearly specify its purpose and express its limitations. For instance, I am heartily in favor of the amendment offered by the gentleman from Wisconsin [Mr. COOPER]. In fact, I have in my possession an amendment I prepared, substantially the same which I had intended to offer until learning of the amendment of the gentleman from Wisconsin, but as he is entitled by reason of being the ranking Republican member of the Foreign Relations Committee to be first heard in behalf of his amendment, I shall be content to support his amendment and abandon my own. His amendment, to commence at the end of line 5, on page 2, reads:

Provided, That no ship of American registry while armed in the manner aforesaid shall carry a cargo consisting in whole or in part of arms or ammunition consigned to belligerent countries or to any citizen thereof.

Mr. Chairman, I heartily favor the adoption of this amendment. The use of the few words contained in the clause costs nothing and might be the means of saving thousands of American lives, with millions of money, employed in preserving or vindicating our rights upon the seas, which might not be interfered with or even questioned with this amendment adopted.

Mr. Chairman, the bill itself, as reported by the committee, contains very strong warrant for the adoption of the amendment. For instance, the second paragraph, which provides for the appropriation of $100,000,000, to be used by the Bureau of War-Risk Insurance in insuring the cargoes carried on American vessels, contains a proviso, which reads:

Provided, That said Bureau of War-Risk Insurance shall not insure any arms or ammunition or any vessel carrying arms and ammunition to belligerent countries or any citizen thereof.

I respectfully submit to this body that it would be only in keeping with this clause in section 2 that the Cooper amendment be attached to the first paragraph of the bill, which here reads:

That the President of the United States be, and is hereby, authorized and empowered to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and also with the necessary ammunition and means of making use of them in defense against unlawful attack; and that he be and is hereby authorized and empowered to protect such ships and the citizens of the United States against unlawful attack while in a lawful and peaceful pursuit on the high seas.

And with the Cooper amendment added:

Provided, That no ship of American registry while armed in the manner aforesaid shall carry a cargo consisting in whole or in part of arms or ammunition consigned to a belligerent country or any citizen thereof.

Mr. Chairman, it is contended by the proponents of the bill that exercise of the powers it confers shall be limited in accordance with the language of the proposed amendment. Then why not adopt the amendment; why not have the world understand just how far this country means to go?

But another amendment I shall opportunely offer and which I have intended shall follow the last word of the first section, reads:

Provided, That a policy of strict neutrality shall be maintained.

This language would carry assurance that arms and ammunition would not be carried by vessels of American registry to either belligerent.

I shall vote also for the very appropriate and wise amendments, as I regard them to be, prepared by my Nebraska colleague, Mr. SLOAN, which are as follows:

Page 2, at end of line 5, insert the following proviso:

"*Provided*, That in granting protection to American ships, no discrimination shall be made on account of the ports or countries to which they may be bound."

Amend, on page 2, by inserting at the end of line 5 the following:

"*Provided*, That no passports shall be granted any American citizen intending to take passage upon any ship bound for a foreign port and carrying arms or munitions of war."

Mr. Chairman, the proponents of the bill in answer to these several amendments contend also that there is no need of imposing such restrictions, because the bill as it now stands is to be administered within the scope of the limitations sought by the amendments; if so, why not clearly specify our purpose?

Mr. Chairman, it often occurs that individuals fall out on account of mere misunderstandings; and it is plain that differences may arise between nations for want of a clear understanding of the position of each other, and war thereby may ensue. In fact, it has been claimed as to this very European war, the most destructive of all wars, that, if in the diplomatic conferences held at the start, a more definite understanding had been reached the war might have been avoided. When it is only necessary to employ a little more language to insure a clear understanding, it seems rash and reckless, it seems to me unpardonable, not to do so.

Mr. Chairman, from the commencement of this European war I have constantly advocated the practice of scrupulous neutrality by the United States as to the belligerents. While taking the important step sought by the pending bill, I deem it especially due that the purpose be made clear not to take sides with either belligerent, not to become unnecessarily involved, but to remain neutral, so far as protecting our own rights upon the seas may leave this practicable. Mr. Chairman, the Cooper amendment, the Sloan amendments, and my own two amendments only seek to accomplish this purpose.

Mr. Chairman, war is properly the last resort of all civilized nations. Since I have been a member of peace organizations, which has been for the last 12 years or more, and helped to advocate the policy of the settlement of international disputes by peace means, I have been optimistic in the belief that the time was not far distant when wars would be dispensed with by the civilized powers. Since the commencement of the European war and the violation now and then of American rights on the high seas, resulting more or less in the agitation of the question of whether we ourselves should embark in the war, I have constantly advocated that the United States be considerate and withhold any act of retaliation against either of the belligerents for wrongs which have usually been redressed by treaty after the close of great wars. I have further advocated that, where questions were doubtful as to whether we should retaliate in a hostile way, the doubt had better be solved in favor of our not going to war, of course, with the limitation that sacrifice be not made of that national dignity and honor which highly civilized nations should always preserve. I think we should be very slow to go to war on account of a conceived violation of international law the rule of which has not been agreed upon by treaty or otherwise established, but which remains undetermined.

Mr. Chairman, I am neither pro-German nor pro-ally, but I am pro-American. It is well known generally to my colleagues on the floor of this House that I have constantly stood for a policy of neutrality in this great European conflict—strict and scrupulous neutrality. I appreciate also that it would be hardly practicable for the United States to retaliate in a hostile way, be it offensive or defensive, against a wrong inflicted by either belligerent without in effect cooperating with the belligerent enemy and thus tending to become allied with such enemy. Under existing conditions, to take issue in war with either of the belligerents would render it difficult to avoid becoming deeply involved in the European war; and who could foretell the end?

Our traditions have been against entangling alliances as to foreign affairs in peace times, but the reasons are very much stronger for avoiding entangling alliances with European powers at war with one another. Mr. Chairman, if unfortunately we should be impelled to protect our commerce on the high seas by the use of our Navy, if we could not respectably do otherwise than vindicate our maritime rights, the action taken should be carried on under such restrictions, vigilantly observed, in a way not to commit the United States to either side of the European issues, whatever they may be. We should not look beyond the protection of the rights of our own country by the action of our Army and Navy.

America will be the strongest and best preserved by observing a scrupulous neutrality as to questions which do not concern us.

The great danger is that in embarking on an expedition for a limited purpose, say in the carrying out of an armed neutrality cause, such initial step may result in unqualified war, and once so involved no one can foresee the end or the duration of the after-war effect. But if we can keep out of the war just a few months longer I regard it as not improbable that the war will have ceased, and we shall find it unnecessary to employ the means provided by the bill.

Mr. Chairman, in the discussion of the pending bill I regard as very pertinent the contents of a state paper bearing the signatures of George Washington and Thomas Jefferson—the Neutrality Proclamation of 1793—brought to the attention of the Senate a few days ago by the distinguished Senator from Montana [Mr. WALSH]. It is as follows:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it apears that a state of war exists between Austria, Prussia, Sardinia, Great Britain, and the United Netherlands of the one part and France on the other, and the duty and interest of the United States require that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent powers.

I have therefore thought fit by these presents to declare the disposition of the United States to observe the conduct aforesaid toward those powers respectively, and to exhort and warn the citizens of the United States carefully to avoid all acts and proceedings whatsoever which may in any manner tend to contravene such disposition.

And I do hereby also make known that whosoever of the citizens of the United States shall render himself liable to punishment or forfeiture under the law of nations by committing, aiding, or abetting hostilities against any of the said powers, or by carrying to any of them those articles which are deemed contraband by the modern usage of nations, will not receive the protection of the United States against such punishment or forfeiture; and further, that I have given instructions to those officers to whom it belongs to cause prosecutions to be instituted against all persons who shall, within the cognizance of the courts of the United States, violate the law of nations with respect to the powers at war, or any of them.

In testimony whereof I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand.

Done at the city of Philadelphia, the 22d day of April, 1793, and of the independence of the United States of America the seventeenth.

[SEAL.] GO: WASHINGTON.

By the President:

TH: JEFFERSON.

Mr. Chairman, a very large majority of my constituents who write me upon the subject express themselves in opposition to our becoming involved in the European war in any manner whatever. A great number ask that a referendum be made to the people for their advice to the President and to the Congress as to whether we should go to war. While there is no statute or precedent authorizing or sanctioning the taking of a referendum of the people of the whole Nation upon such a question, I am frank to say I deem it highly proper that the expressions of the people generally as to their sentiments about going into war should receive the careful and most respectful and serious consideration of our Chief Executive and their chosen Members of the House and the Senate. Neither the Chief Executive nor the Members of the two Houses of Congress are here to represent just themselves. They are here as the servants and representatives of their constituents, and their action should properly reflect the clearly preponderating sentiment of the people on the question.

Mr. Chairman, I trust the day may not be far distant when nation shall come to not lift up the sword against nation, neither to learn war any more. [Applause.]

Mr. GORDON. Mr. Chairman, the President of the United States, charged by his oath of office to take care that the laws are faithfully executed, has come to the Congress and asked it for means with which to perform that duty.

In my judgment the duty of Congress is perfectly clear and apparent under the circumstances as they exist. It is exactly in time of war and of great public danger that the citizen most needs the support of his Government, and the nation which would propose to abandon, suspend, or surrender the rights of its citizens because of a threat that they are about to be unlawfully assailed would forfeit the respect of every civilized nation on earth and that of its own citizens as well.

Now, gentlemen, I question the motives of no man. We have had an exhibition here to-day of genuine Americanism. I have not discovered a single ulterior political motive on the part of any man who has addressed this House. I believe they are all actuated by honest purposes, and with no desire to take any political advantage of this situation. And I want to say that it is a very gratifying thing to me to be able to acknowledge that fact.

But I say that every Member of this House, upon his solemn responsibility and his oath of office, ought to consider carefully before he votes for any amendment to the resolution reported by the majority of the Committee on Foreign Affairs. I believe that no more momentous question has ever been presented to the American Congress than the one which we are now considering. The President of the United States has invoked our aid and assistance, as he has the right to do, and we ought to say by our action here that we propose to sustain the President of the United States in the defense of the lawful rights of every American citizen upon the high seas against any nation on earth.

I seems to me that question is so clear and so plain that the duty of Congress is obvious. [Applause.] Much has been said in this debate that is not relevant to the subject before the House; there is little analogy between the rights of our citizens on the high seas and in a foreign country. On the ocean, where no nation is sovereign, the duty of the Nation to defend its citizens in the exercise of their lawful rights is primary and mandatory, unless the Nation is to abandon its sovereignty and leave its citizens without protection, because no other nation is under any obligation to protect or defend them. When our citizens take up their residence in a foreign country, over which our sovereignty and jurisdiction does not extend, they do so voluntarily under favor of a treaty between this Nation and the other, and they thereby voluntarily submit themselves to the jurisdiction and laws of that country, and as aliens they have no right to participate in its political affairs, and for the protection of their property and personal rights they are dependent upon the stipulations contained in the treaty between their own country and the one in which they have elected to reside.

For the infraction or invasion of their rights they are compelled to invoke the aid and assistance of their own country, which in turn must resort through diplomatic channels for the vindication of the rights of its citizens to the offending country under and by virtue of the treaty then existing. For a foreign nation to directly intervene in the internal affairs of a nation in which its citizens reside and to attempt by force to maintain or vindicate their rights is an act of war which no self-respecting nation will tolerate. Hence the grave difficulties and complications involved in any attempt to maintain the rights of citizens in a foreign country as they may and should be maintained on the ocean. "The prompt and strict maintenance of the rights of American citizens on land and sea" is a "showy" and "catchy" campaign cry, but it is impossible of performance. When the then existing Government of Mexico was overthrown by revolution and no responsible Government succeeded it which was able to afford the protection to the lives of our citizens which Mexico had contracted by treaty to provide, President Taft issued a proclamation warning all our citizens to at once leave Mexico, and many thousands did so. This illustrates the difference between enforcing the rights of our citizens "on land" and "on the sea."

Mr. TREADWAY. Mr. Chairman, that the House of Representatives is a debating body was never better illustrated than to-day. Since morning the Members have been expressing their views on the pending bill, but the outcome of the vote has never been in doubt since the Committee on Foreign Affairs made its report.

I agree with the prophecy of the gentleman from Oklahoma [Mr. FERRIS], when he said this afternoon that he doubted whether 25 votes would be cast against this resolution.

However, debate and expressions of opinion add value in that the word may be carried to the people of the country that the President has the support of Congress, and, more than that, that the word may be flashed beyond the seas that we, the Representatives of the people of the country, expressing their views, unitedly support him and the honor of our flag.

It is not for a layman to argue the points of international law. It is not for Members not conversant with such problems to criticize or suggest changes in the report of the Committee on Foreign Affairs. I for one am ready to follow where they lead, knowing that their conclusions are based upon the President's wishes and our undisputed rights as a neutral Nation.

To-night there is no center aisle in this Hall. There is no division of political party. There is no hyphenated citizenship. We are here as Americans. We are here as the chosen Representatives of the people. We are here as the supporters of our President. It is gratifying as this debate draws to a close to realize that when loyalty to the flag or the country is being tested partisanship ceases.

The Members of this House voting for this resolution to-night may see in it a possibility, or even a probability, that it will mean at no distant date a further vote of confidence in the President and assertion of our rights by a declaration of open hostilities. But this we can say to the people and to the world, that the United States is not the aggressor, and has accepted and endured with patience and serenity affronts as a Nation which, with a less patient President, or with a less patient people back of the President, could very readily have brought on war.

It is gratifying that no man on this floor to-day has expressed a sentiment glorying in war. We are a peaceful Nation. We as Representatives of the people want peace, but with that peace we want national honor and national dignity. We want our citizens to feel and know that whether on the streets of their own towns or on the highways of the sea the proud title of American citizen means an exercise of his rights under the protection of the Stars and Stripes.

That is all the President has asked us to assist him in rendering to the people. It is all the bill before us is intended to do, and, realizing my duty as a Congressman and my obligation to my constituents, I shall join with almost the unanimous membership of this House in gladly voting for the bill. [Applause.]

I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MCARTHUR. Mr. Chairman, a Government has no higher function than to protect the lives of its citizens. When a nation fails to perform this supreme duty it is unfit to survive. The bill before us seeks to protect American citizens in pursuits recognized as legitimate by the established laws of nations, and, as a red-blooded American whose ancestors fought to establish and maintain this Government, I can do no less than vote for the measure. I deplore the situation that exists, but the responsibility rests with Germany. If we are to have war, it will not be a war of choice, but one of necessity, and it will be met in the same spirit of true Americanism as was manifested in the other wars of our history. I am hopeful that war will be avoided, but we must permit no further violations of our national honor and no more wanton murder of our citizens. We have conferred no extra constitutional powers upon the President, as there are ample precedents in our history for the action which we are about to take. It is our duty to support the President in this crisis. [Applause.]

Mr. DENISON. Mr. Chairman, I have decided to vote for this bill, not because the President has asked us to do so but because I am in favor of protecting the lives and property of American citizens "against unlawful attack while in their lawful and peaceful pursuits" anywhere in the world. I will vote for it not because it confers upon the President any power he does not now possess, or any power that properly belongs to Congress itself, but because, in my humble judgment, it does not do so. I shall do so because I think it is most important at this critical time that the Congress, representing the people of the entire Nation, should by this means show to the world our approval and support of the President in taking some forward positive action in defense of American citizens, and because I believe our refusal to take some such action, after the President has personally requested it, would amount to an affirmative repudiation of the President and would result in more injury to our honor and our position in the estimation of other nations than can possibly result from the passage of the bill.

This bill, in its present form, does not do all that the President has asked us to do. It does not authorize and empower the President "to employ such other instrumentalities and methods as may seem necessary and adequate"—to quote the President's words—to protect our ships and citizens against unlawful attack. The general blanket power and authority asked by the President in the language just quoted, and included in the bill introduced by the gentleman from Virginia [Mr. FLOOD], has wisely, I think, been stricken from the bill by the committee. The bill as amended does not leave the time of taking action for the defense of our citizens to the judgment or discretion of the President; it authorizes and empowers him to act now. It does not confer upon the President any general undefined powers. If it did so, I would not support it. It only authorizes him to supply merchant ships, belonging to American citizens and bearing American registry, with arms and ammunition and the necessary means of making use of them against unlawful attack, and to protect such ships and the citizens of the United States against unlawful attack. Congress could hardly act in a more definite and specific manner and accomplish what we all admit the urgent needs of the hour require.

This bill does not authorize the President to take any action for offensive purposes. If it did so I would not support it. It expressly limits the President to supplying American ships with "defensive arms" and the necessary ammunition and means of making use of them "in defense against unlawful attack," and to protecting such ships and the citizens of the United States "against unlawful attack while in their lawful and peaceful pursuits on the high seas."

I am sure there are none among us who have the interests of our country at heart who do not believe our Government should under all circumstances protect our own ships and our own citizens against unlawful attack while in their lawful and peaceful pursuits everywhere. This bill authorizes the President to act, not when he wants to or thinks he ought to do so, but now; not in any manner or by the use of any means he may want to use or thinks he ought to use, but by supplying ships owned by American citizens and bearing American registry with defensive arms and the necessary ammunition and the means of making use of them for the protection of such ships and of American citizens against unlawful attack. This, it seems to me, is specific enough.

And, Mr. Chairman, this bill does not authorize the President to supply arms to American ships and protect such ships and American citizens when they are used or may be engaged in any unlawful or hostile pursuits. If it did that I would not support it. It expressly limits the President's action to such ships and citizens as are engaged in their lawful and peaceful pursuits on the high seas. Clearly, then, we are not authorizing armed protection to any ships or any citizens who, according to our own laws or the law of nations, shall be found pursuing any unlawful or hostile purposes. To those engaged in lawful and peaceful pursuits we owe protection.

Mr. Chairman, I do not think our Government should furnish arms or protection to ships or citizens engaged in transporting munitions of war to any of the belligerent nations, even if we do have a legal right to engage in such traffic. I will vote for the amendment of the gentleman from Wisconsin, excluding from the provisions of the bill ships that are transporting munitions of war. But I will not vote against the bill if the amendment should not be adopted, because I do not think we should assume that the President will use his powers for such a purpose. If he were inclined to do so, he could do so independent of the provisions of this bill, for it does not confer upon him any powers he does not already possess. But I believe public sentiment in this country is against the traffic of our citizens in munitions of war as that traffic is now being pursued, and the people would not approve of our Government arming and protecting such ships when engaged in such a purpose.

In the end, Mr. Chairman, we are bound to trust a great deal to the wisdom and patriotism of the man whom the people elect President in a great crisis such as seems to be confronting us. And I am willing to assume that the President will act within the spirit and intention of this bill and in accordance with the peaceful purposes he so recently proclaimed to the world in his message to Congress. I am unwilling to believe he will endanger our position as a great neutral nation and disregard entirely the sentiment of a great majority of the people by arming ships sailing for the ports of a belligerent nation with munitions of war.

Mr. Chairman, while I am in favor of taking this action for the protection of the rights of American citizens on the high seas, I want to say that I believe the rights of American citizens should be protected by the President against unlawful attack by every nation equally and impartially. He should not submit to their violation by one nation while he is boldly demanding their observance by another. They should have been protected in Mexico and on the Mexican border, where the appeals of American citizens for protection to their lives and property have fallen on ears that have been strangely deaf and unresponsive. But because I have not thought that the President properly protected American citizens in Mexico or even from unlawful aggressions and abuses of other nations on the high seas, is no sufficient reason why I should not now be willing to authorize the President to protect American citizens against unlawful attack in this grave crisis. Let us authorize the President to act now. Let us hope that he will protect us from the aggressions and the unlawful attacks of all nations alike. If he does not do so, as the president of a great nation should, the blame will rest upon his head and not upon ours.

I hope, Mr. Chairman, that the President may soon take such action as will discourage, if not prevent, the shipment of arms and munitions of war to any of the belligerent nations. I hope so because such traffic is fraught with danger to us and may involve us in the war. And I hope he may soon take such action as will discourage the shipment of foodstuffs to the belligerent nations. That traffic is likewise not only fraught with danger to us, but the time is soon coming, if it is not already here, when we will have to conserve our supply of foods for our own people or prevent hunger riots by feeding the poor all over this country of ours.

Mr. Chairman, I believe that Congress should remain in session so as to aid the President in preventing war, if possible,

or the more quickly assist him in prosecuting the war, if war should unhappily be brought upon us. I hope the passage of this bill may prove to be a means for the better preservation of our peaceful relations with the belligerent nations rather than with one that will lead us nearer to the war that is shocking and blighting the world. And it is in this hope that I am willing to vote for the bill. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SIEGEL. Mr. Chairman, this resolution gives the President of the United States authority to protect the rights of American citizens guaranteed to them by the Constitution and under the well-known principles of international law. I believe that the passage of this resolution may serve to our being kept out of the terrible world conflict that is now being waged in Europe. It is not a declaration of war. If it were, I should vote against it.

That we are only endeavoring to enforce those rights of life, liberty, and property which are given to us not only by the law of nations but also under the treaty of 1828 with Prussia is conclusively established by the article written by Mr. Sterling E. Edmunds, which appeared in the New York Times February 18, 1917, and entitled—

THE OLD PRUSSIAN TREATIES—SECTIONS WHICH HAVE A BEARING ON THE SUBMARINE WAR AND THE RIGHTS OF AMERICAN SHIPS.

[By Sterling E. Edmunds, lecturer on international law, St. Louis University Law School.]

ST. LOUIS, *February 13, 1917.*

To the EDITOR OF THE NEW YORK TIMES:

In considering the rights of citizens of the United States and their ships in the newly established German war zone we are apt to forget that these rights—whatever those of other neutrals may be—do not rest alone upon the principles of humanity and the laws of civilized warfare, but that, on the other hand, they are guaranteed by Prussia herself in a solemn treaty of acknowledged binding force.

Although the present war was launched upon the idea that the obligations of treaty may be set aside by one of the high contracting parties whenever it is no longer to its interest to observe them, the United States can not subscribe to any such destructive doctrine.

The treaty rights of the United States in the present submarine campaign are clear and explicit, and it is important to call attention to them.

In 1785 Thomas Jefferson, Benjamin Franklin, and John Adams, as plenipotentiaries of the United States, concluded a treaty of amity with Prussia containing a number of provisions binding each party in the event the other should be engaged in war with any other power.

In 1799 this treaty was revised at the instance of John Quincy Adams, then Secretary of State, and this treaty was in turn supplanted in 1828 by a third treaty with Prussia, negotiated by Henry Clay. The treaty of 1828, made for a period of 12 years, was to remain in force thereafter for one-year periods until notice of a desire to be released were given. But no such notice has been given; and in the controversy between the United Sttaes and Germany over the sinking of the *William P. Frye* by the *Prinz Eitel Friedrich* early in the war both Governments expressly admitted the binding character of this treaty.

The treaty of 1828, in its twelfth article, revived article 12 of the treaty of 1785 and articles 13 to 24, inclusive, of the treaty of 1799 "with the same force and virtue as if they were made a part of the context of the present treaty." The revived article 12 referred to is of especial importance. It declares:

"If one of the contracting parties should be engaged in war with any other power, the free intercourse and commerce of the subjects or citizens of the party remaining neutral with the belligerent powers shall not be interrupted. On the contrary, in that case, as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, insomuch as all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to the enemy of the other; and the same freedom shall be extended to the persons who shall be on board a free vessel, although they should be enemies to the other party, unless they be soldiers in actual service of the enemy."

It is of very great significance in interpreting the foregoing article to recall that Benjamin Franklin was an ardent champion of complete exemption from capture at sea of all private property, contraband excepted, and that this historic doctrine owes its adoption by the United States to Franklin's firm espousal of it. With Prussia only, however, was he able to conclude a treaty taking such advanced ground. In 1871 the United States concluded its second treaty, namely, with Italy, embodying the principle. With respect to all other States, therefore, there is no recognition of the freedom of private property from capture, and the customary laws of maritime warfare apply in all of their destructive vigor.

That this twelfth article in the treaty with Prussia contemplates the most complete freedom and inviolability of trade with Prussia's enemies in all articles, save those of contraband, and that such was the intention of the parties, history and contemporary documents will fully attest. The treaty itself further reveals this in revived article 13, from the treaty of 1799, which says:

"And in the same case of one of the contracting parties being engaged in war with any other power, to prevent all difficulties and misunderstandings that usually arise respecting merchandise of contraband, such as arms, ammunition, and military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens, to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation and a loss of property to individuals."

Nevertheless, the article continues, it shall be lawful to stop such vessels and detain the contraband, paying reasonable compensation for such detention; and it shall further be lawful to use such contraband upon payment of its value, to be ascertained at the place of destination. In case a vessel is stopped, if the master will deliver out the contraband (which is to be paid for) then the vessel shall not be further detained or carried into port, but shall be allowed to proceed.

The revived fourteenth article of the treaty of 1799 provides that the vessels of each shall carry a passport and other documents, which each may be required to exhibit, but it is declared further that if the vessels, being neutral, are under convoy of the neutral's vessel of war, "the simple declaration of the officer commanding the convoy that the said vessels belong to the party of which he is shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination."

In other words, vessels of citizens of the United States, under convoy of our warships (not carrying contraband) shall not even be visited, after the warship's commander declares them to be of his convoy.

The revised fifteenth article of the treaty of 1799 specifically sets out how visit shall take place with a minimum of inconvenience. It says:

"And to prevent entirely any disorder and violence in such cases it is stipulated that when the vessels of the neutral party, sailing without convoy, shall be met by any vessels of war, public or private, of the other party, such vessels of war shall not send more than two or three men in their boat on board the said neutral vessel to examine her passports and documents. And all persons belonging to any vessel of war, public or private, who shall molest and insult in any way whatever the people, vessels, or effects of the other party shall be responsible in their persons and property for damages and interest, sufficient security for which shall be given by all comanders of private armed vessels before they are commissioned."

It will be seen that under this provision the commanders of German submarines can not lawfully require the captain of a United States merchantman to bring his papers on board, as is their practice in the rare instances where any pretense of visit has occurred.

Any question of the subsisting validity of the treaty is dispelled by the United States and German correspondence of April 5 and 28, June 7, and July 30, 1915, dealing with the *Frye* case. The question at issue in the *Frye* case had to do merely with reparation for the sinking of the ship after it had been visited and after all persons on board had been removed to the *Prinz Eitel Friedrich's* own decks.

The United States took the position in that case that the treaty was a positive prohibition against destruction, even where warning was given and safety was assured to passengers. And it has never receded from this position.

It may be readily understood what a tremendous obstacle to Germany's "commercial blockade" of England this Prussian treaty presents, stipulating, as it does, for the total exemption from capture and inviolability of all property on United States vessels, contraband excepted, and for uninterrupted commerce with Germany's enemies. It is little wonder that the German foreign office sought desperately to coerce Ambassador Gerard into the signature of a protocol ratifying those provisions favorable to Germany with respect to the status of alien enemies, while abrogating the principle of exemption of private property at sea.

That this was actually attempted, and that Mr. Gerard would not be trapped, is evident in a dispatch from Copenhagen appearing in the Times of February 12. This dispatch states that the draft of the protocol submitted by Count Montgelas to the United States ambassador proposed a ratification of the provisions of the treaties of 1799 and 1828, with certain changes, significantly omitting all reference to article 12 of the treaty of 1785, which embodies the principle of exemption of private property from capture.

For some reason there appears to have been a lack of stress laid upon this basis of our rights by our State Department in the various communications to Germany. In the past the United States has jealously clung to the conception that complete exemption of private property in war is the only logical principle adequately safeguarding neutral rights, and our treaties with Prussia and Italy have been pointed to as triumphs, which we hoped ultimately to duplicate with all States.

It will be recalled that the United States declined to adhere to the declaration of Paris in 1856 unless the powers adopted at the same time our historic doctrine as recognized in the Prussian treaty, which, however, they refused to do. They had previously declined a general invitation of the United States, in 1823, to join with Prussia and ourselves in making the inviolability of private property in naval warfare a universal rule of law.

STERLING E. EDMUNDS.

At a time like this, Mr. Chairman, it is wise to call attention to the fact that we are not adopting a course which is new and which lacks precedent. Authority for this statement is found in the article which appeared in the Washington Star on February 26, 1917, and entitled as follows:

ARMED NEUTRALITY NOT NEW TO UNITED STATES—METHOD SOUGHT BY PRESIDENT TO PROTECT SHIPPING USED BY THIS COUNTRY IN 1798—HELD TO BE JUST COURSE.

Armed neutrality—for which the President to-day asked Congress to prepare—is described by authorities on international law as military measures for the purpose of defending rights of neutrals against threatening infringements on the part of a belligerent. It has generally concerned more than one power, and the most striking historical instances of armed neutralities were those of the northern European powers in 1780 and 1800, made to defend the principle of free ships and free goods, adopted by treaty between the Baltic powers and opposed by England.

"If the commercial interests of several nations," says one authority, "are threatened by unjust or unlawful measures on the part of a belligerent which they deem unjust or dangerous, there can be no question of their right to secure their menaced interests by such combinations as seem best calculated to accomplish that purpose.

"An armed neutrality is in fact an alliance of several powers, usually of a defensive character, though this is by no means essential."

During the present war Holland and Switzerland have maintained what amounts to an armed neutrality, although it has been confined to land.

UNITED IN DEFENSE OF RIGHTS.

When war broke out between France and Spain and France and Great Britain neutrals became alarmed at the dangers with which the maritime rights were threatened, and the Empress of Russia undertook to unite them in defense of their neutral rights. This formed the basis of treaties between Russia, Denmark, Sweden, Holland, Austria, and Portugal. They formed a league which, under the name of armed neutrality, undertook to preserve inviolate the maritime rights of neutrals. These declarations were recognized by the treaty of peace

between Great Britain and France and were the established law of nations when the United States, in 1783, was recognized as independent by the powers of the world.

While there was no indication that President Wilson was intending to ask other neutrals to join the United States in armed neutrality, the fact that he already had invited them to join this country in breaking off diplomatic relations with Germany aroused some speculation as to whether he might not ask neutrals to join with the United States in the latest move.

It was realized that there was ample historic precedent for such action, and that the situation of other neutrals gave it additional probability. Holland, Norway, and Spain, especially with their merchant marine being rapidly destroyed, it was pointed out, might consider joining with the United States.

ARMED NEUTRAL IN 1798.

The last time the United States was in a state of armed neutrality was during the war between France and England, which ended with the downfall of Napoleon.

After many acts against American commerce bound for England, France, on January 18, 1798, decreed that every vessel found at sea loaded with merchandise produced in England or her possessions could be made a prize.

Many American vessels were seized, and in June, 1798, President Adams began to obtain from Congress broad authority to protect American commerce and to put the United States in a better position to make war if it became necessary.

In rapid succession laws were made to increase the naval armament, to authorize a provisional army, to arrest and expel aliens, to authorize the defense of merchant ships against French war vessels, and to enable the President to borrow money.

July 7, 1798, President Adams approved an act reciting that since treaties repeatedly had been violated by France, just claim for reparation refused, and a system of "predatory violence" had been pursued by the French Government, the United States were "of right freed and exonerated from the stipulations of the treaties," and that these compacts should not henceforth be regarded as legally obligatory on the Government or citizens of the United States.

HELD MARITIME WAR EXISTED.

Later in the same year further provision was made for augmenting the Army, and George Washington accepted the chief command. The Attorney General held that the acts of France and the legislation by Congress gave him the opinion that there not only existed "an actual maritime war between France and the United States, but a maritime war authorized by both nations.

The difficulty with France was not settled for many years. Thirty years later France agreed to pay 25,000,000 francs to satisfy American claims, although many years before that time her depredations on American commerce and American reprisals had ceased.

The acts of Congress in 1798 were in the aggregate somewhat like the bill introduced in the Senate Saturday by Senator FALL. The President then was authorized to instruct and direct commanders of United States war vessels to seize and bring into any port of the United States any armed vessel found hovering on the coasts of the United States and committing depredations on American ships. They also were instructed to retake any captured American ship. Another act authorized merchant ships to be armed and to take the same steps against foreign war vessels. Communication with France was forbidden and French vessels were prohibited from entering the ports of the United States.

In the Cleveland Leader on February 5, 1917, appeared a poem which I know expresses the sentiment of the country, and it will give further proof to the world that we are a united people, standing for real Americanism in the fullest sense of the word. It is entitled "Ready!"

READY!

We are with you, Mr. President, whatever you may do,
Though in the past, perhaps, we oft have disagreed with you.
The time has come for bickering and argument to cease,
For threats of war loom ominous where formerly was peace.
Behind you we are standing
To pursue the course you wend.
We are with you, Woodrow Wilson!
We are with you to the end!

From Vermont's green cragged mountains to the Californian shore,
Stand the people of the Nation as they oft have stood before;
From the northern barren stretches to the sun lands of the South
They are ready, though the order calls them to the cannon's mouth.
'Tis no time for hesitation
With a matter thus to mend.
We are with you, Woodrow Wilson!
We are with you to the end!

We have neither creed nor tenet when a crisis bids us come,
For all questioning dissension has been silenced and is dumb.
The melting pot has bubbled long its finished cast to yield.
A people of one purpose that will neither give nor yield.
And a Nation undivided
That no foreign foe can rend,
Stands behind you, Woodrow Wilson!
It is with you to the end!

Another poem appeared in Leslie's Weekly on February 22, 1917, and it must bring a hearty response from all loyal American citizens who love our institutions and who are devoted to America. It is entitled—

"OUR COUNTRY."

Now party lines are swept away,
And petty feuds put by,
And every eye is fixed upon
Our banner in the sky.
From Oyster Bay to Oregon,
From Florida to Maine,
The Nation rises up as one
And shouts the proud refrain,
"Our country!"

The alien who beneath the Stars
And Stripes has sought and found
Protection and the home denied
Where monarchies abound,
No matter in what distant land
He first beheld the light,
In turn protects Old Glory now,
And cries with all his might:
"Our country!"

In peace or war, from coast to coast
A living bulwark stands,
A solid wall of loyal hearts
And ever ready hands.
Americans of every race
And color, cult and creed
Unite for it, and fight for it,
And die for it if need,
Our country.

(Minna Irving.)

Mr. Chairman, the time has come for America to inculcate in the minds of the rising generation a spirit of cherishing and cultivation of what American institutions consist of and requiring men in the depths of their own souls to pledge to our country their loyalty and their enthusiastic support at all times determined to stand by our Republic in its hour of need and to give notice to the world that as its true sons, the spirit of real patriotism has prepared them to share those common dangers and common duties which common privileges and power have bestowed upon them. I have no fears that should the country require the sacrifice to be made that its citizens, whether native born or foreign born, will willingly give up all the treasures that they possess, including life and limb, in the defense of America's rights.

The mission of the United States is peace. It seeks no war with any nation. It is determined, however, that it proposes to protect the rights of its citizens, whether native or naturalized, on both land and sea. [Applause.]

Mr. COOPER of Ohio. Mr. Chairman, I shall support this resolution. Last fall, during the heat of the political campaign, at every opportunity where I had the chance I undertook to criticize President Wilson for what I thought was his weak-kneed, vacillating policy in regard to protecting the lives and property of American citizens. But as has been said here to-day, that is past history. President Wilson was reelected, and I humbly bow to the decision of the people and proclaim him as my President.

On February 3, President Wilson appeared before a joint session of the Senate and House of Representatives and told us that he had broken off diplomatic relations with Germany. I was very much impressed with his message. It was calm, deliberate, and forceful, and, while he expressed a kind, friendly feeling for all of the belligerent nations, yet he let it be known in no unmistakable terms that he would insist upon the protection of American citizens and their property upon the high seas. At that time I had a firm conviction, and I still have that conviction, that it was my duty as a Member of this body to stand by the President while he was passing through this most critical period of his public life.

Last Monday he came to us again and asked this Congress to support him. He asked us to give him the power to protect the lives of American citizens and their property in their lawful pursuits upon the highways of the sea. I am proud that I shall have the opportunity to support him here to-night when I vote for this bill. [Applause.] Mr. Chairman, I am not unmindful of the great responsibility that is resting upon this Congress to-day, but I trust in this hour we will all be Americans and stand as one great united people and insist on the protection of American citizens and their property upon the high seas. Mr. Chairman, there are times when we are considering political questions when the center aisle counts for a division of opinion, but at this time there should be no such a thing as Democrats or Republicans, but let us be the true Representatives of the people and stand as one man for a great fundamental which rightfully belongs to every American citizen, the right to the protection of life itself. [Applause.] Mr. Chairman, the people of the United States do not want war, and my earnest prayer to Almighty God is that we will always remain at peace with the world, but peace at any price is a dishonorable peace; it is the peace of the coward and the weakling. The question which we are considering to-day is as to whether or not we as a Nation shall preserve the great principles which were fought for at Valley Forge and Bunker Hill—the right to life and liberty. In the words of Lincoln, "Let us have faith that right makes might," and in that faith let us dare to do our duty as we understand it. [Applause.]

Mr. REILLY. Mr. Chairman, the President of the United States has asked Congress for the means and authority to protect American commerce and the lives of American citizens

against unlawful attacks upon the high seas. In passing the pending measure Congress will be doing what former Congresses have done under like conditions, particularly in 1789 when France and England were at war and France was unlawfully preying upon our commerce. At that time Congress passed a bill almost identical in its terms with the bill now pending before this House.

I believe that President Wilson is as sincere in his desire for peace as any Member of this body, and that as the chosen leader and spokesman of our Nation he will do everything possible, consistent with national honor, to keep this country out of Europe's mad war.

For almost three years he has withstood powerful influences that have been at work to bring about a situation that would involve our country in the conflict across the ocean. He has had many an opportunity for getting this country involved in the European conflict if he was for war and not for peace, and the proally press of the country has been most vicious in its denunciation of him because he has refused to throw the forces of this Government into the European contest on the side of the allies.

During the recent campaign in certain sections of the country he was bitterly assailed by sympathizers with the allies, and the voters were asked to hurl him from power because he was too easy with Germany, while in other parts of the country he was assailed by sympathizers with the central powers, and the voters were urged to retire him to private life because he was too hard on Germany. After he sent his recent peace note to the belligerent countries and delivered his peace message to the United States Senate—two documents that, in my judgment, will live in history as long as the Declaration of Independence—he was denounced and ridiculed by the rabid proally press of the country as a blundering dreamer who was contributing through his peace utterances to the success of the cause of the central powers.

If our country is doomed to become involved in the European war I hope that some means may be devised for conscripting the war-mad editors, the munitions makers, and the other war advocates and putting them at the front. These forces since almost the beginning of the war have been harassing the President and making his task more difficult and trying, and it is not their fault that our country is not involved in the European war at the present time.

In his recent address to the Congress of the United States in this Chamber the President declared that he was for peace; that he was a friend of peace; that he meant to preserve it for the American people as long as he was able to do so; that he was not contemplating war or any steps that might lead to it. His single appeal was for the means and authority to protect American ships—and I emphasize the word American—American lives and American property from unlawful attacks on the high seas, where no person or nation questions their right to be.

The President believes that the passage of the pending measure by the overwhelming vote of Congress will assist him, not to get into, but to keep out of war, because such a vote will serve notice on the world that the Congress of this Republic is back of the President and his efforts to protect American ships and American lives from unlawful attacks on the high seas; and knowing of the united attitude of our country, there will be less inclination on the part of any power to interfere unlawfully with the rights of our citizens on land or sea.

This bill does not give to the President any powers that he does not possess under the Constitution, neither does it surrender any powers that Congress has under the Constitution to declare war. If war is yet to be declared against any of the belligerents, that declaration must come from Congress; and if war is to come, it will come, as the President states in his message, because of the aggressive and unlawful attacks of some foreign power upon the unquestioned rights of American citizens.

This bill prohibits the Bureau of War-Risk Insurance from insuring vessels carrying munitions of war to the belligerent countries. This provision should satisfy those who are apprehensive that the President, under authority given him in the pending measure, will arm and convoy American ships carrying munitions of war to the belligerents. An additional assurance on this point was given this afternoon by the chairman of the Committee on Foreign Affairs, Mr. FLOOD, when he stated that the President of the United States had no intention of arming and convoying American ships carrying munitions of war to any of the belligerent nations.

About a year ago this House had under consideration the question of the right of American citizens to travel on belligerent merchant vessels armed for defensive purposes only. At that time Germany had announced that she would sink without warning all belligerent merchant vessels, and gave as her reason for such action the fact that such vessels being armed it was unsafe for a submarine to come to the surface and go through the old prescribed methods of capturing or destroying such vessels and cargoes. When the so-called warning resolution was up for consideration I voted against the tabling of the resolution because I believed that it was capable of amendment so as to express the judgment of this House that American citizens should refrain from traveling on armed belligerent merchant vessels without interfering with the power of the President to conduct the diplomatic affairs of the country, or in any way stultifying the honor of our country. I believed at that time, and I still believe, regardless of their technical right under international law to so travel, that it was, and still is, unpatriotic for American citizens to travel on belligerent merchant vessels, thereby endangering their own lives and the peace and happiness of their country.

There was a sentiment in this House when the warning resolution was up a year ago that, inasmuch as Germany had launched her submarine campaign as a retaliatory measure against England's unlawful food blockade of neutral countries, that Germany and England ought to be permitted to settle their food-blockade contests themselves without any interference by American citizens, especialy so in view of the fact that American citizens could just as well travel in most instances on neutral vessels as well as on belligerent vessels, and besides Germany denied the right of American citizens, under international law, to travel on belligerent vessels and expect to have their lives protected, and her contention received support in this country within and without the Halls of Congress.

However, the Congress of the United States by a decisive vote refused to request American citizens to refrain from traveling on belligerent merchant vessels, thereby giving its approval to the contention of the State Department that American citizens had an absolute right under international law to travel on belligerent merchant vessels armed for defensive purposes only.

The recent submarine order issued by Germany is much more sweeping than the submarine order that was responsible for the so-called warning resolution. In the submarine order of a year ago Germany announced her intention of sinking without warning only belligerent merchant vessels. In her recent submarine order she announces that she will sink all merchant vessels without warning, the vessels of neutral nations as well as of belligerent nations. Therefore, the question before this House to-day is not the question of the right of American citizens to travel on armed belligerent merchant vessels but rather the question of the right of American ships to travel the high seas without being subject to unlawful attacks—the question as to whether or not the President and the Congress will protect American ships and American citizens lawfully upon the high seas.

No one questions, not even Germany, the undoubted right of American ships to travel on the high seas. A year ago the right of American citizens to travel on armed belligerent vessels was questioned by Germany and by Members of this body and the body at the other end of the Capitol.

While I was willing a year ago to vote in favor of a resolution expressing the judgment of this House that American citizens should refrain from traveling on armed belligerent merchant vessels, I am not willing to-day to vote against the pending bill, and thereby announce to the world that in my judgment American ships and American citizens have no rights on the high seas that belligerent nations are bound to respect. I am not prepared to announce to the world that the President and the Congress of the United States will not protect the unquestioned rights of American ships and American citizens.

I am for peace and I would deem it an appalling calamity for the United States to become involved in the European conflict. In my judgment the President and Congress should and will do everything possible consistent with national honor to avoid war. In the matter of this world conflict I am, as every Member of this body should be, absolutely neutral. I am pro-French, pro-German, and pro-English; pro-central powers and pro-ally, but first of all I am pro-American. As a patriotic American I have no desire to see the destruction of the central powers or the annihilation of the allies. I have but one hope and one prayer, and that is that the most causeless, cruel, and destructive war of all time be declared a draw. I would consider it an appalling calamity for civilization to have either sides of this unholy contest achieve a decisive victory. I agree with President Wilson in his views as expressed in his recent peace message to the United States Senate, that the peace to follow this war must be a peace without the sting of victory if it is to be a lasting peace. The greatest argument ever made for universal peace is the argument that has been going on in Europe for many months,

and the best way, in my humble judgment, to bring about universal peace is to have the greatest war of all times come to nothing. Then, and then only, will it be possible for the common people of all the warring countries of Europe, and of all the countries in the world to dethrone the war gods and bring about an era of sanity in the affairs of nations. There has never been a war since man first began to oppress his fellow men that has been so replete with examples of matchless heroism and of undying devotion to country on the part of all classes of the citizenship of the warring peoples as the conflict now raging in Europe, and, as has been well said, as a result of this war there appears to be glory enough for all.

Mr. BAILEY. Mr. Chairman, I shall vote for this bill, yet not without misgiving. I shall vote for it because I am constrained to believe that the President has asked for it, not because he wants it for the purpose of bringing on war, but because he feels that with the authority it confers war will be less probable than otherwise.

President Wilson won his reelection on the great fact that he had kept us out of war. It is impossible to believe that he is insensible of this splendid tribute from a free people who love peace and who hate strife; and it is equally impossible to believe that so soon after this tribute has come to him he would deliberately throw it away by a course which would make the slogan of the recent campaign a mere mockery.

It seems to me strange, to say the least, that those who are most sensitive regarding the national honor and who seem bent on defeating the President's desire for continued peace find interference with our undisputed rights on the world's highway seriously to be resented only when the responsibility therefor rests with a particular power. Were it not less susceptible to question, were this sensitiveness as quick, when one nation touches it as when it is touched by another? The gentleman from Missouri [Mr. SHACKLEFORD] has called attention in his minority report on the pending bill to the salient fact that the North Sea has been barred to American ships and American commerce for over two years, yet only the feeblest protests against this interference have been heard. Apparently it is not a serious matter when our ships are barred by mines or otherwise from one portion of the world's highway. It is a serious matter only when the bar is raised by submarines across another portion. Is there reason for wonder that some people find it difficult to reconcile this with genuine neutrality or with professions of concern regarding our rights on the high seas or with respect to the national honor?

From the very beginning of this momentous controversy my aim has been to allay public feeling, to quiet agitation, to moderate popular sentiment, and to induce our people to make due allowances for the position in which the warring powers find themselves. I have deprecated the tendency of the press to inflame the public mind and to drive the country toward war. I have talked peace wherever the opportunity offered and have written along the same line day after day and month after month, hoping and praying always that the President might be given strength to resist the sinister influences which are so obviously at work to commit him to a bloody enterprise. And I stand here to-day in the same attitude held by me from the very outset, giving my vote for this measure as a further testimony to my reliance in his good faith when he tells us, as he has done, that he no more than the people wants war. I place my trust in him and can not believe that this trust will be betrayed. I place the fate of my country in his hands when I join in the vote for which he has asked, persuaded that it is safe there and that none of the powers here granted will be exercised save with the prudence, the judgment, and the wise discretion he has always before revealed in keeping this country out of the horrible tragedy of war. [Applause.]

Mr. KEATING. Mr. Chairman, in my judgment there is just one man in the United States who can keep this country out of the European war, and that man is Woodrow Wilson. [Applause.] I believe President Wilson fully appreciates the nature of the verdict rendered by the people of this country last November, and that he understands that the tremendous majority which was given him in that election was given him by men and women who believe that this country should not go into the European war on one side or the other. And because I believe that I intend to vote for this bill.

Personally, Mr. Chairman, I very seriously question the wisdom or the necessity of arming American merchant ships. If I had my way, instead of placing guns aboard American ships I would illuminate them. I would send them through the war zone as the *Finland* came through the war zone only the other day.

A telegram describing the passage of that ship appeared in the Washington Star last night. The *Finland* is an American ship, and according to this telegram: "It was 1 o'clock in the morning on February 18 [18 days after the German order had gone into effect] when the *Finland* left Liverpool with 170 passengers. She sailed with all lights burning, illuminating the American flag painted on either side of her hull, and no submarine was sighted." [Applause.]

The CHAIRMAN. The gentleman from New York [Mr. HULBERT]——

Mr. COOPER of Wisconsin. Mr. Chairman——

The CHAIRMAN. If gentlemen will indulge the Chair for a moment, under the agreement the last 10 minutes were to be divided between the gentleman from Wisconsin [Mr. COOPER] and the chairman of the committee [Mr. FLOOD], so the Chair recognizes the gentleman from Wisconsin [Mr. COOPER] for five minutes.

Mr. COOPER of Wisconsin. Mr. Chairman, the gentleman from Colorado, who has just taken his seat, said that there is only one man who can keep us out of war. Is it possible that the Republic of Washington and Lincoln, this representative Government with its written Constitution, is so situated that it is optional with one man to throw it into war or to keep it out? Is this Russia, or is it the United States of America? Some day, Mr. Chairman, when men have courage sufficient to read what they have uttered here and courage to think of what it means, they will regret it and pray God that it may be forgotten. Only one man who can keep the United States out of war! And yet here is Congress in session—Congress, upon which the Constitution confers the sole authority to declare war! Is it true, is it possible, that it is within the power of one man in effect to nullify that provision of the National Constitution? Let us see what another Wilson, a member of the Constitutional Convention, afterwards a justice of the Supreme Court of the United States, thought of this proposition—James Wilson, a great man. [Applause.] Hear him as, in 1787, he urges the people adopt the Constitution:

"I do not mean that, with an efficient government, we should mix with the commotions of Europe. No, sir; we are happily removed from them, and are not obliged to throw ourselves into the scale with any. This system will not hurry us into war; it is calculated to guard against it. It will not be in the power of a single man, or a single body of men, to involve us in such distress, for the important power of declaring war is vested in the legislature at large."

"It will not be in the power of a single man * * * to involve us in such distress."

And yet here to-day, after 130 years of the Nation's growth in liberty, men rise in the National House of Representatives and declare that there is only one man who can keep the great Republic out of war!

What is this bill? As drawn and as now before us it would permit the President to arm and convoy any American merchant vessel, regardless of the character of its cargo. Nobody during this debate has denied that under the bill, if it should become a law, the President could arm and convoy a ship loaded with arms or ammunition consigned to a belligerent. It is entirely immaterial that gentlemen think that the President would not exercise the power. He ought not to have such a power.

To-day in debate the distinguished gentleman from Massachusetts [Mr. GARDNER], when asked if an armed ship were loaded with ammunition he would have it convoyed by our Government to a belligerent, answered yes. He is the gentleman who, on August 15, 1915, telegraphed that if he could have his way he would then immediately declare war against Germany.

The gentleman from Ohio [Mr. FESS] declares that the friends of the bill propose to defend the Nation's rights. We who urge the amendment I have offered, we also would defend the Nation's rights. But when did a government calling itself neutral have a right under international law to help transport arms, gunpowder, shot, and shell to a country at war? Whence comes this so-called right to a nation that pretends to be neutral?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FLOOD. Mr. Chairman, I trust the amendment offered by the gentleman from Wisconsin will be voted down. It will practically destroy the effect of the pending bill. The purpose of this bill is to protect the lives of the American citizens on the high seas against unlawful attack. I want to know if there is a Member of the House of Representatives who is unwilling for his Government to protect its citizens in the lawful pursuits of their business against the unlawful attacks by another Government. [Applause.] That is the position the gentleman puts himself in.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. FLOOD. Yes.

Mr. COOPER of Wisconsin. I do not.

Mr. FLOOD. Then, I do not see what sense there is in the gentleman's proposition. [Applause.] Because this bill simply provides that the President of the United States is authorized to supply arms to merchant vessels or convoy them, if you will, to protect American citizens against unlawful attacks upon the high seas. [Applause.] And if that is not the gentleman's position, then his amendment is nonsense and should not be written into a well-drawn bill.

The gentleman from Wisconsin wanted to know why the gentleman from Colorado said that there was only one man who could keep us out of war. It is because there is only one man who is President of the United States, and the issue, so far as we are concerned, is in the hands of the President, a President who every American can trust, a President who has kept us out of war in the trying days of the past two and a half years, and who will keep us out of war in the time to come if it be possible to do without sacrificing American rights and American honor. [Applause.]

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. FLOOD. No; I may later. I do not believe that the President intends to convoy merchant vessels that carry munitions of war or to supply guns and ammunition to such vessels. Good international lawyers contend that to convoy a vessel loaded with arms and ammunition is an unlawful act; that it is an act of war.

Mr. TIMBERLAKE. Will the gentleman yield?

Mr. FLOOD. No; I have not but five minutes.

That to arm a merchant vessel and load it with munitions of war is an unlawful act. If that is so they would not convoy them or arm them under this law. If it is not so, if it is lawful for a nation to convoy merchant ships loaded with contraband, or to supply arms to such ships, our citizens have the right to take employment on such merchant vessels or to travel on them, and they are in the exercise of their rights in going on the high seas upon these vessels, and it would be a disgrace for the American Congress to say that these citizens should not be protected against the unlawful attacks of Germany or any other nation. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. TIMBERLAKE. Mr. Chairman, I ask unanimous consent that the gentleman have one minute to reply to a question.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that the gentleman have one minute. Is there objection?

SEVERAL MEMBERS. I object.

The CHAIRMAN. The debate is closed on section 1 and all amendments thereto, and the Clerk will report the first committee amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, will there not be an opportunity to offer amendments?

The CHAIRMAN. The agreement does not preclude the offering of additional amendments, but no debate can be had on them.

Mr. MOORE of Pennsylvania. I have an amendment which I wish to offer. Is this the proper time?

The CHAIRMAN. Not until the committee amendments are disposed of.

The Clerk will read the first committee amendment.

The Clerk read as follows:

Page 1, line 6, after the word "arms" strike out the words "should it in his judgment become necessary for him to do so."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 2, lines 1, 2, and 3, after the word "to" in line 1, strike out the words "employ such other instrumentalities and methods as may in his judgment and discretion seem necessary and adequate to."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 4, after the word "States" insert the words "against unlawful attack while."

The CHAIRMAN. The question is on the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Wisconsin, Mr. COOPER.

The Clerk read as follows:

At the end of line 5, on page 2, insert the following proviso:

"*Provided*, That no ship of American registry while armed in the manner aforesaid shall carry a cargo consisting in whole or in part of arms or ammunition consigned to a belligerent country or to any citizen thereof."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. POWERS rose.

The CHAIRMAN. For what purpose does the gentleman from Kentucky rise?

Mr. POWERS. I want to offer an amendment to the amendment.

The CHAIRMAN. The Clerk will report the amendment to the amendment offered by the gentleman from Kentucky [Mr. POWERS].

The Clerk read as follows:

Amend the Cooper amendment by inserting, after the word "armed," the words "by the President," so that the amendment as amended would read:

"*Provided*, That no ship of American registry while armed by the President in the manner aforesaid," etc.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from Kentucky.

The amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Wisconsin [Mr. COOPER].

The question was taken; and on a division (demanded by Mr. COOPER of Wisconsin) there were—ayes 100, noes 197.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the amendment at the desk offered by the gentleman from South Dakota [Mr. DILLON].

The Clerk read as follows:

After the word "attack," in line 9, page 1, insert "but nothing herein shall be construed as a denial of the lawful right of visit and search."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After the word "seas," page 2, line 5, insert:

"And for the purpose of this act the provisions of the Declaration of London, dated February 20, 1909, and heretofore ratified by the Senate of the United States, is declared to be the law of maritime warfare as understood in the United States."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and on a division, demanded by Mr. MOORE of Pennsylvania, there were—ayes 31, noes 170.

So the amendment was rejected.

Mr. SLOAN. Mr. Chairman, I have an amendment at the desk which I desire to offer at this time.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Nebraska [Mr. SLOAN].

The Clerk read as follows:

Page 2, at the end of line 5, insert the following proviso:

"*Provided*, That in granting protection to American ships no discrimination shall be made on account of the ports or countries to which they may be bound."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska.

The question was taken; and on a division (demanded by Mr. SLOAN) there were—ayes 103, noes 196.

Mr. SLOAN. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed Mr. SLOAN and Mr. FLOOD to act as tellers.

The committee again divided; and the tellers reported—ayes 95, noes 204.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from Nebraska [Mr. SLOAN].

The Clerk read as follows:

Amend, on page 2, by inserting at the end of line 5 the following: "*Provided*, That no passports shall be granted any American citizen intending to take passage upon any ship bound for a foreign port and carrying arms or munitions of war."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken; and on a division (demanded by Mr. SLOAN) there were—ayes 57, noes 190.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from Nebraska.

The Clerk read as follows:

Amend, on page 2, line 1, after the word "to," by inserting the words "in accordance herewith."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The amendment was rejected.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Nebraska [Mr. KINKAID].

The Clerk read as follows:

Amend, on page 2, by inserting at the end of line 5, the following: "*Provided*, That a policy of strict neutrality shall be maintained."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. AUSTIN. Mr. Chairman, I desire to offer an amendment in the nature of a new section, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. AUSTIN: Insert, after section 1 as a new section, the following:

"That the President of the United States be authorized, empowered, and directed to protect the lives and property of Americans in the Republic of Mexico if the so-called Carranza's Government fails, neglects, refuses, or is powerless to give the necessary protection."

Mr. FLOOD. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Chair is ready to rule. The Chair sustains the point of order.

Mr. AUSTIN. Mr. Chairman, I would like to know what is the point of order.

The CHAIRMAN. The Chair understood it to be on the ground it is not germane, at least that is the ground upon which the Chair sustained the point of order.

Mr. AUSTIN. Mr. Chairman, I did not hear the gentleman state any points of order and that is the reason I wanted to hear from him.

Mr. FLOOD. It is so apparent from its reading that I did not think it was necessary to state it.

The CHAIRMAN. The Chair has ruled.

Mr. AUSTIN. Mr. Chairman, I wish to be heard. [Cries of "Regular order!"]

The CHAIRMAN. The Chair's mind is made up, and the Chair has ruled, but if the Chair has done wrong the Chair will entertain an appeal.

Mr. AUSTIN. I have no doubt the Chairman's mind has been made up on previous questions, and yet Members of the House have had an opportunity to be heard.

The CHAIRMAN. Under the agreement of the committee the remaining three sections of the bill are to be read through and treated as one section, and there is to be 30 minutes' debate on the three sections. The Clerk will read the three remaining sections.

The Clerk read as follows:

SEC. 2. That the sum of $100,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended by the President of the United States for the purposes herein stated, the said sum to be available until the 1st day of January, 1918; and the President is authorized to transfer so much thereof as he may deem necessary to the Bureau of War-Risk Insurance, created by act of Congress, approved September 2, 1914, for the purpose of insuring vessels, their freight, passage moneys, and cargoes against loss or damage by the present risks of war.

SEC. 3. That for the purpose of meeting the expenditures herein authorized, the Secretary of the Treasury, under the direction of the President, is hereby authorized to borrow on the credit of the United States and to issue therefor bonds of the United States not exceeding in the aggregate $100,000,000, said bonds to be in such form and subject to such terms and conditions as the Secretary of the Treasury may prescribe, and to bear interest at the rate not exceeding 3 per cent per annum: *Provided*, That such bonds shall be sold at not less than par, shall not carry the circulating privilege, and that all citizens of the United States shall be given an equal opportunity to subscribe therefor, but no commission shall be allowed or paid thereon; that both principal and interest shall be payable in United States gold coin of the present standard of value, and be exempt from all taxation and duties of the United States, as well as from taxation in any form of all State, municipal, or local authorities; that any bonds issued hereunder may, under such conditions as the Secretary of the Treasury may prescribe, be convertible into bonds bearing a higher rate of interest than 3 per cent per annum if any bonds shall be issued by the United States at a higher rate than 3 per cent per annum by virtue of any act passed on or before December 31, 1918.

SEC. 4. That in order to pay the necessary expenses connected with the said issue of bonds, or any conversions thereof, a sum not exceeding one-fifth of 1 per cent of the amount of bonds herein authorized to be issued, or which may be converted, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct.

The CHAIRMAN. The Clerk will report the committee amendments.

[Cries of "Vote!"]

The Clerk read as follows:

First committee amendment: On page 2, line 17, following the word "war," insert a colon and "*Provided*, That said bureau of war-risk insurance shall not insure any arms and ammunition or any vessel carrying arms or ammunition consigned to any belligerent countries or any citizen thereof."

Mr. LA FOLLETTE. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. To this amendment?

Mr. LA FOLLETTE. To this section and to that provision.

The CHAIRMAN. Unless the gentleman is offering an amendment to the amendment to be adopted the Chair——

Mr. LA FOLLETTE. It will come at the end of the section.

The CHAIRMAN. The committee was dividing on this amendment.

Mr. MANN. Mr. Chairman, I think under the agreement the remaining sections are to be read clear through before putting an amendment on anything.

The CHAIRMAN. The three sections have been read through.

Mr. MANN. I beg the Chair's pardon.

The CHAIRMAN. The question is on the amendment just read.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Chair would suggest, if he may be indulged for a moment, that it would be better to dispose of all the committee amendments and then the Chair will recognize gentlemen to offer amendments to any part of the three sections.

Mr. MANN. I think that has to be done under the practice.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 23, after the word "exceeding," strike out "one-fifth" and insert "one-tenth."

The question was taken, and the amendment was agreed to.

Mr. LA FOLLETTE. Mr. Chairman, I desire to offer an amendment to the end of section 2 as perfected.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 20, after the word "thereof," insert "nor shall the United States convoy or arm any ships which may not be so insured."

Mr. LA FOLLETTE. Mr. Chairman, I offer this amendment in order that the Congress shall, in my judgment, be consistent in perfecting this section with the committee amendment just adopted. We have here refused to put a dollar at stake on any vessel loaded with arms and munitions of war. Our dollars are of too great value. Our dollars are entirely too valuable to put them at the hazard of a risk of this kind, yet under this legislation we can convoy all American vessels that would go from our shores laden with arms and ammunition, and we can under this resolution put the entire Navy of the United States in service in order to protect their rights on the seas. We could not only lose a vessel of $15,000,000 to $20,000,000 in value but a thousand lives of those who were on the vessel. Are our dollars of more value than our people and their substance?

What better insurance do the belligerent countries of Europe want for their shipments of arms and ammunition on American vessels than we should pass a resolution of this kind either arming the vessels or convoying them with our Navy? Gentlemen, I am anxious to uphold the honor and the dignity and the rights of the Nation, but I do not feel that it is consistent for us to pass a resolution here by which we will not hazard our dollars but which may hazard the welfare of our country, will hazard the loss of ships and men to protect that which we will not protect with our dollars. [Applause.]

Our neutral commerce should be protected when possible by insurance or otherwise. I can but feel it to be a mistake to offer Government protection to either vessels or cargoes on which we decline to issue a Government insurance policy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

[Cries of "Vote!"]

Mr. FLOOD. Mr. Chairman, if there are no more amendments I move that the committee do now rise.

Mr. MANN. Mr. Chairman, I move to strike out the last word, not for the purpose of making a speech but I think under the arrangement that was made gentlemen who were not recognized before might be recognized now for the balance of the half hour.

Mr. SIMS. They do not want it.

Mr. FLOOD. Mr. Chairman, I think the chairman told me he had about gotten through his list. Mr. Chairman, I move that the committee do now rise and report the bill with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. DAVIS of Texas. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. DAVIS of Texas. I rise for the purpose of asking unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CLINE, Mr. STEENERSON, Mr. NORTON, Mr. KING, Mr. DYER, and Mr. SHERLEY asked unanimous consent to extend their remarks in the RECORD.

Mr. MANN. Mr. Chairman, for the present I shall object, in the hope that all gentlemen may be granted leave in the House. If not, they can make the request again.

The CHAIRMAN. The gentleman from Illinois objects.

The motion that the committee rise was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en bloc.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time and was read the third time.

Mr. COOPER of Wisconsin. Mr. Speaker, I send to the Clerk's desk a motion to recommit.

The SPEAKER. The gentleman from Wisconsin offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. COOPER of Wisconsin moves to recommit the bill to the Committee on Foreign Affairs with instructions forthwith to report back the bill to the House with the following amendments, viz:

At the end of line 5, page 2, add the following: "*Provided*, That no ship of American registry armed in the manner aforesaid shall carry cargo consisting in whole or in part of arms or ammunition consigned to a belligerent country or to a citizen thereof."

Mr. FLOOD. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. COOPER of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 125, nays 293, answered "present" 1, not voting 15, as follows:

YEAS—125.

Adair	Focht	Lenroot	Siegel
Allen	Frear	Liebel	Sinnott
Anderson	Fuller	Lindbergh	Slayden
Anthony	Gandy	Lobeck	Sloan
Bailey	Good	Loud	Smith, Idaho
Barchfeld	Gray, Ind.	McCracken	Smith, Minn.
Barnhart	Gregg	McCulloch	Smith, N. Y.
Benedict	Guernsey	McLemore	Stafford
Britten	Hamlin	Meeker	Steele, Iowa
Browne	Haskell	Moore, Pa.	Stephens, Miss.
Buchanan, Ill.	Hawley	Moores, Ind.	Sterling
Buchanan, Tex.	Hayes	Nelson	Sumners
Burgess	Helgesen	Nolan	Switzer
Burke	Helm	Norton	Tavenner
Campbell	Hilliard	Porter	Taylor, Colo.
Cary	Hollingsworth	Powers	Thompson
Chiperfield	Huddleston	Quin	Timberlake
Church	Hull, Iowa	Raker	Towner
Cooper, Wis.	Igoe	Ramseyer	Van Dyke
Copley	Johnson, Ky.	Randall	Webb
Cramton	Johnson, S. Dak.	Rauch	Wheeler
Curry	Johnson, Wash.	Rayburn	Williams, T. S.
Davis, Minn.	Kearns	Reavis	Williams, Ohio
Davis, Tex.	Keating	Ricketts	Wilson, Ill.
Decker	Kent	Roberts, Nev.	Wingo
Denison	Kettner	Rodenberg	Wood, Ind.
Dill	Kincheloe	Rouse	Woods, Iowa
Dillon	King	Rowland	Woodyard
Driscoll	Kinkaid	Rubey	Young, N. Dak.
Dyer	Kreider	Russell, Ohio	
Eagle	La Follette	Shackleford	
Esch	Langley	Sherwood	

NAYS—293.

Abercrombie	Edmonds	Kennedy, Iowa	Price
Adamson	Edwards	Kennedy, R. I.	Ragsdale
Aiken	Ellsworth	Key, Ohio	Rainey
Alexander	Elston	Kiess, Pa.	Reilly
Almon	Emerson	Kitchin	Riordan
Ashbrook	Estopinal	Konop	Roberts, Mass.
Aswell	Evans	Lafean	Rogers
Austin	Fairchild	Lazaro	Rowe
Ayres	Farley	Lee	Rucker, Ga.
Bacharach	Farr	Lehlbach	Russell, Mo.
Barkley	Ferris	Lesher	Sabath
Beales	Fess	Lever	Sanford
Bell	Fields	Lewis	Saunders
Bennet	Fitzgerald	Lieb	Schall
Black	Flood	Linthicum	Scott, Mich.
Blackmon	Fordney	Littlepage	Scott, Pa.
Booher	Foss	Lloyd	Scully
Borland	Foster	Loft	Sears
Bowers	Freeman	Longworth	Sells
Britt	Gallagher	McAndrews	Shallenberger
Browning	Gallivan	McArthur	Sherley
Bruckner	Gard	McClintic	Shouse
Brumbaugh	Gardner	McCorkle	Sims
Burnett	Garland	McDermott	Sisson
Butler	Garner	McFadden	Slemp
Byrnes, S. C.	Garrett	McGillicuddy	Small
Byrns, Tenn.	Gillett	McKellar	Smith, Mich.
Caldwell	Glass	McKenzie	Smith, Tex.
Candler, Miss.	Glynn	McKinley	Snell
Cannon	Godwin, N. C.	McLaughlin	Snyder
Cantrill	Goodwin, Ark.	Madden	Sparkman
Capstick	Gordon	Magee	Steagall
Caraway	Gould	Maher	Stedman
Carlin	Gray, Ala.	Mann	Steele, Pa.
Carter, Mass.	Gray, N. J.	Mapes	Steenerson
Carter, Okla.	Green, Iowa	Martin	Stephens, Nebr.
Casey	Greene, Mass.	Mays	Stephens, Tex.
Chandler, N. Y.	Greene, Vt.	Miller, Del.	Stiness
Charles	Griest	Miller, Minn.	Stone
Clark, Fla.	Griffin	Miller, Pa.	Stout
Cline	Hadley	Mondell	Sulloway
Coady	Hamill	Montague	Sutherland
Coleman	Hamilton, Mich.	Moon	Sweet
Collier	Hamilton, N. Y.	Morgan, La.	Swift
Connelly	Hardy	Morgan, Okla.	Taggart
Cooper, Ohio	Harrison, Miss.	Morin	Tague
Cooper, W. Va.	Harrison, Va.	Morrison	Talbott
Costello	Hart	Moss	Taylor, Ark.
Cox	Hastings	Mott	Temple
Crago	Hayden	Mudd	Thomas
Crisp	Heaton	Murray	Tillman
Crosser	Heflin	Neely	Tilson
Cullop	Helvering	Nicholls, S. C.	Tinkham
Dale, N. Y.	Henry	Nichols, Mich.	Treadway
Dale, Vt.	Hernandez	North	Vare
Dallinger	Hicks	Oakey	Venable
Danforth	Holland	Oglesby	Vinson
Darrow	Hood	Oldfield	Volstead
Davenport	Hopwood	Oliver	Walker
Dempsey	Houston	Olney	Walsh
Dent	Howard	O'Shaunessy	Ward
Dewalt	Howell	Overmyer	Wason
Dickinson	Hughes	Padgett	Watkins
Dies	Hulbert	Page, N. C.	Watson, Pa.
Dixon	Hull, Tenn.	Paige, Mass.	Watson, Va.
Dooling	Humphrey, Wash.	Park	Whaley
Doolittle	Humphreys, Miss.	Parker, N. J.	Williams, W. E.
Doremus	Husted	Parker, N. Y.	Wilson, Fla.
Doughton	Hutchinson	Patten	Wilson, La.
Dowell	Jacoway	Peters	Winslow
Drukker	James	Phelan	Young, Tex.
Dunn	Jones	Platt	
Dupré	Keister	Pou	
Eagan	Kelley	Pratt	

ANSWERED "PRESENT"—1.

London

NOT VOTING—15.

Beakes	Flynn	Hill	Mooney
Callaway	Graham	Hinds	Rucker, Mo.
Carew	Haugen	Kahn	Wise
Conry	Hensley	Matthews	

So the motion to recommit was lost.

The Clerk announced the following pairs:

Until further notice:

Mr. HENSLEY with Mr. MOONEY.

Mr. CAREW with Mr. MATTHEWS.

Mr. CONRY with Mr. HILL.

Mr. FLYNN with Mr. HAUGEN.

Mr. RUCKER of Missouri with Mr. GRAHAM.

Mr. BEAKES with Mr. HINDS.

Mr. WISE with Mr. KAHN.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. FLOOD. On that, Mr. Speaker, I ask the yeas and nays.

The SPEAKER. The gentleman from Virginia demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. Those in favor of passing this bill will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 403, nays 14, not voting 17, as follows:

YEAS—403.

Abercrombie	Ellsworth	Key, Ohio	Ricketts
Adair	Elston	Kiess, Pa.	Riordan
Adamson	Emerson	Kincheloe	Roberts, Mass.
Aiken	Esch	King	Roberts, Nev.
Alexander	Estopinal	Kinkaid	Rodenberg
Allen	Evans	Kitchin	Rogers
Almon	Fairchild	Konop	Rouse
Anderson	Farley	Kreider	Rowe
Anthony	Farr	Lafean	Rowland
Ashbrook	Ferris	La Follette	Rubey
Aswell	Fess	Langley	Rucker, Ga.
Austin	Fields	Lazaro	Russell, Mo.
Ayres	Fitzgerald	Lee	Russell, Ohio
Bacharach	Flood	Lehlbach	Sabath
Bailey	Focht	Lenroot	Sanford
Barchfeld	Fordney	Lesher	Saunders
Barkley	Foss	Lever	Schall
Barnhart	Foster	Lewis	Scott, Mich.
Beales	Frear	Lieb	Scott, Pa.
Bell	Freeman	Liebel	Scully
Bennet	Fuller	Linthicum	Sears
Black	Gallagher	Littlepage	Sells
Blackmon	Gallivan	Lloyd	Shallenberger
Booher	Gandy	Lobeck	Sherley
Borland	Gard	Loft	Shouse
Bowers	Gardner	Longworth	Siegel
Britt	Garland	Loud	Sims
Britten	Garner	McAndrews	Sinnott
Browne	Garrett	McArthur	Sisson
Browning	Gillett	McClintic	Slayden
Bruckner	Glass	McCorkle	Slemp
Brumbaugh	Glynn	McCracken	Sloan
Buchanan, Ill.	Godwin, N. C.	McCulloch	Small
Buchanan, Tex.	Good	McDermott	Smith, Idaho
Burgess	Goodwin, Ark.	McFadden	Smith, Mich.
Burke	Gordon	McGillicuddy	Smith, Minn.
Burnett	Gould	McKellar	Smith, N. Y.
Butler	Gray, Ala.	McKenzie	Smith, Tex.
Byrnes, S. C.	Gray, Ind.	McKinley	Snell
Byrns, Tenn.	Gray, N. J.	McLaughlin	Snyder
Caldwell	Green, Iowa	McLemore	Sparkman
Campbell	Greene, Mass.	Madden	Steagall
Candler, Miss.	Greene, Vt.	Magee	Stedman
Cannon	Gregg	Maher	Steele, Iowa
Cantrill	Griest	Mann	Steele, Pa.
Capstick	Griffin	Mapes	Steenerson
Caraway	Guernsey	Martin	Stephens, Miss.
Carlin	Hadley	Mays	Stephens, Nebr.
Carter, Mass.	Hamill	Meeker	Stephens, Tex.
Carter, Okla.	Hamilton, Mich.	Miller, Del.	Sterling
Casey	Hamilton, N. Y.	Miller, Minn.	Stiness
Chandler, N. Y.	Hamlin	Miller, Pa.	Stone
Charles	Hardy	Mondell	Stout
Chiperfield	Harrison, Miss.	Montague	Sulloway
Church	Harrison, Va.	Moon	Sumners
Clark, Fla.	Hart	Moore, Pa.	Sutherland
Cline	Haskell	Moores, Ind.	Sweet
Coady	Hastings	Morgan, La.	Swift
Coleman	Hawley	Morgan, Okla.	Switzer
Collier	Hayden	Morin	Taggart
Connelly	Hayes	Morrison	Tague
Cooper, Ohio	Heaton	Moss	Talbott
Cooper, W. Va.	Heflin	Mott	Taylor, Ark.
Copley	Helm	Mudd	Taylor, Colo.
Costello	Helvering	Murray	Temple
Cox	Henry	Neely	Thomas
Crago	Hernandez	Nicholls, S. C.	Thompson
Cramton	Hicks	Nichols, Mich.	Tillman
Crisp	Hilliard	Nolan	Tilson
Crosser	Holland	North	Timberlake
Cullop	Hollingsworth	Norton	Tinkham
Curry	Hood	Oakey	Towner
Dale, N. Y.	Hopwood	Ogiesby	Treadway
Dallinger	Houston	Oldfield	Van Dyke
Danforth	Howard	Oliver	Vare
Darrow	Howell	Olney	Venable
Davenport	Huddleston	O'Shaunessy	Vinson
Davis, Tex.	Hughes	Overmyer	Volstead
Dempsey	Hulbert	Padgett	Walker
Denison	Hull, Iowa.	Page, N. C.	Walsh
Dent	Hull, Tenn.	Paige, Mass.	Ward
Dewalt	Humphrey, Wash.	Park	Wason
Dickinson	Humphreys, Miss.	Parker, N. J.	Watkins
Dies	Husted	Parker, N. Y.	Watson, Pa.
Dill	Hutchinson	Patten	Watson, Va.
Dillon	Igoe	Peters	Webb
Dixon	Jacoway	Phelan	Whaley
Dooling	James	Platt	Wheeler
Doolittle	Johnson, Ky.	Pou	Williams, T. S.
Doremus	Johnson, S. Dak.	Powers	Williams, W. E.
Doughton	Johnson, Wash.	Pratt	Williams, Ohio
Dowell	Jones	Price	Wilson, Fla.
Driscoll	Kahn	Quin	Wilson, La.
Drukker	Kearns	Rainey	Wingo
Dunn	Keating	Raker	Winslow
Dupré	Keister	Ramseyer	Wood, Ind.
Dyer	Kelley	Randall	Woods, Iowa.
Eagan	Kennedy, Iowa.	Rauch	Woodyard
Eagle	Kennedy, R. I.	Rayburn	Young, N. Dak.
Edmonds	Kent	Reavis	Young, Tex.
Edwards	Kettner	Reilly	

NAYS—14.

Benedict	Decker	Nelson	Stafford
Cary	Helgesen	Porter	Wilson, Ill.
Cooper, Wis.	Lindbergh	Shackleford	
Davis, Minn.	London	Sherwood	

NOT VOTING—17.

Beakes	Flynn	Hinds	Tavenner
Callaway	Graham	Matthews	Wise
Carew	Haugen	Mooney	
Conry	Hensley	Ragsdale	
Dale, Vt.	Hill	Rucker, Mo.	

So the bill was passed.

The Clerk announced the following additional pair:

Until further notice:

Mr. TAVENNER with Mr. DALE of Vermont.

The result of the vote was announced as above recorded.

The announcement of the result was greeted with applause.

On motion of Mr. FLOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO PRINT.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

Mr. FLOOD. I ask unanimous consent that any gentleman who desires to do so, may extend his remarks in the RECORD on this bill.

Mr. MANN. Within 10 calendar days.

Mr. FLOOD. Within 10 calendar days.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent that any gentleman who desires to extend his remarks in the RECORD shall have 10 calendar days in which to do it. Is there objection?

Mr. MANN. On this subject?

The SPEAKER. On this subject. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

An act (S. 8300) to authorize the change of name of the steamer *Fred G. Hartwell* to *Harry W. Croft*.

An act (S. 8301) to authorize the change of name of the steamer *Harry A. Berwind* to *Harvey H. Brown*.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate Concurrent 34.

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill the Secretary of the Senate be, and he is hereby, authorized and directed to insert the words "act of," after the word "the," where it first occurs in line 12 of the matter inserted by the Committee of Conference of the two Houses, on the bill (S. 135) entitled "An act for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet at 10.30 a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 10.30 a. m. to-morrow. Is there objection?

Mr. MANN. Reserving the right to object, let us understand what the program is for this evening.

Mr. KITCHIN. After we conclude the consideration of the conference report on the Post Office appropriation bill, the next thing is the judgeship bill and the District of Columbia appropriation bill——

Mr. FLOOD. And the Diplomatic and Consular appropriation bill.

Mr. MANN. In what shape will the judgeship bill come up?

Mr. CRISP. I desire to enter a motion to reconsider the vote by which the House refused to adopt the rule for the consideration of the judgeship bill.

Mr. FITZGERALD. That must be disposed of at once.

Mr. MANN. The gentleman says the rule must be disposed of. What I want to know is whether it is to be disposed of to-night.

Mr. FITZGERALD. Yes; it must be disposed of to-night.

Mr. MANN. Oh, no.

Mr. FITZGERALD. We have enough to do to-morrow without having that hang over.

Mr. LLOYD. Mr. Speaker, I hope that in any arrangement that is made to-night it will be understood that after the other business is transacted the Committee on Accounts shall have the opportunity to present a few resolutions that we have affecting matters relating to the House.

Mr. MANN. I have no objection to that.

Mr. LLOYD. There is nothing which is in serious controversy.

Mr. MANN. When it comes to the question of the passage of the judgeship bill, I am personally in favor of giving it an opportunity for consideration, for reasons gentlemen understand. There will probably be a roll call on the final passage of that bill, and I would rather not have that come to-night.

Mr. KITCHIN. We will not have that to-night.

Mr. CRISP. As the gentleman knows, under the rule the motion to reconsider the vote by which the House refused to adopt the rule for the consideration of the judgeship bill must be made to-day, and in the last six days of the season it must be disposed of. Personally I would be delighted to have it go over by unanimous consent.

Mr. MANN. Of course, disposing of it does not mean that it must be carried——

Mr. CRISP. No; I would be delighted to have it go over by unanimous consent.

Mr. FITZGERALD. To-morrow we will have the general deficiency bill, of about 80 pages, and that bill must be brought to the point where the previous question is ordered on it at least.

Mr. ADAMSON. Mr. Speaker, what is the House dividing on?

The SPEAKER. It is not dividing. Gentlemen are trying to arrange for the consideration of other business to-night.

Mr. ADAMSON. Must everybody stand up in order to do so? [Laughter.]

The SPEAKER. No; they can just as well sit down. All gentlemen will be seated.

Mr. MANN. If we are here pretty late to-night, will not 11 o'clock be early enough to-morrow?

Mr. KITCHIN. Then I will change my request, Mr. Speaker, and ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

POST OFFICE APPROPRIATIONS.

Mr. MOON. Mr. Speaker, I present to the House a conference report on the Post Office appropriation bill (H. R. 19410), together with the statement of the House conferees, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman presents a conference report on the Post Office appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. MANN. How long is the report?

Mr. MOON. The report is not very long.

Mr. MANN. I do not know that there is anything in the report that would make it subject to a point of order.

Mr. MADDEN. Absolutely nothing.

Mr. MOON. I think there is not. Does the gentleman desire to have the report read?

Mr. MADDEN. I can say for the information of the House that there is nothing in the report which is subject to a point of order.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. BENNET. Reserving the right to object, is this a complete agreement?

Mr. MOON. Yes; a complete agreement, signed by all the conferees of the Senate and House.

Mr. BENNET. What happened in relation to the provision for pneumatic-tube service?

Mr. MANN. If the report is not long, I ask to have it read.

The SPEAKER. The Clerk will read the report.

The Clerk read the report as follows:

CONFERENCE REPORT (NO. 1613).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19410) entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 20, 28, and 30.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 11, 13, 16, 17, 18, 21, 22, 24, 25, 26, 27, 29, and 31, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: Strike out Senate amendment numbered 1, and insert in lieu thereof on page 2, after line 1, of the engrossed bill the following.

"For rent of suitable buildings for the use of the Post Office Department, including the mail-bag-repair shop and lock-repair shop, $8,000: *Provided*, That in the event the new Post Office Department equipment shops building now being constructed is not ready for occupancy by August 1, 1917, the Postmaster General is authorized to continue the rental of the building at First and K Streets NE., Washington, D. C., known as the Post Office Department Annex, until such time as the new building may be completed, but such rental shall not extend beyond September 30, 1917."

And the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out the word "seventy-five" of the Senate amendment and insert in lieu thereof the word "eighty-five"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out the word "five" of the Senate amendment and insert in lieu thereof the word "fifteen"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out the word "five" of the Senate amendment and insert in lieu thereof the word "fifteen"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out the word "seventy-five" of the Senate amendment and insert in lieu thereof the word "eighty-five"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out the word "five" and insert in lieu thereof the word "fifteen." On page 10, in line 22 of the engrossed bill of the House of Representatives, change the total to "$50,200,000." On page 11, in line 2 of the engrossed bill of the House of Representatives, after the word "of" where it first occurs in said line, insert the following: "this act and also."

And the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Strike out the word "seventy-five" of the Senate amendment and insert in lieu thereof the word "eighty-five"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Strike out the word "seventy-five" of the Senate amendment and insert in lieu thereof the word "eighty-five"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out the word "five" of the Senate amendment and insert in lieu thereof the word "fifteen," and on page 13, in line 17 of the engrossed bill, change the totals to "$40,590,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its amendment to the amendment of the Senate numbered 15, and agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Strike out the Senate amendment and insert in lieu thereof the following: "*Provided*, That hereafter the Postmaster General is hereby authorized and empowered to enter into contracts with American citizens for the carrying of the mail between the United States and Great Britain on steamships built in the United States capable of maintaining a speed of 30 knots an hour at sea in ordinary weather and of a gross registered tonnage of not less than 35,000 tons, the said service to commence not more than four years after the contract shall be let. The rate of compensation to be paid for the said ocean mail service shall not exceed the sum of $8 per mile by the shortest practicable route for each outward voyage. The Postmaster General shall have

the right to reject all bids not in his opinion reasonable for the attaining of the purposes named: *Provided further*, That all of the provisions of the act of March 3, 1891, entitled 'An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce,' so far as they are not inconsistent herewith shall control and apply to the methods to be used and contracts to be made hereunder"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its amendment to the amendment of the Senate numbered 32 and agree to the same.

Amendment numbered 33: That the House recede from its amendment to the amendment of the Senate numbered 33 and agree to the same with an amendment, as follows: Strike out the amendment of the Senate and insert in lieu thereof the following:

"SEC. 4. In order to promote economy in the distribution of supplies, and in auditing and accounting, the Postmaster General may hereafter designate district and central offices in such districts through which supplies shall be distributed and accounts rendered."

And the Senate agree to the same.

JOHN A. MOON,
THOS. M. BELL,
W. E. COX,
HALVOR STEENERSON,
MARTIN B. MADDEN.
Managers on the part of the House.

J. H. BANKHEAD,
E. D. SMITH,
N. P. BRYAN,
CHAS. E. TOWNSEND,
JOHN W. WEEKS.
Managers on the part of the Senate.

STATEMENT.

Statement of the action of the conferees on H. R. 19410, an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes.

On Amendment No. 1: For rent of suitable buildings for the Post Office Department, it appeared from the statement of officials of the department that additional time was necessary in view of the delay in the completion of the buildings now in course of construction. The conferees therefore receded from its disagreement to the Senate amendment and concurred in an amendment, and recommend its adoption.

On amendments Nos. 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, and 13: These amendments relate to the promotion of clerks and carriers in first-class post offices from the fifth to the sixth grades, and for the promotion of special clerks, and for the promotion of carriers in second-class post offices from the fourth to the fifth and from the fifth to the sixth grades. In view of the divergent opinions of the conferees on the part of the House and Senate, the conferees agreed to accept a promotion of 85 per cent instead of 100 per cent as proposed by the House, which is an increase of 10 per cent in the higher grades and 10 per cent in the other grades instead of 25 per cent as proposed by the House. The House conferees recommend its acceptance.

On amendment No. 8: This amendment relates to extending compensatory time to foremen in post offices in addition to other employees provided for in the present law, and the House conferees recommend its acceptance.

On amendment No. 14: The Senate conferees receded from its amendment No. 14, which relates to double time for employees in first and second class post offices who are required to work in excess of eight hours per day.

On amendment No. 15: After full and careful discussion with reference to this amendment, which relates to the pneumatic-tube service, the House conferees receded from its amendment to the amendment of the Senate and agrees to the Senate amendment.

On amendment No. 16: The House conferees recommend that the House recede from its disagreement to amendment No. 16, which permits the Post Office Department to expend not to exceed $100,000 on experimental aeroplane mail service.

On amendment No. 17: The House conferees recede from its disagreement to amendment No. 17, so as to permit the use of not to exceed $1,000,000 for transportation of mails by fast freight, and agrees to the same. This appropriation will not be necessary again in view of the present law for adjusting railway-mail pay now before the Interstate Commerce Commission.

On amendments Nos. 18, 19, and 22: These amendments relate to railway mail clerks. Amendment No. 19, adopted by the House and not in conference, requiring promotion of substitutes after having performed 313 days' service to grade 1, made it necessary that the number of clerks provided for under the law be increased to the number stated in the amendment No. 18. Amendment No. 22 merely authorizes the application of funds provided for substitutes for clerks on vacation to the payment of salaries for regular clerks. The House conferees recommend that the House recede from its disagreement to amendments Nos. 18 and 22 and agree to the same. Amendment No. 19 is not in conference.

On amendment No. 20: The Senate recedes from its amendment No. 20.

On amendment No. 21: The House conferees recommend that it recede from its disagreement to amendment No. 21, which provides for an increase of 5 cents per item for travel allowance for railway mail clerks on duty after 10 hours from the time of beginning their initial run, the allowance now being 25 cents for meals and 25 cents for lodging.

On amendment No. 23: This amendment provides that the Postmaster General is authorized to enter into contracts with American citizens for carrying the ocean mail between the United States and Great Britain on vessels maintaining a speed of not less than 30 knots and a gross registered tonnage of not less than 35,000 tons. The conferees have agreed to recommend that the rate of pay be reduced from $10 per mile, as provided in the Senate amendment, to $8 per mile.

On amendment No. 24: The House recedes from its disagreement to amendment No. 24 and agrees to the same, which provides for the manufacture of stamped envelopes and newspaper wrappers, which increases the appropriation $200,000.

On amendment No. 25: Amendment No. 25 merely corrects a clerical error by substituting the word chains for chairs. The House recedes from its disagreement to the amendment and agrees to the same.

On amendment No. 26 and 27: A mere change of verbiage. The House recedes from its disagreement to amendment No. 26 and 27 and agrees to the same. This amendment relates to the salary of the rural carrier on Lake Winnipesaukee, who furnishes his own equipment.

On amendment No. 28: The Senate recedes from this amendment, which relates to the compensation of rural carriers.

On amendment No. 29: Amendment No. 29 is a clerical error, substituting the word eighteen for seventeen, and the House recedes from its disagreement to the amendment No. 29 and agrees to the same.

On amendment No. 30: The Senate recedes from its amendment with reference to second-class mail privileges to publications by certain boards of health.

On amendment No. 31: The House recedes from its disagreement to Senate amendment No. 31 and concurs in the same with an amendment which permits contracts made in the Post Office Department for various classes of mail transportation to be signed by Assistant Postmasters General.

On amendment No. 32: The House recedes from its amendment of the amendment of the Senate and agrees to the same. This amendment provides for increased compensation to employees of the Post Office Department.

On amendment No. 33: The House recedes from its amendment to the amendment of the Senate and agrees to the same with an amendment by striking out all of the amendment of the Senate after the word "rendered" on page 37, in line 17.

Respectfully submitted.

JOHN A. MOON,
THOS. M. BELL,
W. E. COX,
HALVOR STEENERSON,
MARTIN B. MADDEN,
Managers on the part of the House.

Mr. MOON. Mr. Speaker, I thought it was proper that the conferees should make a statement in reference to this report. I want briefly to call attention to a few features of the report, and then I will yield to another member of the conference committee for explanation of other features. This bill when it left the House carried about $330,500,000. The Senate placed about $6,000,000 on the bill. The conferees bring the bill back to the House with $330,400,000. The exact figures are not made. There has not been a great deal of contention about most of the matters involved in the bill. There were some changes made on the various provisions recommended by the Senate as shown in the report and statement. It will be remembered that the Senate struck from this bill all the specific legislation placed upon it by the House on the idea that it was not good legislation to legislate on an appropriation bill; but the Senate immediately proceeded to add 34 amendments to the bill itself, a great many with

legislation, some of them good legislation and some very bad. You heard the report, and it is not necessary for me to discuss all of the features of the bill.

There is one proposition that went on the bill with some reluctance by the House conferees. That was the proposition of the Senate to leave in the discretion of the Postmaster General the making of a contract with ship companies plying between Great Britain and the United States, ships running at 30 knots an hour for carrying the mail. They desired to give the discretion to the Postmaster General to make a contract for $10 a mile. The conferees fixed it at $8. The House conferees thought it was better not to agree to it at all, but it seemed necessary in order to get the bill; and as the matter was some years off and in the discretion of the department, it made no material difference. There is no mandate on the subject.

As to the question of compensation to employees of the department, you recollect that the Senate placed an amendment on the bill giving 15 per cent for employees up to $480 and 10 per cent up to $1,000. The provision also was that the employees of the Post Office Department in the classified service receiving as much as $800 per annum, should not have any additional compensation. The reason of that was that the situation in the Post Office Department is different from any other department of the Government. The employees of the Post Office Department in the classified service receiving $800 have an automatic increase annually up to $1,200. Therefore, it is not necessary to make the provision which is carried in the other bills.

Another question here, the only one that there was any contention about——

Mr. MANN. Has the gentleman finished as to compensation of employees?

Mr. MOON. I was going to say that the House accepted the proposition of the Senate.

Mr. MANN. Will the gentleman yield for a question?

Mr. MOON. Yes.

Mr. MANN. In connection with the compensation proposed, the House has placed itself on record several times in another bill and the Senate has finally placed itself on record in the Indian bill in favor of the House proposition. Did the conferees attempt to differentiate the Post Office bill from the other appropriation bills or attempt to have the House reverse its position already taken heretofore?

Mr. MOON. The House conferees, mindful of the fact that the House had passed the Ayres amendment to the bill, insisted upon it and the Senate refused to agree to it, and would accept nothing but the proposition in the Senate bill. We felt it necessary as a matter of compromise to accept that for reasons stated.

Mr. MANN. There is no compromise about what the conferees did.

Mr. KITCHIN. If the gentleman from Tennessee will yield, my understanding is that on all the other bills the House increase will be accepted; that the conferees on the part of the House will stand for the House increase and not for the Smoot amendment. But on the Post Office bill, where the employees have the automatic promotion, that differentiates it from other employees.

Mr. MOON. I have explained all that.

Mr. MANN. All I wanted to know was whether the House conferees yielded to the Senate on the matter, because there was a difference in the case of the Post Office appropriation bill from other appropriation bills.

Mr. MOON. That was the main reason for it, because of the classified service and the automatic promotion.

Mr. GOOD. Will the gentleman yield?

Mr. MOON. Yes.

Mr. GOOD. There is one matter I do not understand. I understand the automatic promotion is for clerks under $1,200?

Mr. MOON. Yes; that is right.

Mr. GOOD. The House provision applies to all of the other employees of the service who receive compensation from $1,200 to $1,800—that they shall have an increase of 5 per cent because of the increased cost of living. It seems to me that the managers on the part of the House have overlooked that provision, because those postal clerks do not receive any automatic promotion. They receive no promotion at all. As I understand it, there are about 37,000 rural carriers and something over 20,000 city carriers. Most of these have salaries of $1,200 or thereabout. It does seem to me that some consideration, in view of the high prices, ought to have been given to this class of postal employees.

Mr. MOON. Mr. Speaker, some of those clerks get as high as $1,800. There is one question here that the House discussed very seriously, and one that I feel it is absolutely necessary to say something about. Gentlemen seem satisfied in respect to these other provisions. I refer to the pneumatic-tube proposition. This House may think it strange after what has been done and said that the conferees should have yielded on the pneumatic-tube proposition. We said to you here that our opinion was that that was not a proper service. We have said to you that the mail carried through the tubes in cities was only first-class mail, and that first-class mail constituted only 2½ per cent of the whole mail in these cities, and only 65 per cent of that went through the tubes. We said that this mail could be carried by automobiles for half the money, and that it could be carried more expeditiously and with less danger of destruction to the mail, and we have furthermore said to you that in the handling of the mail through the tubes it requires one more handling than if carried on the surface by automobiles.

The cost of that additional handling per mile is from four to six thousand dollars, I am advised. We confronted the conferees of the Senate with that proposition. They were not willing to yield one iota upon it. They demanded the language of this bill. We then proposed that the language of the bill should be mandatory for 6 months, but that 12 months should be given in order that an opportunity might be given to the Postmaster General in the last six months in which to negotiate a better service, or for the same service at a less figure. They rejected that. We proposed that the question be left to the President for settlement, and that was rejected. We proposed that a commission, some gentlemen did, be constituted; but we could come to no agreement whatever about it, and at last the conferees of the House yielded upon that question, not because they believed it was right, because we do not, but we did not feel that we could properly report to this House a failure upon a bill providing for the Postal Service and also providing law which this House accepted as an amendment from the Senate in reference to the interstate transportation of liquor into so-called dry States and the denial of transportation through the mail of liquor advertisements.

Mr. MILLER of Delaware. Mr. Chairman, will the gentleman yield?

Mr. MOON. No; I can not yield.

Mr. MILLER of Delaware. I do not see why the gentleman will not yield, because what I have to say is pertinent.

Mr. MOON. I can not yield now. Mr. Speaker, the House conferees did not feel justified to press their opinion on this question so far as to prevent the consideration of this bill. The ultimatum of the Senate conferees in effect was that this must be accepted or all of the provisions of law and the appropriations should end. We thought it best to yield upon this question and let the House express its opinion upon a full report. I know, and every other man who has studied this question knows, that we ought not to continue these tubes in these cities. I want these cities to have the best possible service. If the automobile service is not the best, I want a 30-inch tube that can perform the work that is necessary to make this service economical, and I am not willing to see a continuation of these 8-inch tubes that are valueless to the Government and are only thrust upon us because under the conditions existing we can not avoid it. The question before you then is whether you will accept this bill with this provision in its continuing by mandatory order to pay $17,000 per mile for another year, or defeat the bill and end that contract so unwisely and so unjustly made as against the Government. I want to say in this connection that the administration has been urging that this pneumatic-tube service in its present shape shall end. I know that gentlemen have criticized the Postmaster General for his urgent and persistent efforts to put an end to this service, but I think the facts, in the mind of every candid man, justify the action of the Postmaster General. Whether you approve his discretion in some things or not is not material. The evidence shows that in the administration of that office he has been able, always intelligent, and clean. If he has made enemies, he has made them because of his efforts to protect the Government in those rights he believes as an executive officer it is entitled to. I think he is not only entitled to credit upon this matter, but he is entitled to great credit in the administration of his great office. No abler or wiser man has held that position, in my judgment—blunt, fearless, honest in the discharge of his duties. All just men should commend and sustain him.

It is probably best not always to yield everything in the interest of our own convenience. I do not know what the President is going to do with this bill with a proposition of that sort upon it. As a conference committee we could not afford not to come back to the House with the proposition before you and submit it to your judgment. I have no authority to speak for the Executive, but it would not surprise me at all if he should veto this bill. If he does, we have prepared a

resolution here that will continue appropriations for the Post Office Department and leave out this objectionable matter. Now, just one further word as to the justice of one feature of the bill placed in it by both Houses. If we pass this bill with the proposition, to which the House agreed and it was not in conference—I mean the provision by which interstate shipment was denied to liquors in States which have prohibition by law against the manufacture and sale of liquor as a beverage—if we pass this section of course we all understand it becomes operative now. It will not wait to be operative until the appropriations in this bill are available on July 1, but now. The question later for you will be whether we ought to pass the bill without an amendment to it ultimately, which I proposed to make, to make this provision effective in July or October, 1917, which amendment is to come up as a separate resolution. I will propose it to-morrow as an act of common sense and undisputed justice. I want to move the previous question on the adoption of this report soon, but now yield 10 minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I am not going to take up the time of the House. It is late, and there are many important things to do. [Applause.] But I think it is only fair to the committee in connection with the report of the committee that the reason we did not report in the 5 and 10 per cent increase in compensation of the men employed in the Postal Service as carriers and clerks is that they are already getting automatic promotions at the rate of $100 a year where their salaries reach from $800 up, and for the further reason that the Senate did not want to agree to the amendment, such as the House adopted, which would add $13,000,000 to the bill, and for the further reason that under the amendment that the House adopted, known as the Madden amendment, which provided for the promotion of 9,247 men already in the service by increasing the compensation of men in the first-class offices from 75 to 100 per cent between $1,100 and $1,200, 25 per cent between $1,200 and $1,300, and 25 per cent between $1,300 and $1,400, and in second-class offices 100 per cent instead of 75 per cent between $1,000 and $1,100 and 25 per cent of the men between $1,100 and $1,200.

Mr. STAFFORD. That is in the number of the promotions and not in the salary?

Mr. MADDEN. In the number of promotions. [Cries of "Vote!"] In just a moment. We were obliged to agree to a compromise and we reduced the 100 per cent promotions to 85 per cent, the 25 per cent promotions to 15 per cent, so that the number of promotions were reduced from 9,247 to 9,000 and the amount of money involved in those promotions was reduced from $960,000 to $900,000, which the bill carries in the way of promotions over any promotions that have been made to the clerks and carriers in the service. Every clerk and every carrier in the service knows that the men on this committee are their friends and that they would do justice to them to the extent of their ability, and this report represents the honest judgment of the friends of the men who are engaged in the postal service, and I, on behalf of the men of this service, ask their friends on the floor of this House to adopt the recommendations of this committee without a dissenting vote. [Applause.]

Mr. AUSTIN. Will the gentleman yield to me to ask him a question?

Mr. MADDEN. Yes; for a question.

Mr. MOON. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Speaker——

Mr. AUSTIN. Does the 10 and 15 per cent——

Mr. STEENERSON. Mr. Speaker, I understood that I had the floor.

Mr. AUSTIN. Does the 10 and 15 per cent——

Mr. STEENERSON. Mr. Speaker, I understood I had the floor. [Cries of "Vote!"] I do not understand this proposition; I thought I was entitled to speak first. [Cries of "Vote!"]

Mr. MOON. I thought the gentleman from Illinois was through, and I therefore yielded to the gentleman from Minnesota, and that is the cause of this confusion. I will yield to the gentleman from Minnesota [Mr. STEENERSON] as soon as the gentleman from Illinois gets through.

Mr. AUSTIN. I wish to ask this question of the gentleman from Illinois: Does this 10 and 15 per cent increase include a rural carrier, a postal clerk, or a clerk in the post office in the United States?

Mr. MADDEN. The 10 and 15 per cent increase; that is, an increase in the number of men to be increased and refers to the carriers and the clerks in the first and second class post offices of the United States.

Mr. AUSTIN. I mean an increase in salary. Under this Smoot amendment does a single postal clerk, a single rural carrier, or a clerk in a post office get the benefit of the Smoot amendment carried in this bill?

Mr. MOON. There is a special provision in there for it.

Mr. MADDEN. Yes; there is a provision in there.

Mr. SABATH. Will the gentleman yield?

Mr. MADDEN. I decline to yield.

The SPEAKER. The gentleman from Minnesota [Mr. STEENERSON] is recognized for five minutes.

Mr. STEENERSON. Mr. Speaker, this is a unanimous report; all the conferees have signed it, and it carries the pneumatic-tube service as well as the other provisions. I want to congratulate the chairman of the Committee on the Post Office and Post Roads. [Cries of "Vote!" "Vote!"] Mr. Speaker, I think after having worked for four or five nights for the House of Representatives on this matter I am entitled to five minutes. [Applause.]

I want to say that I congratulate the chairman upon his conversion to Republicanism. For many years prior to 1911 he fought the ship subsidy on principle. I fought him because I wanted some fast ships. Mr. Speaker, the reason why I disagreed with the gentleman from Tennessee at that time was that the ships proposed to be subsidized out of the postal revenues were slow ships—freight ships. Now, we have here a subsidy for ships of 30 knots and 35,000 tons, which will expedite the mail, and is just exactly what the Republicans have always contended for, as far as the postal subsidy was concerned. And we have the Democrats, through the Shipping Board, subsidizing freight ships also. So we have the Democratic Party converted. I believe the chairman of the committee will have to swallow his principle of subsidy, together with his principles on the pneumatic-tube service. He agreed to the tube provision of the bill, and now threatens to have the President veto it. That is consistency for you; but if this bill is vetoed by the President, it will not be on account of the tubes. It will probably be on account of the Bankhead and Reed amendments on the liquor matter. It is in that respect "bone-dry." But we will pass a new bill just as dry as this is, and we will have the Democratic Party on record. Now, gentlemen, I hope you will all vote for this report. [Applause.]

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. MOON, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

RETIREMENT OF JUDGES.

Mr. CRISP. Mr. Speaker, I move to reconsider the vote by which the House refused to adopt House resolution No. 434, providing for the consideration of the bill S. 706, known as the judgeship bill.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] moves that the House reconsider the vote by which House resolution 434, reported from the Rules Committee, was defeated.

Mr. WOOD of Indiana. How did the gentleman vote?

Mr. CRISP. I voted with the prevailing side.

Mr. MANN. Mr. Speaker, I ask unanimous consent that I may have five minutes to make a statement on this matter.

The SPEAKER. The gentleman asks unanimous consent to make a statement on this subject for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I feel bound in honor to make a statement to the House, and particularly to the Republican side of the House, in regard to this matter.

Some time ago the Committee on the Judiciary reported a House bill to the House which was similar to the Senate bill in the main. A bill was considered in the Senate similar to the House bill reported to the House. I have not the time to say what this bill provides for. It is in reference to the appointment of an additional judge in circuits and districts where the sitting judge has reached the retirement age but has not retired. As reported to the House and as reported to the Senate it provided for the appointment of the additional judge by the President if in his opinion the public good so required. When the bill was before the Senate it was amended by striking out that language in reference to circuit judges and inserting in lieu of that language the following:

> If he finds that any such judge is unable to discharge efficiently all the duties of his office by reason of mental or physical disability of permanent character.

That language was inserted as to circuit judges but not as to district judges. As soon as the Senate bill had passed, Senator CUMMINS, who was the author of this amendment, came to me and stated that, through inadvertence or otherwise, it had been left out of the bill as to district judges, and hoped that the

House might insert it. I took the matter up with various gentlemen on the Republican side of the House who were interested in the bill—our side of the House, I think, being all opposed to the passage of the bill—and reached the conclusion that it might be profitable to attempt to have the bill amended by inserting the same amendment as to district judges, as a House amendment, that the Senate had inserted as to circuit judges.

After talking with various Republican Members, I went to the gentleman from North Carolina [Mr. WEBB] and asked him if he would consent to insert this amendment as to district judges so as to make the bill uniform. I think I will not repeat any conversation erroneously. If I have forgotten it in any way, I will be glad to be corrected by the gentleman from North Carolina. I made the suggestion; and the gentleman from North Carolina, after some conversation between us, said that he would take the matter under consideration with the Democratic side of the House, but, as a primary matter, he must know whether, if this bill was returned to the Senate with the House amendment, it would then be filibustered against by the Republican side in the Senate so that it might not become a law at all. I undertook to ascertain from the Senate whether, if this amendment should be agreed to in the House, it would then be agreed to in the Senate without delay on the Republican side. These negotiations were opened, I should say, a month ago. Before I first went to the gentleman the Committee on Rules had agreed to report a rule—the rule that was reported, with some changes, possibly—for the consideration of this bill, and I asked that that rule be not brought in until I had ascertained from the Senate whether, if this amendment could be agreed to in the House, it would not delay the passage of the bill by the Senate concurring in the amendment.

I was delayed in obtaining knowledge toward the last by the absence of one Senator who was very much interested. The gentleman from North Carolina came to me on a number of occasions and made this statement to me, after he had said that upon his understanding his side of the House was willing to agree to the amendment if it would not cause any delay in the Senate: "I would like to know the situation, because the Committee on Rules is ready to report the rule, and I am afraid that if it is delayed I will get caught in a jam with the District prohibition bill. I do not want to lose my bill by being caught at the time the District prohibition bill is coming up."

I said to the gentleman from North Carolina—and I say this to the Republican side of the House; he was delaying the reporting of the rule and the consideration of the bill as a favor to the Republican side of the House—I said to him that I would do everything within my power to protect him and give him consideration of the bill. I think that I am bound to do that, and I ask the Republican side of the House not to vote for the bill, but to vote for a reconsideration of the motion, so that the bill may be brought before the House for consideration.

I never have made a pledge or a promise in this House that has not been accepted at its full value by everyone who has known of it. [Applause.] I do not want to have any possible question raised on this occasion.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. DYER. If this motion is carried to reconsider, will the vote be had to-night or to-morrow?

Mr. MANN. The roll call on the bill will not be had until to-morrow.

Mr. AUSTIN. Will there likely be any discussion on the bill?

Mr. MANN. There probably will be.

Mr. AUSTIN. Like that we had when the gentleman from Minnesota [Mr. STEENERSON] was discussing the Post Office bill?

Mr. KITCHIN. We would like to have the debate on this finished to-night, so as to vote on it to-morrow. We would like to finish the debate.

Mr. DYER. Does the gentleman think, in view of what has happened, that the House is in condition to-night to discuss the bill or listen to a discussion?

Mr. MANN. I will answer that. The House awhile ago was ready to vote on the Post Office conference report. The Members had made up their minds. I do not think there will be any trouble about gentlemen being heard on this bill.

Mr. NORTON. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. NORTON. Since the motion has been made, would it not be in order for this matter to go over until to-morrow?

Mr. MANN. It would be in order; but we are getting to that point in the proceedings where it will be necessary to have business done at night. Gentlemen on our side desire to be heard on the bill, but that is an after consideration.

Mr. HAMILTON of Michigan. Why not have a vote now? What is the use in talking about it?

Mr. MANN. I think it ought to be debated. There is a constitutional question involved in it.

Mr. HAMILTON of Michigan. The gentleman himself has been debating it.

Mr. MANN. Not on the merits of the bill.

Mr. DENISON. Is the bill to be debated?

Mr. MANN. It is to be amended the way I have spoken of; yes.

The SPEAKER. The Chair desires to admonish Members that an uproar when a man is speaking, or yelling for votes, delays business instead of expediting it. The question is on the motion to reconsider the vote by which this House resolution 434 was defeated.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 434 (H. Rept. No. 1584).

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 706; that the first reading of the bill be dispensed with, and that there shall be one hour of general debate, to be divided equally between those favoring and those opposing the measure. At the expiration of said one hour of general debate the bill shall be considered under the five-minute rule, and the Committee of the Whole House on the state of the Union shall report the measure to the House, whereupon the previous question shall be considered as ordered upon the bill and all amendments, to final passage without intervening motions, except one motion to recommit.

Mr. HENRY. Mr. Speaker, I move the previous question.

Mr. SABATH. A point of order, Mr. Speaker.

The SPEAKER. What is the gentleman's point of order?

Mr. SABATH. What resolution was read now? Was it number 434?

The SPEAKER. It was the same resolution that was defeated the other day.

Mr. SABATH. That provided for two hours' general debate.

Mr. HENRY. That was amended.

The SPEAKER. The gentleman from Texas demanded the previous question.

Mr. FITZGERALD. It is ordered.

The SPEAKER. The previous question still remains. The question is on the adoption of the resolution.

The question was taken, and the resolution was agreed to.

The SPEAKER. The House resolves automatically into the Committee of the Whole House on the state of the Union, with the gentleman from New York [Mr. FITZGERALD] in the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill S. 706, with Mr. FITZGERALD in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill S. 706, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill [S. 706] to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The bill is as follows:

Be it enacted, etc., That section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

"SEC. 260. When any judge of any court of the United States, appointed to hold his office during good behavior, resigns his office, after having held a commission or commissions as judge of any such court or courts at least 10 years continuously, and having attained the age of 70 years, he shall, during the residue of his natural life, receive the salary which is payable at the time of his retirement for the office that he held at the time of his resignation.

"In the event any circuit judge, having so held a commission or commissions at least 10 years continuously and having attained the age of 70 years as aforesaid, shall nevertheless remain in office, the President, if he finds that any such judge is unable to discharge efficiently all the duties of his office by reason of mental or physical disability of permanent character, shall appoint, by and with the advice and consent of the Senate, an additional circuit judge of said circuit, who, notwithstanding the incumbency of the judge so entitled to resign, shall sit customarily as one of the judges of the circuit court of appeals of his circuit. And the judge so entitled to resign shall thenceforth be relieved, save as hereinafter provided, from the duty imposed by section 118 of this title to sit as one of the judges of said circuit court of appeals, and shall be held and treated as if junior in commission to the remaining judges of said court, who shall, in the order of the seniority of their respective commissions, exercise such powers and perform such duties as by law may be incident to seniority: *Provided*, That the presiding judge of the said circuit court of appeals, whenever in his judgment the public good shall so require, may thereafter, from time to time, designate the judge so entitled to resign to sit upon the hearing of any cause or causes in the said circuit court of appeals. And the Chief Justice of the United States may, upon like occasion, thereafter designate and appoint any such circuit judge so entitled to resign to service upon the circuit court of appeals of any other circuit; and he may likewise be designated and appointed, as provided

by section 18 of this title, to hold a district court in any district, either within or without his said circuit.

"In the event any such judge of a district court of the United States, having so held a commission or commissions at least 10 years continuously and having attained the age of 70 years, as aforesaid, shall nevertheless remain in office, the President, if in his opinion the public good so requires, may appoint, by and with the advice and consent of the Senate, an additional judge of such court, who, notwithstanding the incumbency of the judge so entitled to resign, shall preside customarily over the said district court, and shall exercise such powers as are vested by law in the judge thereof. And the district judge so entitled to resign shall thenceforth be relieved, save as hereinafter provided, from service therein: *Provided*, That the said district judge so entitled to resign as aforesaid may be designated and appointed from time to time to hold any district court, either in his district or within or without his circuit, as provided by sections 13, 14, 15, 16, and 17 of this title, or to sit in the circuit court of appeals of his circuit, as provided by section 120 of this title.

"Upon the death or resignation of any circuit or district judge so entitled to resign following the appointment of any additional judge as herein provided, the vacancy caused by such death or resignation of said judge so entitled to resign shall not be filled, but the number of judges then in office shall be reduced accordingly."

The CHAIRMAN. Under the terms of the rule, the first reading of the bill is dispensed with. The gentleman from North Carolina [Mr. WEBB] is recognized.

Mr. WEBB. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. STEELE].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. STEELE of Pennsylvania. Mr. Chairman, this bill, as already stated, has passed the Senate and has been favorably reported by the Committee on the Judiciary of the House.

The purpose of the bill is to amend section 260 of the Judicial Code. That section provides for the retirement of judges who reach the age of 70 years and have been 10 years in continuous service.

That bill was passed in 1869. At that time a bill was reported from the Judiciary Committee of the House containing substantially the same provisions as are contained in this bill. The bill passed the House in 1869, but failed, in so far as that part of the act is concerned, in the Senate. Fifty years afterwards, almost, the Senate passes and sends over to the House a bill with substantially the same purpose in mind.

Now, the bill as it passed the Senate provides that when judges reach the age of 70 years and refuse to retire and the President finds that they are, from mental or physical reasons, unable to perform all the duties of the office, he shall be authorized to nominate a judge who shall perform the duties of judge in that particular court, and the senior judge shall then perform such duties as are assigned to him and he is capable of performing.

The bill contains the same provision with reference to circuit judges and also district judges. These are what are termed inferior judges in the constitutional provision, and under the decisions of the courts the duties of those judges and everything pertaining to the judicial functions, outside of the tenure of office and the salaries which they are to receive, are under the absolute control and discretion of Congress.

When this bill was before the Senate questions were raised as to the constitutionality of these provisions of the bill. I will not have time, and do not propose at this late hour, to discuss in detail those constitutional questions, because they are set forth in the report submitted by the Judiciary Committee upon this very bill. Suffice it to say that the objection which is urged in the minority report—that this is a delegation of legislative power to the President—has no foundation either in the legislative practice of Congress or in the decisions of the Supreme Court on numerous occasions relating to similar propositions.

Mr. SHERWOOD. Does this bill propose to retire judges at 70?

Mr. STEELE of Pennsylvania. Yes.

Mr. SHERWOOD. At what salary?

Mr. STEELE of Pennsylvania. The same salary as they receive in active service.

Mr. SHERWOOD. After they have served 10 years?

Mr. STEELE of Pennsylvania. Yes.

Mr. SHERWOOD. Is there any provision, or would you accept an amendment providing for the retirement of worn-out Congressmen who are over 80? [Laughter.]

Mr. STEELE of Pennsylvania. There has been no suggestion on that subject as yet.

Mr. BENNET. That would not under any circumstances apply to the gentleman from Ohio.

Mr. STEELE of Pennsylvania. Of course not.

Mr. BENNET. He may have reached the age of 80, but he is far from being worn out. [Applause.]

Mr. STEELE of Pennsylvania. That is very true. Now, this bill proposes to remedy a situation which is actually existing. The bill itself was first recommended by Attorney General, now Justice, McReynolds, of the Supreme Court. In the first report which he filed as Attorney General he made a specific recommendation for this bill. The bill, however, is not as drastic as he recommended. It was his recommendation that whenever a judge reached the age of 70 years and failed to retire, upon that fact appearing to the President he should be authorized then to retire him, no matter what his mental or physical condition might be. This bill, however, as I say, is not so drastic as that. It simply provides that when the judge becomes actually incompetent, for physical or mental reasons, then the President shall be authorized to appoint another judge. In that respect it is different from the bill passed by this House 50 years ago, to which I have just referred, and different from the recommendation made by the Attorney General. It is more lenient in the treatment of judges, and is intended to promote efficiency in our courts, so that our courts may be rid of those who are unable to perform their duties when the rights of the suitor demand that his case receive immediate attention.

Mr. FARR. How will the mental or physical unfitness of the judge be determined?

Mr. STEELE of Pennsylvania. That must be determined upon evidence submitted to the President, who will have to pass upon it as a question of fact.

Mr. GALLIVAN. Has the gentleman any information as to how many judges may be affected by this bill if it becomes a law?

Mr. STEELE of Pennsylvania. I have made no personal examination of that subject. When the bill was under debate in the Senate it was estimated that it might possibly affect from 7 to 14 judges who are now on the bench.

Mr. GALLIVAN. Does the gentleman know in what part of this country they live.

Mr. STEELE of Pennsylvania. They are scattered in different parts of the country, as I understand.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DYER. Mr. Chairman, this Congress has been called upon to consider many important things affecting the welfare of our country and the happiness and prosperity of our people, but nothing so far has surpassed in importance this bill. The judiciary should be independent so that they can pass upon the rights and liberties of the people purely as a matter of justice. Politics should not enter into their deliberations. The framers of our Constitution saw the necessity of this when it was written into that celebrated document these words, "The judges both of the Supreme and inferior courts shall hold their office during good behavior." I have sought my duty as regards this bill from many able and distinguished lawyers. I sought the advice and judgment of the lawyers of my city regarding it. At my request the bar association of the city of St. Louis considered this bill at great length. A special meeting was had for its discussion and for action thereon, and after the fullest and freest deliberation it was voted that the bill ought not to pass. Many able lawyers say that the bill is unconstitutional. Others say that whether it is unconstitutional or not that it ought to fail because it takes away from the judiciary its life tenure, which is most necessary if the judges are to be uninfluenced. Make it possible for a judge to be removed on the demand solely of the President of the United States under certain circumstances, and you will have many of the judges afraid to do their full duty for fear that they may displease by their decisions the President and his advisors, especially the Senators of the United States. This will force the judiciary into politics and cause them in many instances to seek the favor of those who have influence with whatever administration happens to be in power.

Mr. Chairman, this bill is one of the most outrageous attempts on the part of the legislative department of the Government to interfere with the judiciary and its independence that has ever been undertaken in this country. Here is a bill that substantially repeals a portion of the Constitution of the United States affecting the judiciary. The Constitution provides that judges shall hold office during good behavior. This bill, if enacted into law, will authorize the President of the United States to appoint additional circuit and district judges in certain cases not now authorized by law.

If a circuit or district judge has reached the age of 70 years and been on the bench 10 years, the President may, if he believes the judge or judges referred to are mentally or physically unable to perform the full duties of their office, appoint an additional judge or judges to take their places. Such action on the part of the President under this bill would relegate the present judge or judges affected by such appointments to a back seat or no seat at all in the court, and give to the new judge

full power and authority in the premises. The old judge might be called upon to do some work and he might not. The object and purpose of this bill is purely for patronage. It is to replace many efficient and competent judges with partisan appointees. There is no need for this law, so far as the good of the judiciary or of the people is concerned. If there is a judge on the bench who has reached 70 years of age and been 10 years on the bench, and is unable to efficiently discharge the duties of his office, he can be replaced. There are methods of ridding the country of unworthy judges, as well as of judges who can not discharge their duties on account of disabilities. One of these is the law of impeachment, and the other is to enact laws in special cases, as has been done a number of times, whereby the President is authorized to appoint an additional judge for a district or a circuit, who is to take charge or assist in the work of the court, because of the inability of the present judge to attend to same. There is no need to pass a general law upon this subject which may, and no doubt will, be greatly abused. Congress can take care of these cases from time to time as the facts may warrant, and where the judge who ought to retire does not do so.

Mr. MONTAGUE. Will the gentleman yield for a question?

Mr. DYER. Yes.

Mr. MONTAGUE. Does the gentleman mean to say that a judge can be impeached for mental or physical disability or ill health?

Mr. DYER. No; I do not mean to say that.

Mr. MONTAGUE. I so understood the gentleman. That was the reason of my inquiry.

Mr. DYER. Several bills have been passed providing for the appointment of additional judges to take the place of incapacitated judges, and that upon their death no additional judges were to be appointed.

Now, gentlemen, there is every opportunity for doing the work that this bill would do without giving to the Executive, whoever he may be, the opportunity to appoint many additional circuit and district judges. There are now probably some 18 or 20 judges who have reached the age of 70 and who have been on the bench 10 years. There is an eagerness on the part of men to secure appointments as judges, and when the Congress of the United States goes to the extent of allowing the judiciary of our country to become a subject of patronage for politicians and those who seek opportunity to place their friends in office, you are going to destroy what we have left in the independent judiciary of the country. The legislative department, the Congress, is no longer an independent branch of the Government. The Executive at his own sweet will controls the legislative department, and when you place it in the power of the President to appoint additional circuit and district judges, which this bill will give him, you are destroying the remaining department of the Government. Gentlemen, it would be the greatest mistake to pass this bill. There is no excuse for it. There is no need for it. If there is a circuit or district judge mentally or physically unfit, his case can be presented to Congress and a bill introduced and passed, as has been done in the past, and an additional judge appointed to do his work.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DYER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the subject of the judiciary of the United States.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks. Is there objection? The Chair hears none.

Mr. WEBB. I will say to my friend from Minnesota that we only want one other five-minute speech on this side.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, I do not desire to take the time to discuss the bill. At this time, however, I would like to call the attention of the committee to the amendment which I understand will be offered and to which there is no opposition. However, it is not generally understood, although it was referred to by the gentleman from Illinois. There are two provisions in this bill, one referring to the circuit judges and the other to the district judges. The provision with regard to the retirement of circuit judges as it now stands in the bill is as follows:

> The President, if he finds that any such judge is unable to discharge efficiently all the duties of his office by reason of mental or physical disability of permanent character.

It was intended also that it should be inserted in the provision after the district judges. However, the provision in regard to the district judges as it is now written in the bill is as follows:

> In the event any such judge of a district court of the United States, having so held a commission or commissions at least 10 years continuously, and having attained the age of 70 years as aforesaid, shall nevertheless remain in office, the President, if in his opinion the public good so requires, may appoint—

As I understand, it is practically agreed, if it meets with the approval of the committee, that that shall be eliminated to conform with the requirements put in the provision regarding the second section. So that also will read that the President shall have the right to exercise his power if he finds that any such district judge is unable to discharge efficiently all the duties of his office by reason of mental or physical disability of a permanent character.

I think there is no necessity of arguing the appropriateness of such action before the committee. Of course there is no reason why the same rule should not apply in both cases. In fact, the district judges are more active, as they are engaged in the business of holding court actively in connection with the discharge of their duties in the trial of cases, and the same rule should apply to them as it does to the circuit judges. That is all I desire to say.

Mr. SHERWOOD. This gives the President absolute power to discharge a judge?

Mr. TOWNER. Of course it is not an absolute discharge; it only retires him from active duty. He still occupies the position of circuit or district judge.

Mr. SHERWOOD. Are they not disqualified for service?

Mr. TOWNER. They may be.

Mr. HOWARD. Are they not coadjutors to the active judge?

Mr. TOWNER. As a matter of fact, they are retired from service on a pension.

Mr. HOWARD. But they could be used on special cases?

Mr. TOWNER. Certainly; and it is conceivable that a man might be disabled for a time and might be retired and return to health.

Mr. HOWARD. He may become a very valuable adjunct to the judiciary, to fill in?

Mr. TOWNER. That might be.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. STERLING].

Mr. STERLING. Mr. Chairman and gentlemen, I think that this bill ought not to become a law.

We have for many years boasted of the independence of our judiciary. This law gives the President of the United States in effect the power to remove judges. It gives the President the power to set aside a district or circuit judge and put some administration partisan in his place. It is giving the President of the United States the power to perform legislative functions. It gives him the power to create offices, it gives him the power to create additional judgeships, which is surely a legislative function, and the Congress of the United States ought not to delegate its power to the executive branch of the Government to create offices.

Oh, gentlemen may say that it will not be abused, but it may be abused. It is possible in times of political stress and party spirit that it will be abused, and why should we change a system that has been so satisfactory—the system of which we have boasted and of which we have been proud for more than 100 years—at this particular time? Gentlemen have not pointed out any reason why we should start this legislation. They have not cited a single instance where a judge that has served 10 years and is past 70 years of age should be removed from office; and if there are instances of that kind, if it arises occasionally where a judge becomes incompetent to perform his duties, it is very easy for the Congress of the United States to legislate with reference to that particular case.

Congress has done that in one instance where a judge had reached the age of 70 and was not capable of performing his duties and was not willing to resign his office; the Congress of the United States passed a law giving the President power to appoint an additional judge in that particular district. But it will not arise so often, it will not arise once in a quarter of a century, I dare say, where an incompetent judge past the age of 70 refuses to resign.

I say to you that it is a blow to the independence of the judiciary and tends to bring them under the influence of party politics and under the influence of the administration that happens to be in power. We are surrendering the rights and duties of the Congress to the executive branch of the Government in giving the President power to remove these judges. It is in fact, I say, a removal of the judge. It sets him aside and gives the new judge the authority to operate and run the court where

he presides. Under this law the old judge may be deprived entirely of performing any of his duties as a judge. He can be prevented from doing anything in the capacity of a judge, and I dare say that there are many of these men who are past 70 years of age who are much better qualified to perform the duties of the office than young men who would be found, especially new men who would be picked up under the influence of party politics and put in their places. I say we ought to hesitate a long time before we abdicate our power to create judicial offices and give it to another branch of the Government, and I shall be glad, and I believe that in the future you yourselves will be glad, if this legislation may be defeated and this bill fail to become a law. [Applause.]

Mr. VOLSTEAD. Mr. Chairman, I do not expect to occupy much time, but I will try to explain to you briefly the character of this bill. The gentleman from Pennsylvania [Mr. STEELE] in opening this discussion called attention to the fact that this bill removes certain judges. That is true. The judges spoken of in this bill, after they have attained the age of 70 years and have served for 10 years, are to be removed if in the judgment of the President they are not able because of mental or physical disability to perform efficiently all of the duties of their respective offices. I want you to remember that is the real purpose of this bill. Aside from age or length of service, permanent disability is all the President must find to permit removal.

In every circuit and district where the work is so large that the judges can not efficiently perform all the duties as promptly as the President may deem necessary he may, if he finds a judge there past 70 who has served 10 years, remove him under this bill. Age alone lessens a person's strength and carries with it a certain degree of permanent disability. We have repeatedly recognized in our pension legislation that the age of 70 is attended with permanent disability. Still, judges past that age may perform, and many of them do perform, very efficient and satisfactory services. Judges should not be put on the pension list simply because their strength has been lessened with age. Still, that is what this bill clearly permits, though the Constitution says judges shall hold their offices during good behavior.

Think of the situation created by the bill. Is it not a situation where partisan politics, where public passion, will endanger the safety of these judges? It is easy to conceive of circumstances under which they would run great risk of being influenced. Who will make the report of disabilities to the President? Who will urge the removal of these judges and the substitution of others? Why, aside from the clamorous job hunter, the men who will do that will be the men who are prosecuting cases before these judges. It will be the Attorney General's office and the district attorneys of the various districts throughout the country.

Suppose they are dissatisfied with a decision of a court? It is a natural thing for lawyers and clients to feel that the court is to blame. You all know, all of you who are lawyers, that it is quite common for lawyers to swear at the jury and the judge. Disappointed suitors are often reckless. You are putting these judges in a position where it seems to me they can not act as independent and as untrammeled as the Constitution intended they should. The Constitution tried to throw safeguards around the judges. Throughout our history we have maintained that policy. Now, for the first time we are to break away from it. If we once break away, what will be the result? Can it be doubted that sooner or later we will apply the same rules to the judges who have not served the length of time or attained the age prescribed in this bill? There is just the same reason for removing a man who has become mentally and physically disabled to perform all of his duties before he reaches 70 years as there is for removing the older man.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. CULLOP. Does the gentleman recall that some five or six years ago we passed a law here to appoint some one in the place of a judge in one of the districts of Pennsylvania who was not yet 70 years of age?

Mr. VOLSTEAD. Yes.

Mr. CULLOP. Then it is applying now to men under 70 years of age, is it not, by act of Congress?

Mr. VOLSTEAD. That applied to only one individual case. Let me say this: There is no difficulty in regard to this matter. If you appeal to Congress and show a good case, Congress will grant relief, and grant it without any such law as this. Relief should be to simply provide an additional judge and allow him to serve by the side of the old judge. You can give to the new judge a precedence over the old judge if you desire. That is all the Attorney General recommended. He never recommended a bill like this at all. You have here a bill in which practically every vestige of power that belongs to the office of the old judge is taken from him.

Mr. BENNET. Mr. Chairman, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. BENNET. How many of these jobs are there, and who is going to get them?

Mr. VOLSTEAD. I do not know, but there are between 20 and 30 judges who are past 70 years of age—I think close to 30. Of course they would not all come under this law, because I believe that the President would be honest and try to enforce the law as it ought to be enforced.

But I realize that the temptation is there and it does not seem to me we ought to put our judges in a position where they may be subject to removal for any such cause.

Mr. STERLING. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. STERLING. How many of these judges who are past 70 years of age are complained of now?

Mr. VOLSTEAD. So far as I know there are only two or three of them. It seems to me that bills for relief in those cases should be brought here so Congress may determine what judges are necessary. I do not think we should turn over to the President the duty to determine that fact. There will be constant pressure upon him of the office seeker to remove men if that is done. Why not leave that duty as heretofore, with Congress, as the representatives from all sections of this country. The action of Congress in granting this relief will not threaten the independence of any of the judges if it pursues its time-honored policy.

I believe that the old system is much better than the one proposed. The new seems to me very dangerous, and I believe that it is clearly unconstitutional. I shall not attempt to discuss that feature of the bill. I tried to discuss it quite fully in the minority report which I ask to include as a part of my remarks. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. VOLSTEAD. The following is the report referred to:

"Messrs. VOLSTEAD, NELSON, MORGAN, DANFORTH, GRAHAM, CHANDLER of New York, DYER, and WALSH are opposed to the passage of S. 706 and recommended that it be indefinitely postponed. Mr. VOLSTEAD, in support of that recommendation, submits the following views:

"The report made by a majority of the members of the committee does not meet my views, and the following comments on that report and observations on the bill are respectfully submitted:

"The recommendation of Justice McReynolds, while Attorney General, and his successor, the present Attorney General, can not properly be cited in support of this bill, as the legislation they recommend differs materially from that proposed in this measure. They suggest that should a judge who has served 10 years and attained the age of 70 fail to resign, the President shall appoint an additional judge who is to have precedence over the old judge. A bill drawn along that line might be so framed as to avoid most of the objections urged against this bill.

"A number of acts are referred to in the report in which Congress has created or abolished courts, or taken from or added powers and duties to the different courts. But in all of these the official tenure of the judges have been preserved. That this may be done is not in issue and needs no support from the cases cited. The question to which I desire to direct attention is not whether Congress may confer much or little power upon any particular court, but whether Congress has the power to remove a person from his place as judge for any other reason than the one for which removal is permitted by the Constitution. The argument of the report appears to proceed upon the theory that the terms 'judge' and 'court' are synonymous. No citation of cases is necessary to show that a judge is only an officer of the court and is not the court. The Constitution does not limit the number of inferior courts or prescribe their duties, but the Constitution does prescribe the official tenure of Federal judges. To argue that because courts may be created with much or little power, therefore the official tenure of a judge may be destroyed by taking from him the functions that appertain to his office is a non sequitur. The courts in question are not only constitutional because authorized by the Constitution, but also for the reason that it is made the duty of Congress to invest in some court all Federal jurisdiction, and that in obedience to that mandate Congress has conferred all general jurisdiction on the district, circuit, and supreme courts (1 Wheat., 328). It is the tenure of the judges of these courts that the Constitution protects. This bill does not change these courts. Their

powers and duties remain the same; nor is there any change in the functions of the judges, but those functions are to be exercised by other judges. Congress can not say that when a judge reaches the age of 70 he shall no longer act as a judge; that is not prescribing new duties for the court, but limiting, in violation of the Constitution, the official tenure of the judge. It is the power of Congress to do this that is questioned.

"In urging these considerations it may be observed that the purpose of the bill clearly appears on its face and is frankly argued in the report—that of dismissing from service judges who may retire on pay. The bill provides that the new judges are to take over all the duties of the ones relieved. The old judges will then have no jurisdiction or power to act as judges. They may, however, if specially authorized by some other judge, act; but without such authorization they can not even approve a bail bond. They simply become unnecessary supernumeraries who are not to be replaced by others when they die. Can judges be thus dismissed from service, notwithstanding the provision in the Constitution that their tenure is during good behavior?

"The author of this bill evidently recognized that an act simply dismissing these judges would be void, and sought to meet that difficulty by providing that those who are to be displaced may be designated to perform certain duties.

"If this bill provided that a judge entitled to retire on pay should have no powers or duties unless Congress should thereafter by special act authorize them to act, would anyone seriously contend that such an act would be legal? And still, what real difference is there between such a bill and the one under consideration? This bill simply delegates to some judge the power which Congress would in the supposed bill reserve to itself. In neither case is there any assurance that the judge that is to be relieved will ever have or perform any duties. A position such as that lacks the essential elements of a public office.

"Hinds' Precedents, volume 1, page 608, cites among other things the following as bearing upon what is a public officer:

"It (public office) implies a delegation of a portion of the sovereign power to, and the possession of it by, the person filling the office, and the exercise of such power within legal limits constitutes the correct discharge of the duties of such office. (3 Greenleaf (Md.), 481; Mechem's Public Office, etc., sec. 2; Olmstead *v.* The Mayor, 42 N. Y. Sup. Ct., 481; Public Officers, Throop, sec. 6.)

"Again, the employment must not be merely transient, occasional, or incidental.

"In United States *v.* Hartwell (6 Wall., 385), the court held that the term 'public office' embraces the ideas of tenure, duration, emolument, and duties, and that the duties were continuing and permanent, not occasional or temporary.

"In United States *v.* Germaine (99 U. S. Sup. Ct., 508), the question of who is or who is not a public officer was again up, and the court said:

"'If we look to the nature of the defendant's employment, we think it equally clear that he is not an officer. In that case (referring to United States *v.* Hartwell) the court said the term embraces the ideas of tenure, duration, emolument, and duties, and that the latter were continuing and permanent, not occasional or temporary. In the case before us the duties are not continuing and permanent, and they are occasional and intermittent.'

"The constitution of the State of New York, 1846, article 6, section 8, prohibits the judges of the court of appeals and justices of the supreme court from exercising any power of appointment to public office.

"Section 16, chapter 280, laws of 1847, conferred upon the chancellor power to issue a commission to some person empowering him to act as a surrogate in a particular case when by reason of statutory disqualifications the officers designated to act could not do so. It was contended that such person when designated to act as surrogate becomes a public officer, inasmuch as for the time being and in the matter before whom he was to act as a judicial officer with full power to hear, try, and determine the particular case, but the court of appeals in Matter of Hathaway (71 N. Y., 238) held:

"'The term "public office," as used in the constitution, has respect to a permanent public trust or employment, to be exercised generally and in all proper cases. It does not include the appointment, to meet special exigencies, of an individual to perform transient, occasional, or incidental duties, such as are ordinarily performed by public officers; as to such appointments the legislature is left untrammeled, and at liberty to invest the courts with power to make them.'

"It has likewise been held that a retired military officer who is entitled to retain his official title, receive pay, and is subject to be designated for occasional services is not an officer except while performing the duties to which he may be assigned.

"The official tenure of a judge can not be defeated by abolishing the court or by taking the powers away from the judge. The courts will not permit the Congress to do indirectly what it can not do directly.

"The case of the Commonwealth *v.* Gamble (62 Pa., 343) is in points on this question:

"The constitution of Pennsylvania provides that a judge shall be appointed for 10 years, if he shall so long behave himself. A judge was appointed, but the legislature abolished his district, as it had the power to do, and appointed another judge to perform his duties. Held to be unconstitutional as an attempt to do indirectly what the constitution forbade. In this case the court lays emphasis on the fact that it is the powers and duties that constitutes the office, and not the title and pay. Speaking on this subject, the court said:

"These powers, authority, and jurisdiction constitute the office and are the essence of it and inseparable from it, and are granted to be exercised for the period of 10 years.

"In the same case it said, 'The only remedy for removal is by impeachment,' citing Lowe *v.* Commonwealth (4 Met. (Ky.), 237).

"To the same effect is State of Ohio *v.* Geo. W. Choats (11 Ohio, 511). In that case the constitution required that certain judges must reside within the counties for which they should be commissioned. The legislature changed the county lines so as to exclude the territory in which one of the judges was living from the county for which he was commissioned. Held, that though the legislature might legally change or abolish the district for which he was elected, it could not abolish the judge, as his term of office was fixed by the constitution.

"In People *v.* Dubois (23 Ill., 547) the Illinois court announces the same doctrine. The constitution of Illinois provided for the election of circuit judges to serve for six years. A judge had been duly elected and qualified. The legislature thereafter, and during his term, abolished his judicial district and attached his territory to another district. Held, that he was still a judge and entitled to pay as such, and that the act of the legislature could not terminate his office.

"In the case of People *v.* Howland (45 N. Y. Sup., 347) the court had occasion to consider an attempt on the part of the New York Legislature to confer the criminal jurisdiction of a justice of the peace on a police judge. In holding this attempt futile the court, among other things, said:

"We have here, then, a constitutional officer, the most important of whose powers and functions are conferred upon another officer created by the legislature; the incumbents of the constitutional office relieved from the duty of discharging the functions of that office, deprived of their pay for such services, if they perform them, and with no officers to execute their process if they issue any. Does it need any argument to show that this is utterly destructive of the office? Can a public office be conceived of with no duties to be performed? And what becomes of a court or magistrate whose powers and jurisdiction have been conferred upon another; where the incumbents of the office have no duties to perform?

"The powers and jurisdiction conferred upon the office of the justice of the peace are not for the benefit of the incumbent, but for the public good, and when the occasion arises it is his duty to exercise them. Powers conferred for the public good and the duty to exercise them are coupled together, and can not be severed.

"The office consists in a right and a corresponding duty to exercise a public or private trust. (3 Kent Comm., 454, People *v.* Nostrand, 46, N. Y., 375.)

"So, where a State constitution provides for the election of a sheriff and fixes the term of office, but does not define what powers, rights, and duties shall attach to or belong to the office, the legislature has no power to take from the sheriff a part of the duties and functions usually appertaining to the office and transfer them to another. (People *v.* Kieler, 29 Hun., 175.)

"That Congress has the power to provide additional judges when necessary is not denied. That is a duty as well as a right that Congress must exercise, but in doing so it can not take from the present judges the powers they can efficiently exercise. It may relieve them to the extent relief is necessary, but that is not what is attempted in this bill. Upon a finding by the President that a circuit judge entitled to retire is not able, by reason of some mental or physical disability, to efficiently perform all his functions he may be removed, and if in the opinion of the President the public good requires it, the like district judge may be removed. A failure, by reason of some disability, to do as much work as the President may deem desirable permits removal in one case, and the mere opinion of the President that the public good might be subserved by a change permits the removal in the other. Neither of these reasons for removal are recognized by the Constitution. If this bill is to adopt a consistent policy, it should be made to apply not only to the judges entitled to retire but to all, regardless of age. There often is as strong a reason for removal before as after a person reaches the age of 70. Under such a law the President and Senate (and the Senate could be dispensed with) could remove every judge, as no one could question the President's finding, and substitute other judges entitled to reward as his partisans or more subservient to his views. Can anyone doubt the dangerous character of such legislation? It places the judges under the direct influence of the Executive. There are said to be some 16 or 18 places that may be filled under this bill. May it be asked whether politics has any share in urging this legislation? It was to avoid making judges dependent on the President or Congress that life tenure was given them. The sad experience of England under judges dominated by the Crown or subject to the will of partisan passion wrote into our Constitution the provision giving our judges a life tenure.

"This bill is a surrender of a long-established policy. Congress must, under the Constitution, provide courts. This power carries with it the duty of determining to what extent additional judges are necessary. In the past Congress has insisted that when an additional judge is appointed that appointment should first be authorized by an act passed for that purpose. This bill is an attempt to delegate to the President the power to discharge that duty. There is no good reason why a district suffering for lack of judges should not in the future, as in the past, apply to Congress for relief. The only reason suggested is the difficulty in securing relief through Congress. Congress has always been liberal in providing judges, but before doing so it insists on knowing that there is some necessity for the additional expenditure that such an appointment always entails. Under this bill one judge could not be made to serve as judge in two districts, while Congress may by an act provide relief by adding one judge where two are now serving, thus saving the expenses incident to an additional judge.

"Not only is this bill in contravention of the Constitution, but it would adopt a vicious and dangerous policy, one that if made effective as applied to the judges who may now retire would no doubt in time be applied to all judges. Such a law, if valid, would make the judiciary absolutely dependent on the will of the Executive. It is the duty of Congress to guard the Public Treasury. This bill gives the President power to obligate the Treasury for the salary and other expenses of judges that Congress, and not the President, should authorize.

"This bill should not pass."

Mr. LANGLEY. Mr. Chairman, I desire to call attention to the fact that it is now nearly midnight, and that Members, exhausted by the long and weary sessions that we have had lately and not being apprised of the scheme to bring this very important measure up at such an hour, and having a right to expect that it would not be done in view of the vote a few days ago refusing to adopt the rule to bring it up, have gone home, so that, comparatively speaking, there is only a handful present to discuss it and hear it discussed. Gentlemen, I question the propriety of such procedure and such tactics. True, we are told that we are to have a record vote on it to-morrow and the privilege of discussing it all we wish to to-night. But what is the use of discussing it in such circumstances? It is a waste of time. While that is true, I am going to take time enough to at least enter my protest against all this, and to express my opinion of this vicious attempt to violate the traditional sanctity that has surrounded the Federal judiciary from the foundation of the Republic by seeking to sink it into the slough of partisan politics.

Gentlemen talk about the public buildings "pork barrel" and the river and harbor "pork barrel" and all that. If any who have done this are supporting this bill, they ought to be forever estopped from such talk after championing a judicial "pork-barrel" bill; for that is what it is. Gentlemen may theorize as much as they please, but they can not cover up the real purpose of the bill, which is to give a Democratic administration more appointments, and that, too, at the expense of this indispensable "check and balance" between the other two great departments of the Government, the absolute independence of which has been heretofore sacredly guarded. I firmly believe that the original plan from which this bill emanated was to get political control of the Federal judiciary in its entirety—Supreme Court and all—and that the ambitious scheme was curtailed only because its progenitors gradually realized that its very boldness would bring it to certain defeat. The amendment which has been accepted, limiting the power of the President to appoint a new judge to cases where the old judge is permanently disabled, mentally or physically, from performing all of the duties has removed most of the fangs of the beast, but his grinning jaws and hungry maw are still there. As an evidence of what the primary intention was, one need only to read the original test provided in the bill, which was that the new appointment could be made whenever, in the opinion of the President, the public good required it; and the fact that inability to perform the duties on the part of the old judge was not to be the controlling factor is conclusively established by the other provision that he may still sit in causes in that district or circuit, or in any other district, either within or without his circuit, or in the circuit court of appeals of his circuit, thus conceding the continued existence of his fitness and capacity as a judge. Moreover, the adoption of the amendment limiting the power of the President to appoint a successor to cases of permanent mental or physical incapacity makes the whole proposition ridiculous, because the two provisions are wholly and irreconcilably inconsistent.

Mr. Chairman, while this bill is advocated under the guise of improving the Federal judiciary, in my opinion a more dangerous, a more vicious, a more reprehensible measure was never proposed and seriously pressed by a respectable and formidable following as this bill has in the history of the Congress. Its inevitable effect would be to humiliate and shorten the lives of distinguished and honorable men now upon the bench who have rendered conspicuous service to their Government and to humanity and whose names are written high upon the honor roll of the Nation. Why, Mr. Chairman, I am told that already, in anticipation of the passage of this bill, they are going around in certain places getting up petitions, even in the very cities where these old judges reside, just as they used to do when there was a change of administration and applicants for the postmaster's job sent their petitions around for signers, thus saying, in effect, to these capable and distinguished jurists, "Pack up your duds; we are going to fire you." I repeat, Mr. Chairman, that this bill is founded upon a wrong, dangerous, and vicious principle, and I am bitterly against it. The gentleman from Missouri [Mr. DYER] has made a most able argument upon the constitutional and other questions involved, and I could not nor would I undertake to supplement it or improve upon it. Neither will I undertake to argue the question of whether men past 70 years of age are still capable of ably and justly presiding over these courts. The profound utterances of the immortal Harlan, of my own State, from the Supreme Bench, after he passed that age, come to my mind as a conspicuous illustration of the fallacy upon which this bill is predicated. The case of Judge Evans, of the western district of Kentucky, is another worthy of citation here. He has passed the age of threescore and ten, and yet he has written what is regarded by those competent to judge as the ablest, most conclusive, and exhaustive argument that has been presented against this bill. By the unanimous consent of the United States Senate it has been printed as a Senate document. I have a copy of it here. And yet it is common gossip that if this bill becomes a law a man is to be appointed in his place, and I have heard that the man has already been agreed upon. If I hear aright, I have no fault to find with that man, for he is an able and distinguished lawyer of that district and a citizen of upright character. But I am finding fault with a system that would permit the displacement, upon such a pretext, of a man of the judicial capacity, the logic, and the vigorous mentality displayed by the author of this Senate document. It merits wider publicity than its printing as a Senate document will give it, and so under the leave granted me to extend my remarks in the RECORD I am going to insert it as a part thereof.

[Senate Doc. No. 688, 64th Cong., 2d sess.]

COMPULSORY RETIREMENT OF CIRCUIT AND DISTRICT JUDGES.

[Memorandum in opposition to the passage of the bill (S. 706) to amend sec. 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved Mar. 3, 1911, which relates to the compulsory retirement of Federal judges of the United States, by Walter Evans, judge for the western district, Kentucky.]

IN THE SENATE OF THE UNITED STATES,
January 25, 1917.

On motion by Mr. SUTHERLAND,

Ordered, That the manuscript of the memorandum in opposition to the passage of the bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, which relates to the compulsory retirement of Federal judges of the United States, by Walter Evans, judge for the western district, Kentucky, be printed as a document.

Attest:

JAMES M. BAKER, *Secretary.*

COMPULSORY RETIREMENT OF FEDERAL JUDGES.

Article III, section 1, of the Constitution of the United States is in this language:

"The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office."

Article I, section 3, provides that—

"The Senate shall have the sole power to try impeachments * * * and no person shall be convicted without the concurrence of two-thirds of the Members present."

Article II, section 4, provides that—

"The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for, and on conviction of, treason, bribery, or other high crimes and misdemeanors."

If these provisions mean anything it is that every judge of a court of the United States holds his office during good behavior and until, upon articles of impeachment duly presented, he has been convicted of treason, bribery, or other high crime and misdemeanor by a vote of two-thirds of the Senators present at the trial. And those constitutional provisions are of vital importance to the maintenance of that certainty of tenure, that independence of other departments of the Government, that exemption from the control of the passions and prejudices of the hour, and that freedom from the hunger and greed of official patronage which the far-seeing framers of the Constitution thought were indispensable to the courageous discharge at all times of the great duties devolved upon them. It would be childish to contend that a judge, perfectly capable of performing all his duties efficiently, had committed treason or had been guilty of bribery or other crime or misdemeanor by having had the good fortune to reach the age of 70 years. That age as a test is, of course, purely arbitrary, and if the exigency of party greed or the demands of patronage or resentment at some

judge who had offended some very influential Member of one or the other House of Congress by ruling against him or his friend should make it desirable, then the test of 60 years might be established, or 50. Or, indeed, any other test might be selected by Congress, for it is axiomatic that if the power exists there is usually no limit upon its exercise. The result might be that parties, as they succeed each other in governmental control, by one arbitrary test or another might crowd out the judges as they pleased, and thus utterly subvert all the constitutional restrictions to which we have referred. That this is no imaginary suggestion is shown by the legislation now to be considered, and which has characteristics that have led some of the newspaper press to call it a "ripper bill"—a sort of bill not heretofore attempted upon the judiciary, and which, indeed, has features worse than the "recall."

Disregarding the constitutional provisions referred to, Congress is about to enact and the President may approve "An act to amend section 260 of an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911,'" wherein, after reenacting previous provisions of law to the effect that when a judge reached the age of 70 years and had served as such for 10 years or more in succession he might, if he so chose, resign his office, and thereafter continue during his life to receive his salary in full, the act, among other things, provides as follows:

"In the event any such judge of a district court of the United States, having so held a commission or commissions at least 10 years continuously, and having attained the age of 70 years as aforesaid, shall nevertheless remain in office, the President, if in his opinion the public good so requires, may appoint, by and with the advice and consent of the Senate, an additional judge of such court, who, notwithstanding the incumbency of the judge so entitled to resign, shall preside customarily over the said district court, and shall exercise such powers as are vested by law in the judge thereof. And the district judge so entitled to resign shall thenceforth be relieved, save as hereinafter provided, from service therein: *Provided*, That the said district judge so entitled to resign as aforesaid may be designated and appointed from time to time to hold any district court, either in his district or within or without his circuit, as provided by sections 13, 14, 15, 16, and 17 of this title, or to sit in the circuit court of appeals of his circuit, as provided by section 120 of this title.

"Upon the death or resignation of any circuit or district judge so entitled to resign, following the appointment of any additional judge as herein provided, the vacancy caused by such death or resignation of the said judge so entitled to resign shall not be filled, but the number of judges then in office shall be reduced accordingly."

The question—and it is one of great importance—is whether the foregoing provisions of the act are, in whole or in part, violative of the Constitution of the United States?

Before discussing the direct question it may be well to make two preliminary statements.

First. Many times in the past Congress has very properly made physical and mental disability of a permanent character and not mere age the basis for creating new judgeships. The facts in each of such cases were first fully and fairly ascertained, and while this plan afforded no opportunity for wholesale or arbitrary, not to say unconstitutional, removals of judges, it did, in each instance, wisely meet a public exigency in a just and decorous manner.

And, indeed, though Congress may not rightfully delegate it to the President, it has full power itself to create new district judgeships in any judicial district in the country as often as it sees fit. This, when the business of the district required it, has often been done, and if that only had been done here, nothing could have been said against its power to do so. In that contingency the old judge and the new would have been able to proceed under the provisions of section 23 of the Judicial Code, which is as follows:

"In districts having more than one district judge, the judges may agree upon the division of business and assignment of cases for trial in said district; but in case they do not so agree, the senior circuit judge of the circuit in which the district lies, shall make all necessary orders for the division of business and the assignment of cases for trial in said district."

Judges are not ordinarily likely to fail to be so fair and dignified in their conduct as to call for the interposition of the senior circuit judge, but if, for any reason, they do not agree, the way is open to a proper settlement of any differences.

Second. It is correct to say that every judge of a district court of the United States who is authorized to retire under the law should do so whenever he reaches the point where he is mentally and physically incapacitated for the efficient discharge of his duties. He owes this to himself, to the bench, to the bar, and to the community in which he lives and where his functions are to be exercised. But if he is abundantly able to perform his duties, he is under no obligation whatever to surrender the work he may love and the high position he occupies to the mere demand of those who may hunger for his office, and especially if the very proper and decent arrangement provided by section 23 of the Judicial Code is to be wiped out. If incapacitated he should retire, but otherwise he is entirely within his rights in continuing in office and discharging his duties.

FIRST OBJECTION.

Returning to the act, we find that, in substance and effect, it provides, not that new and additional judgeships shall thereby be created and established, but that in certain contingencies the President may himself create such new and additional judgeships, if in his opinion the public good requires it, by the appointment of new and additional judges, and that in the years to come he may do this, one by one, in every judicial district. One would suppose that there could be no doubt that such new judgeships would be new offices, created and beginning to exist in many instances not when the act was passed by Congress and became effective by the President's approval, but years thereafter when, in the opinion of the President, a new judgeship should be created by him under the authority of the act. These offices, it is true, would have the same name as others previously existing but nevertheless they would be new and additional offices not previously in existence, and their creation would involve new and additional expenditures of public money, and the conferring upon other and additional persons of power to exercise judicial functions. An office not previously existing would from time to time, and possibly in the remote future, be created by mere executive fiat. Argument could hardly make plainer than does its mere statement that authorization to create the new offices is the delegation of legislative power to the Executive, because the power to create new offices is essentially and inherently legislative. The Congress exercises its legislative power under Article I of the Constitution in creating new judicial offices, and under Article II appointments thereto must be made by the President. If the legislation in this instance be not complete, Congress can not delegate to the President the power to complete it by his own act, and the attempt to do so was an ineffectual effort to delegate its legislative power.

It may illustrate the proposition that section 1 of the Judicial Code (as did previous judiciary acts beginning with that of 1789) provides, in substance, that "in each of the districts described * * * there shall be a court called a district court, for which there shall be appointed one judge to be called a district judge except" that in a few clearly specified instances one or more additional judges shall be appointed for the district. Thus, Congress created the courts and the judgeships (1 Stats., 74). This work was legislative in character, and strictly within the powers of the legislative branch of the Government. The appointment of all these judges—the filling by appointment of all these offices—was executive in character and fell strictly and properly within the constitutional functions of the President. Could Congress any more take from the President and arrogate unto itself the power of appointing the new judges than it can, under the Constitution, divest itself of the power of legislating for the amendment of section 1 of the Judicial Code or kindred enactments by conferring that legislative power upon the President to be exercised when, in his opinion, the public good may demand it? Surely this question must be answered in the negative until there shall be expunged from the Constitution, first, that part of its first and most prominent article and from its first section the words: "All legislative powers herein granted shall be vested in a Congress which shall consist of a Senate and House of Representatives"; second, that part of Article II, section 1, opening with these words, "The executive power shall be vested in a President of the United States of America"; third, that part of Article II, section 2, which provides that the President "shall have power to nominate and, by the advice and consent of the Senate, * * * appoint the judges of the Supreme Court and other officers provided for by law"; and, fourth, those parts of Article III, section 1, which, as we have seen, begin, "The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish."

That the three departments of the Government—legislative, executive, and judicial—are, and were intended to be, with certain definitely specified exceptions, separate and, within their respective spheres, independent, could not be made clearer than they are by the first three articles of the Constitution.

Certainly it may be regarded as settled that only the Congress can legislate for the Nation. If the power to create judgeships is legislative in character, then it is not executive, and until after the legislative department has finished its work the functions of the executive do not attach. When a judgeship has been effectively created by legislation, it is within the exclusive power of the President to fill the office thus created by law; but by the act under consideration the legislative power is delegated to the President, to be exercised by him after he has concluded that the public good requires him to create certain new judgeships, and after he has created them in the interest of the public the act authorizes him to fill them. Surely, in doing this he first exercises a legislative power attempted to be delegated to him by the act, and having in the exercise of that power created certain new judgeships, he exerts the executive power of appointing persons to fill the offices he has thus created.

It does not seem that clear thinking can leave the situation open to any other conclusion than that the parts of the act above copied are unconstitutional, because Congress did not itself legislate and create the new judgeships, but left that work to the Executive.

And it may be said that apart from what has been pointed out, Article II, section 2, clause 2, authorizes the President, with the advice and consent of the Senate, to appoint all officers whose appointment is not otherwise provided for in the Constitution and is provided for by law, though Congress may by law "vest the appointment of such inferior officers as may be deemed proper in the President alone, or in the courts of law or in the heads of departments." No doubt it is true that under this clause Congress in various enactments has authorized either the President or the heads of departments from time to time "in their discretion" to appoint persons to various offices or temporary positions. In all such cases as well as in many others it is settled that the power to appoint implies the power to remove (Blake v. United States, 103 U. S., 231), inasmuch as there is, as to them, no constitutional provision that they shall hold during good behavior. But no instance is recalled where the validity of legislation giving such discretion has been subjected to the test of judicial decision. Logically, therefore, there can not be drawn from the mere enactment of such laws and acquiescence therein, any conclusion unfavorable to the views expressed respecting the act now under discussion, the validity of which is drawn in question, and it must stand or fall as may be determined by the courts, regardless of mere general acquiescence in other and very different legislative acts.

SECOND OBJECTION.

Recalling the constitutional provision that the judges of the courts of the United States shall hold their offices "during good behavior," and that their removal shall only be effected by the sentence of the Senate sitting as a court of impeachment, after a trial and conviction for treason, bribery, or other high crime or misdemeanor by a two-third vote of the Senators present, we find that the act provides, first, that the new judge shall preside customarily over the district court; second, that he (the new judge) shall exercise such powers as are vested by law in the judge of that court; third, that "the district judge so entitled to resign shall thenceforth be relieved * * * from service therein," save, fourth, that the district judge so entitled to resign may be designated and appointed from time to time to hold any district court, either in his district or within or without his circuit, or to sit in the circuit court of appeals. These and especially the latter are important duties for a judge whose "relief" from his own office the President alone will have decided will be for the public good.

Thus it is certain that before the appointment of the new judge the proscribed judge was at least upon an equal footing with his junior, but thereafter he can not hold court nor sit in his own district without being designated for that duty by somebody who, intentionally, is not named. True sections 13, 14, 15, 16, and 17 of the Judicial Code are mentioned in the act, but a reading of them makes it clear that neither of them applies to the designation of a judge to sit in his own district. His commission fully authorizes that without further designation by anybody, but the attempt is to nullify that evidence of title. Relief from work in his own district—the only one his commission covers—is, therefore, a substantial deprivation of the right to hold "during good behavior" the office to which that commission applies. And as the senior circuit judge is not required to designate the "relieved"

judge for any work, and as the act prevents his sitting unless so designated, the deprivation of his right to hold his office during good behavior may, under the guise of "relief" from its duties in his own district or elsewhere, be complete. In short, the result of it all is to permit the President to abolish one district judgeship and create another in its stead whenever a judge reaches 70 years and does not resign. The question of "good behavior" is not permitted to have the least bit of that potent influence the Constitution tried to give it. It emphasizes this view that the old judgeship is not to be refilled. Only the new one is to be continued.

The Constitution not only provides (a) that "the judges shall hold their offices during good behavior," and (b) "shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office," but also (c) that they can "be removed from office" by impeachment and conviction of crime.

It is obvious that the act and its operation can not per se be considered as the constitutional equivalent of impeachment, conviction, and removal from office of those judges who have reached 70 years of age. Nor does the act in terms, "diminish their compensation." What a future Congress may do in the way of diminishing the compensation, if it should be sufficiently actuated by a further proscriptive passion or individual feeling against some judge who, by "resigning" after 70, had ceased "his continuance in office," need not be considered, though some judges have imagined that if they "resigned" their offices and thereby ceased to "continue" therein it would be quite as easy to enact a law to diminish or altogether cut off compensation as it would be to pass the act under consideration. Those who thought the Constitution secured them against this act can not feel secure against another act which might altogether repeal section 260 of the Judicial Code, which the act under consideration has amended. True, the public faith, at least impliedly, is pledged to the judges who resign under the implied promise of that section, and this might be an obstacle to its repeal, but the implied pledge of public faith is not a greater security than are the sanctions of that Constitution which all swear to support. If we may quibble with one, we may quibble with the other.

But these matters apart, it is important to inquire what is the meaning of the words "shall hold their offices during good behavior," as used in the Constitution? Of course, if impeached and convicted, a judge may be removed from his office by the judgment of the Senate sitting as a court of impeachment, but that, at least in form, is not what has been done. Here there would be a substantial removal in fact though not in form, inasmuch as the judges are attempted to be effectively deprived of the right to hold their offices during good behavior by a process which altogether ignores the question of the behavior of a judge and arbitrarily deprives him of the power and opportunity of holding his office or exercising its functions in his own district or elsewhere, except at the voluntary behest of some other man.

While artfully constructed to effect an object which it is attempted to conceal, no disguise can fully hide the fact that the destruction of the right of the district judges to hold their offices during good behavior is to be accomplished by the act. If he does not resign, he is to be effectively "removed" from the bench in his own district, for that is what was intended to be and must necessarily be the result not only from the requirement that the new judge shall "preside customarily," but especially from the provision that the senior judge "shall thereafter be relieved from service," and the exceptions in no substantial way alter either the intention of Congress or the operation of the act. The judge may have continued to be perfectly adequate to the discharge of his duties. Years of service may have demonstrated this, and yet, under the guise of relieving him without his consent, he is, in effect, to be deprived by the President alone of the right to hold his office during good behavior—all without impeachment or trial—if in the opinion of the President "the public good so requires." Under the Constitution the only way to ascertain whether a judge has done some act which is not "good behavior" within the proper and constitutional sense is by impeachment and conviction of treason, bribery, or other high crime or misdemeanor, that being expressly prescribed as the exclusive test. By the act, however, the constitutional method, the method which gives the judge a fair and full hearing, is set aside and another is substituted by which the President, without notice or hearing, may impeach him, may secretly hear a faithful partisan's testimony, and may therefrom be convinced that the "public good" will be promoted. These proceedings will be behind closed doors. None but the patronage seeker may be heard. Certainly there will be no real impeachment nor a trial or conviction by the Senate nor any sentence by a two-thirds vote of the Senators. Before this the incumbent was a real judge. Afterwards he is but a shadow. In short, he is "recalled" or "retired" not on his volition, but by the President upon his own motion. This result can only come from something which the Constitution forbids. No fair consideration can efface the result that something had been done by which the judge had been deprived of his rights in a manner that plainly violates the organic law.

In other words, the "relieved" district judge can not sit even in his own district, however able, ready, and willing he may be to do so, without the consent of some other judge, which consent the latter may, if he chooses, entirely withhold, thus making the "removal" complete in fact, though the bill cunningly contrives that it shall not be so in name.

Because of increase of business from time to time acts have been passed by Congress for the creation of additional judgeships in given districts, and to this there can be no constitutional objection; but the judges who came in under those laws were simply district judges, having no superiority or precedence over their colleagues on the same bench. That course comported with the importance and dignity of the judicial office, and there were no differences which section 23 of the Judicial Code could not control. But the act now under consideration was intended to remove an incumbent who, after he reached the age of 70, should be guilty of the bad behavior of keeping some one else out of a coveted district judgeship. And the act is not designed merely to meet the present, but it reaches into the future, and will hereafter apply to every district judge throughout the country. The importance of the act, therefore, is not to be measured by its effect upon the few who are now attacked. It will hereafter, in succession, reach and operate upon all.

Thus a new judicial system based upon the President's opinion of what will be promotive of the public good will arise to supersede that of the Constitution, for under the last clause of that portion of the act copied above the old judgeships will lapse as the proscribed seniors die or resign. Thereafter only the new judgeships will exist.

In United States *v.* Hartwell (6 Wallace, 393) the Supreme Court, speaking through Mr. Justice Swayne, said: "An office is a public station or employment conferred by the appointment of government. The term embraces the ideas of tenure, duration, emolument, and duties." That one of those ideas which is of little importance in this investigation is that of "emolument," for that, at least at present, is not threatened. While the "duties" of a judge may be fairly changed, they can not be substantially taken away without materially interfering with the "tenure" and "duration" of the office, for if the duties are entirely taken away nothing is left but a pension—salary which may continue, though the office is vacated. The right to hold the office itself—not a mere fag end of it—is obtained from the Constitution and the laws made in pursuance thereof. This covers the idea of "tenure." The "duration" of a judge's tenure of office is likewise derived from those sources, and they fix the duration of the tenure of his office by the expression "during good behavior," which was, as usual, construed to mean "during life" in James *v.* United States (202 U. S., 408). This being true, a judge's tenure "during good behavior" can not be broken except by the Senate when it finds him guilty of "treason, bribery, or other high crime and misdemeanor." Then he may be removed. His tenure will then properly be broken because he has not been of "good behavior." But this can not lawfully or fairly be done under the act, proceedings under which will or may be behind closed doors, in very marked contrast with a fair trial under the Constitution.

While the right of incumbency of an office is not "property" in the exact sense of that word, the whole constitutional machinery respecting Federal judgeships is a vain thing if it has no force or effect, or if it confers no vested rights upon the judge. Indubitably the Constitution intended to make the judicial office a very substantial thing, and that intention must control in this connection or the constitutional arrangement becomes a mere scrap of paper, so far as the tenure of the judicial office is concerned. The ultimate effect of deciding that, while the judges must uphold the Constitution as it affects the rights of every other citizen, a different rule must be applied to the judges themselves, might be curious if not disastrous.

It would seem from these considerations to be free from doubt that the second objection we have urged must also be sustained.

If the first objection we have urged is sustained, the entire act, so far as it affects the district judges, will be held invalid, and, possibly as to them, leave section 260 of the Judicial Code in full force. If, however, our first objection is not sustained but our second is, then the portions of the act which seek to remove the district judges who are eligible to retire, under the guise of giving them a "relief" they neither need nor desire, being separable from the others, will be eliminated by their unconstitutionality and will cease to be available for the purposes for which they were designed.

If the act is merely unwise and unjust, the courts will be powerless, but if it be a mere unconstitutional entering wedge for plausible infractions of the organic law whereby patronage contests may lead to the lessening of the courage and independence of the judiciary, it may be well in making a contest now to recall the long struggles of the Anglo-Saxon race to establish that independence of the judges which the Constitution guarantees but which the act is designed to weaken. If that independence is once weakened, it may not be easy to resist its ultimate overthrow.

Of course, what we have said refers altogether to those features of the act which affect the district judges and their rights. It is not our purpose in any way to deal with the circuit judges, who will themselves know how to meet the situation, so far as it is designed to affect them.

REMEDIES.

The constitutional guaranties being as we have stated them, it is not surprising that no specific remedies for their enforcement have ever been prescribed by statute. That specific remedies would be necessary was not thought of probably because an occasion for them was not conceivable.

In the opening sentences of the opinion in Marbury *v.* Madison (1 Cranch, 154), Chief Justice Marshall spoke of "the peculiar delicacy of the case, and the novelty of some of its circumstances." Later (p. 162) he said in respect to the appointment of a judicial officer that "the discretion of the Executive is to be exercised until the appointment is made. But having once made the appointment, his power over the office is terminated in all cases where, by law, the officer is not removable by him." This brought him to the inquiry whether the judicial officer there had a right and if so whether he had a remedy if that right had been violated. Upon this the Chief Justice said:

"The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws whenever he receives an injury. One of the first duties of government is to afford him protection. * * * The Government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation if the laws furnish no remedy for the violation of a vested legal right. If this obloquy is to be cast on the jurisprudence of our country, it must arise from the peculiar character of the case."

In that case, however, the Supreme Court found itself unable to grant the specific relief sought because to issue a writ of mandamus—the sole relief there prayed for—would have been an exercise of "original jurisdiction" not warranted by the Constitution—the jurisdiction of the Supreme Court being appellate with a few exceptions which did not include the case then before it. Nor probably would the Supreme Court have "original jurisdiction" to hear cases growing out of the act now in question.

The district court, however, is not so hampered.

But in the meantime (judicial remedies apart) the provisions of the act, in direct and explicit terms, are aimed at seven district judges in various parts of the country. Their biographies might show that each of them, in peace or in war, had endeavored "to do the State some service." Each of them is in good health and each is now, as he has been for many years, industriously and faithfully performing the duties of his office. No one of them has seen fit to retreat under the threat held out by the act. Nor will any one of them acknowledge that his past services deserve the unprovoked humiliation the act seeks to put upon him.

Under such circumstances deliberate and impartial consideration of two suggestions might not be regretted: First, the course of nature may, ere long, open up the constitutional way to proceed without unduly taxing the patience of any; and second, as no one of the district judges at whom the provisions of the act are at present aimed in unmistakable language, would desire to serve after he had become permanently incapacitated for the efficient discharge of his duties, a law could not be fairly objectionable which authorized the appointment of an additional district judge in any district where the Associate Justice of the Supreme Court allotted to the circuit in which such district judge resided and any one of the circuit judges therein, or in case any two of the circuit judges therein should ascertain and certify to the President that any district judge in such circuit had, from any cause,

become permanently incapacitated to perform the duties of his office. In this way and in a spirit of judicial fairness the facts could always be perfectly and accurately ascertained in respect to each case. This course would seem also to better harmonize with the judicial system contemplated by the Constitution than does that proposed in the act.

Mr. HELVERING. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KINKAID. Mr. Chairman, I ask unanimous consent to be allowed to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STERLING. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WEBB. Mr. Chairman, I desire to offer an amendment to the bill.

Mr. MANN. Let the bill be read.

Mr. WEBB. Mr. Chairman, I will ask for the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

"SEC. 260. When any judge of any court of the United States, appointed to hold his office during good behavior, resigns his office, after having held a commission or commissions as judge of any such court or courts at least 10 years continuously, and having attained the age of 70 years, he shall, during the residue of his natural life, receive the salary which is payable at the time of his retirement for the office that he held at the time of his resignation.

Mr. BENNET. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BENNET. Is this bill to be considered by paragraphs?

The CHAIRMAN. The Chair thinks the bill should be considered by paragraphs.

Mr. BENNET. Then I move to strike out the last word.

Mr. MANN. The last word of what? This is a legislative bill and has to be read by sections.

Mr. BENNET. The Chairman said by paragraphs.

Mr. MANN. This is a legislative bill and is considered by sections. There is only one section in the bill. In all bills of this character, and for many years I reported bills of this sort from the Committee on Interstate and Foreign Commerce, and all legislative bills have always been considered by sections, notwithstanding the fact that there are different paragraphs in it.

The CHAIRMAN. There are no sections in this bill.

Mr. MANN. There is only one section. Of course, the first section of a bill is never given as No. 1. This is section 1 of the bill.

Mr. LANGLEY. What bills are read by paragraphs?

Mr. MANN. Appropriation bills.

The CHAIRMAN. The Chair thinks this is a bill that ought to be considered by paragraphs.

Mr. MANN. Well, I think the Chair is wrong, but I am not quarreling with it.

The CHAIRMAN. If the Chair is wrong, the Chair will change it.

Mr. BENNET. Mr. Chairman, a lawyer rather hesitates, I think, as he gets older, to interfere with the judiciary. Partisanship entirely apart, it seems to me this House ought to hesitate before it casts a stigma on 18 or 20 men—Republicans and Democrats, for, I understand, this bill covers both Democrats and Republicans—who have served faithfully and conscientiously upon the district and circuit courts of the United States.

Mr. STERLING. Will the gentleman yield?

Mr. BENNET. I will.

Mr. STERLING. Mr. Chairman, does not the gentleman believe that these men, after the age of 70 years, feeling that they are capable and qualified to perform the duties of the office, hesitate about resigning and drawing their salary without doing any work for it?

Mr. BENNET. Why, Mr. Chairman, I think their attitude is entirely commendable, for after they reach the age of 70 years if they are able to discharge their duties they would feel a certain sense of dishonesty, it seems to me, if they should take advantage of their rights and simply retire and live a life of comparative ease, drawing their full salary.

Mr. GALLIVAN. As a matter of fact, these lawyers on the bench, do they know much law?

Mr. BENNET. Not under the Constitution and statutes.

Mr. GALLIVAN. They do not have to be lawyers, do they?

Mr. BENNET. No, sir.

Mr. GALLIVAN. Just plain American citizens?

Mr. BENNET. That is it.

Mr. GALLIVAN. There might be other qualifications required if this bill goes through?

Mr. BENNET. I should hesitate to mention them.

Mr. GALLIVAN. Will the gentleman kindly suggest what is in his mind?

Mr. BENNET. There are a good many things.

Mr. MANN. The gentleman declines to vacate his mind.

Mr. BENNET. I could not do it in five minutes.

Mr. GALLIVAN. The question of being Democrats?

Mr. BENNET. I think that would assist some.

Mr. GALLIVAN. What kind of Democrats, bone-dry Democrats?

Mr. BENNET. That would not do any harm.

Mr. LANGLEY. Will the gentleman yield? Is it not a fact, judging from what we know of the temperament of men at that age, that it is right to expect that they would feel humiliated if somebody is appointed in their place?

Mr. BENNET. Mr. Chairman, in all seriousness, from my knowledge of elderly men, and I have observed them rather intently, this will shorten the life of every single judge affected.

Mr. LANGLEY. That is the point I had in mind exactly.

Mr. BENNET. I have never known a humiliation heaped upon a man advanced in years—a patent humiliation—that did not shorten his days.

Mr. EAGLE. Mr. Chairman, will the gentleman yield?

Mr. HULBERT. Does not the gentleman feel that the worry which these judges would be subjected to because of the fact that there would be proceedings taken against them under this bill would destroy their efficiency?

Mr. BENNET. Of course.

Mr. TAGGART. We have a retirement law, have we not?

Mr. BENNET. Certainly.

Mr. TAGGART. That did not turn out to be peculiarly patent, did it?

Mr. BENNET. The retirement act for judges?

Mr. TAGGART. Yes.

Mr. BENNET. I think, to the honor of the American judiciary, that there is not an instance where a man yet availed himself of that retirement act until his own perception warned him that he ought to take advantage of it.

Mr. TAGGART. Now, this bill allows him to do all other kinds of work even though another judge has been appointed to help him?

Mr. BENNET. This allows him to do some kinds of work.

Mr. TAGGART. And if he has more work than any man can reasonably do, there is ample precedent for appointing an additional judge?

Mr. BENNET. If there was a question of too much work to do, they would say so in the bill and stop.

Mr. GALLAGHER. I will ask what other thing he could do besides draw his salary?

Mr. TAGGART. This bill provides that he may sit as judge in his own district or in any other district.

Mr. BENNET. Now I yield to the gentleman from Texas [Mr. EAGLE] and apologize for not having yielded to him before.

Mr. EAGLE. I wanted to ask the gentleman if in all his experience as a lawyer he ever knew an aged and decrepit judge who was willing to confess the fact of his incompetency, either mentally or physically, to further perform, as he formerly had performed, the work of his high office?

Mr. BENNET. I will say that Judge Addison Brown was one of the best judges we ever had in the Southern District of New York. He held the office until he reached the age of 70, when he came to the conclusion that the time had come for him to retire, and he did retire. Judge George C. Holt, another very able and distinguished jurist, reached the age when he could retire, and served a year or two after that.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent for two minutes more.

Mr. MANN. It is too late at night. The gentleman ought not to persist in going on after going out and having a good dinner.

Mr. BENNET. Two dinners.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

"SEC. 260. When any judge of any court of the United States, appointed to hold his office during good behavior, resigns his office, after having held a commission or commissions as judge of any such court or courts at least 10 years continuously, and having attained the age

of 70 years, he shall, during the residue of his natural life, receive the salary which is payable at the time of his retirement for the office that he held at the time of his resignation.

"In the event any circuit judge, having so held a commission or commissions at least 10 years continuously, and having attained the age of 70 years as aforesaid, shall nevertheless remain in office, the President, if he finds that any such judge is unable to discharge efficiently all the duties of his office by reason of mental or physical disability of permanent character, shall appoint, by and with the advice and consent of the Senate, an additional circuit judge of said circuit, who, notwithstanding the incumbency of the judge so entitled to resign, shall sit customarily as one of the judges of the circuit court of appeals of his circuit. And the judge so entitled to resign shall thenceforth be relieved, save as hereinafter provided, from the duty imposed by section 118 of this title to sit as one of the judges of said circuit court of appeals, and shall be held and treated as if junior in commission to the remaining judges of said court, who shall, in the order of the seniority of their respective commissions, exercise such powers and perform such duties as by law may be incident to seniority; *Provided*, That the presiding judge of the said circuit court of appeals, whenever in his judgment the public good shall so require, may thereafter, from time to time, designate the judge so entitled to resign to sit upon the hearing of any cause or causes in the said circuit court of appeals. And the Chief Justice of the United States may, upon like occasion, thereafter designate and appoint any such circuit judge so entitled to resign to service upon the circuit court of appeals of any other circuit; and he may likewise be designated and appointed, as provided by section 18 of this title, to hold a district court in any district, either within or without his said circuit.

"In the event any such judge of a district court of the United States having so held a commission or commissions at least 10 years continuously, and having attained the age of 70 years as aforesaid, shall nevertheless remain in office, the President, if in his opinion the public good so requires, may appoint, by and with the advice and consent of the Senate, an additional judge of such court, who, notwithstanding the incumbency of the judge so entitled to resign, shall preside customarily over the said district court, and shall exercise such powers as are vested by law in the judge thereof. And the district judge so entitled to resign shall thenceforth be relieved, save as hereinafter provided, from service therein: *Provided*, That the said district judge so entitled to resign as aforesaid may be designated and appointed from time to time to hold any district court, either in his district or within or without his circuit, as provided by sections 13, 14, 15, 16, and 17 of this title, or to sit in the circuit court of appeals of his circuit, as provided by section 120 of this title.

"Upon the death or resignation of any circuit or district judge, so entitled to resign, following the appointment of any additional judge as herein provided, the vacancy caused by such death or resignation of the said judge so entitled to resign shall not be filled, but the number of judges then in office shall be reduced accordingly."

During the reading,

Mr. MANN. Mr. Chairman, a parliamentary inquiry. Are we reading the bill by paragraphs?

The CHAIRMAN. The Chair was in error before. The bill must be read in its entirety.

Mr. MANN. So that amendments are not now to be offered?

The CHAIRMAN. No.

The Clerk concluded the reading of the bill.

The following amendment was read:

Amendment offered by Mr. WEBB: On page 3, lines 16 and 17, by striking out the words "In his opinion the public good so requires," and inserting in lieu thereof the following: "He finds that any such judge is unable to discharge efficiently all the duties of his office by reason of mental or physical disability of permanent character."

So that the lines as amended will read:

"In the event any such judge of a district court of the United States, having so held a commission or commissions at least 10 years continuously, and attained the age of 70 years as aforesaid, shall nevertheless remain in office, the President, if he finds that any such judge is unable to discharge efficiently all the duties of his office by reason of mental or physical disability of permanent character, may appoint, by and with the advice and consent of the Senate, an additional judge of such court," etc.

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina [Mr. WEBB].

The question was taken, and the amendment was agreed to.

Mr. WEBB. Mr. Chairman, I ask the Chair to notify me when I have used three minutes. Then I will move that the committee rise.

The CHAIRMAN. Very well.

Mr. WEBB. Mr. Chairman, this bill does not permit the appointment of any additional judge to relieve the old judge unless that old judge is incapable of performing all the duties of his office on account of mental or physical incapacity of a permanent nature.

Now, where is the man who thinks that that character of a judge should remain on the bench and impede the wheels of justice? I can give an instance where for four years a circuit court judge did not go into his court. He was on a roller chair. He would not resign. He could not work. The Department of Justice was crying out for some relief in that circuit because the dockets were crowded and the business was congested and litigants were complaining.

Mr. LANGLEY. If that is true, how would it help out to designate a judge who has already been held to have a permanent mental or physical disability disqualifying him? I am referring to the language just read by the gentleman from Illinois [Mr. CANNON].

Mr. WEBB. It has been stricken out.

Mr. LANGLEY. I am talking about the assignment of the old judge to other districts, and so forth. As a matter of fact, if he is permanently disabled, mentally or physically, sufficiently to warrant the appointment of a man in his place, then he can not be expected to perform satisfactorily any duties in the district or circuit court.

Mr. WEBB. That depends on the senior circuit judge. Often you find a man who can do a couple of days' work——

Mr. LANGLEY. Although he is permanently mentally or physically disqualified?

Mr. WEBB. He may have a permanent physical disqualification, so that he can not sit regularly day after day, and yet he may be able to hold court for a day or two, or do chambers work and the like.

Mr. LANGLEY. Was that language in the bill carefully considered?

Mr. WEBB. Yes; that was put in advisedly, because many old judges do not want to give up work entirely. They do not want to go off the bench. They want to be permitted to do this very kind of relief work. And remember, gentlemen, that the Senate of the United States passes upon these appointments, and unless an appointment is a proper one, and unless the disqualification of the sitting judge is complete, the Senate can refuse to confirm the appointment.

But some gentleman asks, "Why not pass a special bill in each case"? Why, in Pennsylvania we tried for two years to pass a relief bill, which the Department of Justice was begging us to pass, and we could not get it through, because Members of Congress were divided on it.

There was the case of an old judge, 84 years old, who would not resign and could not work, and because the delegation could not agree on the judge we never got the bill passed, and the interests of justice were suffering. Senator Root wanted all judges retired, regardless of their mental or physical qualifications, when they arrived at the age of 70. I did not agree to that.

This bill was originally recommended by Attorney General McReynolds, now an Associate Justice of the Supreme Court, and it was recommended in four different Attorney Generals' reports, providing for retirement at 70, but the committee would not agree to that, because we knew of men 70 years old who could do a full day's work as judges, and I was not in favor of that bill. I did not want a judge retired unless it be found as a fact that he was mentally or physically disqualified to perform the duties of his office. But I appeal to any gentleman if it is not right and just and in the interest of the administration of justice that an additional strong man be put upon the bench to transact the business of the United States if the old judge is mentally or physically disqualified and can not perform the duties he is appointed to perform.

Under this bill, if he is 70 years of age and has served 10 years, he can retire on full pay, and when a man under those circumstances is disqualified he ought to retire. Unfortunately there are a few of these judges who have not done so, and this bill is to reach those cases. The Department of Justice has urged us to pass this bill in order to relieve those particular instances. That is all there is to this bill. The President will not appoint the new judge unless he finds as a fact that the old judge is either mentally or physically disqualified; and unless the President were corrupt he would not find that as a fact unless that condition actually existed; and I am not willing to believe that any President of the United States, whether Republican or Democrat, has ever been corrupt or ever will be. After the President of the United States has acted, then the Senate of the United States has power to say whether the new judge so appointed shall be confirmed.

Mr. Chairman, I move that the committee do now rise and report the bill with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. WEBB. Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

The SPEAKER. The previous question is already ordered under the rule.

Mr. MANN. I hope the gentleman will ask unanimous consent that after the amendment is disposed of the final vote on the passage of the bill may be postponed until to-morrow.

Mr. WEBB. I shall most certainly do that, because that was the understanding.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WEBB. I ask unanimous consent that the vote on the passage of the bill be postponed until to-morrow, immediately after the reading of the Journal.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the bill go over until to-morrow after the reading of the Journal.

Mr. HULBERT. Have you provided for a yea-and-nay vote?

Mr. MANN. We will get a yea-and-nay vote.

The SPEAKER. Is there objection?

There was no objection.

PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, I present a conference report on an omnibus pension bill (H. R. 20496).

The SPEAKER. The Clerk will report it.

Mr. KEY of Ohio. I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman asks unanimous consent to read the statement in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement of the House conferees are as follows:

CONFERENCE REPORT (NO. 1610).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20496) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7 and 8.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, and 16, and agree to the same.

J. A. KEY,
EDWARD KEATING,
SAM R. SELLS,
Managers on the part of the House.

WM. HUGHES,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20496) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

On amendment No. 1: Only a correction as to the spelling of the surname in the case of Louisa Cary, widow of Joseph B. Crowley.

On amendment No. 2: Strikes out the provision for pension in the case of Fred Craig.

On amendment No. 3: Increases the rate of pension to $50 per month in the case of Russell B. Tripp, proposed by the Senate.

On amendment No. 4: Grants a pension of $12 per month to George F. Randall, as proposed by the Senate, instead of $17 per month, as proposed by the House.

On amendment No. 5: Strikes out provision for pension in the case of Lawrence Hubschman.

On amendment No. 6: Only a correction in phraseology in the case of William E. Pearman.

On amendment No. 7: Reinstates provision for pension in the case of Reuben D. Way.

On amendment No. 8: Reinstates provision for pension in the case of John P. Phillips.

On amendment No. 9: Grants a pension of $12 per month to William E. Keels, as proposed by the Senate, instead of $17 per month, as proposed by the House.

On amendment No. 10: Grants a pension of $17 per month in the case of Al A. Reineck, as proposed by the Senate, instead of $12 per month, as proposed by the House.

On amendment No. 11: Strikes out provision for pension for Elizabeth Noland, widow of Thomas Noland, deceased.

On amendment No. 12: Strikes out provision for pension in the case of Eugene B. Richard, the proposed beneficiary having died since the passage of the bill by the House of Representatives.

On amendment No. 13: Grants a pension of $12 per month to Christian S. Lowe, as proposed by the Senate, instead of $17 per month, as proposed by the House.

On amendment No. 14: A correction of an error in phraseology in the case of Florence E. Edinger, widow of Frederick Edinger, deceased.

On amendment No. 15: A correction as to service of the soldier in the case of Laura E. Elliott, widow of Benjamin F. Elliott, deceased.

On amendment No. 16: Strikes out condition upon which the pension was granted by the House in the case of Paralee Jackson, widow of William J. Jackson, deceased, to wit, that of filing with the Pension Bureau satisfactory evidence to show she is the lawful widow of the deceased soldier, same having now been furnished the Senate since the bill was passed by the House.

JNO. A. KEY,
EDWARD KEATING,
SAM R. SELLS,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. KEY of Ohio. Mr. Speaker, I call up conference report on bill H. R. 20827, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 1611).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20827) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 5, 7, 9, 11, 17, 19, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 8, 10, 12, 13, 14, 15, 16, and 18, and agree to the same.

J. A. KEY,
EDWARD KEATING,
SAM R. SELLS,
Managers on the part of the House.

WM. HUGHES,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20827) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

On amendment No. 1: Reinstates the provision for pension in behalf of Charles A. Holmes at $12 per month.

On amendment No. 2: Strikes out the provision for pension in favor of Charles A. Vanatta at $12 per month.

On amendment No. 3: Corrects a mistake in the name of John F. Burrow, jr.

On amendment No. 4: Corrects an error made in the name of Daniel T. French.

On amendment No. 5: Reinstates provision for pension in behalf of Thomas Whitson at $12 per month.

On amendment No. 6: Corrects an error in the phraseology of the item in favor of George R. Weight.

On amendment No. 7: Reinstates the provision for pension in behalf of Harry W. Feldman at $12 per month.

On amendment No. 8: Corrects an error in the phraseology of the item in behalf of Frank A. Smith.

On amendment No. 9: Reinstates the provision for pension in behalf of Orin Marshall at $12 per month.

On amendment No. 10: Corrects an error in the service of the item in behalf of Marie G. Harding, widow of Arthur E. Harding, deceased.

On amendment No. 11: Reinstates the provision for pension in behalf of Louis S. Harris at $12 per month.

On amendment No. 12: Strikes out the provision for pension in behalf of Richard Thrash at $12 per month.

On amendment No. 13: Strikes out the provision for pension in behalf of Fred Angelo at $12 per month.

On amendment No. 14: Strikes out the provision for pension in behalf of Lily D. Murphy, widow of Frank T. Murphy, deceased, at $12 per month.

On amendment No. 15: Strikes out the provision for pension in favor of Charles V. Grogan at $12 per month.

On amendment No. 16: Strikes out the provision for pension in behalf of Robert J. Clement, dependent father of Ira C. Clement, deceased, at $20 per month.

On amendment No. 17: Reinstates the provision for pension in behalf of George W. Paul at $17 per month.

On amendment No. 18: Strikes out the provision for pension in behalf of Frank L. Schaarman, alias Frank L. Sherman, at $24 per month.

On amendment No. 19: Reinstates the provision for pension in behalf of George Parliament at $12 per month.

On amendment No. 20: Reinstates the provision for pension in behalf of Otto H. Staron at $12 per month.

JNO. A. KEY,
EDWARD KEATING,
SAM R. SELLS,
Managers on the part of the House.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

Mr. KEY of Ohio. Mr. Speaker, I call up the conference report on Senate bill 8120, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 1609).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8120) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 3, 10, 11, 15, 16, 18, 19, 23, 28, 30, 33, and 34.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 4, 5, 6, 7, 8, 9, 12, 13, 14, 17, 20, 21, 22, 26, 27, 29, 31, and 32, and agree to the same.

Amendment numbered 24: That the Senate recede from its disagreement to the amendment of the House numbered 24, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"The name of George J. Ham, late of Troop C, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month."

And the House agree to the same.

Amendment numbered 25: That the Senate recede from its disagreement to the amendment of the House numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25"; and the House agree to the same.

J. A. KEY,
EDWARD KEATING,
SAM R. SELLS,
Managers on the part of the House.

WM. HUGHES,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8120) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

On amendment No. 1: Strikes out the provision for pension in the case of William W. Cook at $12 per month.

On amendment No. 2: Strikes out the provision for pension in behalf of Charles Milk at $8 per month.

On amendment No. 3: Grants a pension of $17 per month to William R. Dority, as proposed by the Senate, instead of $12 per month, as proposed by the House.

On amendment No. 4: Grants a pension of $17 per month to William H. Merritt, as proposed by the House, instead of $20 per month, as proposed by the Senate.

On amendment No. 5: Provides for a pension of $12 per month in behalf of Homer T. Barnett, as proposed by the House, instead of $17 per month, as proposed by the Senate.

On amendment No. 6: Strikes out the provision for pension in behalf of Robert H. Cowan at $18 per month, as proposed by the Senate.

On amendment No. 7: Grants a pension of $12 per month to Clarence A. Hunt, as proposed by the House, instead of $17 per month, as proposed by the Senate.

On amendment No. 8: Provides for a pension of $12 per month to Joseph O. Dennison, as proposed by the House, instead of $24 per month, as proposed by the Senate.

On amendment No. 9: Strikes out the provision for pension in behalf of Edwin C. Gasque at $12 per month.

On amendment No. 10: Reinstates the provision for pension in behalf of Horace M. Patton at $30 per month.

On amendment No. 11: Grants a pension of $30 per month to Francis M. Moore, as proposed by the Senate, instead of $24 per month, as proposed by the House.

On amendment No. 12: Provides for a pension of $17 per month to George L. Aldrich, as proposed by the House, instead of $20 per month, as proposed by the Senate.

On amendment No. 13: Provides for a pension of $17 per month in the case of Albert G. Daugherty, as proposed by the House, instead of $20 per month, as proposed by the Senate.

On amendment No. 14: Strikes out the provision for pension in behalf of Andrew E. Waterman at $20 per month.

On amendment No. 15: Reinstates the provision for pension in behalf of Lewis W. Hill at $12 per month.

On amendment No. 16: Grants a pension of $20 per month to Francis Roy, as proposed by the Senate, instead of $17 per month, as proposed by the House.

On amendment No. 17: Grants a pension of $12 per month to Adelbert R. Burke, as proposed by the House, instead of $17 per month, as proposed by the Senate.

On amendment No. 18: Provides for a pension of $20 per month to Wilbur C. Gahret, as proposed by the Senate, instead of $17 per month, as proposed by the House.

On amendment No. 19: Grants a pension of $15 per month to Walter H. Sterling, as proposed by the Senate, instead of $12 per month, as proposed by the House.

On amendment No. 20: Provides for a pension of $12 per month to Walter P. Norris, as proposed by the House, instead of $15 per month, as proposed by the Senate.

On amendment No. 21: Grants a pension of $30 per month to Edmond de Jarnac, as proposed by the House, instead of $24, per month, as proposed by the Senate.

On amendment No. 22: Grants a pension of $35 per month to Florence V. Handbury, widow of Thomas H. Handbury, deceased, as proposed by the House, instead of $40 per month, as proposed by the Senate.

On amendment No. 23: Reinstates the item for pension in behalf of Mary H. Trimble, widow of Joel G. Trimble, deceased, at $25 per month.

On amendment No. 24: Reinstates the item in behalf of George J. Ham with an amendment at $17 per month, instead of $30 per month, as proposed by the Senate.

On amendment No. 25: Provides for a pension of $25 per month to Eugenie L. Williams, widow of William M. Williams, deceased, instead of $30 per month, as proposed by the Senate, and $20 per month, as proposed by the House.

On amendment No. 26: Grants a pension of $17 per month to Charles H. Bachelder, as proposed by the House, instead of $20 per month, as proposed by the Senate.

On amendment No. 27: Strikes out the provision for pension in behalf of Frank J. Conway at $12 per month.

On amendment No. 28: Reinstates the provision for pension in behalf of Leonard P. Kehrmeyer at $12 per month.

On amendment No. 29: Grants a pension of $17 per month to Thomas B. Jeffries, as proposed by the House, instead of $20 per month, proposed by the Senate.

On amendment No. 30: Reinstates the item in behalf of Bertha C. Pratt, widow of Peter L. Pratt, deceased, at $15 per month, with $2 per month additional on account of the minor child of the deceased officer until she shall reach the age of 16 years.

On amendment No. 31: Grants a pension of $35 per month to Emma E. Normoyle, widow of James E. Normoyle, deceased, as proposed by the House, instead of $50 per month, as proposed by the Senate.

On amendment No. 32: Strikes out the provision for pension in behalf of Milton M. Lile at $46 per month.

On amendment No. 33: Reinstates the item in behalf of Maude Deignan, widow of Osborn Deignan, deceased, at $12 per month, and $2 per month additional on account of the minor child of the deceased sailor until she reaches the age of 16 years.

On amendment No. 34: Reinstates the provision for pension in behalf of Emory C. Powers at $12 per month.

JNO. A. KEY,
EDWARD KEATING,
SAM R. SELLS,
Managers on the Part of the House.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

Mr. KEY of Ohio. Mr. Speaker, I call up the conference report on the bill (S. 8296) granting pensions and increase of pensions to soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 1612).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8296) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its amendments numbered 3, 9, 13, 14, 18, 19.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 4, 5, 6, 7, 8, 10, 11, 15, and agree to the same.

Amendment numbered 16: That the Senate recede from its disagreement to the amendment of the House numbered 16, and agree to the same with an amendment as follows: Restore the matter stricken out by such amendment, amended to read as follows:

"The name of Herbert G. Hoots, late of Company F, Fifteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month."

And the House agree to the same.

Amendment numbered 21: That the Senate recede from its disagreement to the amendment of the House numbered 21, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"The name of William F. Core, late of Company A, One hundred and fifty-eighth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month."

And the House agree to the same.

The committee of conference have been unable to agree on the amendments of the House numbered 12, 17, and 20.

J. A. KEY,
EDWARD KEATING,
SAM R. SELLS,
Managers on the part of the House.

WM. HUGHES,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8296) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the conference as to each of said amendments, namely:

On amendment No. 1 (case of Louis Hagenbucher): Provides a pension of $17, as proposed by the House, instead of $30, as proposed by the Senate.

On amendment No. 2: Strikes out the provision for pension to Percy A. Farrar.

On amendment No. 3 (case of Edward Robinson): Provides a pension of $17, as proposed by the Senate, instead of $12, as proposed by the House.

On amendment No. 4: Strikes out the provision for pension for Mattie S. M. Hope.

On amendment No. 5: Strikes out the provision for pension for Clark E. Messenger.

On amendment No. 6 (case of Edward Harris): Provides increase to $17, as proposed by the House, instead of $20, as proposed by the Senate.

On amendment No. 7 (case of John H. Elder): Provides a pension of $12, as proposed by the House, instead of $17, as proposed by the Senate.

On amendment No. 8 (case of Einer Bjarson): Provides a pension of $12 as proposed by the House, instead of $17 as proposed by the Senate.

On amendment No. 9 (case of Leonard Kempenar): Provides increase of pension to $20 as proposed by the Senate, instead of $17 as proposed by the House.

On amendment No. 10: Strikes out the provision for pension to Abel H. Hall.

On amendment No. 11 (case of Harry F. Roddy): Provides a pension of $12 as proposed by the House, instead of $20 as proposed by the Senate.

On amendment No. 13 (case of Lotta K. Boyd): Provides increase of pension to $24 as proposed by the Senate.

On amendment No. 14 (case of George P. Cross): Provides increase of pension to $20 as proposed by the Senate.

On amendment No. 15 (case of George Moir): Provides a pension of $12 as proposed by the House, instead of $17 as proposed by the Senate.

On amendment No. 16 (case of Herbert G. Hoots): Provides a pension of $12, instead of $17 as proposed by the Senate.

On amendment No. 18 (case of John A. West): Provides increase of pension to $30 as proposed by the Senate.

On amendment No. 19 (case of Joseph J. Meyers): Provides increase of pension to $20 as proposed by the Senate, instead of $17 as proposed by the House.

On amendment No. 21 (case of William F. Core): Provides a pension of $12, instead of $17 as proposed by the Senate.

The committee of conference have been unable to agree on the following amendments of the House.

On No. 12: Relating to the pension for Arabella G. Walker, widow of Asa Walker, late rear admiral United States Navy.

On No. 17: Relating to the increase of pension for Alada Thurston Paddock Mills, widow of Albert Leopold Mills, late major general United States Army.

On No. 20: Relating to the increase of pension for Kathrina E. T. Vreeland, widow of Charles E. Vreeland, late rear admiral United States Navy.

JNO. A. KEY,
EDWARD KEATING,
SAM R. SELLS,
Managers on the part of the House.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

Mr. KEY of Ohio. Mr. Speaker, I move that the House further insist on the House amendments to the Senate bill Nos. 12, 17, and 20, and ask for a conference.

The SPEAKER. The gentleman from Ohio moves that the House further insist on the amendments to the Senate bill Nos. 12, 17, and 20, and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. KEY of Ohio, Mr. KEATING, and Mr. SELLS.

Mr. KEY of Ohio. Mr. Speaker, in connection with the disagreement of the conferees on the Senate bill I would like to say something, but owing to the lateness of the hour I will not insist. I have prepared a statement touching our views on the three items in the suit, and I will ask unanimous consent to print it in the RECORD.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The statement is as follows:

S. 7545. Kathrina E. T. Vreeland is the widow of the late Rear Admiral Charles E. Vreeland, of the United States Navy. The officer's death was due to service and line of duty, and the widow is now pensioned at $30 per month under the general law, which is the maximum rate allowed to the widow of an officer of any rank under existing law. Your committee refused to allow the proposed increase in rate from $30 to $50 solely because the evidence in the report accompanying the item shows that the widow possesses property valued at $31,500 and yielding an annual income of $1,700, which is apparently exclusive of the $30 per month pension. This action was taken because the House Committee on Pensions has followed a practice of tabling each and every bill which seeks to grant a pension to or increase the rate of pension now being received, of the widow, where the evidence shows she possesses property yielding an annual income of $500 or more. This action is based upon the fact that the committee does not believe that special relief by means of special act of Congress is either warranted or justified in this class of widows. The item was, therefore, stricken from the bill and will not be approved unless the House of Representatives so instructs.

S. 7108. Alada Thurston Paddock Mills is the widow of the late Maj. Gen. Albert L. Mills, of the United States Army. This widow is now pensioned at $30 per month under the general law, which is the maximum allowed to the widow of an officer of any rank by existing law. Her husband's death, of course, is clearly shown to the satisfaction of the Bureau of Pensions as having been due to service and line of duty. The bill proposes to increase the pension to $50 per month. The report accompanying the bill is so brief that it could be placed upon a postal card and is confined entirely to a recitation of the service rendered by Gen. Mills. There is not one particle of evidence, not even a statement of the widow, as to any property which she may possess nor any reason to sustain the proposed increase in rate. The bill was stricken by the House from the omnibus bill of the Senate because the House Committee on Pensions would and does table each and every bill coming before it lacking so woefully any supporting evidence to justify approval. This bill would not have been considered by the House Committee on Pensions under its practice unless satisfactory evidence as to the property possessed by the widow and the income therefrom was forthcoming; and from the meager report in this case it evidently was not forthcoming. It must be presumed when evidence as to property is lacking wholly and is so urgently demanded by all of the Committees on Pensions of the Congress that the widow possesses considerable property. The bill was therefore stricken and will not be approved unless the House of Representatives so instructs.

Due to a typographical error in printing the amendment by the House Committee on Pensions of the Senate bill of this item, striking same from the bill, it erroneously appears that Mrs. Mills now receives $40 per month. It should have been $30 per month, as shown by manuscript in the House Committee on Pensions.

S. 6305. Arabella G. Walker is the widow of the late Asa Walker, who died holding the title of rear admiral in the United States Navy. He entered the Naval Academy by appointment November 21, 1862; graduated in the class of June, 1866, and was continuously in the United States Navy, holding various ranks from midshipman until November 13, 1907, when he was retired as a rear admiral. He was in charge of the *Concord* in Admiral Dewey's fleet in the Battle of Manila Bay on May 1, 1898. The officer died from an acute disease, to wit, pneumonia, of only a few days' duration, March 7, 1916. His death was in no way connected with or due to his naval service, from which he was retired nine years before he died. His widow has never filed a claim under the general law for pension, realizing the impossibility of showing that his death was in any way connected with his service. She did file a claim under the service laws, based upon the fact that her husband was a cadet at Annapolis during the last three years of the Civil War. As the decisions of the Interior Department hold such service is not pensionable, this claim was rejected, and the widow now receives no pension. It is shown that the widow possesses property, stocks, bonds, etc., yielding her an annual income of $1,700. The bill proposes to give her a pension of $50 per month, which is $20 more than the highest rate allowed by any existing law for the widow of an officer of any rank whose death is clearly and indisputably shown due to line of duty while in service.

Your committee struck this bill from the omnibus bill passed by the Senate for two reasons: (1) The House Committee on Pensions during each Congress have many bills introduced by Members seeking to pension widows or deceased Army or Navy officers, and in each instance where the widow is shown to possess property yielding an annual income of $500 or more the bill has been by practically a unanimous vote of the committee tabled, as the committee was of the opinion that relief by means of special act of Congress outside of and in excess of the rates provided in existing general laws was not warranted in this class of cases. (2) The House Committee on Pensions, in cases where the death of the officer is shown to have been due to acute diseases years after the termination of his service, and by no possibility connected with or due to the service, have tabled the bills. Had this bill come before this committee it would undoubtedly have been tabled for the foregoing reasons, and your committee can not, therefore, see any justification in the approval of this bill and will not agree to its approval unless the House so instructs.

EXCHANGE OF LANDS IN THE GLACIER NATIONAL PARK.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 778) to authorize an exchange of lands with owners of private holdings within the Glacier National Park.

Mr. MANN. Is the Senate bill on the Speaker's table?

Mr. FERRIS. No; it is on the calendar.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior, for the purpose of eliminating private holdings within the Glacier National Park and the preservation intact of the natural forest along the roads in the scenic portions of the park, both on patented and park lands, is hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the lands held in private or State ownership within the boundaries of said park, by the exchange of dead, decadent, or matured timber of approximately equal values that can be removed from any part of the park without injuriously affecting the scenic beauty thereof; or, upon the approval of the Secretary of Agriculture, the timber to be selected or exchanged may be taken from the Government lands within the metes and bounds of the national forests within the State of Montana; and also, in his discretion, to exchange for patented lands in the Glacier National Park along such roads Government lands of approximately equal value within the metes and bounds of the national forests within said States.

SEC. 2. That the value of all patented lands within said park, including the timber thereon, offered for exchange, and the value of the timber on park lands, or on Government lands within the metes and bounds of the national forests within the State of Montana, proposed to be given in exchange for such patented lands, shall be ascertained in such manner as the Secretary of the Interior and the Secretary of Agriculture may jointly in their discretion direct, and all expenses incident to ascertaining such values shall be paid by the owners of said patented lands; and such owners shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange; and if the value of timber on park lands or on the Government lands in the national forests within the State of Montana exceeds the value of the patented lands deeded to the Government in exchange, such excess shall be paid to the Secretary of the Interior by the owners of the patented lands before any timber is removed, and shall be deposited and covered into the Treasury as miscellaneous receipts. The same course shall be pursued in relation to the exchange of patented lands in the park for Government lands in the national forests within said State: *Provided*, That the lands conveyed to the Government under this act shall become a part of the Glacier National Park.

SEC. 3. That all timber on Government lands in the park must be cut and removed under regulations to be prescribed by the Secretary of the Interior, and any damage which may result to the roads or any part of the park or the national forests in consequence of the cutting and removal of the timber therefrom shall be borne by the owners of the patented lands, and bonds satisfactory to the Secretary of the Interior and the Secretary of Agriculture, jointly, must be given for the payment of such damages, if any, as shall be determined by the Secretary of the Interior so far as the same relates to lands within a national park and by the Secretary of Agriculture where the same relates to lands in the national forests.

The following committee amendments were reported:

On page 2, line 3, after the word "Montana," insert a period and strike out the balance of the section.

On page 3, line 2, after the word "receipts," strike out the period and insert a colon. Strike out the balance of line 2, all of lines 3 and 4, and the first four words in line 5.

On page 3, line 20, after the word "forests," add a colon and insert the following: "*Provided further*, That the Secretary of Agriculture and the Secretary of the Interior shall jointly report to Congress in detail the factors upon which valuations were made."

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The committee amendments were agreed to.

Mr. FERRIS. Mr. Speaker, I offer the following amendment.

The Clerk read, as follows:

On page 1, line 10, after the word "park," insert "within townships 32 and 33 north, ranges 18 and 19 west, Montana principal meridian."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

GRANTING PATENTS TO CERTAIN LANDS AT SCOTTSBLUFF, NEBR.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent that the bill (S. 8307) authorizing the granting of patents to certain lands adjacent to the agricultural experiment station at Scottsbluff, Nebr., to the regents of the University of the State of Nebraska for dry-land agricultural experimental purposes be taken from the Speaker's table and considered by the House, a like bill having been reported by the House committee. It does not appropriate any money, but relieves the Government from furnishing money for permanent improvements.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patent to the regents of the University of the State of Nebraska for dry-land agricultural experiments to the east half of section 30 and the west half of section 29, township 24 north, range 55 west; also the west half of the northeast quarter and the west half of the southeast quarter, section 29, township 24 north, range 55 west, sixth principal meridian, in the State of Nebraska: *Provided*, That in the event the lands above described cease to be needed or used for the purposes above mentioned the same shall revert to the Government of the United States.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill (H. R. 19540) was ordered to lie on the table.

UNLAWFUL RESTRAINTS AND MONOPOLIES.

Mr. CARLIN. Mr. Speaker, I move to take from the Speaker's table Senate joint resolution 206, extending until January 8, 1918, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

Mr. JAMES. Mr. Speaker, I would like to ask the gentleman a question. Is this the resolution regarding which the gentle-

man from Arkansas [Mr. WINGO] made an objection the other day?

Mr. CARLIN. It is the same one.

Mr. JAMES. Then I shall have to object.

Mr. CARLIN. But I am making a motion.

Mr. JAMES. Then I shall demand that there be a quorum here.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

Mr. MANN. Oh, no.

Mr. JAMES. I am going to make the point of order of no quorum.

Mr. CARLIN. What is the gentleman's objection to it?

Mr. JAMES. I object because I promised Mr. WINGO if he was not here that I would make the point of order of no quorum.

Mr. CARLIN. Mr. Speaker, I will withdraw my motion for the present.

TELEPHONE OPERATORS.

Mr. MILLER of Delaware. Mr. Speaker, I present a privileged resolution from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 490 (H. Rept. No. 1623).

Resolved, That the three telephone operators now authorized to be employed from December 1, 1916, to March 31, 1917, continue to be employed during the period between March 31 and December 31, 1917, and be paid out of the contingent fund of the House, at the rate of $75 per month.

Mr. MANN. Mr. Speaker, is this the usual resolution? Does it increase the number of telephone operators?

Mr. MILLER of Delaware. No.

Mr. SABATH. No; it places them on the same level with the others.

Mr. MANN. Let us see about this resolution. I think the gentleman would better hold this over.

Mr. MILLER of Delaware. I will say to the gentleman from Illinois that this matter was thoroughly thrashed out in the committee and a subcommittee was appointed to go over there and look into the matter and investigate it.

Mr. MANN. This is to put some session employees on the permanent roll?

Mr. SABATH. No; only for the session.

The SPEAKER. The question is on agreeing to the resolution.

Mr. MANN. Mr. Speaker, I shall have to oppose the resolution, and I shall have to put the Democratic Party on record in favor of it if they want to pass it. Here is a proposition to put three session employees upon the permanent roll, employees who will have nothing to do during the vacation. I heard so much talk in the Sixty-second and Sixty-third Congresses about how the Democrats were going to dispense with useless employees, deciding not to pay any extra salaries to any one, that if they now wish to put three employees on the permanent roll who serve for three months, to permit them to receive a salary for nine months when they do not serve—for doing nothing—I shall put them on record. I am perfectly willing if they do it. My sympathy is with the girls, but it is a good bet that the Democrats of the House will not do it on a roll call. They have gotten my good friend, Mr. MILLER of Delaware, a Republican, to father the proposition in the report, but it does not go.

Mr. LLOYD. Mr. Speaker, is the gentleman going to demand a roll call?

The SPEAKER. The gentleman has stated three or four times that he would insist upon a record vote.

Mr. LLOYD. Then, I will ask the gentleman from Delaware to withdraw it.

Mr. MILLER of Delaware. Very well, Mr. Speaker, I withhold the resolution.

EXTENSION OF REMARKS.

By unanimous consent, leave was granted to extend their remarks in the RECORD to Mr. CRAMTON, Mr. MCARTHUR, Mr. BENNET, Mr. FARR, Mr. HULBERT, and Mr. HASTINGS.

R. T. COOK.

Mr. MILLER of Delaware. Mr. Speaker, I present a privileged resolution from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 365 (H. Rept. No. 1606).

Resolved, That there shall be paid out of the contingent fund of the House to R. T. Cook the sum of $500 for extra services rendered in the folding room of the House during the first session Sixty-fourth Congress, said amount being the difference between his annual pay as a folder and that of an assistant foreman.

With the following committee amendments:

"Strike out, in line 4, the words 'the first session,' and strike out also the words 'said amount being the difference between his annual pay as a folder and that of assistant foreman.'"

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The resolution as amended was agreed to.

MICHAEL J. DOYLE.

Mr. LLOYD. Mr. Speaker, I present a privileged resolution from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 385 (H. Rept. No. 1608).

Resolved, That the Clerk of the House be, and he is hereby, directed to pay out of the contingent fund of the House to Frank X. Doyle, administrator of the goods, chattels, and credits of the estate of Michael J. Doyle, late a member of the Capitol police force, a sum equal to six months of his compensation as such member of the Capitol police force, and an additional amount, not exceeding $250, to defray the funeral expenses of said Michael J. Doyle.

Mr. MANN. Mr. Speaker, I am overcome and I shall withdraw my demand for a roll call upon House resolution 385.

Mr. KEATING. Mr. Speaker, will the gentleman enlighten us as to his reason for doing that?

Mr. MANN. I will not.

Mr. KEATING. Then, I shall make the point of order of no quorum. This is the situation: The gentleman from Illinois made a very convincing statement to me, and unless the members of the committee can state to this House their reasons I shall make the point of no quorum.

Mr. LLOYD. There is no trouble about making a statement.

Mr. HULBERT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HULBERT. What is the matter now before the House?

The SPEAKER. The matter now before the House is House resolution 385, which has been read. There are certain committee amendments to it, which the Clerk will report.

The Clerk read as follows:

Amend by striking out, in line 5, the words "a sum equal to six months of his compensation as such member of the Capitol police force, and an additional," and insert in lieu thereof the word "an."

The resolution as amended was agreed to.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 20573. An act to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

GIST FINLEY.

Mr. LLOYD. I offer the following privileged resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 510 (H. Rept. No. 1607).

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Gist Finley, clerk to David E. Finley, late a Representative from the fifth district of South Carolina, at the time of his death, January 26, 1917, the sum of $125, being an amount equal to one month's salary of a clerk of a Representative.

The question was taken, and the resolution was agreed to.

SEBE NEWMAN.

Mr. LLOYD. Mr. Speaker, I offer the following privileged resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 453 (H. Rept. No. 1630).

Resolved, That there shall be paid, out of the contingent fund of the House, the sum of $600 to Sebe Newman for extra services rendered in connection with the sending out of blanks, receiving, filing, and compiling expense statements filed by candidates for Representatives in Congress, in accordance with H. R. 2958 of the Sixty-second Congress, entitled "An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected, and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses.'"

Mr. KEATING. Mr. Speaker, I make the point of order of no quorum.

The SPEAKER. The gentleman from Colorado makes the point of order of no quorum present, and evidently there is not.

ADJOURNMENT.

Mr. LLOYD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 41 minutes a. m., Friday, March 2, 1917) the House, under its

previous order, adjourned to meet Friday, March 2, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of shore front from Jones Inlet to Rockaway Inlet, N. Y., with a view to obtaining data as to tide, current, drift, and depth of water with a view to determining whether or not the interests of navigation are being endangered by the erosion thereof (H. Doc. No. 2102); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Lemon Creek, Staten Island, N. Y. (H. Doc. No. 2103); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Navy, reporting that the Navy Department has considered, ascertained, adjusted, and determined the claim of Hans Marcussen for damages arising out of a collision between the lighter *Henrietta* and the U. S. S. *Narkeeta* (H. Doc. No. 2104); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HENRY, from the Committee on Rules, to which was referred the resolution (H. Res. 520) providing for the consideration of House joint resolution 250, for the appointment of a commission to recommend a plan for a national insurance fund, reported the same with amendment, accompanied by a report (No. 1597), which said resolution and report were referred to the House Calendar.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 20780) authorizing the commissioners of the Red River bridge district to construct a bridge across the Red River at or near Index, Tex., reported the same with amendment, accompanied by a report (No. 1601), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 21037) to authorize the change of name of the steamer *Fred G. Hartwell* to *Harry W. Croft*, reported the same without amendment, accompanied by a report (No. 1598), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 21038) to authorize the change of name of the steamer *Harry A. Berwind* to *Harvey H. Brown*, reported the same without amendment, accompanied by a report (No. 1599), which said bill and report were referred to the Private Calendar.

Mr. DENT, from the Committee on Military Affairs, to which was referred the bill (H. R. 21029) for the relief of Oscar Knight, reported the same without amendments, accompanied by a report (No. 1602), which said bill and report were referred to the Private Calendar.

Mr. LITTLEPAGE, from the Committee on Military Affairs, to which was referred the bill (H. R. 19084) to correct the military record of Edward Johnson, reported the same without amendment, accompanied by a report (No. 1603), which said bill and report were referred to the Private Calendar.

Mr. DENT, from the Committee on Military Affairs, to which was referred the bill (H. R. 20865) for the relief of Mary Elizabeth Graham, reported the same without amendment, accompanied by a report (No. 1604), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 20975) for the relief of William E. Jones, Faribault, Minn., reported the same without amendment, accompanied by a report (No. 1605), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HASTINGS: A bill (H. R. 21066) providing a limitation upon the time for presentation and payment of claims against the Cherokee Nation, authorized to be paid under existing law; to the Committee on Indian Affairs.

By Mr. CASEY: A bill (H. R. 21067) to authorize the county of Luzerne, State of Pennsylvania, to construct a bridge across the North Branch of the Susquehanna River from the city of Wilkes-Barre, county of Luzerne, Pa., to the boroughs of Dorranceton and Edwardsville, county of Luzerne, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of West Virginia: A bill (H. R. 21068) authorizing the Secretary of War to purchase and distribute United States flags to public schools in each congressional district, State, and Territory of the United States and making an appropriation therefor; to the Committee on Education.

By Mr. FITZGERALD: A bill (H. R. 21069) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1917, and prior fiscal years, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. ABERCROMBIE: A bill (H. R. 21073) to exclude alcoholic liquors from interstate shipment except for certain purposes; to the Committee on the Judiciary.

By Mr. NELSON: A bill (H. R. 21074) to increase the limit of cost for the proposed new Federal building at Madison, Wis., and the site thereof; to the Committee on Public Buildings and Grounds.

By Mr. ABERCROMBIE: A bill (H. R. 21075) to provide Federal aid to the States in the promotion of education; to the Committee on Appropriations.

By Mr. EMERSON: Resolution (H. Res. 545) providing for the display of the United States flag in every classroom of all educational institutions, and the singing of "The Star-Spangled Banner," as a part of the morning exercises; to the Committee on Education.

By Mr. HENRY: Resolution (H. Res. 546) providing for the consideration of House joint resolution 250 for the appointment of a commission to recommend a plan for a national insurance fund; to the House Calendar.

By Mr. EDMONDS: Resolution (H. Res. 547) for investigation of recent riots; to the Committee on Labor.

By Mr. HUSTED: Joint resolution (H. J. Res. 386) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. McARTHUR: Memorial of the Legislature of the State of Oregon, favoring the appropriation of sufficient funds for the purpose of laying out, constructing, and building suitable "Peace memorial halls" at Gettysburg and Chickamauga; to the Committee on the Library.

By Mr. DILL: Memorial of the Legislature of the State of Washington, urging the enactment of such legislation as will secure a survey and preparation for mobilization in case of war; to the Committee on Military Affairs.

By Mr. ROWE: Memorial of the Legislature of the State of New York, favoring an appropriation for the transfer of the quarantine station at the port of New York; to the Committee on Appropriations.

By Mr. SCULLY: Memorial of the Legislature of the State of Pennsylvania, favoring the Civil War volunteer retired bill; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GARDNER: A bill (H. R. 21070) for the relief of Capt. Gerard M. Kincade, United States Marine Corps; to the Committee on Claims.

By Mr. DEMPSEY: A bill (H. R. 21071) granting an increase of pension to Tena J. Allard; to the Committee on Pensions.

Also, a bill (H. R. 21072) granting an increase of pension to Spencer H. Hodges; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of sundry residents of Cincinnati, Ohio, favoring compulsory military and naval training; to the Committee on Military Affairs.

By Mr. BACHARACH: Memorial of Society of the Sons of the American Revolution of the State of New Jersey, relative

to universal military training; to the Committee on Military Affairs.

By Mr. BAILEY: Memorial of Barr Grange, No. 1121, opposing the Underwood amendment to the revenue bill; to the Committee on Ways and Means.

Also, petition of sundry citizens of Tyrone, Pa., opposing the Underwood amendment to the revenue bill; to the Committee on Ways and Means.

By Mr. CHARLES: Petition of various residents of Schenectady, N. Y., indorsing the action of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, petition of various residents of Schenectady, N. Y., favoring compulsory military and naval training; to the Committee on Military Affairs.

By Mr. DALE of New York: Memorial passed by Central Labor Union, Washington, D. C., asking that the people of the District of Columbia have the privilege of a referendum vote on the District prohibition bill; to the Committee on the District of Columbia.

By Mr. DILL: Petition of John M. Powers and other residents of Colville, Wash., protesting against a possible declaration of war against Germany; to the Committee on Foreign Affairs.

By Mr. DUPRÉ: Memorial of the De Bore Economic and Political Science Association, of New Orleans, for the passage of the cotton-claims bill; to the Committee on War Claims.

By Mr. EAGAN: Petition of Olive F. Owens, of Jersey City, N. J., favoring passage of House bill 20080, migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of National Association of Master Bakers, indorsing the President's foreign policy; to the Committee on Foreign Affairs.

By Mr. FESS: Resolutions of the Clark County Women's Dry Federation, thanking Congress for prohibition legislation passed during this session; to the Committee on the Judiciary.

By Mr. FITZGERALD: Memorial of Friends of Irish Freedom, protesting against chapters 6 and 7 of Senate bill 8148; to the Committee on the Judiciary.

Also, memorial of United Irishmen Societies and 26 citizens of Brooklyn, N. Y., against war with Germany; to the Committee on Foreign Affairs.

Also, memorial of Public Service Commission Association Rifle Club, of New York, favoring suitable rifle range near city of New York, to be established by the Government; to the Committee on Military Affairs.

By Mr. FULLER: Petition of J. S. Joslyn, Rockford, Ill., for the Webb bill, to permit combinations in the export trade; to the Committee on Interstate and Foreign Commerce.

Also, petition of O. N. Nelson and 20 other citizens of Yorkville, Ill., for prohibition bills; to the Committee on the Judiciary.

Also, petition of citizens of Morris, Ill., protesting against United States becoming involved in war; to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Petition of sundry citizens of Boston, Mass., protesting against mail-exclusion bills and prohibition legislation; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Memorial of Woman's Christian Temperance Union of Landisville, Mount Nebo, and East Earl, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAWLEY: Petition of union of churches, meetings, people of West Grove, Woman's Christian Temperance Union of 15,000 people, of Roseburg, Oreg., for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. HILL: Petition of Workman's Circle, Branch No. 94, of Stamford, Conn., relative to high prices of foodstuff; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLLINGSWORTH: Memorial of Conference of the Reorganized Church of Jesus Christ of the Latter Day Saints at Wellsburg, W. Va., representing societies in Belmont County, Ohio, and adjoining counties in West Virginia, against compulsory military training; to the Committee on Military Affairs.

By Mr. KETTNER: Petition of Mrs. Samuel Brust, San Diego, Cal., favoring passage of House bill 11864, for indigent tuberculosis persons; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. May Nier, Escondido, Cal., favoring passage of House bill 19295, for food commission; to the Committee on Interstate and Foreign Commerce.

Also, petition of T. M. Earle, secretary Wholesal. Boot and Shoe Association, San Francisco, Cal., protesting against excess-profit provision in revenue bill, House bill 20573; to the Committee on Ways and Means.

Also, petition of Mrs. E. M. Capps, regent San Diego Chapter Women's Section Navy League, San Diego, Cal., favoring passage of Chamberlain bill for universal military training; to the Committee on Military Affairs.

Also, petition of L. M. Jackson, secretary Farmers' Club of Hemet, Cal., protesting against postal rates according to zone system; to the Committee on the Post Office and Post Roads.

Also, petition of J. A. Lavingne, secretary Branch No. 70, National Association of Letter Carriers, San Diego, Cal., favoring passage of Madden reclassification bill; to the Committee on the Post Office and Post Roads.

Also, petition of Sybil C. Weddle, San Diego; Ralph B. Larkin, Ontario; W. M. Smelser, cashier Citizens' Commercial Bank, Fallbrook; Miss Mary L. Moore, San Diego; Rev. Samuel S. Patterson, pastor Presbyterian Church, Bishop; Rev. J. C. Hall, First Congregational Church, Yucaipa; the United Presbyterian Church, representing 100 people, Beaumont; Beaumont Woman's Christian Temperance Union, representing 22 people, Beaumont; Mrs. Mary E. Smith, chairman public meeting, representing 20 people, Beaumont; J. J. McCoy, clerk of session, San Gorgonio Presbyterian Church, representing 50 people, Beaumont; County Woman's Christian Temperance Union, representing 500 people, Belle M. Rogers, chairman, Orange; the Woman's Christian Temperance Union, representing 60 people, Esther L. Caldermonol, Hemet; Mrs. W. E. Ward, chairman public meeting, representing 250 people, Santa Ana; Rev. F. C. Reid, pastor Logan Heights Congregational Church, San Diego; Rev. Charles Wentworth, First Methodist Episcopal Church, Upland; Howard D. Frost, chairman citizenship committee, Riverside; Rev. Paul E. Wright, First Christian Church, Santa Ana; Rev. Carl M. Ross, Coronado; and Mrs. Ruth Warren, corresponding secretary Christian Endeavor Union, Riverside, all in the State of California, regarding prohibition; to the Committee on the Judiciary.

Also, petition of E. E. Datson, M. D., past commander Fred D. Grant Camp, No. 57, United Spanish War Veterans, Escondido, Cal., urging passage of House bill concerning widows and orphans of Spanish War veterans; to the Committee on Pensions.

By Mr. KIESS of Pennsylvania: Petition of citizens of Roulette, Pa., relative to international situation; to the Committee on Foreign Affairs.

By Mr. LINTHICUM: Petition of sundry citizens of Baltimore, relative to universal military training; to the Committee on Military Affairs.

Also, petition of J. S. Detrick, Baltimore, Md., favoring migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, memorial of ministers of the gospel, representing 30 Christian congregations in Baltimore, Md., opposing war; to the Committee on Foreign Affairs.

By Mr. LOBECK: Petitions from 319 citizens of the second congressional district of Nebraska, many favoring a referendum in the present crisis before war should be declared on Germany and all asking Congress to keep the country out of war; to the Committee on Foreign Affairs.

By Mr. MANN: Petition of sundry citizens of Chicago, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NORTH: Petition of Rev. P. E. Burt, president, and J. W. Carr, secretary, of a public meeting held in Punxsutawney, Pa., February 11, 1917, and Rev. Jabez N. Croxall, president, and Rev. E. M. Dietrick, secretary, of a mass meeting held in Punxsutawney, Pa., February 11, 1917, favoring anti-polygamy amendment to the United States Constitution; to the Committee on the Judiciary.

By Mr. NORTON: Petition of Peter Meyer and other citizens of Hebron, N. Dak., urging that the question of war and peace be submitted to a referendum of the people of the United States; to the Committee on Foreign Affairs.

Also, petition of A. O. Banks and others, of Fordville, N. Dak., favoring a referendum to the people of the United States of the question of declaring war; to the Committee on Foreign Affairs.

Also, petition of Mr. G. A. Treiber and other citizens of Hebron, N. Dak., urging that the question of war and peace be submitted to a referendum of the people of the United States; to the Committee on Foreign Affairs.

By Mr. RIORDAN: Petition of 177 citizens of New York City, in favor of the passage of the Fitzgerald food-embargo bills; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWE: Petition of Torons & James, of Brooklyn, N. Y., opposing tax on excess profits of corporations; to the Committee on Ways and Means.

Also, memorial of Chamber of German-American Commerce, New York City, relative to protecting American cargoes and trade; to the Committee on Foreign Affairs.

Also, petition of Children's Museum, of Brooklyn, N. Y., favoring passage of migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of J. McD. Thomson, of Brooklyn, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the Northeastern Association of Fish and Game Commissioners, relative to Federal control of all anadromous fishes; to the Committee on the Merchant Marines and Fisheries.

Also, petitions of sundry citizens of Brooklyn, N. Y., favoring submitting amendment for national prohibition to vote of people; to the Committee on the Judiciary.

By Mr. SCULLY: Memorial passed by Central Labor Union, Washington, D. C., asking a referendum vote on the District dry vote; to the Committee on the District of Columbia.

Also, memorial of New Jersey Society of the Sons of the Revolution, favoring universal military training; to the Committee on Military Affairs.

Also, memorial of National Association of Master Bakers, Chicago, Ill., indorsing efforts of the President in his management of foreign affairs; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Minneapolis, praying for peace; to the Committee on Foreign Affairs.

Also, petitions of 40 Woman's Christian Temperance Union people, 200 people of Union Sunday School rally, and 60 people of Presbyterian Church, all of Atlantic Highlands, N. J., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of national executive committee, Socialist Labor Party, relative to German situation; to the Committee on Foreign Affairs.

By Mr. TAGUE: Petition of sundry citizens of Boston, Mass., calling upon the Government to arm our merchant ships now and employ the strength of our Navy to protect them in their legal rights; to the Committee on Foreign Affairs.

Mr. TIMBERLAKE: Petition of 69 citizens of Sterling, Colo., urging Government assistance to alleviate the suffering of the poor on account of the food scarcity; to the Committee on Appropriations.

By Mr. YOUNG of North Dakota: Petition of 50 citizens of Streeter, N. Dak., protesting against decaration of war; to the Committee on Foreign Affairs.

Also, petition of 20 citizens of Kongsberg, N. Dak., protesting against declaration of war; to the Committee on Foreign Affairs.

Also, petition of Andrew Bommer and 55 other citizens of Sanborn, N. Dak., protesting against war with Germany; to the Committee on Foreign Affairs.

SENATE.

FRIDAY, *March 2, 1917.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek the answer of a good conscience before Thee at the beginning of this day and as we face the solemn responsibilities of this hour. Since the writing of our Constitution, the charter of our rights born in prayer, we have been seeking the ideal. The field of our endeavor has opened to us the opportunity for the development of all our powers. In the conflict of opinion, sometimes in the clash of interest, we thank God, we have never lost sight of our great national ideals. Today we pray that we may hold in view that for which we have been brought into existence. May we remember that Thou hast laid Thy hand upon us that we may proclaim righteousness and peace and honor and justice among men. In so far as we are true to our ideals of the past, we shall be ready for the summons to service, whatever it may be, in the future. Guide us according to Thy will. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SIMMONS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE COAST GUARD (S. DOC. NO. 734).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, relative to an additional appropriation for the maintenance of the Coast Guard, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

NAPOLEON B. GIDDINGS (S. DOC. NO. 733).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury calling attention to the fact that the act approved February 8, 1917, for the relief of the legal representatives of Napoleon B. Giddings, does not provide an appropriation for the payment of that claim and that an appropriation of $1,950 will be necessary to enable the Treasury Department to carry out the evident intention of the act, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

INDIAN DEPREDATION CLAIMS (S. DOC. NO. 730).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases amounting to $22,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PUBLIC UTILITIES COMMISSION (S. DOC. NO. 735).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a communication from the Commissioners of the District of Columbia submitting a deficiency estimate of appropriation in the sum of $352.03 for incidental and other necessary expenses of the Public Utilities Commission of the District of Columbia for the fiscal year 1916, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

LIST OF JUDGMENTS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a list of judgments rendered against the Government by the district courts of the United States under the provisions of the act of March 3, 1887, as submitted by the Attorney General, etc. (S. Doc. No. 731), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a list of judgments rendered by the Court of Claims amounting to $81,411.84, etc. (S. Doc. No. 732), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

LIST OF CLAIMS (S. DOC. NO. 729).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, schedules of claims amounting to $215,224.88 allowed by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 8307. An act authorizing the granting of patent to certain lands adjacent to the agricultural experimental station at Scottsbluff, Nebr., to the regents of the University of the State of Nebraska for dry-land agricultural experimental purposes; and

S. 8317. An act to authorize the Legislature of Alaska to establish and maintain schools, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20827) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20496) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8120) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8296) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and

dependent relatives of such soldiers and sailors, further insists upon its amendments Nos. 12, 17, and 20 to the bill disagreed to by the Senate, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. KEATING, and Mr. SELLS managers at the further conference on the part of the House.

The message also announced that the House had passed the bill (S. 778) to authorize an exchange of lands with owners of private holdings within the Glacier National Park with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House agrees to the amendments of the Senate to the bill (H. R. 20082) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19300) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918.

PETITIONS AND MEMORIALS.

Mr. NELSON. I send the following telegram to the desk and ask to have it read.

There being no objection, the telegram was read, as follows:

ST. PAUL, MINN., *March 1, 1917.*

Hon. KNUTE NELSON,
United States Senate, Washington, D. C.:

We, citizens of St. Paul, Minn., filled with indignation at the astounding revelations of German intrigue, and that the crime of the *Lusitania* should be repeated after the lapse of two years in the crime of the *Laconia*, are unalterably opposed to any policy of peace at the expense of the honor or safety of the Nation. We oppose any further delay in meeting and preparing to meet the grave emergency which has arisen or any emergency which may arise. We pledge our loyal support for any measures you may take to protect the lives and rights of Americans on land or sea.

Patriotic League of St. Paul: Charles W. Ames, Stiles W. Burr, G. A. Thornton, Frank J. Ottis, Pierce Butler, Charles W. Shott, Chester I. Caldwell, W. Raudenbusch, Rev. Edward W. Cross, Benj. Sommers, Edward P. Davis, Joseph McKibbin, Charles W. Farnham, C. E. MacKean, Sanford H. E. Freund, J. T. Henderson, Charles Lyman Greene, Milton Blair, Arthur P. Lothrop, Frank Y. Locke, Robert E. Olds, Frank Ford, Arthur H. Savage, Frederick G. Stutz, Francis B. Tiffany, Ambrose Tighe, Rev. James Wallace, Samuel Appleton, Charles Villaume, Edward H. Morphy, Norman Nelson, A. C. Dent, Walter J. Driscoll, R. P. Sherer, L. E. Katzenbach, Alex E. Janes, Frank J. Savage.

Mr. MARTINE of New Jersey. I present a number of telegrams which I ask to have printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

ELIZABETH, N. J., *March 1, 1917.*

United States Senator JAMES E. MARTINE,
Washington, D. C.:

As a voter in the fifth congressional district of New Jersey, I urgently request you to support and vote for the plan covered by Senate bill 1695, reported by Senator CHAMBERLAIN February 10, 1917, providing for compulsory military and naval training and service, preferably with such modifications of it as may be recommended by the General Staff of the Army and the General Board of the Navy. Compulsory military and naval training and service are absolutely necessary for the proper defense of the country and for the inculcation of the vital principle of obedience in the youth of the United States.

JOHN A. HALL.

ELIZABETH, N. J., *March 1, 1917.*

Senator JAMES E. MARTINE,
United States Senate, Washington, D. C.:

As a voter in the fifth congressional district of New Jersey, I urgently request you to support and vote for the plan covered by Senate bill 1695, reported by Senator CHAMBERLAIN February 10, 1917, providing for compulsory military and naval training and service, preferably with such modifications of it as may be recommended by the General Staff of the Army and the General Board of the Navy. Compulsory military and naval training and service are absolutely necessary for the proper defense of the country and for the inculcation of the vital principle of obedience in the service of the United States.

CHARLES F. WETHERBEE.

ELIZABETH, N. J., *March 1, 1917.*

Senator JAMES E. MARTINE,
United States Senate, Washington, D. C.:

As a voter in the seventh congressional district of New Jersey, I urgently request you to support and vote for the plan covered by Senate bill 1695, reported by Senator CHAMBERLAIN February 10, 1917, providing for compulsory military and naval training and service, preferably with such modifications of it as may be recommended by the General Staff of the Army and the General Board of the Navy. Compulsory military and naval training and service are absolutely necessary for the proper defense of the country and for the inculcation of the vital principle of obedience in the service of the United States.

R. W. MILLER.

Mr. THOMPSON. I present a telegram from the faculty and students of Baker University, Baldwin, Kans., urging support of the President, which I should like to have read.

There being no objection, the telegram was read, as follows:

BALDWIN, KANS., *March 1, 1917.*

Senator W. H. THOMPSON,
Washington, D. C.:

Faculty and students of Baker University by unanimous and hearty vote urge your support of the President in working out a program in this crisis that will maintain the Nation's honor and protect the rights of American citizens.

WILBUR N. MASON.
MARK SHEPARD,
President Student Council.

Mr. HARDING. I have resolutions adopted by the Ashtabula Chamber of Commerce of Ohio and of the Warren Board of Trade of Ohio, relating to the application of the surplus in the hands of the Bureau of Naturalization to the furthering of American citizenship, which I should like to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

ASHTABULA CHAMBER OF COMMERCE AND WARREN BOARD OF TRADE.

Resolution adopted by the Chamber of Commerce of the City of Ashtabula, Ohio.

Whereas the naturalization law of 1917 has wisely set a higher standard for citizenship among foreigners by requiring a knowledge of the principles upon which our Government is founded, and of the significance of the oath of allegiance; and

Whereas every encouragement should be given worthy aliens to assume American citizenship, because participation in government is of the highest value in the process of assimilation; and

Whereas the Federal Government, through its Bureau of Naturalization, has begun to share in the responsibility laid upon it by inaugurating a campaign to cooperate actively with the public schools in the establishing of day and night classes for the instruction of foreigners in citizenship, which campaign is most earnestly commended; and

Whereas the Federal Government has accumulated a fund, over and above the appropriations of Congress for the administration of the Bureau of Naturalization, of more than $400,000, being fees paid by foreigners in securing naturalization papers; and

Whereas the Secretary of Labor, in his annual report of estimates for the fiscal year 1917, has asked for the use of $30,000 of said surplus fees to be used for promoting instruction and training in citizenship of applicants for naturalization, including personal services in the District of Columbia, attendance at educational and citizenship conventions by officers and employees of the Bureau of Naturalization, and members of its field force, and other necessary expenses incidental thereto; and

Whereas we believe that naturalization funds should not be used to pay the current expenses of the Government, but that all surplus moneys paid in through these channels should be used only for the betterment of conditions among the foreigners, to provide for a closer inspection of those aliens who are seeking citizenship, to furnish a means by which a more practical and thorough cooperation can be maintained between the Federal Government and the public schools in the education of foreigners, and to assist in the great Americanization movement in all other possible ways: Now, therefore,

Resolved, That the Chamber of Commerce of the City of Ashtabula hereby declares itself in favor of the use of all surplus fees received by the Federal Government from applicants for citizenship for the education of the alien in his civic privileges, duties, and responsibilities, and to this end we hereby petition the Ohio delegaton in Congress to work for the passage of a bill placing such funds at the disposal of the Naturalization Bureau; and be it further

Resolved, That a copy of this resolution be sent to each Member of the Ohio delegation in Congress, Senators and Representatives, and to the chairman of the Senate Committee on Immigration, with request that it be printed in the CONGRESSIONAL RECORD.

Adopted February 26, 1917.

Mr. HARDING. I have a petition of sundry citizens of Columbus, Ohio, asking that Congress shall not delegate the war-making authority to the President of the United States. I ask that it be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

COLUMBUS, OHIO, *February 26, 1917.*

Hon. WARREN G. HARDING, United States Senator,
Washington, D. C.

DEAR SIR: We, the undersigned citizens of the United States of America, most earnestly ask you, our Representative in Congress, to vote against any bill delegating to the executive branch of the Government the power to declare war against any foreign power, and also to vote against any other bill of aforesaid or similar intent, as we believe such delegation of power to be clearly in violation of the Constitution of the United States.

We do not believe that the United States have at the present time a single grievance of sufficient magnitude against any foreign Government to warrant any drastic or warlike measures, but we do believe that our relations with both sets of the European belligerents should be governed by the same moral principles without favor, fear, or bias.

If further international complications should arise, we most urgently request you to strive with all your power toward a referendum, submitting to the people of the United States the question of whether or not to declare war, as we believe this to be the only way to ascertain the will of the people, who being the ones to suffer most from the dreadful consequences of war should have the right, in a Republic like ours, to decide for themselves the policy of the Nation in as serious a situation as the present.

Mr. GRONNA. I have a telegram from Thomas Hall, secretary of state of the State of North Dakota, requesting Congress to set apart certain lands for park purposes. I ask that it be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

BISMARCK, N. DAK., *February 27, 1917.*

Senator A. J. GRONNA,
Washington, D. C.:

Fifteenth legislative assembly adopted resolution requesting Congress to set apart for a national reserve and historical park southeast quarter of section 14 and the fractional southwest quarter of section 14, township 152 north of range 93, comprising 253 acres; northwest part of Fort Berthold Reservation, adjoining the town of Sanish, in Montrail County.

THOMAS HALL,
Secretary of State.

Mr. GRONNA. I also have a number of telegrams from bankers in my State. I ask that the first one may be read, and that all be noted in the RECORD.

The VICE PRESIDENT. Without objection, that action will be taken.

WILLISTON, N. DAK., *March 1, 1917.*

Senator A. J. GRONNA,
Washington, D. C.:

Banks in this part of the State are very much interested in Senate bill 8259. Can you not get bill passed to allow us to make a reasonable charge, not to exceed 10 cents per hundred.

W. S. DAVIDSON.

Telegrams from M. G. Evanson, of Crosby; C. R. Green, vice president of the North Dakota Bankers' Association, of Cavalier; George F. Carpenter, of Williston; S. J. Rasmussen, of Minot; First National Bank of Binford; First National Bank, Foster County State Bank, and Commercial State Bank, of Carrington; Merchants' Bank, Citizens' State Bank, and Security Bank, of Rugby; and J. J. Nierling, of Jamestown, all in the State of North Dakota.

Mr. GRONNA. I ask to have the following telegram read.

There being no objection, the telegram was read, as follows:

WASHINGTON, D. C., *February 26, 1917.*

ASLE J. GRONNA,
343 Senate Office Building, Washington, D. C.:

Emergency Peace Federation protests against proposal that Congress abdicate any of its constitutional functions. To center in one man tremendous power of virtually waging war is not that new freedom or wider democracy which we were told a few years ago was the goal of the American Nation.

President holds "No one doubts what it is our duty to do"; that "We must defend our commerce and lives of our people."

We assert our rights can not be effectively safeguarded by armed force. We urge all claims for reparation be adjusted as were *Alabama* claims after the Civil War, by judicial process only. We gratefully recognize patience, courage, and moral wisdom of the President; but we believe he mistakes the temper of those silent masses for whom he desires to speak if he thinks this country is willing to contemplate war or a state of virtual warfare as a solution of our present difficulties.

EMERGENCY PEACE FEDERATION,
LELLA FAYE SECOR, *Secretary.*

Mr. SHERMAN. I present a telegram from the Illinois Staats Zeitung, a German newspaper published in Chicago, Ill., in the German tongue, owned by a publishing company of which Mr. Horace L. Brand, the principal holder of the shares, is editor. Mr. Brand was born of German parents, but is of American birth. In the telegram he condemns the Zimmermann note, or letter, if it is authentic, and it was shown here yesterday evening that it is. Mr. Brand has never failed to proclaim his loyalty to our country. I ask that the telegram be read, as it is from a prominent German-American citizen and would have very large influence among citizens of that origin living in our country.

There being no objection, the telegram was read, as follows:

CHICAGO, ILL., *March 1, 1917.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

In our opinion, new Congress should reassemble in special session immediately after present Congress dies. Congress should retain all constitutional rights and privileges. Congress should give our people fullest information regarding alleged Zimmermann instructions. This paper condemns Zimmermann note if it was correctly copied and is authentic as printed to-day.

ILLINOIS STAATS ZEITUNG.

Mr. SHERMAN. I present, further, an editorial from the Chicago Tribune on our citizen soldiers, which I ask to have read.

The VICE PRESIDENT. Without objection, the Secretary will read.

The Secretary proceeded to read the editorial, and was interrupted by,

Mr. OWEN. Has the Secretary concluded the reading?

The VICE PRESIDENT. There are four lines more.

Mr. OWEN. I object to the further reading of the editorial.

The VICE PRESIDENT. Shall the editorial be read? [Putting the question.] The noes seem to have it. The noes have it.

Mr. WILLIAMS. Mr. President, we are within two days now of the close of the session, and I shall give notice—I did not want to be invidious, but I can give notice now—that I shall object to the reading of all letters, telegrams, and newspaper articles. There is too much work to do. I think it is a useless consumption of the time of the Senate.

The VICE PRESIDENT. Are there further petitions and memorials?

Mr. FLETCHER. I desire to present a communication from the harbor and navigation committee of the Philadelphia Chamber of Commerce, which I ask to have read.

Mr. WILLIAMS. What is it?

The Secretary read as follows:

PHILADELPHIA CHAMBER OF COMMERCE,
February 28, 1917.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

DEAR SIR: The harbor and navigation committee of the Philadelphia Chamber of Commerce at a meeting held to-day adopted the following resolution:

"*Resolved*, That the harbor and navigation committee of the Philadelphia Chamber of Commerce indorse the river and harbor bill as reported to the Senate by the majority of the Committee on Commerce; and be it further

"*Resolved*, That this committee earnestly requests of United States Senate favorable consideration of this bill, affirmative action thereon, and every effort that may be possible at this time toward securing passage of the same before adjournment of Congress."

Trusting you may see your way clear to lend your energies toward the passage of this bill, we are,

Yours, truly, N. B. KELLY,
General Secretary.

Mr. THOMAS. Mr. President, I received a short letter a day or two ago, evidently from a workingman, which is so sensible and simple a criticism of the conditions underlying the——

Mr. WILLIAMS. Mr. President, I call for the regular order.

Mr. THOMAS. This is the regular order.

The VICE PRESIDENT. The Senator from Colorado is presenting a petition, the Chair understands.

Mr. WILLIAMS. If it is a petition or memorial, of course I will not object.

Mr. THOMAS. The Senator may object, but I am going to read this letter at some time, and he might just as well let me read it now as hereafter.

Mr. WILLIAMS. If the Senator desires to take up the time of the Senate in the last two days of the session, when we are crowded with work, by reading such letters as he thinks are interesting which come in his own private mail, I of course can not prevent him from doing so in his own time, but I can prevent such letters from being read by the Secretary.

Mr. THOMAS. If the Senator thinks because he is not interested in matters of this kind the people are not, I am very sorry. I think this is an important matter or I would not pretend to take up any of the time of the Senate in its consideration. I am going to read the letter now or I will read it at some other time.

Mr. WILLIAMS. I call for the regular order, Mr. President.

Mr. THOMAS. As a memorial to the Senate of the United States, or to the people through the Senate, I shall read the following letter:

[From Emanuel V. Aler, Lauraville, Md., P. O. Box 33.]

Senator C. S. THOMAS.

DEAR SIR: In regards to the bread riot in New York, claiming attention in the Senate a few days ago. The papers quote you as saying increased salaries were no cure for the increasing cost of living. (I say so, too.) It is not a cure, but it is the cause. (This is why I say so.) Last July, up near Pittsburgh there is a munition plant and some few get big pay, $8 and $10 a day; even more in dangerous parts of the plant, but they are only a few compared with the others working in the same town at different trades, some as low as $1.75 per day, $2, $2.50, and $3, and so on, but only a few get $8 or $10. Now, the laboring man has to live at $1.75 to $2.25. Now, let us see how increase in salary works. Cost of living goes up, the country people come in to this same town with their produce and say, "Why, you are getting big pay, $8 and $10, and we want 60 cents for eggs and 70 cents for our butter." Now, where or how does the man get his eggs and butter and many other things who has only $1.75 to $2.25 per day?

There, Mr. President, is the whole philosophy of the high cost of living.

Mr. TOWNSEND presented a petition of sundry citizens of Reed City, Mich., praying for the enactment of legislation to prohibit interstate shipment of liquor through dry territory, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Ann Arbor, Mich., praying that the United States remain at peace, which was referred to the Committee on Foreign Relations.

Mr. WARREN presented a petition of the American Bankers' Association, in convention at Kansas City, Mo., praying for the adoption of certain amendments relating to the collection of checks to the Federal reserve act, which was ordered to lie on the table.

Mr. WEEKS presented a petition of the Board of Aldermen of Chelsea, Mass., praying for the placing of an embargo on food products, which was referred to the Committee on Foreign Relations.

Mr. JOHNSON of South Dakota presented petitions of sundry citizens of Deadwood, S. Dak., praying for national prohibition, which were ordered to lie on the table.

Mr. PENROSE presented a petition of sundry citizens of Bedford, Pa., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. ASHURST. I present a telegram and a petition from citizens of Arizona, praying for the enactment of legislation to permit mining on Indian reservations. I ask that they may be printed in the RECORD.

There being no objection, the telegram and petition were ordered to be printed in the RECORD, as follows:

PHOENIX, ARIZ., *February 19, 1917.*

Hon. H. F. ASHURST,
Washington, D. C.:

We, the undersigned citizens of Arizona, respectfully urge you to use every possible effort to secure the passage of bill permitting mining on Indian reservations before the expiration of the present Congress.

W. F. Brawner, W. P. Geary, W. Morgan, J. B. Breathitt, J. W. Weatherford, Bernie Zachau, J. D. Adams, Vernon L. Vaughan, Newland Jones, J. C. Callaghan, J. N. Gaines.

—

PHOENIX, ARIZ., *February 8, 1917.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

DEAR SIR: We, the undersigned citizens of the States of Arizona, respectfully request that you use your influence to secure the early passage of bill to authorize mining for metalliferous minerals on Indian reservations.

C. W. Hartman, Phoenix; C. T. Love; E. H. Porter; John H. Wilson; D. F. Johnson; J. F. Hurley; H. A. MacFarland; Joseph Brown, jr.; D. W. Steele; C. C. Thompson; Lewis R. Carpie; Weldon Irvin; C. H. Hunselman; William Wilson; J. M. Burson; Harry Ceeing; O. B. Ruggles; J. M. Ruggles; W. T. Burt; H. C. Hurley, Phoenix, Ariz.; W. R. Ingram, Yuma, Arz.; W. H. Williams, Bouse, Ariz.; W. H. Wilky; J. C. Reed; Geo. J. Erhardt; Dr. Ancil Nanton; Dr. Wise Wylie; George J. Sturdman; G. R. Bullard; Geo. M. Townsend; Ed. L. Shaw; Roy S. Goodrich; G. W. Elias; I. C. Aulenbach, Phoenix; E. C. Moore; J. W. Stacy.

Mr. DU PONT. I present resolutions on universal training for national defense which were adopted at the last meeting of the Society of Colonial Wars in the District of Columbia, held in Washington, D. C., February 3, 1917. I ask that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolutions on universal training for national defense, February 23, 1917.

SOCIETY OF COLONIAL WARS
IN THE DISTRICT OF COLUMBIA,
Washington, D. C.

To the SENATE OF THE UNITED STATES:

At the last meeting of the Society of Colonial Wars in the District of Columbia, held at the New Willard Hotel on the evening of February 23, 1917, the following resolutions were unanimously adopted.

Mr. Frederic Louis Huidekoper, one of the foremost civilian military authorities in this country, presented the resolution:

"*Resolved*, That this society present memorials to the President and to the Congress of the United States urging strongly the immediate establishment of a system of universal training for national defense, exclusively under Federal control, adapted to American requirements and embracing all young men between the ages of 18 and 23, coupled with the obligation of service in time of war up to the age of 45 years, according to each man's capacity; and further be it

"*Resolved*, That this resolution be transmitted to the General Society of Colonial Wars for its consideration and adoption in this time of national crisis and for like action by the various State societies."

Upon motion, duly seconded, this resolution was carried unanimously.

The chaplain of the society, the Rev. William Tayloe Snyder, presented the following:

"The Society of Colonial Wars in the District of Columbia in meeting assembled, February 23, 1917, unanimously adopts the following minute:

"'After exhausting the resources of diplomacy in an effort to avert war, the President has now taken the only course consistent with national self-respect.

"'War with Germany will not ensue unless the Imperial German Government knowingly violates well-settled principles of international law and violates them with intent definitely hostile to the United States. In that event war will inevitably follow, not by our own act, but through the deliberate choice of a self-confessed disturber of the peace of the Western World.

"'If any honest doubt exists respecting the cause of war in Europe, the awful responsibility for extending it to this hemisphere will rest upon Germany and upon Germany alone.

"'It may be that the Imperial German Government is misinformed respecting the temper of the people of the United States, just as that Government is supposed to have misconceived the sentiment of the British Empire at the outbreak of the European war. If so, and before fatal action based upon so grave a mistake is taken, Germany should be made aware of the essential unity of our people and of their loyal determination to make all sacrifices necessary to protect our liberty and to maintain our honor. To this end we call upon all bodies similar to ours throughout the country and upon all groups of citizens organized for whatever purpose to meet without delay and express themselves with no uncertain voice respecting the course that they will be prepared to follow.

"'We urge all such groups of citizens, secular and religious, large and small, societies, clubs, and institutions of every sort, to unite with us in giving immediate public expression to such convictions as those which we now solemnly record:

"'First. That the act of the Executive in severing diplomatic relations with Germany is one to be approved and commended by all who have the best interests of the United States at heart.

"'Second. That the German declaration of January 31, 1917, represents an unjustified and unjustifiable attempt to destroy the freedom of the sea and to abridge the commercial liberty guaranteed to us by established law and custom; and that if the Government of the United States were to acquiesce therein such action would be resented by all good citizens as in the highest degree pusillanimous and as altogether inconsistent with the spirit and traditions of a free people.

"'Third. That the President will be justified in recommending to Congress the most extreme measures that may be deemed necessary to protect life, liberty, and property; and that it is our duty and that of all loyal citizens to tender immediately to the Government all the service of which we severally and collectively are capable.

"'Fourth. That while all should stand ready to volunteer if voluntary service is called for, yet Congress, in providing for our common safety, should not adopt emergency measures merely, but should definitely recognize the principle that the duty of defending the Nation rests equally upon all citizens capable of service. To the end, therefore, that the burden of safeguarding the country should no longer be cast exclusively upon the loyal National Guard and upon other patriotic military and naval volunteers Congress should be urged to exercise its constitutional power "to raise and support armies" by establishing immediately a permanent and democratic system of defense based upon universal service and training under direct and exclusive Federal control.

"'A copy of this minute is ordered to be transmitted to the President of the United States, to the Secretary of War and other members of the Cabinet, to the members of both congressional Committees on Military Affairs, and to every chamber of commerce in the United States.'"

The secretary of the society, Mr. Frederic Bulkeley Hyde, suggested the following resolutions, which were likewise adopted by a unanimous vote:

"Inasmuch as our beloved country is passing through one of the great crises of its existence and the safe-keeping of the Nation is largely in the hands of the President of the United States: Therefore let it be

"*Resolved by this society*, That it is the sense of every member of the Society of Colonial Wars in the District of Columbia here present that every loyal citizen of this country should stand squarely behind the President in this hour of national peril; and be it further

"*Resolved*, That this society individually and collectively shall so stand behind him in any step he may find necessary to take to uphold the honor and dignity of the Nation."

The secretary of the society hereby has the honor of transmitting these resolutions to the President, to the Vice President, and members of the Cabinet, to the constituent Members of the Congress of the United States, and certain of the committees thereof, to various chambers of commerce, and to the officers of the General Society of Colonial Wars, and to each State Society of Colonial Wars.

The secretary, acting in conformity with the spirit of these resolutions, ventures to suggest that the action here requested be taken by the General Society and by the State Societies of Colonial Wars, and that they in turn urge their individual members to make every possible effort to the end that the measures required for national defense be immediately enacted into law by Congress.

FREDERIC BULKELEY HYDE, *Secretary.*

WASHINGTON, D. C., *February 24, 1917.*

ADDRESS BY HON. ELIHU ROOT.

Mr. LODGE. Mr. President, I desire to have printed as a public document an address by Hon. Elihu Root, president of the American Bar Association, at the annual meeting in Chicago, Ill., August 30, 1916. I ask that it be referred to the Committee on Printing.

The VICE PRESIDENT. That action will be taken.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. OWEN. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 8259, proposing certain amendments to what is known as the Federal reserve act.

The VICE PRESIDENT. Is there objection?

Mr. CLARK. I think we ought to proceed with the morning business.

The VICE PRESIDENT. There is objection. Reports of committees are in order.

REPORTS OF COMMITTEES.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 6857) for the relief of John Flanigan, reported it with amendments and submitted a report (No. 1136) thereon.

Mr. THOMAS, from the Committee on Public Lands, to which was referred the bill (S. 7766) for the relief of Guy A. Richards, Jesse L. Robbins, Isaac M. C. Grimes, William L. Irvine, and David Cox, reported it without amendment and submitted a report (No. 1137) thereon.

Mr. MYERS, from the Committee on Public Lands, to which was referred the amendment submitted by the Senator from Tennessee [Mr. LEA] on the 1st instant, proposing to appropriate $4,000 to pay John W. Keener for compiling and indexing the public-lands statutes of the United States, intended to be proposed to the general deficiency appropriation bill (H. R. 21069), reported favorably thereon (S. Rept. No. 1138) and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

PATENTS TO OIL OR GAS LANDS.

Mr. MYERS. I report from the Committee on Public Lands the joint resolution (S. J. Res. 219) authorizing the Secretary of the Interior to suspend action upon applications for patents to withdrawn oil or gas lands. I ask that the report and the joint resolution be read, after which I shall ask unanimous consent for the immediate consideration of the joint resolution.

Mr. SUTHERLAND. I object.

Mr. MYERS. I ask the Senator from Utah to first hear the resolution read. I will ask the Secretary to read the resolution.

Mr. WILLIAMS. Is it a report?

Mr. MYERS. I have asked that the resolution be read.

Mr. WILLIAMS. I object.

Mr. SUTHERLAND. I withhold the objection, Mr. President.

Mr. WILLIAMS. If it is not within the regular order and is not a report, at this stage of the proceedings I object.

Mr. MYERS. This is a very important matter. I have asked that the joint resolution be read. Will the Senator from Mississippi not wait and hear it read and then determine his action?

Mr. WILLIAMS. The very thing I am objecting to is the consumption of time by reading it.

Mr. MYERS. It is very short, and it will not take as long to read it as I have been talking.

Mr. WILLIAMS. I understand; but unless it is in order at this time as a part of the morning business, as we are pressed for time, I shall object to everything which is not in order.

Mr. MYERS. I ask to have the report read. I believe I have a right to ask that.

Mr. WILLIAMS. The report is in order, and I have no objection to that.

Mr. MYERS. The report is ten times as long as the resolution.

Mr. WILLIAMS. That may be; but the report is in order, and the resolution is not.

Mr. SHAFROTH. I hope the Senator from Mississippi will not insist on his objection. This is a joint resolution which was only ordered reported from the Committee on Public Lands on yesterday. It seems to me that it is an emergency matter which ought to be disposed of before the 4th of March, and that can not be done unless it is brought before the Senate by unanimous consent.

Mr. MYERS. If the Senator from Mississippi would consent to the reading of the report——

Mr. WILLIAMS. I am not objecting to any business being done by the Senate which is in order.

Mr. MYERS. I ask that the report be read.

Mr. WILLIAMS. And if this is a part of the regular business of the Senate, I make no objection, and would have no right to make any if I wanted to. If the report is in order, it ought to be read.

Mr. MYERS. May the report be read, Mr. President?

The VICE PRESIDENT. While, of course, the report is in order, it will take about four times as long to read it as it would to read the resolution.

Mr. OLIVER. I suggest that if the Senator from Mississippi had not objected the business would have been disposed of by this time. His unwarranted objections to the proceedings are only delaying the transaction of the business of the Senate.

Mr. MYERS. I ask that other Senators desist from talking and let us hear the report read.

The VICE PRESIDENT. The regular order is the reading of the report. More time is being consumed in debate than would be required to read the report.

Mr. MYERS. The Senator from Mississippi will not let the joint resolution be read, but the report will disclose what the resolution is.

Mr. JAMES. I ask unanimous consent that the resolution be read instead of the report. We shall save three or four times as much time by doing that.

Mr. WILLIAMS. I have no objection to the reading of the resolution in lieu of the report.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The joint resolution (S. J. Res. 219) authorizing the Secretary of the Interior to suspend action upon applications for patents to withdrawn oil or gas lands in connection with which agreements have been or may be made under the act of Congress approved August 25, 1914, was read, as follows:

Resolved, etc., That the Secretary of the Interior is hereby authorized and directed to suspend action, until otherwise directed by law, upon applications for patents, under the mineral-land laws, for withdrawn oil or gas lands against which applications adverse proceedings have been or may be directed by said Secretary or the Commissioner of the General Land Office and in connection with which applications agreements have been or may hereafter be made under the act of Congress approved August 25, 1914 (38 Stats. at L., pp. 708, 709), unless such applicants for patent, or their assigns, shall file a request for such adjudication.

Mr. MYERS. Mr. President——

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. HUSTING. Mr. President, I object.

The VICE PRESIDENT. The joint resolution, being objected to, goes to the calendar.

Mr. CLARK. Before that action is taken under the objection, I ask the Senator from Montana [Mr. MYERS] if he will not ask for permission to withdraw the report at this time?

Mr. MYERS. I ask leave to withdraw the report.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the report is withdrawn.

Mr. BANKHEAD. Mr. President, I move that the Senate proceed to the consideration of the conference report on the Post Office appropriation bill.

Mr. MARTINE of New Jersey and Mr. SUTHERLAND called for the regular order.

Mr. STONE. I think we had better go on with the regular order.

The VICE PRESIDENT. The regular order is called for. We lose more time trying to save time than in any other way of which the Chair knows.

Mr. MARTINE of New Jersey. As I understand, we are now on the order of reports of committees.

The VICE PRESIDENT. Reports of committees are in order.

Mr. MARTINE of New Jersey. Then I respectfully ask that the report of the Committee on Foreign Relations on the bill which I introduced a week ago which was referred to the Foreign Relations Committee——

Mr. SUTHERLAND. I call for the regular order.

Mr. MARTINE of New Jersey. Is not that in regular order, I ask?

The VICE PRESIDENT. The Senator from New Jersey is not in order.

DIRECT GOVERNMENT IN CALIFORNIA (S. DOC. NO. 738).

Mr. CHILTON, from the Committee on Printing, reported the following resolution (S. Res. 382):

Resolved, That the manuscript submitted by the Senator from California [Mr. PHELAN] on February 27, 1917, entitled "Direct government in California." An account of the operation of the initiative, referendum, and recall, 1903–1916, by Dr. John Randolph Haynes, of Los Angeles, be printed as a Senate document.

Mr. CHILTON. I ask unanimous consent for the present consideration of the resolution.

Mr. OVERMAN. I object.

The VICE PRESIDENT. Being objected to, the report goes to the calendar.

UNCONSTITUTIONALITY OF ACTS OF CONGRESS (S. DOC. NO. 737).

Mr. CHILTON, from the Committee on Printing, reported the following resolution (S. Res. 383):

Resolved, That the manuscript submitted by the Senator from Texas [Mr. SHEPPARD] on February 27, 1917, entitled "Withdrawing from the Federal courts the power to declare acts of Congress void," an address by Senator ROBERT L. OWEN, be printed as a Senate document.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. REED. What is the resolution, Mr. President? We could not hear on this side of the Chamber.

The VICE PRESIDENT. Of course, no one can hear while everyone is talking.

Mr. REED. I want to know the outcome as to the printing of the document referred to in the resolution reported by the Senator from West Virginia.

The VICE PRESIDENT. The Chair is inquiring whether or not there is objection to the present consideration of the resolution?

Mr. PENROSE. I object.

Mr. REED. What is the resolution? That is what I desire to ascertain.

The VICE PRESIDENT. There is objection to it any way, so the resolution goes to the calendar.

THE INITIATIVE AND REFERENDUM (S. DOC. NO. 736).

Mr. CHILTON, from the Committee on Printing, reported the following resolution (S. Res. 384):

Resolved, That the manuscript submitted by the Senator from Oklahoma [Mr. OWEN] on March 1, 1917, entitled "The Present Status of the State-Wide Initiative and Referendum," by Judson King, executive secretary, the National Popular Government League, be printed as a Senate document.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. PENROSE. I object.

Mr. OWEN. Mr. President, I now notify the Senate that I will read that article into the RECORD. I am going to have these documents——

The VICE PRESIDENT. The Senator from Oklahoma is out of order.

Mr. SUTHERLAND. Regular order!

The VICE PRESIDENT. Why can we not proceed here in good nature this morning? This manner of proceeding does no good. All Senators know what the rules are. Are there further reports of committees?

ORDER OF BUSINESS.

Mr. STONE. What is the order of business?

The VICE PRESIDENT. Reports of committees.

Mr. STONE. I ask that the bill (S. 8322) presented on behalf of the Committee on Foreign Relations, authorizing the arming of merchant ships, and so forth, be now read the second time for reference to the Committee on Foreign Relations.

The VICE PRESIDENT. It has been read, and reported from the committee, and is now on the calendar.

Mr. STONE. When was that done?

The VICE PRESIDENT. Yesterday.

Mr. STONE. Is that the Senate bill?

The VICE PRESIDENT. It is.

Mr. STONE. It was not done on my motion.

The VICE PRESIDENT. It was reported by the Senator from Missouri.

Mr. STONE. I did not report it.

The VICE PRESIDENT. There is no question of doubt about the Senator from Missouri having reported it on yesterday.

Mr. SUTHERLAND. I ask for the regular order.

The VICE PRESIDENT. If there are no further reports of committees, bills and joint resolutions are in order.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 8327) granting to the Lincoln Highway Association, incorporated under the laws of the State of Michigan, a right of way through certain public lands of the United States; to the Committee on Public Lands.

By Mr. SUTHERLAND:

A bill (S. 8328) to create a legislative drafting service and a joint committee on legislative drafting; to the Committee on the Judiciary.

By Mr. HOLLIS:

A bill (S. 8330) to provide Federal aid to the States in the promotion of education; to the Committee on Education and Labor.

By Mr. FLETCHER:

A bill (S. 8331) for the relief of the heirs of Joseph Sierra, deceased; to the Committee on Claims.

By Mr. OWEN:

A joint resolution (S. J. Res. 220) relating to the constitutionality of acts of Congress; to the Committee on the Judiciary.

By Mr. SHIELDS:

A joint resolution (S. J. Res. 221) authorizing the President to use colliers and transports of the United States for the importation of Chilean nitrate of soda for agricultural purposes; to the Committee on Commerce.

UNIVERSAL MILITARY TRAINING.

Mr. WATSON. At the request of the General Staff of the Army, I introduce a bill with reference to the military organization and general preparedness. I do not stand sponsor for the bill, but I introduce it at their request. I ask that it be referred to the Committee on Military Affairs.

The bill (S. 8329) for providing a system of national defense based upon universal liability to military training and service, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

Mr. WATSON. I ask that the bill, together with the report accompanying it, be printed as a public document.

The VICE PRESIDENT. The entire matter will be referred to the Committee on Printing for action.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PITTMAN submitted an amendment proposing to appropriate $10,000 for the protection and improvement of the Mount McKinley National Park, Alaska, intended to be proposed by him to the sundry civil appropriation bill (H. R. 20067), which was ordered to lie on the table and be printed.

Mr. BRADY submitted an amendment authorizing the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House of Representatives, including clerks to Members, Delegates, and Resident Commissioners borne on the annual and session rolls on the 1st day of March, 1917, an amount equal to one month's pay, etc., intended to be proposed by him to the general deficiency appropriation bill (H. R. 21069), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment relative to tax on distilled spirits, etc., intended to be proposed by him to the general deficiency appropriation bill (H. R. 21069), which was referred to the Committee on Appropriations and ordered to be printed.

THE SHIPPING BOARD.

Mr. SMITH of Michigan. I offer an amendment to House bill 20632 in the form of a substitute for the bill (S. 8168) to amend an act entitled "An act to establish a United States Shipping Board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes," approved September 7, 1916, and for other purposes, and ask to have it printed and lie on the table.

The VICE PRESIDENT. The amendment will be received and printed.

REPUBLIC COAL CO.

Mr. MYERS. I ask unanimous consent to be allowed to move that the Senate conferees on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the joint resolution (S. J. Res. 50) authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation, be discharged, and that the Senate concur in the House amendments.

Mr. SMOOT. I object.

Mr. BANKHEAD. Mr. President, I now move that the Senate proceed to the consideration of the conference report on the Post Office appropriation bill.

Mr. SWANSON. I make the point of order that that is not in order. I object.

Mr. SMOOT. Regular order!

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on March 2, 1917, approved and signed the following acts and joint resolution:

S. 7601. An act for the relief of Caleb T. Holland;

S. 784. An act to authorize the sale of certain lands at or near Belton, Mont., for hotel purposes;

S. 5612. An act providing additional time for the payment of purchase money under homestead entries of land within the former Fort Peck Indian Reservation, Mont.;

S. 6654. An act to validate a patent to certain lands heretofore issued to the State of Florida, to allow the said State to claim certain other lands, and for other purposes;

S. 6692. An act to amend section 6 of an act to expedite the settlement of title to lands in the State of California;

S. 8227. An act granting the consent of Congress to the city of Fort Atkinson, in Jefferson County, Wis., for the construction of a bridge across the Rock River;

S. 8113. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors; and

S. J. Res. 201. Joint resolution requesting the President of the United States to designate and appoint a day on which funds may be raised for the relief of the Ruthenians (Ukrainians).

ARMED MERCHANT SHIPS.

The VICE PRESIDENT. Are there further bills or joint resolutions? [A pause.] Concurrent and other resolutions are in order. [A pause.] Morning business is closed.

Mr. STONE, Mr. WADSWORTH, and Mr. BANKHEAD addressed the Chair.

The VICE PRESIDENT. The Senator from Missouri.

Mr. STONE. Mr. President, in the first place I wish to apologize for what I stated to the Chair. In the confusion the other night, last night, and the night before I really had forgotten that I had reported the bill and I had been waiting after it had been reported for a chance to get it up.

I move, Mr. President, that the Senate proceed to the consideration of Senate bill 8322.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Missouri. Those in favor will say "aye"——

Mr. CLARK. I think we ought to be advised as to what the bill is.

Mr. LA FOLLETTE. On the motion, I ask for the yeas and nays.

Mr. STONE. My motion is that we proceed to the consideration of Senate bill 8322.

Mr. LA FOLLETTE. If that motion is in order, upon it I ask the yeas and nays.

Mr. PENROSE. We do not know what the bill is.

Mr. CLARK. Let us understand what the bill is.

Mr. STONE. Let us get the bill before the Senate.

The VICE PRESIDENT. The Secretary will state the bill by title.

The SECRETARY. A bill (S. 8322) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing the registry of the United States, with defensive arms, and for other purposes.

Mr. STONE. Upon the motion to proceed to the consideration of the bill I ask for the yeas and nays.

Mr. SMOOT. Mr. President, will the Senator withhold the motion just for a moment? I want to call attention to the fact that under the unanimous-consent agreement we have adopted we begin at 12 o'clock with the consideration of the naval appropriation bill.

Mr. STONE. We will get through with this bill by that time.

Mr. SMOOT. If we can, that is all right.

SEVERAL SENATORS. Question!

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. The Senator from Florida.

Mr. BRYAN. Mr. President, I desire to say to the Senator from Missouri that if any Senator on the minority side desires now to proceed to discuss the naval appropriation bill I feel, in view of the understanding we had last night, that some member of the Committee on Naval Affairs will be in duty bound or in honor bound to move to proceed to the consideration of that bill. If, however, no Senator desires to discuss it, then the Senator from Missouri can make his motion. I assure him that my only anxiety is not to interfere with the understanding which was reached. If any Senator desires to discuss now the naval appropriation bill I feel that we ought to proceed to its consideration, inasmuch as the morning business has been concluded.

Mr. JAMES. The unanimous-consent agreement is that the Senate shall proceed to the consideration of the naval bill not later than 12 o'clock. It is not 12 o'clock yet, and the motion of the Senator from Missouri involves no violation of the unanimous-consent agreement.

Mr. BRYAN. The question was asked me, though, while the unanimous-consent agreement was pending, if it was entered into whether I would move to proceed to the consideration of the naval bill at the close of morning business, and I answered that I would do so if any Senator desired it. That is what I am now bringing to the attention of the Senate and the attention of the Senator from Missouri.

Mr. JAMES. The point I make is that that is certainly not a part of the unanimous-consent agreement.

The VICE PRESIDENT. The motion of the Senator from Missouri is clearly in order, and it is not debatable. The Senator has called for the yeas and nays.

Mr. STONE. Yes; I ask for the yeas and nays.

The VICE PRESIDENT. Is the request seconded?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JONES (when his name was called). The adoption of this motion, in my opinion, would waste half an hour's time and would be in violation of the spirit of the unanimous-consent agreement, and therefore I vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arizona [Mr. SMITH] and vote "yea."

The roll call was concluded.

Mr. OVERMAN (after having voted in the affirmative). I announce my general pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the Senator from Maryland [Mr. LEE] and let my vote stand.

Mr. MARTINE of New Jersey. I have been requested to announce that the Senator from Illinois [Mr. LEWIS] is detained from the Senate on official business.

Mr. CURTIS. I have been requested to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER]. He is paired with the Senator from New York [Mr. O'GORMAN]. I will let this announcement stand for the day.

In regard to my vote, I want to state that I think this motion is in violation of the terms of a tacit understanding had in connection with the unanimous-consent agreement——

The VICE PRESIDENT. The Senator has no right whatever to explain his vote while the roll call is proceeding.

Mr. CURTIS. I will explain it later on, then.

The VICE PRESIDENT. The Senator may do so afterwards.

Mr. CURTIS. I desire to know if the junior Senator from Georgia [Mr. HARDWICK] has voted?

The VICE PRESIDENT. He has.

Mr. CURTIS. I ask that my name be called.

The name of Mr. CURTIS was called, and he voted in the negative.

Mr. BRADY (after having voted in the affirmative). I have a general pair with the junior Senator from Mississippi [Mr. VARDAMAN] and therefore withdraw my vote.

Mr. WALSH (after having voted in the affirmative). I voted without noting the absence of my pair, the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from California [Mr. PHELAN] and will allow my vote to stand.

Mr. O'GORMAN (after having voted in the affirmative). I desire the RECORD to show that I have transferred my general pair with the senior Senator from New Hampshire [Mr. GALLINGER] to the Senator from Oklahoma [Mr. GORE].

The result was announced—yeas 64, nays 15, as follows:

YEAS—64.

Ashurst	Harding	Nelson	Simmons
Bankhead	Hardwick	Newlands	Smith, Ga.
Beckham	Hitchcock	O'Gorman	Smith, Md.
Borah	Hollis	Oliver	Smith, Mich.
Brandegee	Husting	Overman	Smith, S. C.
Broussard	James	Owen	Smoot
Catron	Johnson, Me.	Penrose	Sterling
Chamberlain	Johnson, S. Dak.	Pittman	Stone
Chilton	Kern	Poindexter	Sutherland
Clark	Lane	Pomerene	Thomas
Colt	Lea, Tenn.	Ransdell	Tillman
Culberson	Lodge	Reed	Underwood
Dillingham	McCumber	Robinson	Wadsworth
Fall	McLean	Saulsbury	Walsh
Fernald	Martin, Va.	Shafroth	Weeks
Fletcher	Martine, N. J.	Sheppard	Williams

NAYS—15.

Bryan	Gronna	Myers	Townsend
Clapp	Jones	Norris	Watson
Cummins	Kirby	Page	Works
Curtis	La Follette	Sherman	

NOT VOTING—17.

Brady	Hughes	Phelan	Vardaman
du Pont	Kenyon	Shields	Warren
Gallinger	Lee, Md.	Smith, Ariz.	
Goff	Lewis	Swanson	
Gore	Lippitt	Thompson	

So Mr. STONE's motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 8322) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing the registry of the United States, defensive arms, and for other purposes.

Mr. STONE. Mr. President, a parliamentary inquiry. I desire to know whether, under the unanimous-consent agreement, the Senate will be compelled to proceed to the consideration of the naval appropriation bill at 12 o'clock?

The VICE PRESIDENT. The Chair has no doubt about that.

Mr. BORAH. Mr. President, I did not understand the question of the Senator from Missouri.

Mr. STONE. I asked whether, under the unanimous-consent agreement made last night, the Senate would be obliged to proceed to the consideration of the naval appropriation bill at 12 o'clock, if not sooner. The Chair so decides.

Mr. President, I am advised by several Senators of their desire to speak on the bill now before the Senate. It would be useless to begin that discussion during the 10 or 12 minutes remaining before 12 o'clock; and I am going to ask unanimous consent that the bill be laid aside temporarily in order that the unanimous-consent agreement may be proceeded with, and that this bill be again laid before the Senate after the conclusion of the naval appropriation bill at 4 o'clock this afternoon.

Mr. GRONNA. Mr. President, I object.

The VICE PRESIDENT. There is an objection.

Mr. STONE. I give notice, then, that at 4 o'clock I shall again move to take up the bill.

Mr. CURTIS. Mr. President, I want to state that I voted against taking up the bill on the motion of the senior Senator from Missouri because I believed it was in violation of an understanding in connection with the unanimous-consent agreement that was entered into last night. Under the agreement

as presented and printed the naval appropriation bill was to be taken up under the five-minute rule at 12 o'clock, which gives no time for general debate. There was a tacit understanding with the acting chairman of the committee that immediately after the conclusion of the morning business to-day a motion would be made to take up the naval appropriation bill, so that those who desired to have general debate upon it might occupy the time until 12 o'clock.

I have no objection to taking up and will not oppose taking up the bill giving certain powers to the President, and should have voted to take it up had I not deemed the motion in violation of the understanding in connection with the unanimous-consent agreement. I make this statement because I took some part in bringing about the agreement.

Mr. PAGE. Mr. President, I want to say that I voted "nay" on the last yea-and-nay call because I believed, like the Senator from Kansas, that I was in duty bound to do so because of what I believed to be an agreement that we should take up the Navy bill and give one or two Senators an opportunity to speak thereon.

Mr. JONES. Mr. President, I think the action of the Senate has fully justified the statement that I made when I voted. We voted to take up one bill. Without any consideration, we cast that aside and vote to take up another bill. This "on-again off-again" policy is the cause of the congestion of business here now. It has been the course that has been pursued all through this session. We vote to take up one bill, discuss it a little while, and then we vote to take up another bill; we discuss that a little while, then we vote to take up another; and then, without discussing it at all, we turn around and take up another. It shows the absolute incapacity of the organization that is trying to manage the Senate and its inability to transact the public business in a wise, efficient, or economical way.

NAVAL APPROPRIATIONS.

Mr. BRYAN. I move that the Senate proceed to the consideration of House bill 20632, the naval appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. On page 68, after line 5, the amendment heretofore agreed to, it is proposed to insert the following:

That the establishment of an additional navy yard in San Francisco Bay is hereby authorized on such site as may be recommended as most suitable by the commission appointed by the President to report thereon in accordance with the provisions of the act of Congress making appropriations for the naval service for the fiscal year ending June 30, 1917, approved August 29, 1916: *Provided*, That such site is convenient to deep water and is approved by the President, and the Secretary of the Navy is hereby authorized to acquire, by purchase or gift, if not already owned by the United States, the site approved by the President; and the sum of $1,500,000 is hereby appropriated toward the acquisition and development of this site as a navy yard.

Mr. KENYON. Mr. President, I only want to say a word before this item is voted on.

I suppose it is rather out of order to seek to save such a trifling sum as a million and a half dollars at this stage of the proceedings. It developed last night that there is now a navy yard less than 30 miles from where this navy yard is to be established, known as the Mare Island Navy Yard, on which the Government has spent over $22,000,000. This bill carries $640,000 for that navy yard. Now we are asked to establish another navy yard within 30 miles of the one now existing and upon which the Government has spent $22,000,000. It is items of this kind in these bills that lead to the oft-repeated charges of "pork."

I shall only ask that a yea-and-nay vote be taken on this proposition. I realize how perfectly hopeless it is and how helpless we are to try to stop any expenditures of this character.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. KENYON. I am through.

Mr. THOMAS. I merely wish to remind the Senator that this little million and a half is only the entering wedge.

Mr. KENYON. Oh, of course; it is a mere trivial matter.

Mr. THOMAS. Permanent appropriations will be made hereafter for this new yard, and five or six years from now the debit side will perhaps be twenty-five or thirty millions.

Mr. SWANSON obtained the floor.

Mr. SMOOT. Mr. President——

Mr. SWANSON. I yield to the Senator from Utah.

Mr. SMOOT. As I understand, this appropriation of a million and a half dollars is just a mere item to get prepared so as to build these docks. Taking into consideration what those at the Mare Island Navy Yard have cost already, I have no question but that the proposed docks will cost $50,000,000 before they are through; and as to what their maintenance and repair will cost annually, nobody can tell. It does seem to me a waste of money, Mr. President, to undertake now to spend this money, when we already have within 30 miles of where this yard will be located docks to do exactly the same work that will be done here. If the present docks are not large enough, let us enlarge them, rather than begin the construction of a new one in San Francisco Bay.

I should like to ask the Senator having the bill in charge if this item was estimated for by the department?

Mr. SWANSON. Is the Senator through? I yielded to him.

Mr. SMOOT. I asked the Senator a question.

Mr. SWANSON. It was not estimated for.

Mr. SMOOT. Was it recommended by the department?

Mr. SWANSON. It was not. It came in too late from the Helm Commission. If the Senator will permit me when he gets through——

Mr. SMOOT. I should like to have a statement made now by the Senator as to why this item is in the bill.

Mr. SWANSON. Mr. President, the Government has spent about $21,000,000 on the Mare Island Navy Yard. For some time the Government has realized that the location of the yard ought to be changed to a point lower down the bay, where there is deep water. On account of an objection, possibly some of it in the Committee on Naval Affairs, it has been impossible to accomplish that. It has been impossible to move it where it ought to be, lower down the bay, where the water is deep, where the largest battleships can come in and be repaired. Consequently the desire is to do this.

We do not wish to abolish the Mare Island Navy Yard. We have spent $21,000,000 on it. It can be utilized to its full capacity now, except for the very largest ships. The battle cruisers to be constructed can not come up there, on account of the depth of water. The purpose of this amendment is to get a navy yard lower down, not to be developed to the extent that the Mare Island yard is developed; to continue all the buildings, all the machinery, and everything at Mare Island for their present usefulness, but to have lower down a yard, or a part of a yard, where the largest ships can come. It is of the utmost necessity that that should be in San Francisco Bay, which should be one of our chief naval bases on the Pacific.

A commission was appointed at the last session of Congress, known as the Helm Commission, to examine the navy yards on the Pacific coast, the South Atlantic coast, and the Gulf coast, with a view to determining, before any more money is spent in a haphazard, loose way, what is to the best interests of the Government. That commission made its report, I think, about 30 days before we reported the bill from the Senate committee. That report is very urgent for this project. That report explains that if some one of the sites which are offered there can be purchased it will be utilized simply as an addition to the Mare Island Yard. It is not proposed to abolish the Mare Island Yard, but to let it be utilized to the fullest extent, and also let this new one be utilized. It would be necessary to continue dredging anyway for the battle cruisers and the other large ships now being constructed; and it is more economical, wiser, and better for the Government to have this as an addition to the Mare Island Navy Yard without eliminating that yard.

Mr. SMOOT. The statement made by the Senator just now goes to prove that the Mare Island Navy Yard is not fitted for the work that will be required on the part of the Government. It seems to me the proper thing to do would be to abandon the Mare Island Navy Yard and establish one at San Francisco Bay.

Mr. SWANSON. Allow me to say that the Helm Commission investigated this matter. The Mare Island Yard was established in 1854 and fitted for the construction of ships, and it was of sufficient capacity for all that was needed then.

Mr. SMOOT. Everybody knows that.

Mr. SWANSON. Nobody had any expectation that the water would not be sufficiently deep. To abolish the Mare Island Navy Yard would mean that the Government will lose $21,000,000—its investment there.

Mr. SMOOT. Oh, no.

Mr. SWANSON. But for the construction of small craft and ordinary battleships it can be used. The dry docks there can always be utilized for smaller battleships. The purpose is not to abolish the Mare Island Yard, but to utilize the $21,000,000 invested to the extent of the capacity in which it can be used, and then to have lower down the bay, where you have deep

water, a supplement to that yard, the two to be used together, the yard lower down to answer the purposes of larger ships that can not come up to Mare Island. Now, that was the report of the commission.

The VICE PRESIDENT. The hour of 12 o'clock having arrived further discussion of the bill, in accordance with the unanimous-consent agreement, will proceed under the five-minute rule. Senators yielding to questions will yield out of their own time.

Mr. SMOOT. I understand that, and therefore I shall be very brief.

The statement made by the Senator from Virginia simply means this, that within a radius of 30 miles they are to have two navy yards, and everybody knows that to maintain two navy yards will be more expensive in the end than it will to abolish one navy yard and have all the work done at one place. The overhead charges and everything else that attaches to the maintenance of a navy yard will be involved in maintaining the two yards. No business man would ever think of doing such a thing.

The Senator says that the loss will be $21,000,000 if the navy yard at Mare Island is abolished. It can not be that amount. The cost of the dry docks will be lost, but all the machinery can be utilized if the yard is established at San Francisco Bay. The buildings of course, whatever they are, would be lost; but that loss will be small in comparison with what the loss will be to the Government of the United States if two navy yards are maintained.

The proper thing to do is to establish a navy yard at a place where the water is deep enough so that the largest battleship can enter and have a dry dock there that can be used for the purpose of handling the larger vessels. It does seem strange to me that we should go to work now and have two navy yards in San Francisco Bay within a radius of 30 miles.

Mr. President, I sincerely hope that the amendment will be disagreed to.

Mr. SWANSON. Mr. President, it seems to me that in view of the Helm Commission report no business man would pursue the course suggested by the Senator from Utah. The commission has no purpose to lose the $21,000,000, as I stated, that has been invested there. That is not thrown away unless you abolish the yard. It can be utilized to the fullest extent, and there is no loss.

As I stated before, you will then have a navy yard there as a complement or supplement to the yard and it will be used for the largest battleships, for which Mare Island can not be utilized. You are not bound to have two overhead charges. A great many business establishments have different factories and different establishments near each other, and by the Navy Department such an arrangement can be consummated more successfully than by a business man.

To abolish the Mare Island Yard and create a new yard in San Francisco Bay would cost about $25,000,000, with a loss of the $21,000,000 expended at Mare Island. To establish a new yard there with a dry dock to simply take care of the largest battleships which can not be utilized and repaired at Mare Island it seems to me is wise and economical. We can not shirk one question, which is undisputed. San Francisco Bay is bound to be from its position and the great interests involved one of our largest bases on the Pacific coast.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Virginia yield to the Senator from Iowa?

Mr. SWANSON. I could not yield.

Mr. KENYON. Take it out of my time.

Mr. SWANSON. All right.

Mr. KENYON. I want to ask simply the question, What will this yard eventually cost?

The PRESIDING OFFICER. The Chair suggests to the Senator from Virginia that the arrangement suggested by the Senator from Iowa can not be effected under the parliamentary agreement.

Mr. SWANSON. The Helm Commission estimates in the rough—and these naval people always design very far in their expenses—that ultimately in the course of years to develop it and utilize it the cost will be about $21,000,000, I think. That is for the fullest development. If you were to abolish the Mare Island yard you would have to duplicate everything that is at Mare Island, and it would cost some thirty or forty million dollars. The purpose is to utilize what we have and, to repeat what I have said several times, to have a supplement in San Francisco Bay to take care of ships that the Mare Island Yard can not successfully and economically handle.

Mr. PHELAN. Mr. President, concerning the cost of a navy yard, it depends entirely upon the number of dry docks, which are estimated to cost about $3,000,000 each. The necessity for a dry dock in San Francisco Bay is so manifest that it will have to be constructed, whether by this Congress or another, to accommodate the ships that are under way. As it takes a considerable time to build a dry dock it is wise for this Congress to take action in order that the dry docks may be ready just as soon as the ships are ready.

This is not a question, of course, of local benefit. San Francisco Bay is the greatest harbor of the United States on the Pacific. It may have been originally a mistake to have located the navy yard at Mare Island, but at that time the Government could not have anticipated vessels of greater draft. Mare Island, a perfect yard, is fully equipped, has done excellent work, and there have been constructed there great ships for the Navy, but the channel approaching it only admits of a draft of about 30 feet, whereas our new ships will require at least 40 feet of water, and there is no economical way of deepening that channel.

I desire to inform the Senator from Utah that the Helm Commission reports that 80 per cent of the ships of the Navy to-day can be cared for at Mare Island. So it is preposterous to propose to abandon that yard.

We are not establishing, as the commission states, and if I had time I would read it, a competitive yard, but a complemental yard. Mare Island can not take care of all the ships of the Navy. There must be in San Francisco Bay a complemental yard, not a new yard in any sense, but a complemental yard, in which the largest ships of the Navy can be cared for.

I submit that in San Francisco Harbor there is deep water hard against the shores there to-day, or channels can easily be made if one site is preferred to another. The commission reports four sites as available, one to be selected by the commission, the department, and the President.

The necessity of making this initial appropriation is to acquire the land. The city gives one-third of the land; the balance has to be acquired. How? By condemnation. There is no other easy way of acquiring the land. It is not built over, and the economical way is to acquire it by condemnation. Unless the bill passes as it is proposed, and the amendment is in the very language proposed by the commission itself, there will be no way of acquiring land and beginning a work which inevitably has to be done.

I do not think that any naval authority will for a moment question the fact that a yard will have to be constructed on San Francisco Bay, and it is wise and economical to make the appropriation now.

It has not been solicited by the people of San Francisco. It is in no sense a local benefit. It is a patriotic, a military, and a naval need. It would be a great mistake for Congress not to begin the work now.

The ultimate expense may be four or five or six million dollars, dependent upon the number of dry docks, and there is no way now of estimating our naval needs, but a beginning has to be made.

I repeat in all earnestness to Senators this is in no sense sought as a mere benefit, but that it is vital for the Pacific Fleet. We are without defenses on the Pacific. The enemy may at any time take that coast and give to Mexico, if you please, Texas, Arizona, and New Mexico, and give, in a disposition of the spoils, California and Oregon and Washington to the other allies. In order to maintain a Pacific Fleet it ish essential to have a Pacific base, with dry-docking facilities, as provided for and recommended by your experts, the highest authority in the Navy.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WORKS. Mr. President, I am very sorry not to be able to support an appropriation that is supposed to be a benefit to my own State, but I try to look upon these matters just the same where an appropriation is proposed to be made in my State as I would if it were proposed to be made in another State, because I am not representing California alone in this body, but the United States. I am very glad that my colleague has relieved me from any embarrassment in this matter in that respect by saying that it will be of no benefit to that community and that it has not been urged by the people of San Francisco.

It is true that the Helm Commission recommended the making of this appropriation, but at the same time that commission recommended other appropriations to be made which should at the present moment be made available in the way of submarine bases, naval bases, and other improvements all along the coast. They are the improvements that ought to be made now, because as things look at this moment we are going to be forced into war. This improvement can not be made, I understand, short of five years. It will not be available to meet the present

emergencies, and I think it would be best for the people of San Francisco and the people of California to wait a while for this appropriation that, as my colleague says, will have to be made in time; but I do not think this is the time.

The bill carries an enormous appropriation. We are evading to some extent the responsibility we ought to assume at the present time in appropriating for improvements that ought to be made now and not delayed.

It is for this reason, Mr. President, I think the appropriation ought not to be made at this time. I feel it my duty to say this, whatever may be the effect upon myself, because it will bring upon me criticism, I have no doubt; but I have tried in my experience here not to allow myself to be swerved from what I believe to be my duty to the Government of the United States by the criticism of anybody.

Mr. PHELAN. May I ask my colleague a question in his time?

The PRESIDING OFFICER. Does the Senator from California yield to his colleague?

Mr. WORKS. Certainly.

Mr. PHELAN. May I ask the senior Senator from California if he has read the Helm Commission report?

Mr. WORKS. Oh, yes. I have no doubt of the recommendation of the Helm Commission report; but, as I said, I say to my colleague that that is combined with other improvements which were intended to be made and which I think should be made, and I think the Senator thinks so, too.

Mr. PHELAN. I understand that the Helm Commission report recommends this naval base at San Francisco Bay, with a torpedo station at San Pedro, the port of Los Angeles, and an aviation field at San Diego. The bill does not include, for reasons best known to the committee, any appropriation for the harbor at Los Angeles and the harbor of San Diego, something which I deplore. I will not make any invidious reflection upon my colleague; far from it; he is conscientious, doubtless, in what he says; but the fact remains that the only appropriation is for the great Bay of San Francisco, and in the wisdom of the committee that has been proposed. I can not understand why my colleague should dissent, because it is not in any sense, as I said, a local need. It is recommended by the highest authority of the Navy.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. The time of the Senator from California [Mr. WORKS] has expired. The question is on agreeing to the amendment of the committee.

Mr. KENYON. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. SAULSBURY. Has the senior Senator from Rhode Island [Mr. COLT] voted?

The PRESIDING OFFICER. He has not.

Mr. SAULSBURY. I have a pair with that Senator, and therefore withhold my vote.

Mr. CLARK (after having voted in the negative). I notice that the senior Senator from Missouri [Mr. STONE], with whom I am paired, has not been in the Chamber during the roll call. I therefore withdraw my vote.

Mr. SAULSBURY. I transfer my pair with the Senator from Rhode Island [Mr. COLT] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. GRONNA (after having voted in the negative). I have a general pair with the senior Senator from Maine [Mr. JOHNSON], which I transfer to the Senator from New Mexico [Mr. CATRON] and allow my vote to stand.

Mr. O'GORMAN (after having voted in the affirmative). In connection with my vote, I desire to make the same announcement which I made before respecting the transfer of my pair.

Mr. STONE (after having voted in the affirmative). I voted without knowing that the Senator from Wyoming [Mr. CLARK], with whom I am paired, had already announced that he would not vote, as I happened at that time not to be present in the Chamber. He is now out, and I withdraw my vote.

The result was announced—yeas 46, nays 26, as follows:

YEAS—46.

Beckham	James	O'Gorman	Simmons
Brady	Johnson, S. Dak.	Overman	Smith, Ga.
Bryan	Jones	Owen	Smith, Md.
Chamberlain	Kern	Page	Smith, Mich.
Culberson	Kirby	Penrose	Smith, S. C.
Dillingham	Lea, Tenn.	Phelan	Sterling
du Pont	Lee, Md.	Pittman	Swanson
Fall	Lodge	Poindexter	Tillman
Fletcher	Martin, Va.	Robinson	Underwood
Harding	Martine, N. J.	Saulsbury	Walsh
Hughes	Myers	Sheppard	
Husting	Newlands	Sherman	

NAYS—26.

Borah	Kenyon	Oliver	Vardaman
Brandegee	La Follette	Pomerene	Watson
Cummins	Lippitt	Shafroth	Weeks
Curtis	McCumber	Smoot	Williams
Fernald	McLean	Sutherland	Works
Gronna	Nelson	Thomas	
Hollis	Norris	Townsend	

NOT VOTING—24.

Ashurst	Clark	Hitchcock	Shields
Bankhead	Colt	Johnson, Me.	Smith, Ariz.
Broussard	Gallinger	Lane	Stone
Catron	Goff	Lewis	Thompson
Chilton	Gore	Ransdell	Wadsworth
Clapp	Hardwick	Reed	Warren

So the amendment was agreed to.

The next amendment was, on page 73, after line 6, to insert:

The Secretary of the Navy is authorized, in his discretion, to expend $30,000, or so much thereof as may be necessary, for the purchase and testing of one Talbott boiler to ascertain the feasibility of using the Talbott boiler on battle cruisers heretofore authorized to ascertain whether it is feasible to put the boilers below the protective deck on battle cruisers by the use of that type of boiler instead of those proposed in the plans. The sum of $30,000 is hereby appropriated for said purpose.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. TILLMAN. Mr. President, a large part of my time has been consumed for a long while in listening to men who think they have inventions to benefit the Navy and who are merely dreamers.

Observation and experience teach us that about 1 in 50 of this class are only cranks, but the fiftieth man is a genius; and too often American naval officers have listened impatiently and paid no respect or regard to what the inventors claimed to have discovered.

The monitor, which revolutionized naval warfare, was an invention of this kind and it was actually built by private capital because the officers of that day could see no merit in it and would have nothing to do with it.

There is a bureau at the Navy Department devoted exclusively to investigating these ideas and listening to these men. It is derisively called the "bug house," but be that as it may, I have recently had to do with a man whose claims are so marvelous and who talks so rationally, I have been impressed to believe that his so-called invention is worth trying, at least; especially as he himself lays down the conditions with which he will comply. He does not want the Government to advance a dollar toward the boat he will build until it has been completed, tested, and accepted by the Secretary of the Navy. It is to pay for such a boat that this amendment is proposed. If he can do what he claims, then the days of battleships are numbered and the days of warfare on the seas are also numbered, and the burden which building these ships has imposed on taxpayers will also be at an end. I, myself, will be more than rejoiced if Mr. Riker's coast submarine should prove a success.

Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from South Carolina offers an amendment, which will be stated.

The SECRETARY. After the amendment just adopted, on page 73, line 15, it is proposed to insert:

One Riker coast submarine, $1,500,000, of about 1,500 tons displacement and of twin cylindrical hulled construction, with fittings, equipment, machinery, devices, appliances, and appurtenances of every kind, with latest improvements, complete in all respects, and suitable for naval purposes, about 175 feet long and about 33 feet beam, and be capable of submerging in 20 feet of water and of remaining submerged in 200 feet of water for at least 18 hours; traveling entirely submerged for at least 50 miles, without disclosing upon the surface any trace of its whereabouts, and shall be capable of maintaining a speed of 7 geographical miles upon the surface for 50 miles and 5 miles when beneath the surface for 50 miles, and shall carry three telescopic fighting conning towers, the armor of which shall be at least 4 inches thick, each tower to be surmounted by two heavy guns capable of being fired in any horizontal direction or vertically. This submarine shall carry 80 or more torpedo tubes, adapted to project the standard 21-inch torpedo, or the Riker torpedo, in volleys of 12 or more in four directions at almost the same instant, or its whole complement in any direction within five minutes; it shall carry a fighting anchor and two life boats, and extra torpedoes in its hold; and this submarine shall, with two naval officers on board, navigate from Miami, Fla., to the mouth of the Penobscot and return to the mouth of the Chesapeake, without any renewal of its supplies: *Provided*, That the money appropriated for this purpose shall not be paid to the builders of said boat until the same has been completed, passed the above test, and been accepted by the Secretary of the Navy; but upon such completion, test, and acceptance by the Secretary of the Navy, the sum appropriated shall be paid.

Mr. SMOOT. Mr. President, that has nothing whatever to do with the amendment that is before the Senate authorizing

the expenditure of $30,000 for testing one of the Talbot boilers and the feasibility of using those boilers.

Mr. TILLMAN. I thought that amendment had been accepted.

Mr. SMOOT. Oh, no; it has not been accepted.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Utah to the fact that the Chair announced that, without objection, the amendment was agreed to.

Mr. SMOOT. But I was on my feet asking for recognition.

The PRESIDING OFFICER. The Chair so understands.

Mr. SMOOT. Mr. President, I want to ask the chairman of the committee if the tests of the Talbot boiler have not already been made? My information is that they have been—I will not say absolutely rejected by every bureau of the Navy Department; but I understand that every bureau of the Navy Department has reported adversely to them and has said that they are not a success.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Virginia?

Mr. SMOOT. I yield.

Mr. SWANSON. I shall take but a moment, as the Senator from Utah has but five minutes.

Mr. SMOOT. I will ask the Senator from Virginia if what I have stated in reference to the Talbott boilers is not the truth?

Mr. SWANSON. Mr. President, the chairman of the committee investigated this matter very thoroughly, and he became of the opinion that the Talbot boilers could be utilized on the battle cruisers, as those boilers are much smaller than are the ordinary boilers; also that the part of the boiler that is now above the water line, because of being smaller could be put below the water line. The Talbot boilers are used mostly for automobiles and purposes of that kind. They are very intricate and fine, but they have not yet been developed to such an extent that the department are willing to risk them for the rougher work of a battleship. The department has not made the tests, and has not been much disposed to make the tests; but the matter is left to the discretion of the department. If, however, these boilers could be so constructed that they could stand the wear and tear of a battleship, which is much more exacting than that which is imposed on automobile and other boilers of that kind, there is no doubt that they would be very valuable boilers for battleships and for battle cruisers.

I repeat, it is left to the discretion of the department to look into the matter and see to what extent the intricacies of the boiler could be got rid of, so that it might be utilized for rougher work in connection with battleships. The committee had an urgent presentation of the matter by the chairman of the committee, who has looked thoroughly into it, and we concluded that it was wise to give discretion to the department to make the experiment if they thought it proper to do so.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. SMOOT. I yield.

Mr. LODGE. I desire to say to the Senator from Virginia that I did not approve of the introduction of this amendment appropriating money for this test; but I should like to ask him if something was not said about this boiler by the Chief of the Bureau of Steam Engineering and also by Admiral Taylor? They were asked what they thought of it, and, as I remember, their opinion was very unfavorable.

Mr. SWANSON. Their objection is the one I have suggested. The Talbot boiler is so intricate and so delicate that it very frequently gets out of order, and it has not been thought that it could be utilized for a battleship. If it could be adapted to use on a battleship and could be made to withstand the rough wear of a battleship, as it stands the wear of use in an automobile, everybody admits it would be a great benefit to the Navy. This matter is left entirely discretionary, and the test will not be made if the Secretary of the Navy does not approve of it.

Mr. SMOOT. Mr. President, my experience has always been that whenever an appropriation is made—I care not for what purpose—the money is generally spent. In this case I am informed that every report made has been against this boiler.

Mr. TILLMAN. That is erroneous. I have seen favorable reports from the Navy officers who have tested this boiler.

Mr. SMOOT. I get my information from the Navy Department.

Mr. TILLMAN. So do I. The reports I have come from the Navy Department.

Mr. SMOOT. Mr. President, I am simply giving to the Senate the information that has come to me.

Mr. SWANSON. I should like to say further——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Virginia?

Mr. SMOOT. My five minutes will be up in just one minute. Mr. President, the reports I have seen in regard to this boiler are adverse, and, as I have stated, the information received by me from the department is that the boilers will not be a success. What I am afraid of is, if we make the appropriation of $30,000, it will be spent in useless examinations; it will cost the Government $30,000, and in the end we will have nothing in return for the expenditure.

Mr. TILLMAN. Mr. President, will the Senator yield to me for a moment?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. TILLMAN. The desirability of this boiler lies in the fact that, if it can be adapted to battleship use, it can be placed below the protective decks, where it will be safe and out of the reach of shell fire, while other boilers put above the protective decks would be blown all to pieces if a shell should happen to hit them.

Mr. SMOOT. What the Senator says is true——

Mr. TILLMAN. Is it not worth $30,000 to test it?

Mr. SMOOT. What the Senator says is true as to the advisability of securing a boiler which can be placed under the water line. It is desirable to get a boiler able to run a battleship and at the same time be below the water line; but all the examinations so far made as to this boiler, at least so far as I have seen them, and all the reports of the department, so far as I have seen them, are adverse to this boiler and its ability to accomplish that purpose.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. WATSON. Mr. President, the Senator from Massachusetts in his remarks referred to certain stenographic reports concerning the electric drive. The whole matter seems to have been gone into at that time; and why not let this amendment be passed over until we can get those stenographic reports and ascertain the facts regarding the matter?

Mr. TILLMAN. The reports are in the room of the Committee on Naval Affairs, and I can send them to the Senator.

Mr. WATSON. Very well; I will ask the Senator to send them down. But I suggest that we pass this matter over until we can get the reports and find out what they contain. I understand that this whole proposition is useless, that it is entirely in the field of speculation, and that there is nothing certain whatsoever about it.

Mr. TILLMAN. I will remind the Senator that there was nothing certain about the *Monitor*, either.

Mr. WATSON. This whole matter is one of experimentation, as I understand, and there has been a favorable report from nobody regarding it.

The PRESIDING OFFICER. Does the Senator from Indiana ask unanimous consent that this amendment be passed over for the present?

Mr. WATSON. I do.

The PRESIDING OFFICER. Is there objection?

Mr. SWANSON. Mr. President, I think we had better dispose of the amendments as we reach them; otherwise we shall simply have another discussion when they come up again.

Mr. WATSON. Does the Senator insist on this amendment?

Mr. SWANSON. I should like to have the amendment adopted. I take this view of it: I do not believe it is going to be a success until changes are made in it which may adapt it to the use of battleships. There is no doubt, however, that if it could be so adapted, and improved to withstand the wear and tear of large battleships, it would be a great saving, because it economizes space. The department has not been favorable to it, has not made favorable reports regarding it, and I doubt whether the department would use the discretion if it is given. I stated to the chairman of the committee, who has looked into the matter and who has nothing but the most patriotic interest in all these questions, that I was willing to support an amendment that left it discretionary with the department. If it should develop at the department that it would be wise to test this boiler on any of the ships of the Navy, that test could be made. If the discretion is not broad enough, or if the present language is not sufficient, in the opinion of the Senator, it might be made more positive.

Mr. WATSON. I did not pay any attention to that part of the language, but with the department opposing it and with the Senator from Virginia standing here and defending this amendment, and with characteristic frankness stating that, in his judgment, this boiler will not work and is not practical, I ask, then, why should he insist on this amendment or why should the Senate back him up in his insistence?

Mr. SWANSON. I have not examined it sufficiently to reach a conclusion. From such cursory examination as I was able to give it and inquiry at the department, it seemed to me that if these boilers could be developed and made to stand the wear and tear of battleship use, on account of the saving of space, they would be very valuable to the Navy, and that, therefore, it would be wise to have the experiment made to see if they could be adapted to battleships and larger craft. As I understand, the results so far have not been satisfactory to the department, but I can not see how any harm can be done by making this $30,000 appropriation, and if the department, in its discretion, thinks it wise to do so a test can be made to see whether the boilers can be so utilized.

Mr. LODGE. Mr. President, I hope the Senator will allow the consideration of this amendment to pause until I can find the testimony. It will take only a moment.

The PRESIDING OFFICER. The Senator from Massachusetts asks that the amendment be passed over for the present. Is there objection? The Chair hears none, and the amendment is passed over. The Chair inquires of the Senator from South Carolina, the chairman of the committee, whether the amendment that he had read a few minutes ago is offered as a committee amendment, and whether he desires to have it considered now?

Mr. TILLMAN. I should like to have it considered now.

Mr. LODGE. It is not a committee amendment.

Mr. TILLMAN. It is not a committee amendment, because I have not had time to get the committee together since this amendment came here.

The PRESIDING OFFICER. The Chair supposes that the committee amendments would be first considered, under the ordinary procedure of the Senate and under the unanimous-consent agreement. If there is no objection——

Mr. TILLMAN. Well, just hold that until a little later.

The PRESIDING OFFICER. Very well. The Secretary will state the next committee amendment.

The next amendment was, on page 73, after line 15, to strike out:

It is hereby reaffirmed to be the policy of the United States to adjust and settle its international disputes through mediation or arbitration, to the end that war may be honorably avoided.

The amendment was agreed to.

The next amendment was, on page 73, after line 19, to insert:

That section 44 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, be, and the same is hereby, amended to read as follows:

Whoever shall willfully trespass upon, injure, or destroy any of the works or property or material of any submarine mine or torpedo or fortification or harbor-defense system owned or constructed or in process of construction by the United States, or shall willfully interfere with the operation or use of any such submarine mine, torpedo, fortification, or harbor-defense system, or shall knowingly, willfully, or wantonly violate any duly authorized and promulgated order or regulation of the President governing persons or vessels within the limits of defensive sea areas, which defensive sea areas are hereby authorized to be established by order of the President from time to time as may be necessary in his discretion for purposes of national defense, shall be punished on conviction thereof in a district or circuit court of appeals of the United States for the district or circuit in which the offense is committed, or into which the offender is first brought, by a fine of not more than $5,000, or by imprisonment for a term not exceeding five years, or by both, in the discretion of the court.

Mr. PENROSE. Mr. President, I should like to ask the acting chairman of the committee whether this is not largely covered by the espionage bill which the Senate passed recently?

Mr. SWANSON. It is quite possible that it will be covered. I have not looked it up carefully. If it is covered, when the bill gets into conference we can eliminate it or modify it; but it is necessary, especially for mines. People are apt to be very careless about mines if you should get into war.

Mr. PENROSE. Well, that is satisfactory.

Mr. SWANSON. It is very necessary.

Mr. PENROSE. Let it go to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 76, after line 15, to insert:

All appropriations continued in this act are hereby made immediately available.

Mr. WORKS and Mr. SWANSON addressed the Chair.

Mr. WEEKS. Mr. President, before that amendment is adopted, let me ask——

The PRESIDING OFFICER. The Chair calls attention to an amendment that was passed over. Did the Senator from California desire recognition on this amendment?

Mr. WORKS. No; I desire to offer an amendment.

Mr. WEEKS. Mr. President, I want to ask a question about the pending amendment. Does the Senator mean "continued" or "contained"?

Mr. SWANSON. It ought to be "contained." It is a mistake of the print. I want to have it corrected.

The SECRETARY. The third word in line 16 should read "contained" instead of "continued," as printed.

The PRESIDING OFFICER. Without objection, the modification will be made.

Mr. SMOOT. Mr. President, does the Senator mean by that that all of these appropriations shall become immediately available?

Mr. SWANSON. That is what it means.

Mr. LODGE. Yes; that is what it means.

Mr. SMOOT. What is the reason for that?

Mr. SWANSON. If an emergency should arise, you would want to start your navy yards working at once, and the appropriations for that purpose would be available for ordnance and ammunition and so forth.

Mr. SMOOT. Yes; but those are not all the appropriations in this bill. I have no objection to that; but it seems to me that it is going a long way to say that the regular appropriations that are made every year shall become immediately available.

Mr. SWANSON. If the Senator will permit me, if we get into war and you desire to have your Navy promptly and efficiently equipped, all of your yards should commence working to the fullest extent at once. You ought to double your forces in a great many of them. You want the ammunition appropriated for here quickly and promptly. In the case of the battleships, some of them which could be constructed possibly in 6 or 12 months, you want the work doubled and trebled on them. Consequently, if we should try to designate the appropriations which should be immediately available, some appropriation might be left out. Nothing can be lost and everything can be gained by having the Navy Department proceed with its work in all directions in case we should have war, without waiting until the 1st of July.

Mr. SMOOT. Mr. President, I agree with what the Senator says as to the appropriations in this bill that might be called extraordinary appropriations for preparedness, or even the appropriations which are made under ordinary circumstances for that purpose; but I never yet have seen an appropriation bill in which every item appropriated for any fiscal year was made immediately available. Of course, I recognize the fact that the department need not use the money until the beginning of the next fiscal year, but it is so different from any legislation that I have ever seen passed since I have been a Member of the Senate that I simply wanted to call attention to it. I do it, not by way of objection, Mr. President. I call attention to this unusual legislation, so that in the future this should not be pointed to as a precedent, because I have noticed for the last six or seven years that deficiencies are covered, in many cases, in just such wording as this. In other words, the department spends more money than is appropriated for, and then, in an estimate that is made, calls for more than is wanted for the following fiscal year, and asks that it be made immediately available, and the money is diverted for the purpose of paying the deficiency. We want to stop all such future acts of Congress authorizing such a course. As I said to the Senator, I am not objecting to this provision upon this bill under the present unsettled conditions, but I did want to call attention to the fact that it should not be pointed to in the future as a precedent.

Mr. TILLMAN. I should be very glad to have the Senator suggest an amendment which would limit it.

Mr. SWANSON. I will say to the Senator, if he will permit me, that I endeavored to go through the bill and make immediately available the appropriations included in the bill which would be necessary to meet an emergency. The minute I would do that I would find in another appropriation something that ought to be included, until it was nearly impossible to segregate in this bill, with the ramifications of the Navy, every appropriation that should be made immediately available. The Senator from Massachusetts [Mr. LODGE] and myself, after thinking over the matter, thought this was the best course to adopt, and the Navy Department urgently recommended it, and sent up an amendment proposing that all of it should be made immediately available. I think the Senator from Massachusetts will corroborate my statement in that regard.

Mr. LODGE. Certainly. I was going to say a word when I could get the floor.

Mr. SMOOT. Let me point to one case. We will take the item of pay for the civil force. There is appropriated under that head, for clerks, messengers, watchmen, laborers, and so forth, a certain amount of money for the fiscal year 1918. The pending amendment covers all of the appropriations in this bill, and the department could, if they wanted to do so, spend for the employment of these clerks and other employees of the

Government the money that was intended for the fiscal year 1918 before the fiscal year began.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. LODGE. Mr. President, we have at the end of this bill a general provision making all of the appropriations immediately available. We may as well be frank about it. The country is in a situation where it may be in war at very short notice, and the first line of defense is the Navy. We want for this year to make all these appropriations immediately available. To tie them up until the 1st of July in the present situation would be, I think, a great mistake.

I am not in favor of loose appropriations. I appreciate the strength of the argument of the Senator from Utah, and I think his objection could be met by simply adding that none of the appropriations in this bill shall be used to pay deficiencies. But the funds appropriated in this bill ought to be, one and all, made immediately available.

Mr. SMOOT. I agree with the Senator.

Mr. LODGE. I think an amendment could be arranged that would cover that. We do not want this money used to pay deficiencies. Let that be covered by some other bill, where it properly belongs. This money we need now, and we want it where we can put our hands on it when we need it. If we do need it, we shall need it very much indeed.

Mr. SMOOT. Yes; that is right.

Mr. LODGE. One word more, Mr. President. I think there ought to be an extra session of Congress. I repeat what I said last night, that in the present situation the whole American Government ought to be here in Washington. I do not think it ought to be left to the minority to compel a situation of that kind, but if it is left to them I believe that it will be done. I for one am in favor of having an extra session of the whole Congress on the broad ground that they ought to be here in this condition of public affairs. If necessary, appropriation bills could be held up; but this bill ought to pass, because no man can tell when we will need every dollar in this bill, and need it with the utmost quickness.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

Mr. SWANSON. Mr. President, the Senator from Utah has an amendment to the amendment which I shall be very glad to have adopted.

Mr. SMOOT. I offer an amendment to the amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. After the word "available" it is proposed to insert "but no appropriation in this act shall be used for payment of deficiencies."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah to the committee amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Virginia to two committee amendments passed over, one on page 26, which will be reported by the Secretary.

The SECRETARY. On page 26, in the item for "Navy yard, Washington, D. C.," the committee proposes the following amendment. The paragraph reads:

Navy yard, Washington, District of Columbia: Gun shop, to complete—

The committee proposes, after the words "to complete," to strike out "$400,000" and to insert "$900,000, and the limit of cost is hereby increased to $1,100,000."

Mr. SWANSON. Mr. President, the Senator from Nebraska [Mr. NORRIS] had that amendment passed over. I do not like to dispose of it in his absence. I hope a page will go and ascertain where he is, and inform him that we are waiting for him in the Senate, if he is interested in that amendment. I suggest that we pass over that amendment and take up the next amendment.

The PRESIDING OFFICER. The Senator from Virginia asks unanimous consent to again pass over this amendment. Is there objection? The Chair hears no objection. The Secretary will state the next amendment that was passed over.

The SECRETARY. On page 73, beginning on line 7, the committee proposes to insert:

The Secretary of the Navy is authorized, in his discretion, to expend $30,000, or so much thereof as may be necessary, for the purchase and testing of one Talbott boiler to ascertain the feasibility of using the Talbott boiler on battle cruisers heretofore authorized to ascertain whether it is feasible to put the boilers below the protective deck on battle cruisers by the use of that type of boiler instead of those proposed in the plans. The sum of $30,000 is hereby appropriated for said purpose.

Mr. WATSON. Mr. President, this matter was passed over in order that we might obtain the hearings with reference to the electric drive, and with more particular reference to the so-called Talbot boiler. I find in the hearings, on page 12, that the chairman of the committee asked this question of Admiral Griffin:

Have you ever considered the possible advantages of the Talbot boiler? Have you considered the Talbot boiler?

To which Admiral Griffin responded:

Yes, sir.

The CHAIRMAN. Have you had any experiments with the Talbot boilers?

Admiral GRIFFIN. Yes, sir; in small vessels.

The CHAIRMAN. Were those experiments satisfactory?

Admiral GRIFFIN. No, sir; quite to the contrary.

Then, on page 15, they return to that subject, and again the chairman asked him, with reference to the Talbot boiler, what experiments, if any, had been made, and with what result, to which Admiral Griffin made response, whereupon the chairman remarked—and this is on the tenth day of last month, less than one month ago:

I never heard of it until last night, and therefore I do not know anything about it.

So that less than one month ago the chairman of this committee, after having been a member of the Naval Affairs Committee of the Senate for 20 years, stated frankly that he had never heard of the Talbot boiler and knew nothing whatever with regard to it. Yet here comes a recommendation from the chairman himself, stating that he knew at that time nothing about it, with an adverse report from Admiral Griffin, who knows all about these things, stating squarely that the experiments had shown that this boiler did not work satisfactorily, and declining to make anything in the nature of a favorable report respecting it, even in small vessels. Yet, notwithstanding this expression of the eminent chairman of this committee, so familiar with all of these naval questions because of his long service and experience in matters of this character, and notwithstanding the adverse report of the head of this bureau in the Navy Department, there is inserted here, by way of experiment in the wide field of speculation, $30,000, to be used for what purpose? Why, to experiment with a thing that has already been experimented with, and that nobody favors. Here is the head of the department who himself says that, while these experiments have been conducted, in no instance has the experiment resulted satisfactorily, and after these long experiments have been made he comes to the Senate committee to say that he is not in favor of their adoption. Yet in the teeth of that this appropriation is inserted.

Mr. President, it seems to me that if we are to rely at all upon the testimony of the men who are familiar with questions of this character this appropriation should not be permitted by this body.

Mr. TILLMAN. Mr. President, the Senator from Indiana has made no examination of this report on boilers for battle cruisers and the hearings before the Naval Committee. When it comes to the actual facts, he does not know them. There are three reports here from naval officers specifying and indicating what the test has been, and they are all favorable to it.

I ask leave to have printed in the RECORD a certain part of the report on boilers for battle cruisers in the hearings before the Naval Committee, as I shall indicate.

Mr. SMOOT. Will the Senator have it read at the desk? I would not ask to have it read if it were not that I want to vote intelligently. I have been informed that there has not been a favorable report made by any of our naval officers or any bureau of the Government. I should like to have it read now.

Mr. TILLMAN. Very well; let the Secretary read the part of the report I have indicated.

The PRESIDING OFFICER. Without objection, the Secretary will read.

The Secretary read as follows:

NAVY YARD, PUGET SOUND, WASH.,
January 5, 1915.

MY DEAR ADMIRAL: In reply to your letter of December 28, 1914, in regard to the Talbot boilers, I submit answers to your questions, as follows:

(a) Is the work they do similar to that done by ship's steamers; i. e., is it intermittent in character or continuous?

Answer. The work of launches *404* and *691*, in which the Talbot boilers are installed, is intermittent in character and similar to that required of ship's launches.

(b) If intermittent, how is the boiler regulated during periods of idleness extending over an hour or more?

Answer. The fire is extinguished when the engine is stopped, and no regulation is necessary.

(c) If the fire is extinguished during such times, what means are provided for starting again?

Answer. If the period is not more than 15 or 20 minutes, the hot bricks in the furnace are sufficient to light the fires when the oil is turned on. When the period is more than 20 minutes, but not greater than one hour for *40½* and two hours for *691*, oily waste or a torch is necessary. If the period is greater than this, if no tanks are supplied containing compressed air, it is necessary to build a wood fire, which will take about 20 minutes getting up steam. Air tanks are supposed to be installed with this type of boiler and compressed air kept in reserve, to be used in atomizing the oil and starting the fires when there is no steam in the boiler. Tanks are used for this purpose in *40½*, but the tanks in *691* proved defective and are not being used.

(d) Has there been any trouble from burning tubes when the boiler is idle, or through failure of feed pump?

Answer. There has been very little trouble with burned tubes. In *40½* the original tubes are iron, lapwelded, and some of these spit; but there has been no trouble with seamless steel tubes. In *691* about 14 tubes have been renewed, due to sagging. This trouble is considered to have been due to the flame concentrating too intensely on one part of the tube. Failure of tubes has not been due to boilers standing idle or to failure of the feed pumps.

(e) Is there an independent feed pump in addition to the one on the engine?

Answer. Yes.

(f) If steam is used for atomizing, is the quantity used appreciable?

Answer. No test has been made of the amount of steam used in atomizing, but the machinists in charge of the launches state that *691* will empty her feed tanks, which contain 160 gallons, in a run of 35 miles at full speed, and that *40½* uses about 5 per cent more water now than when she was coal burning.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. TILLMAN. I ask unanimous consent that all the matter may be read, so that the Senate will not make the mistake we did yesterday with the Charleston clothing factory.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered. The question is on agreeing to the amendment.

Mr. SMOOT. No; the unanimous consent asked by the Senator from South Carolina was that it be read, not printed in the RECORD without reading, but read, so that the Senate could know what they were voting upon.

Mr. TILLMAN. It is the report of a naval officer to his superior in regard to the Talbot boilers.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. NORRIS. Mr. President, I wish to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NORRIS. I supposed that the report was to be read. I should like to hear it all read.

Mr. TILLMAN. I ask unanimous consent that the testimony which I have indicated from naval officers be read.

The PRESIDING OFFICER. The Chair will state that that can not be done under the unanimous-consent agreement.

Mr. NORRIS. I wish to make a parliamentary inquiry in regard to this very point. While I realize that if anyone objects, the time of anyone can not exceed five minutes, but under the five-minute rule, which is rather an indefinite term, it seems to me it can be read. I was looking at it with a view of having this very matter read. If no one objects, or by unanimous consent, which would mean the same thing, any Senator could speak for more than five minutes.

Mr. LODGE. It refers specifically to the House rule, the five minutes allowed in the House of Representatives, and under such a rule unanimous consent is granted.

Mr. NORRIS. Under that rule unanimous consent can extend the time for any length.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the reading of the matter indicated by the Senator from South Carolina be proceeded with. Is there objection?

Mr. JONES. I object. I do not think that would be in accordance with the rule at all.

Mr. LODGE. That is a violation of the rule in regard to unanimous consent.

The PRESIDING OFFICER. The Chair rules that the terms of the unanimous consent govern this matter; and the unanimous-consent agreement, in so far as it is germane to this inquiry, is as follows:

The Senate will proceed to the consideration, under the five-minute rule, of H. R. 20632, the naval appropriation bill, and all amendments that may be pending, any amendments that may be offered. * * *

The Chair holds that the five-minute rule referred to is the Senate rule, under Rule VIII, and not a rule of the House of Representatives. The reference to the House of Representatives is to the bill under consideration. The Chair calls that to the attention of the Senator from Massachusetts.

Mr. LODGE. The Chair is correct. I did not notice it at the time.

Mr. PHELAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from California.

Mr. NORRIS. I wish to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nebraska will state it.

Mr. NORRIS. I agree with the Chair. I think his decision is just right. The inquiry I wanted to make is whether it is not true that under the Senate rule, unless some Senator objects, a Senator can proceed longer than five minutes—by unanimous consent, I mean? I concede that any Senator has a right to object.

Mr. TILLMAN. I will obviate that trouble——

Mr. NORRIS. I make this inquiry so that we may know what we are doing, and I think we should have that question decided.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. The Senator from Michigan.

Mr. TOWNSEND. Inasmuch as there has been a desire expressed for the reading of the report, I take the floor and in my time ask that during five minutes it may be read.

Mr. NORRIS. That still does not answer my question.

The PRESIDING OFFICER. The Chair will state that he does not feel called upon to answer hypothetical questions.

Mr. NORRIS. But I was going to make a request for unanimous consent.

The PRESIDING OFFICER. The Chair will state, out of deference to the Senator from Nebraska, that his understanding is that it has been the custom in the Senate, when proceeding under the five-minute rule, under Rule VIII, not to extend the time of Senators. The Chair, however, will submit the request for unanimous consent, if the Senator from Nebraska desires it.

Mr. BRANDEGEE. Before that point is passed upon, inasmuch as I shall after a little while be in the same position as to reading a document raising that point, I want to suggest to the Chair the language of the unanimous-consent agreement is that debate upon any amendment shall be limited to five minutes by any Senator, and could that cut off the reading of a document?

The PRESIDING OFFICER. Debate can only occur while a Senator has the floor, and a Senator can retain the floor for only five minutes, under the rule.

Mr. BRANDEGEE. But under the rule——

The PRESIDING OFFICER. The Senator from Michigan has obtained the floor in his own right and has asked that the reading proceed. The Chair is about to submit that request to the Senate.

Mr. BRANDEGEE. I am not questioning that at all. I am saying that I think the point raised by the Senator from Nebraska is——

The PRESIDING OFFICER. The Chair submitted the request for unanimous consent, but objection is made.

Mr. BRANDEGEE. The Chair did not understand. I think the point——

Mr. TILLMAN. I will cut this Gordian knot, if you will give me a minute to tell you how to do it. The Senator from Michigan has offered to give five minutes and four or five Senators on this side have offered to give five minutes.

The PRESIDING OFFICER. The Senator from Connecticut has the floor for the purpose of making a parliamentary inquiry.

Mr. BRANDEGEE. I was talking about the Gordian knot that I expect to get into, not the Senator's. I am willing to get out of his, but I want to get out of mine. I want some documents I have read, and if they are read possibly I could not say a word about the amendment when I offered it. It seems to me when the Senator from Nebraska states that under the five-minute rule of the Senate, under Rule VIII, unanimous consent can be given, if it can be obtained for a further extension, it is also applicable to this unanimous-consent agreement, which contains the five-minute rule of the Senate; but I am not asking for a ruling now.

The PRESIDING OFFICER. The Chair will state to the Senator from Connecticut that out of deference to the suggestion made by the Senator from Nebraska and the thought he presented the Chair submitted the request for unanimous consent and objection was made.

Now, the Senator from Michigan [Mr. TOWNSEND] takes the floor in his own right and asks unanimous consent that the reading be continued. Is there objection? The Chair hears no objection, and the Secretary will read.

The Secretary read as follows:

(g) Has there been any trouble due to the use of superheaded steam; if so, what?

Answer. When the boilers were first installed the superheated steam was carried at a temperature of over 600°, but it was found that the spring of the safety valve weakened under this heat, and the temperature was cut down to 550°. The temperature of the steam is now not allowed to go above 550°.

The boilers are acting reliably and efficiently, and launch 40½ is doing a great deal of work, being employed in carrying workmen to ships anchored in the stream and also in towing barges. It rarely breaks down and is much more economical in fuel consumption than before this new type of boiler was installed.

Sincerely, J. R. BRADY.

Rear Admiral R. S. GRIFFIN, U. S. N.,
Chief of Bureau of Steam Engineering,
Navy Department, Washington, D. C.

Mr. TOWNSEND. Who is Brady?

Mr. TILLMAN. The naval officer at Puget Sound.

The PRESIDING OFFICER. Does the Senator from Michigan desire to have the reading continued?

Mr. TOWNSEND. I just wanted to interrupt myself long enough to find who is the writer of the letter.

The Secretary continued the reading, as follows:

NAVY YARD, PUGET SOUND, WASH.,
January 29, 1912.

From: Engineer Officer.
To: Commandant.
Subject: Seattle Talbot Generator Co.—Test of boiler.
References: Bu. S. E. End. 22533–D, Sept. 24, 1910; Bu. S. E. Let. 55970–611–1, Dec. 15, 1911; Bu. S. E. Let. 55876–611–1, Dec. 12, 1911.

1. Cutter *No.* 40½ assigned for test: As directed by the first reference above, the Seattle Talbot Generator Co. was communicated with on the subject of installing one of their boilers in a steam cutter for experimental purposes. Thirty-six-foot cutter *No.* 40½ was selected for the purpose, and the Ward boiler originally installed was removed and the cutter sent to Seattle and delivered to the Seattle Talbot Generator Co. for the installation of their boiler, a description of which was furnished the bureau by the company under date of September 8, 1910, and a copy of which is attached marked "A." A set of the blue prints of the boiler is also forwarded. The company installed their boiler, oil tanks, and the necessary fuel pumps, feed pump, piping, etc.

2. Space and weight of boiler: The boiler occupies a space of:

Length	feet	4
Width	do	2½
Height	do	4
Weight (steaming condition)	pounds	1,875
Heating surface	square feet	158
Horsepower		25

Oil tanks of a capacity of about 2 barrels were installed.

3. Comparison of size and weight: The following shows the relative space, weight, etc., occupied by the Talbot boiler compared with the Ward boiler removed:

	Talbot.	Ward (round).
Length, inches	48	44½
Width, do	28	44½
Height, do	48	68
Weight, pounds	1,875	3,003
Heating surface, square feet	158	182
Floor space, square inches	1,350	2,000
Cubical volume, cubic feet	37.28	68

The PRESIDING OFFICER rapped with his gavel, and by unanimous consent the remainder of the matter was ordered to be printed in the RECORD, as follows:

4. Evaporative tests not made: No evaporative tests of the boiler were attempted, as the object was primarily to determine the adaptability of the boiler for the conditions of service usually obtaining for a ship's running boat. During the time the boiler was being experimented with, however, the Seattle Talbot Co. had a test of a 100-horsepower boiler of their type made, a copy of the report of which is attached, marked "B."

5. Price of Talbot boilers: A copy of a communication received from the company showing their schedule of prices is attached, marked "C."

6. Test by *Cheyenne* and changes made in original installation: The boat when returned to the yard with its new boiler and equipment was turned over to the U. S. S. *Cheyenne* to test out in actual service, this being done with the consent of the Talbot Co. After being used for about a week the engine was wrecked and the boat returned to the yard. A long delay then occurred through a misunderstanding as to the approval of the bureau for the installation of engine G–2 No. 790, with a high-pressure piston valve. During this time the Seattle Talbot Co. again took the boat and made changes in the arrangement of their installation, consisting of turning the boiler around to face aft, so that one man can tend the boiler and engine, the removal of the coal bunkers and the installation of two 60-gallon tanks in the space thus obtained, the substitution of an air compressor driven by an eccentric from the main engine shaft for the fuel-oil pump, and a new double-acting plunger main feed pump driven by eccentric from the main engine shaft.

A copy of the report made by the *Cheyenne* is attached, marked "D."

A blue print showing the arrangement of the boiler, tanks, and accessories is attached. This print shows the arrangement after the changes referred to above were made.

7. Tests in use as yard launch: The new engine (G–2 No. 790 repaired) having been installed and the changes in boiler made as noted above, the launch was put in service for yard use. The following troubles developed:

(a) On account of the drag of the feed pump, air pump, and air-compressor pump on the shaft, it was necessary to fit a temporary additional steady bearing.

(b) The rapid circulation of steam in the boiler carried scale and other matter into the engine and pumps, causing further delays for repairs.

(c) The high temperature of the steam, 450° and over, melted out the metallic piston-rod packing, and the rods had to be repacked with asbestos packing, and difficulty is found in keeping it tight.

(d) After a few days' running the low-pressure slide valve and seat were so badly worn and cut that the cutter had to be laid up for repairs. These consisted of fitting a piston valve to the low-pressure engine.

(e) After two days' running the eccentric for the shaft feed pump was broken.

The boiler itself has not required any repairs whatsoever, even after some of the lower tubes and headers became red hot, due to failure of the feed pump. No gauge glass is fitted to the boiler, and as the feed enters at the top, water shows when working only in the upper try cocks. The steam pressure used is about 150 pounds per gauge, and the average temperature of the steam at the engine is about 450° F.—about 75° superheat. The temperature has been observed to go up as high as 650° F.

8. Advantages and disadvantages: The following is a brief statement of the advantages and disadvantages of the Talbot boiler as compared with the usual type of Ward boiler used in Navy cutters.

Advantages:

(a) Small space and light weight for a given power, allowing either more room in the boat or permitting larger fuel tanks to be installed.

(b) Rapidity of raising steam. Steam is first raised either with a wood fire until sufficient pressure is obtained to atomize the oil in the burner, or steam for atomizing may be obtained by means of a hose from the ship or wharf.

(c) Ease of replacing defective tubes should such develop. The company lays great stress on this point, but experience shows that it is seldom necessary to renew a tube.

(d) Strength and safety of pressure parts. Tubes and headers have been severely overheated without apparently causing any damage.

(e) Efficiency of evaporation. While no tests were conducted to determine the rate of evaporation of this particular boiler, tests have been made (see report attached, marked "B") on a boiler of this type, which shows high efficiency.

Disadvantages:

(a) The difficulty of controlling the steam pressure when making short trips with numerous stops, due to the small steam space in the boiler. The pressure runs down rapidly when the burner is turned off.

(b) The difficulty of regulating the temperature of the steam, the tendency being toward a high degree of superheat, which causes excessive wear on the valves, pistons, and packing of the engine. In fact, this is the principal cause of the impossibility, so far, of getting more than a few days' running without laying the engine up for extensive repairs or alterations to meet the conditions.

It has been suggested by the Seattle Talbot Co. that disadvantage (a) might be overcome by installing a small pilot burner, which could be kept going when the engine was stopped. This burner should be of sufficient capacity to furnish steam for atomizing the oil used by itself and for running an auxiliary feed pump to provide for the loss of water used for atomizing. This has not been fitted in the cutter, however.

9. Conclusion: (a) The boiler is very small and light and is capable of very rapid generation of steam, which, however, is apt to be highly superheated, with a small expenditure of fuel oil.

(b) On account of the high temperature of the steam, it is unsuitable for use with the present standard types of launch engines.

(c) Under date of December 8, 1911, the Seattle Talbot Generator Co. addressed a letter to the bureau, forwarding a blue print of an engine being built by Clark Bros. Co., of Belmont, N. Y., which seems especially well adapted for the use of high-pressure, highly superheated steam. It is believed that the combination of the Seattle Talbot generator with this type of engine would make a very compact arrangement of launch equipment.

(d) It is believed that the difficulty of keeping the engine in repair is partly due to the fact that the capacity of the boiler is greater than that of the engine.

10. The boat is again in service at present.

11. Recommendation: (a) It is recommended that the Seattle Talbot Generator Co.'s type of boiler be not adopted for use with the present standard types of Navy launch engines.

(b) Referring particularly to Bureau of Steam Engineering letter No. 55970–611–1 of December 15, 1911, it is recommended that the bureau purchase a Seattle Talbot generator and a Clark Bros. Co. engine for test in comparison with other installations.

C. N. OFFLEY.

[First indorsement.]

JANUARY 30, 1912.

From: Commandant, Navy Yard, Puget Sound, Wash.
To: Bureau of Steam Engineering.

1. Forwarded.

V. L. COTTMAN.

* * * * * * *

Senator POINDEXTER. But you have not yet answered Senator Tillman's question as to why you have not competed for Navy Department contracts.

Mr. MULLIGAN. We have competed with more or less success, and Admiral Griffin can probably verify that.

The CHAIRMAN. Has Admiral Griffin's department bought any boilers from you?

Mr. MULLIGAN. Yes, sir; Mr. Griffin has authorized the purchase of six boilers for launches. We are now prepared to show that, in view of what we have already done, that with but a slight increase in the size above that already operated the use of 48 boilers entirely within constructive and operative limits, which will require a total space in a battle cruiser of 56 feet wide by 90 feet in length, each unit having a width of 6½ feet and a length of 10 feet and a height of 12 feet, arranged in three fire rooms 56 feet long by 10 feet wide, will produce sufficient steam for 180,000 horsepower, on the basis of 12 pounds of water required per horsepower per hour. These boilers will easily go well below the protective deck and allow sufficient depth of inner bottoms for any other purpose.

The weight of water evaporated per ton of boiler, using the one having 1,350 square feet of heating surface as a basis, is 2,165 pounds per hour. This would make a total boiler weight for the entire 48 units of 1,000 tons, and the saving in weight thus made would be far more serviceable to the ship in the form of light armor or increase of thickness of protective deck than any advantage which could be compared with it by retaining the ordinary type of boiler for such a vessel and exposing part of the boiler plant to gunfire.

The CHAIRMAN. Are you prepared to furnish boilers for use in these proposed battle cruisers which will meet the requirements of the Navy Department as to power and speed in these vessels?

Mr. MULLIGAN. Yes, sir.

The CHAIRMAN. At what cost?

Mr. MULLIGAN. That would require consideration, which we would have to give it later.

The CHAIRMAN. Could you submit bids on these battle cruisers?

Mr. MULLIGAN. We are prepared to supply the boilers only, and with an additional $50,000 worth of equipment in our plant we can produce 500,000 horsepower of boilers per year. We are now equipped to produce 4,000 horsepower of boilers per month. We would build for test a sample unit of the size mentioned if we had the proper encouragement and assistance from the Government, which has evidently been extended to the development and trials of the Deisel type of engine. The boiler is physically incapable of doing any damage by explosion, as its contents are mostly of a low temperature and, in the event of a rupture, the water and steam within the tubes would have to struggle its way through a long and restricted channel to reach the outlet. The Talbot boiler is an extremely flexible combination of heating surface, and it is a matter of record that it has never failed to operate when even ordinarily reliable feed-water supply and fire control is available, and by comparison of each individual feature with those of the ordinary boilers it has proved to possess every primary and secondary requisite of a steam generator.

Reference to a letter written by Representative Hobson to Chairman Padgett, of the Naval Affairs Committee of the House, about March, 1915, will show the efforts that have been made in the past to have the advantages that have been shown by this boiler taken advantage of by the Navy Department. Additional evidence of such efforts by progressive Government officials can be found in the material prepared at the request of the Secretary of the Navy by the industrial manager's department of the New York Navy Yard concerning trials of the *Arizona* and *Pennsylvania*, using Talbot boilers. The advantage of such a boiler for use in the destroyer type of vessel is obviously of the highest value, greatly increasing both the speed and steaming radius.

The CHAIRMAN. Very well, gentlemen, the hearing is closed and the committee will now adjourn.

(Whereupon the committee adjourned, subject to the call of the chairman.)

—

ADDENDA.

(Subsequent to the close of the hearing Mr. Talbot personally interviewed the chairman of the Senate Committee on Naval Affairs and submitted a letter under date of February 13, which was ordered printed in the record. The letter is here printed in full, as follows:)

TALBOT BOILER CO.,
New York City, February 13, 1917.

B. R. TILLMAN,
Chairman of Naval Affairs Committee,
United States Senate, Washington, D. C.

HONORABLE SIR: 1. Talbot boilers have been used by the Navy four years.

2. Report by the engineer officer, C. N. Offley, navy yard, Puget Sound to Navy Department, January, 1912, states the following advantages:

(a) Smaller space and light weight for a given power, allowing either more room in boat or permitting larger fuel tank to be installed.

(b) Rapidity of raising steam.

(c) Ease of replacing defective tube should such develop. The company lays great stress on this point, but experience shows that it is seldom necessary to renew a tube.

(d) Strength and safety of pressure parts.

(e) Efficiency of evaporation.

3. Three years later a report to Navy Department by J. R. Brady, engineer officer, Puget Sound Navy Yard, on this same boiler and another four times the size purchased later, answering questions by Admiral Griffin, states:

Answer to question "d": "There has been very little trouble with burned-out tubes."

Conclusion: The boilers are acting reliably and efficiently and launch *No. 404* is doing a great deal of work, being employed in carrying workmen to ships anchored in the stream and also in towing barges. It rarely breaks down and is much more economical in fuel consumption than before this new type of boiler was installed.

4. Capt. Carr, United States Navy, on five-hour trip on 1,000 horsepower tug, June, 1916, says:

"I took his place (fireman's) during which time he remained on deck. No valves on boiler or any part of machinery were altered during that time (trip from Long Island City to Greenville, N. Y.). The automatic feed valve regulated the feed supply and the automatic oil valve the degree of superheat.

"On the return trip the fireman remained on deck nearly all the time with no one in the fireroom."

The above are quoted statements from reports of the officer named.

I wish to bring out (1) the advantage to the Government in saving approximately one-quarter of a million dollars on each battle cruiser equipped with Talbot boilers; (2) the advantages to the ships so equipped and (3) the advantages in making tests at the New York Navy Yard. These three advantages are detailed as per inclosures.

I request that you make every effort to get an appropriation of $30,000 to cover tests as per inclosed proposition.

Very respectfully,

PAUL TALBOT, *President.*

—

Proposition: Talbot Boiler & Engine Corporation to furnish drawings (except detail) and patent rights as well as cooperate with New York yard for the sum of $1.

Yard build boiler, cost	$15,000
Make tests, to cost	15,000
	30,000

These tests to show its suitability for larger ships of Navy.

If satisfactory, Talbot Boiler Co. to charge for privilege to build additional boilers $1 per indicated horsepower, thus saving Government over $250,000 on each ship such as a battle cruiser. A comparison of prices will also show this.

PAUL TALBOT.

Advantage No. 1: The Talbot boilers, including the proposed royalty privilege, will cost the Government $650,000. At the price the Government is paying for completing boilers, $900,000 and likely more than this, because of the advanced price of boilers, will be paid to makers of inferior boilers, as outlined under advantage No. 2.

Under the $30,000 appropriation, this results in a net saving of a quarter of a million dollars to the Government on each ship.

The Talbot Boiler Co. have paid more money out than they have received from the Navy Department to get their boilers in the naval service in the smaller sizes.

Advantage No. 2: In addition to the financial advantages, the following advantages which are proved by four years of service in the Navy and by reports from officers in charge of tests and who have made reports on the performance of Talbot boilers in service, should be considered:

(a) All of the boilers develop over 180,000 horsepower, if of the Talbot type, and are readily installed below the protective deck without the necessity of placing the other machinery above the protected deck to make room for them. Thus the boilers and other machinery of the vessel are protected from gunfire in the usual manner. The battle cruiser is the only exception where these boilers are exposed to gunfire (proposed Navy plan).

STATEMENT OF MR. P. C. MULLIGAN, SECRETARY OF THE TALBOT BOILER & ENGINE CORPORATION.

Mr. MULLIGAN. I want to say, gentlemen, that I have probably had more experience in the actual handling of the Talbot boiler in service than any other individual, in addition to having had a considerable amount of valuable experience in the handling of boilers of the ordinary type, both with oil and coal fuel, including the Babcock & Willcox, the Thornycroft, and the Scotch types. I wish to say that I have had sufficient experience with the Talbot boiler to be able to give the facts regarding its performances in every particular, including the history of its development and the results obtained with it to date. I can also make direct comparisons with boilers of the ordinary type, representing the latest development in boiler design, which will show the advantages of the Talbot boiler and give the particular features of boiler merit. These facts are obtained from the actual handling of boilers from the smallest sizes up to the largest so far constructed, which latter size is suitable for steam-generating purposes on board men-of-war.

We have produced a boiler and installed it in service on a large tugboat. It is a boiler with a width of 5 feet and a length of 9 feet, with a height of 10 feet 10 inches, having 1,350 square feet of heating surface and a weight of 12 tons, and has proved to have a greater capacity than a Scotch type of boiler having three furnaces and 2,800 square feet of heating surface and a weight of 60 tons. The performance of this boiler in service was observed by a naval officer, Capt. Carr, whose report on the boiler's performance during his observation, was highly favorable and by all reasonable comparisons it is entitled to every assistance by the Government because of its design and construction which any similar apparatus would merit to suit it for naval service. No other boiler of the water-tube type has ever been able to make such a tremendous saving in space and weight as has been done by the Talbot boiler. As a matter of comparison the installation speaks for itself and is the most striking illustration of producing power with reduced weight and space that has ever been made.

Another significant feature in connection with its application to naval work is that this boiler is making these savings without forcing the draft and with a turbo-electric generator, using superheated steam, with which these machines are most efficient, this boiler under present natural draft and operating conditions will produce 1,300 horsepower, allowing 12 pounds of water consumption per horsepower hour, which is liberal in view of the great economies obtained in tests of the turbo-electric equipment of the U. S. S. *Jupiter*. I believe that Mr. Robinson and Mr. Emmett, of the General Electric Co., will confirm this figure as a liberal one for steam consumption with this type of engine.

I wish to point out that the tests under forced draft of the Talbot boiler in the navy yard at New York, during November, 1915, showed that the same boiler which produced 40 boiler horsepower under natural draft operation showed a capacity of 112 boiler horsepower with a draft pressure of about 1.4 inches of water by the draft gauge. With a less proportion of increase in capacity than was shown to be possible by forcing the draft, the large boiler, having 1,350 square feet of heating surface, will easily produce 2,100 horsepower.

The CHAIRMAN. You say that Capt. Carr, a naval officer, has made a report on the performance of this boiler?

Mr. MULLIGAN. Yes; I was on board the boat with Capt. Carr.

The CHAIRMAN. Have you that report, Admiral Griffin?

Admiral GRIFFIN. Yes, sir.

Senator POINDEXTER. Is it favorable or unfavorable?

Admiral GRIFFIN. Favorable for the service it is performing.

Senator POINDEXTER. What type of boilers do you use in battleships?

Admiral GRIFFIN. The Babcock & Willcox and the small-tube express types, the White-Forster, the Yarrow, or the Thornycroft.

Senator POINDEXTER. Are these included in the Scotch boiler type?

Admiral GRIFFIN. No; the Scotch boiler is a fire-tube boiler—these are water-tube boilers.

Mr. MULLIGAN. Admiral Melville is to be credited with the boldest move, perhaps, that has been made in changes to boiler equipment for the naval service, when he introduced the Babcock & Willcox boiler, and showed its advantages for naval use. When the water-tube boiler was first introduced there was some difficulty experienced by the water tenders in controlling the water level, which was subject to rapid fluctuations, as compared to the old Scotch type of boiler, with the operation of which water tenders were familiar. This was finally overcome, until to-day no difficulty is experienced because of greater proficiency in handling. The Talbot boiler, in view of what has been accomplished with it in the way of successfully producing steam for marine service, is not in the least a more radical change in method of steam generation than was the water-tube boiler when it was introduced, to replace the Scotch boiler.

When the facts are known concerning the Talbot boiler proper, leaving out of consideration all handicaps which may have been found in any Talbot boiler plant, such as feed-pump troubles, oil-pump troubles, burner troubles, and lack of knowledge of its handling by inexperienced operators, then there will be less judgment of the merit of the Talbot boiler by assumption and more intelligent conclusions reached, which will be of the greatest permanent value. The Talbot boiler has been demonstrating what it is capable of under the greatest handicaps that probably have ever been imposed upon any new apparatus for ship propulsion, and it is safe to say that had the Deisel engine in the *Maumee*, the collier *Jupiter*, or the collier *Neptune*, in which the first geared turbines were tried, been handicapped as were the Talbot boilers in the majority of its installations, there would have been far less favorable reports and advocates of any of these three now very popular and successful installations. The perseverance of those who undertook to make a success of these three new types of marine equipment is a tribute to those who refused to be baffled by the difficulties encountered with details of each of the equipments named. We have had to suffer with handicaps for which we were in no way responsible, and the boiler, being the new part of the equipment, has been discredited unjustly, while its success in those installations which are satisfactory has

received a very small amount of notice in proportion to what has been accorded successful installations of apparatus having much less far-reaching influence or possibility. Mr. Talbot has, during the introduction of his boiler to the naval service, shown the naval engineers a number of highly valuable ideas in regard to feed pumps for high-pressure and high-speed work, and the fitting of ordinary engines for use with high temperature superheated steam.

Admiral Griffin showed his appreciation of this by authorizing the construction of several standard Navy engines to meet superheated steam requirements and to operate in connection with Talbot boilers. Steam having only 40° of superheat is used in the battleship *New York*, while the collier *Prometheus* suffered a great deal of difficulty because of attempts to use highly superheated steam, which is successfully handled by the engines fitted to Mr. Talbot's specifications.

The CHAIRMAN. Please tell us the names of the naval officers who experimented with the Talbot boiler and made reports. I have asked for that information from the Navy Department, and it is on the way here, but I want to put it in the record at this point.

Mr. LIPPITT. Mr. President, I should like to vote intelligently upon this proposition. While the reading has been going on I have been looking over the report on boilers for battle cruisers upon which the reading took place. As far as I can see in regard to this matter, this is a type of water-tube boiler. Water-tube boilers are now used in the Navy in the form of Babcock & Willcox and others, but this is a new type of water-tube boiler, the originators of which claim that it will produce steam faster than the type now in use. It has only been experimented with in two small plants, one in the case of a cutter, that is a very small affair, and the other in the case of a tugboat, also not a large matter, a boiler with a capacity of something like 100 horsepower. I can see nothing really in this report that would justify me in voting for the expenditure by the Government of $30,000 in experimenting with boilers of this type.

Mr. TILLMAN. The Senator has not examined the report sufficiently. I will say to the Senator, if he will examine it thoroughly he will find that he is woefully mistaken, because it has been tested by several naval officers. If the Senator will keep on right down in the report he will find it.

Mr. LIPPITT. I will say to the Senator that I have read all that is printed in the report.

Mr. TILLMAN. The Senator has not had the report for more than 15 minutes.

Mr. LIPPITT. I have not had the report very long.

Mr. TILLMAN. If the Senator will look at page 37 he will find it all summed up.

Mr. LIPPITT. I did read what is said on page 37, and I do not find anything that justifies in my mind the expenditure of $30,000 for an experiment on a boiler which is a mere experiment so far as it has been used in small plants. It is very easy to get boilers that will run on little yachts or little cutters. The Herreshoff people years ago had a boiler of this type which was very efficient in that way, but it was perfectly impracticable when an attempt was made to use it on a large scale, such as would be necessary for battleships. It seems to me that the owners of this plant should go ahead and make these experiments if they want. I do not want to be too positive about this matter, but I can see no sufficient evidence that has been reported to the Senate, so far as I am concerned, to justify me in voting for it.

Mr. SWANSON. Mr. President, on page 30 of the hearings there is a summary of the advantages and disadvantages and the conclusions. As I stated previously, this boiler has simply been used on small, high-speed boats, but it has been used very successfully in that respect. They have not made a test of a large boiler that could be used for large battleships.

Mr. TILLMAN. They have made the test up to 1,000 horsepower.

Mr. SWANSON. Up to 1,000 horsepower, but not on large battleships. The advantages can be made apparent in a small space. The committee determined that they would not direct the department to make the experiment. We did not know enough about it, but we had an idea that there was sufficient merit in it for the department to examine and determine whether to make experiments. There has been great difficulty to get men to make new ventures with such enterprises. The Senator from South Carolina, the chairman of the committee, submitted it and investigated it very carefully, and he is convinced there is great merit in this boiler and that it might be utilized. A small boiler will put the boiler below the water line. It is left entirely to the department if they think it is possible to experiment with it and see whether a boiler of this kind can be utilized or not. They are not compelled to do it. It seems to me, from what the Senator from South Carolina says and from this summary of the advantages and disadvantages, we could afford to authorize the department to make the experiment and see if it can be made a success. That is all the amendment does.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SMOOT. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. I transfer my pair to the Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from South Dakota [Mr. STERLING]. In his absence I withhold my vote.

Mr. WILLIAMS (when his name was called). May I inquire whether the Senator from Pennsylvania [Mr. PENROSE] has voted?

The PRESIDING OFFICER. He has not.

Mr. WILLIAMS. I transfer my pair with that Senator to the Senator from Alabama [Mr. BANKHEAD] and vote "yea."

The roll call was concluded.

Mr. GRONNA. I have a general pair with the Senator from Maine [Mr. JOHNSON]. I ask if he has voted?

The PRESIDING OFFICER. He has not.

Mr. GRONNA. As I have a pair with that Senator and can not secure a transfer I withhold my vote. If permitted to vote, I should vote "nay."

Mr. McCUMBER. I have a general pair with the senior Senator from Colorado [Mr. THOMAS], but upon this vote he has relieved me from observing the pair. I vote "nay."

Mr. SIMMONS (after having voted in the affirmative). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and let my vote stand.

Mr. SMITH of South Carolina. I have a general pair with the Senator from South Dakota [Mr. STERLING]. I transfer that pair to the Senator from Kansas [Mr. THOMPSON] and vote "yea."

The result was announced—yeas 36, nays 25, as follows:

YEAS—36.

Ashurst	Husting	Owen	Sherman
Beckham	James	Phelan	Shields
Broussard	Johnson, S. Dak.	Pittman	Simmons
Bryan	Kern	Poindexter	Smith, Md.
Catron	Lea, Tenn.	Pomerene	Smith, S. C.
Fletcher	Lee, Md.	Ransdell	Swanson
Hardwick	Lewis	Robinson	Tillman
Hollis	McLean	Shafroth	Underwood
Hughes	Martin, Va.	Sheppard	Williams

NAYS—25.

Borah	Jones	Oliver	Walsh
Brandegee	La Follette	Page	Watson
Cummins	Lippitt	Smoot	Weeks
Curtis	Lodge	Sutherland	Works
du Pont	McCumber	Townsend	
Fernald	Nelson	Vardaman	
Harding	Norris	Wadsworth	

NOT VOTING—35.

Bankhead	Fall	Lane	Smith, Ariz.
Brady	Gallinger	Martine, N. J.	Smith, Ga.
Chamberlain	Goff	Myers	Smith, Mich.
Chilton	Gore	Newlands	Sterling
Clapp	Gronna	O'Gorman	Stone
Clark	Hitchcock	Overman	Thomas
Colt	Johnson, Me.	Penrose	Thompson
Culberson	Kenyon	Reed	Warren
Dillingham	Kirby	Saulsbury	

So the amendment was agreed to.

The PRESIDING OFFICER. The Secretary will now state the other amendment on page 26, which has been passed over.

Mr. WORKS. I had understood that we had disposed of the last committee amendment.

The PRESIDING OFFICER. The amendment on page 26 was passed over because of the temporary absence from the Chamber of the Senator from Nebraska [Mr. NORRIS]. The amendment will be stated.

The SECRETARY. The amendment passed over is on page 26, line 15, after the word "complete," to strike out "$400,000" and to insert "$900,000, and the limit of cost is hereby increased to $1,100,000," so as to read:

Gun shop, to complete, $900,000, and the limit of cost is hereby increased to $1,100,000.

Mr. NORRIS. I think there is a misunderstanding, Mr. President. I did not ask that that amendment go over.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NORRIS obtained the floor.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from California?

Mr. NORRIS. I wish to make a parliamentary inquiry.

Mr. SWANSON. Before the Senator from California proceeds, I desire to offer a further committee amendment.

Mr. NORRIS. The amendment which I desired to go over was that on page 73, in lines 16, 17, 18, and 19. Has that amendment been acted on?

Mr. SWANSON. That amendment has been adopted.

Mr. NORRIS. I ask the Senator in charge of the bill if he will not ask that the vote by which the amendment was agreed to may be reconsidered?

Mr. SWANSON. The Senator from Nebraska can make the motion.

Mr. NORRIS. I wish to debate that amendment.

Mr. LODGE. The Senator from Nebraska can take the matter up in the Senate.

Mr. NORRIS. I know I can take it up in the Senate.

Mr. LODGE. I wish to suggest that the matter was not hurried. The amendment was disposed of in the regular course.

Mr. NORRIS. I am not complaining about it; but I was called out of the Chamber.

The PRESIDING OFFICER. The Senator from Virginia [Mr. SWANSON] states that he has some committee amendments to offer. If there is no objection, the Senator from Virginia will submit them.

Mr. SWANSON. I send an amendment to the desk, which I ask may be stated.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 68, after line 5, it is proposed to add a new paragraph, as follows:

That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States, from time to time, such sums as may be necessary to meet expenditures directed by the President from the naval emergency fund and for expediting naval construction as provided in this act, not exceeding $150,000,000, or to reimburse the Treasury for such expenditures, and to prepare and issue therefor bonds of the United States in such form and subject to such terms and conditions as the Secretary of the Treasury may prescribe: *Provided*, That such bonds shall be issued at not less than par, shall bear interest not exceeding 3 per cent per annum, shall not have the circulation privilege attached, and that all citizens of the United States shall be given an equal opportunity to subscribe therefor; but no commission shall be allowed or paid thereon. Both principal and interest shall be payable in United States gold coin of the present standard value and shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided further*, That any bonds issued under authority of this act or any other act or acts passed at the second session of the Sixty-fourth Congress, or any bonds hereafter issued under authority of section 39 of the act approved August 5, 1909, or acts approved June 3, 1916, and September 7, 1916, may, under such conditions as the Secretary of the Treasury may prescribe, be convertible into bonds bearing a higher rate of interest than 3 per cent per annum if any bonds shall be issued by the United States at a higher rate than 3 per cent per annum by virtue of any act hereafter passed, on or before December 31, 1918. In order to pay the necessary expenses connected with the said issue of bonds or any conversion thereof, a sum not exceeding one-fifth of 1 per cent of the amount of bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct.

Mr. WADSWORTH. Mr. President, may I inquire of the Senator in charge of the bill who has offered this amendment? Do I understand that it is a committee amendment?

Mr. SWANSON. I conferred with members of the committee and was authorized to report the amendment.

Mr. WADSWORTH. I want to inquire of the Senator first——

Mr. SWANSON. It was not formally adopted by the committee, but the majority of the committee——

Mr. WADSWORTH. I understand. I want to inquire of the Senator about some details of it. In listening to it I was unable to catch whether or not there was any limitation placed upon the life of the bonds.

Mr. SWANSON. I think it is 20 years, is it not? I ask that the amendment be sent to me from the desk. [The amendment was handed to Mr. SWANSON.] The provision is similar to those in other bond issues; I think it is the same as that adopted in the revenue bill. We tried to make them conform.

Mr. WADSWORTH. There have been so many bond issues authorized that the Senator's reply scarcely answers my inquiry. I can not follow them all.

Mr. CLAPP. Your grandchildren will——

Mr. SWANSON. This amendment has no limitation in it. I will ask the Secretary to again read the amendment. It will only take a few moments, and will save time. The Senator from New York can listen more carefully.

Mr. WADSWORTH. I yield for the purpose of having the amendment again read, Mr. President.

The PRESIDING OFFICER. The Secretary will again read the amendment.

The Secretary again read the amendment of Mr. SWANSON.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. NORRIS. I thought the Senator had left the Chamber. I shall ask to address the Senate after the Senator from New York shall have concluded.

Mr. WADSWORTH. Mr. President, this amendment has come rather suddenly to the attention of the Senate. It is exceedingly difficult, of course, at a moment's notice, to completely comprehend the situation. Certainly I would do nothing to interfere with the financing of the national defense. I assume that this amendment offered by the committee is for the purpose of facilitating the national defense so far as it relates to this paragraph in the naval appropriation bill, to which it is to be added as an amendment. I think I am right in saying that.

Mr. SWANSON. The bill provides for an emergency fund of $115,000,000 and an additional appropriation of $35,000,000 for submarines, making $150,000,000 in excess of the regular appropriations usually carried in the bill. That is not provided for in the revenue bill nor by the scheme of bonds that has heretofore been provided for. This is to provide a bond issue to take care of that situation.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. WADSWORTH. I ask unanimous consent to find out something about this provision. I have not talked a minute and a half.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent to proceed for five minutes. Is there objection?

Mr. HUGHES. I have no desire to object, but I wish to suggest that we are operating under a unanimous-consent agreement, as I understand. The Senator from New York, however, can move to strike out the last word of the amendment and reach the same result.

Mr. LODGE. We are not acting under the House rule.

The PRESIDING OFFICER. The Chair does not think such an amendment would be in order. The House rule does not apply in the Senate. Is there objection to the request of the Senator from New York? The Chair hears none, and the Senator from New York will proceed.

Mr. WADSWORTH. Mr. President, I inquire if the junior Senator from Massachusetts [Mr. WEEKS] is in the Chamber?

Mr. CLAPP. No.

Mr. WADSWORTH. I desire to call the attention of the Senator in charge of the bill to this situation: The junior Senator from Massachusetts the other day during the discussion of the revenue bill brought some exceedingly interesting facts to the attention of the Senate with respect to the great advantage of serial bonds over sinking-fund bonds. I think a good many Senators upon the other side of the Chamber quietly admitted that the Government would save in the future millions and millions of dollars if it would adopt the issuance of serial bonds instead of sinking-fund bonds; but apparently the majority Senators were fearful of accepting an amendment which would save money to the Government on the ground that perhaps it would cause delay in the other House or in conference and jeopardize the bill. So the amendments offered by the junior Senator from Massachusetts were voted down, as I remember, by a unanimous vote of the Democratic Senators.

The amendment which is now offered by the Senator in charge of the bill, it seems to me, can be improved. I do not myself feel able upon the spur of the moment to suggest a change of the language; but it ought to be improved if it is determined that it is necessary to issue $150,000,000 of bonds in addition to the other bond issues already provided for. There should be inserted at least a provision conferring the discretionary power on the Secretary of the Treasury to make those bonds serial bonds.

Mr. SWANSON. I understand the discretion is entirely with the Secretary of the Treasury. If not, I have no objection to so framing the language as to leave it discretionary with him; though I repeat, as I understand, the character of the bonds is left entirely to his discretion.

Mr. WADSWORTH. It is exceedingly difficult to take up a matter of this sort without a printed copy of the amendment before us.

Mr. WEEKS. Mr. President, I ask unanimous consent that this amendment be passed over until Senators on this side have an opportunity to offer amendments covering the general ground which has been stated by the Senator from New York [Mr. WADSWORTH].

Mr. SWANSON. I have no objection to that.

Mr. NORRIS. Will the Senator from Massachusetts withhold the request until I conclude? I want to say something on this matter while it is fresh in my mind.

The PRESIDING OFFICER. The Senator from Nebraska indicated a desire to be recognized, and he is now recognized.

Mr. NORRIS. Mr. President, this situation emphasizes, it seems to me, what I tried in my weak way to direct attention to a few days ago—that we are legislating here in a way that deserves condemnation. In a number of bills—and several times in most of them—we have been providing for the issuance of bonds in the discretion of the President or of the Secretary of the Treasury. Provisions for the issuance of hundreds of millions of dollars of bonds have passed through the Senate almost in the twinkling of an eye. We are remaining in session almost continuously, until Senators are exhausted. It is physically impossible to remain here all the time while the different chairmen of the various committees change off and bring up different bills providing these enormous appropriations.

Here is an authorization for the issuing of $150,000,000 of bonds. The amendment has never been printed; it was not reported in the bill, and it has been read from the Secretary's desk so rapidly that it was impossible for Senators to grasp much more than the enormous amount that was provided for. We are expected to pass it without any consideration, and we are going to pass it practically without any consideration. It is only a sample of the manner in which the business of the Senate has been conducted. If this were the only amendment of this nature, there would not be so much complaint; if only $150,000,000 of bonds had been provided altogether, we would not think so much about it; but the total amount of bond issues authorized is getting into the billions of dollars. We have authorized, I dare say, in the last three or four days the issuing of bonds by the President of the United States that will aggregate nearly a billion dollars. The taxpayers of the country at some time will have to pay them.

When a question was asked in regard to this amendment—which, as I have said, was read so rapidly that it was impossible to grasp its import—even the Senator in charge of the bill did not know whether or not there was a limitation in it. He himself was compelled to send to the Secretary's desk to get the amendment and examine it to see what its provisions were.

Why, Mr. President, how long can this method of legislation continue without receiving the open condemnation of the citizens of our country? Are we going, in the last few days of this session, to pass through Congress without any consideration all of these appropriations, with amendments such as this, which have never yet been printed, entailing upon the country and the taxpayers of the country the burden not of millions but of billions of dollars?

No Senator wants to object to any appropriation that may be necessary for any reasonable defense, to anything that is reasonable or fair; but I protest, Mr. President, that it is not right to expect Senators to sit here and in silence permit to be passed through the Senate of the United States such enormous appropriations and such enormous authorizations for the issuance of bonds by the President and the Secretary of the Treasury.

This bill and other bills, if it was expected to pass them during this session of Congress, ought to have been here weeks ago; and if they could not have been here prior to this time, then at least we should have had an opportunity to read the amendments intended to be offered, especially when the amount involved exceeds $100,000,000. I do not believe that an amendment of this kind ought to be rushed through here without any kind of consideration, when no Senator has a right even to speak for more than five minutes on the proposition. Within that time one could hardly read the amendment providing for this immense bond issue. It only needs a statement of the fact, it seems to me, to call the attention of the Senate and of the country to the ridiculousness of the situation, the solemnity of it, too, that we are here frittering away, without a moment's consideration, hundreds of millions of dollars, the payment of which must be borne, in many instances, by those who are still unborn, and whose bended backs will have to bear these burdens even after we are gone both politically and physically.

Why, Mr. President, in the name of preparedness, we are every few minutes entailing on unborn generations millions and millions of dollars. We had better stay here all summer and try to give some consideration to these enormous appropriations. There ought to be a halt called; we ought to stop and listen and wait a few moments. Let us give a second thought to some of these things before we pass them through. It is openly announced that we are going to remain in continuous session until the 4th of March. We can not expect to do business properly under such conditions.

The VICE PRESIDENT. The time of the Senator from Nebraska has expired.

Mr. BORAH. Mr. President, this amendment is to provide for a further bond issue, and, while I have had no opportunity to study the details, the fact that it provides for a bond issue is sufficient to justify my opposition. It is a fundamental principle with me in the matter of expenditures that we should pay as we go, and I am opposed to a bond issue under any circumstances or for any purpose.

We are still at peace, Mr. President. How long we shall remain at peace, of course, no man knows; but we are legislating at the present time when we are at peace with all the world and when we are enjoying as a Nation an extraordinary era of prosperity superinduced by conditions brought on by the war. So long as that condition obtains in the country we ought certainly to pay our expenses as we go along.

There has been presented to the Senate at no time by anyone any reason for this bond issue. It has been suggested that some of these improvements are permanent improvements, but be assured that the next generation and the generation after that will have all the burdens they can carry and all the expenses that they can well meet. Whatever our expenses may be, we need not doubt that those who come after will have their own expenses heavy enough without inherited burdens.

Mr. President, there is one thing that has been very thoroughly established in this country and in all other countries whose financial history it has been my privilege to examine, and that is that the issuing of bonds leads to extravagance and to waste and indispensable expenditures. I do not suppose there is any Senator here who desires to curtail expenditures which are necessary to meet the present situation. I know I myself have undertaken to vote rather liberally in regard to those matters; but to be in favor of meeting these expenditures and to be in favor of issuing bonds to meet them are two different propositions. I think whatever burden is necessary now to meet those expenditures we should leave upon the present generation. The present generation should take care of its own indebtedness.

For that reason, Mr. President, I shall vote against this amendment, as I have voted against all other amendments and bills which provide for any bond issue whatever. The idea of piling up millions and millions of dollars in these days in the way of gathered wealth, and yet while we are doing that putting upon other generations the part of the expenses that we ourselves should take care of! I am opposed to a bond issue in any form. I would rather have the proposition of the Senator from Colorado than a bond issue, because that may only be unwise; this is both unwise and unjust. If we are going to do a wrong thing, let us do that which we ourselves may correct and not that which we must leave to others to bear.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Virginia.

Mr. SWANSON and Mr. CURTIS addressed the Chair.

The VICE PRESIDENT. The Senator from Virginia.

Mr. SWANSON. Mr. President, I have listened with interest to the remarks of Senators upon this matter. I desire to remind them that this amendment does not increase the appropriations at all. The naval bill as it passed the House provided for the expenditure of a certain amount of money. When it came to the Senate an emergency necessitated an increase in the amounts appropriated. The bill as it passed the House did not provide an emergency fund of $115,000,000, and it did not provide a fund of $35,000,000 for additional submarines, which were considered very urgent and needed at this time. Those two funds were required to meet the emergency situation. Consequently, no provision having been made in the House bill to provide for these matters, it was deemed wise to take this action.

The Naval Committee, of course, had no authority to include a bond issue in the bill reported by them. They can only present the amendment providing for this bond issue and await the judgment of the Senate. The Finance Committee could have taken care of this matter if it had known of the emergency before it reported the revenue bill; but, not having taken care of it, the Secretary of the Treasury wrote me a letter stating that unless a bond issue was provided to meet the additional expenditure of $35,000,000 for submarines and $115,000,000 for the emergency fund, the Treasury would be left in a very unfortunate situation.

I repeat that this amendment will not increase the appropriations, as the Senator from Nebraska seems to think. It simply provides for a bond issue for the two specific purposes I have mentioned. It was thought wise to leave discretion in the Secretary of the Treasury in issuing these bonds. Why? Because the market for bonds varies. Sometimes a short-term bond sells high, and sometimes a long-term bond brings more money. In former years a bond, if it ran 10, 25, or 50 years, would bring more money than a bond running only 5 years. The world now seems surfeited with long-term bonds and short-term bonds sell better. Serial bonds, providing for the retire-

ment of a certain proportion each year, I think, were advocated by the junior Senator from Massachusetts. Is not that correct?

Mr. WEEKS. Yes.

Mr. SWANSON. Such bonds are very popular, indeed, and might sell for a better price than others. It was thought wise to leave it to the discretion of the Secretary of the Treasury in the issuance of these bonds to issue those that will bring the most money; and it is so provided in the amendment, as I understand.

I intended to offer the amendment heretofore and have it printed, but, at the Treasury Department, the provision of the amendment in regard to the character of the bonds was changed, and it was sent to me only yesterday. Consequently, it has not been printed. I was very ill yesterday. Otherwise I would have presented it heretofore. I am willing, however, to have the amendment go over until later so that Senators may examine it, ascertain its character and the form of the bonds to be issued. I wish to say that I have a letter here from the Secretary of the Treasury which I desire either to have read or inserted in the RECORD, showing the necessity for this bond issue.

The VICE PRESIDENT. It will be printed in the RECORD.

Mr. WEEKS. Mr. President, does the Senator from Virginia withdraw the amendment?

Mr. NORRIS. Mr. President, I should like to have the letter read. If it is to influence this legislation, it ought to be read.

Mr. SWANSON. I ask to have the letter read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

THE SECRETARY OF THE TREASURY,
Washington, February 23, 1917.

Hon. CLAUDE A. SWANSON,
United States Senate.

MY DEAR SENATOR: In view of the provisions in the naval bill for expenditures for expediting naval preparedness, amounting to $150,000,000, and on account of the fact that the revenue bill has advanced to such a stage that proper provisions to meet these expenditures can not be now inserted, it will be necessary, in the absence of any provision for the raising of the necessary funds therefor by taxation, to provide for the issuance of bonds. I am averse to bond issues for purposes of this character, but in view of the short life of the present Congress and the crowded condition of the calendar, I see no other way by which the matter can be quickly provided for than by an issuance of bonds. I therefore inclose an amendment, which, if passed, will confer the necessary authority for this purpose.

Sincerely, yours, W. G. MCADOO.

Mr. SWANSON. Now, Mr. President, if Senators desire to have an opportunity to look into this amendment and prepare amendments to it, I have no objection to having it go over, to come up later.

Mr. WEEKS. I have prepared an amendment which I desire to offer, if the Senator is willing.

Mr. THOMAS. I desire, before the amendment is acted upon, to offer a substitute.

Mr. WEEKS. I offer the amendment to the amendment which I send to the Secretary's desk.

Mr. BORAH. Mr. President, do I understand that this amendment is going over now?

Mr. SWANSON. I have no objection to it going over temporarily. We can vote on it later, if it is so desired.

The VICE PRESIDENT. The Senator from Massachusetts has been recognized and has offered an amendment to the amendment. The Secretary will state the amendment to the amendment.

The SECRETARY. In the amendment proposed by the Senator from Virginia it is proposed to strike out the words "and to prepare and issue therefor bonds of the United States in such form and subject to such terms and conditions as the Secretary of the Treasury may prescribe" and insert:

Provided, That the Secretary of the Treasury is hereby authorized to issue serial bonds of the United States, maturing in equal amount from date of issue to 20 years from date of issue, bearing interest, payable semiannually, at a rate not exceeding 3 per cent per annum.

The VICE PRESIDENT. The question is on the amendment of the Senator from Massachusetts to the amendment.

Mr. WEEKS. Mr. President, it is a fundamental in Government finances that the ordinary going expenses of government should be paid out of the tax levy of the year in which the expenditures are made, and that any additional expenditures, if there are surplus revenues, should be paid in the same way, but that bonds may be issued in case permanent improvements are made of a character that will be as beneficial to the people in the years that follow as to those in the years in which the improvements are made.

Now, it is possible that this expenditure will come under the latter head; but, Mr. President, it is absolutely improvident for us to go on issuing bonds for long terms without making any provision whatever for their payment.

I tried the other day to get some such provisions as this in the legislation known as the revenue bill. I think Senators on the other side who gave some consideration to the arguments which I made in favor of serial bonds were convinced that they should be adopted; but, owing to the parliamentary situation which arose, it was not possible to accept the amendments. Now, here is an opportunity for us at least to make a start, to indicate to the Secretary of the Treasury that it is the desire of the Senate that we shall undertake the issuing of serial bonds, and that hereafter, whenever any indebtedness is incurred, there shall be provision made for its payment. It is idle for us to go on refunding indebtedness year after year so that the people of the third and fourth generations are going to be burdened with the indebtedness which is incurred to-day.

I hope the Senator from Virginia will accept that amendment.

Mr. SWANSON. Mr. President, I think it would be unwise at this time to make it mandatory upon the Secretary of the Treasury to sell a certain issue of bonds.

Mr. WEEKS. I have not made it mandatory.

Mr. SWANSON. If the Senator will put in there a provision placing it in his discretion to sell this character of bonds——

Mr. WEEKS. That is exactly what I have done.

Mr. SWANSON. I will ask to have the amendment read. I have no objection, if it is left to his discretion.

Mr. WEEKS. It ought to be made mandatory, but I have not made it so.

The Secretary read as follows:

"*Provided*, That the Secretary of the Treasury is hereby authorized to issue serial bonds of the United States maturing in equal amounts from date of issue to 20 years from date of issue, bearing interest payable semiannually, at a rate not exceeding 3 per centum per annum."

Mr. SWANSON. Mr. President, I am given only five minutes of the Senator's to issue bonds of other kinds than the serial bonds. If the Senator will have the amendment read "or other bonds," I shall have no objection to it.

Mr. HUGHES. Mr. President, will not the Senator from Massachusetts put in the language which I thought was agreed upon, by inserting, after the word "authorized," the words "in his discretion"?

Mr. WEEKS. My amendment authorizes him to do it.

Mr. SWANSON. No; the Senator's amendment does this: It authorizes him to issue serial bonds, but no other kind. If he does not issue serial bonds, he can not issue any bonds for the $150,000,000 for the emergency fund.

Mr. WEEKS. Mr. President, I am not going to take any more time with this serial bond proposition. I think I have demonstrated to the Senate a process of procedure which will enable the Government——

Mr. SWANSON. I can not yield my time to the Senator.

Mr. WEEKS (continuing). In the next 20 years, to save from ten to thirty million dollars. If there is not patriotism enough and business judgment enough on that side of the Chamber to accept that proposition, I am not going to waste any more time on it.

Mr. SWANSON. Mr. President, I am given only five minutes. Now, I have no objection whatever to giving the Secretary of the Treasury the authority, in his discretion, to issue serial bonds. My only purpose is to have the bonds sold for the best price. This amendment says that he is authorized to issue serial bonds, and none other; that they are the only kind that can be issued; and if they can not get a good price for them he is compelled to issue those or none. The discretion left to him is simply as to whether or not he shall issue those bonds, and no others. What I should like to have is discretion given him to issue serial bonds, or, in his discretion, other bonds, as he thinks the public interests may require.

The popularity of bonds is dependent upon the amount of them. If serial bonds are issued until the market is surfeited with serial bonds, and a man does not want to get back a part of his principal every year, there ceases to be a market for them. Before all the nations of the world were issuing a great amount of long-term bonds they were popular, and a 2 per cent long-term bond would bring more than a 4 per cent bond payable in two, four, or five years. But the market having been surfeited with long-term bonds, now short-term bonds bring a great deal more money. With the present issue of bonds in Europe by these great nations you have to meet the bond issues there and go into the markets of the world to get the best price for the character of bonds that are popular. At this time, of all times, discretion and latitude should be given,

so that the bonds that will bring the best price and the best results to this Government will be available.

Mr. CURTIS and Mr. THOMAS addressed the Chair.

Mr. SWANSON. Does the Senator want to ask me a question? I am going to yield the floor.

Mr. CURTIS. I do not care to ask the Senator a question.

The VICE PRESIDENT. The Senator from Colorado.

Mr. THOMAS. Mr. President, I offer the following substitute for the pending amendment——

Mr. CURTIS. Mr. President, will the Senator withhold that for a moment? I want to make a point of order against the pending amendment.

Mr. THOMAS. No; I want to read this before the Senator makes it.

Mr. CURTIS. All right.

Mr. THOMAS (reading)—

That for the purpose of meeting this expenditure, the Secretary of the Treasury shall be authorized to issue, on the credit of the United States, not to exceed the said sum of $115,000,000——

Mr. TILLMAN. One hundred and fifty million dollars.

Mr. THOMAS. One hundred and fifty million dollars is it? I suspect it was increased while I was absent from the Chamber.

Mr. NORRIS. Make it $200,000,000.

Mr. TILLMAN. It should have been printed in the bill that way.

Mr. THOMAS (reading)—

United States notes, not bearing interest, payable to bearer at the United States Treasury, and of such denominations as he may deem expedient, not less than $5 each, to be paid to all with whom obligation shall be incurred in effectuating the objects of this amendment. Such notes shall be redeemable in coin at the pleasure of the Secretary and shall be receivable in payment of all taxes, internal duties, excises, debts, and demands of every kind due to the United States of every kind whatsoever, and shall also be lawful money and a legal tender of all debts, public and private, within the United States.

In other words, Mr. President, let us mobilize the credit of the United States on this occasion, which is ample, without paying interest for it.

In this connection I want to read from a long-forgotten decision of the Supreme Court of the United States on this subject in sustaining this class of issues. I read from the Legal Tender cases (12 Wal., 552):

We will notice briefly an argument presented in support of the position that the unit of money value must possess intrinsic value. The argument is derived from assimilating the constitutional provision respecting a standard of weights and measures to that conferring the power to coin money and regulate its value. It is said there can be no uniform standard of weights without weight or of measure without length of space, and we are asked how anything can be made a uniform standard of value which has itself no value. This is a question foreign to the subject before us. The legal-tender acts do not attempt to make paper a standard of value. We do not rest their validity upon the assertion that their emission is coinage, or any regulation of the value of money; nor do we assert that Congress may make anything which has no value of money. What we do assert is that Congress has power to enact that the Government's promises to pay money shall be, for the time being, equivalent in value to the representative of value determined by the coinage acts, or to multiples thereof. It is hardly correct to speak of a standard of value. The Constitution does not speak of it. It contemplates a standard for that which has gravity or extension; but value is an ideal thing. The coinage acts fix its unit as a dollar; but the gold or silver thing we call a dollar is, in no sense, a standard of a dollar. It is a representative of it. There might never have been a piece of money of the denomination of a dollar. There never was a pound sterling coined until 1815, if we except a few coins struck in the reign of Henry VIII, almost immediately debased, yet it has been the unit of British currency for many generations. It is, then, a mistake to regard the legal-tender acts as either fixing a standard of value or regulating money values, or making that money which has no intrinsic value.

Now, again, on page 560:

I hold it to be the prerogative of every Government not restrained by its constitution to anticipate its resources by the issue of exchequer bills, bills of credit, bonds, stock, or a banking apparatus. Whether those issues shall or shall not be receivable in payment of private debts is an incidental matter in the discretion of such Government unless restrained by constitutional prohibition.

This power is entirely distinct from that of coining money and regulating the value thereof. It is not only embraced in the power to make all necessary auxiliary laws, but it is incidental to the power of borrowing money. It is often a necessary means of anticipating and realizing promptly the national resources, when, perhaps, promptness is necessary to the national existence. It is not an attempt to coin money out of a valueless material, like the coinage of leather or ivory or cowrie shells. It is a pledge of the national credit. It is a promise by the Government to pay dollars; it is not an attempt to make dollars. The standard of value is not changed. The Government simply demands that its credit shall be accepted and received by public and private creditors during the pending exigency. Every Government has a right to demand this when its existence is at stake. The interests of every citizen are bound up with the fate of the Government. None can claim exemption. If they can not trust their Government in its time of trial they are not worthy to be its citizens.

But it is said, why not borrow money in the ordinary way? The answer is, the legislative department, being the Nation itself, speaking by its representatives, has a choice of methods, and is the master of its own discretion. One mode of borrowing, it is true, is to issue the Government bonds and to invite capitalists to purchase them. But this is not the only mode. It is often too tardy and inefficient. In time of war or public danger Congress, representing the sovereign power by its right of eminent domain, may authorize the President to take private property for the public use and give Government certificates therefor. This is largely done on such occasions. It is an indirect way of compelling the owner of property to lend to the Government. He is forced to rely on the national credit.

Mr. CURTIS. Mr. President, I make the point of order against the amendment offered by the acting chairman of the committee [Mr. SWANSON] on the ground that it is general legislation on an appropriation bill.

The VICE PRESIDENT. The Chair overrules the point of order. It has to do with paying for the expenditures. It is germane to it. The question is on the amendment offered by the Senator from Massachusetts to the amendment of the Senator from Virginia.

Mr. SWANSON. I am willing to accept it. Is the Senator from Massachusetts here?

Mr. PENROSE. I would suggest to the Senator to accept the amendment, and then it can be fixed up in conference, in all probability.

Mr. SWANSON. No; I would not accept it in that way.

Mr. PENROSE. I only wanted to facilitate the passage of the bill.

Mr. SWANSON. If the Senator from Massachusetts is here, I suggest letting it read in this way: Let it be the kind of bond issue that is named here, showing a preference or desire of the Senate in that direction, if it can be done, and not eliminate what the Senator moves to substitute for it, but let it go in with this proviso:

Provided, That the Secretary of the Treasury is hereby authorized to issue serial bonds in his discretion.

Let both go in. If it gives him a discretion to issue those or others, I shall be very glad to accept it.

Mr. WEEKS. Mr. President, I am going to accept that suggestion. The Senator from Virginia is a great deal more desirous to protect the feelings of the Secretary of the Treasury than he is to do what I think is a broad-minded, businesslike act; but I do not think it is worth discussing. If the Secretary of the Treasury does his duty he will issue serial bonds when the time comes.

Mr. SWANSON. Mr. President, the suggestion that I desire to protect the Secretary of the Treasury, if it carries any insinuation that the Secretary of the Treasury needs any protection from my hands in any improper manner, is entirely unjustified. The present Secretary of the Treasury is a capable, patriotic, and efficient Secretary—I think one of the best this Government has ever had. There is not an act of his that I have known that has not been in the public interest—in the issuance of bonds, in the deposit of money, or in his recommendations to Congress. I have no desire to protect him nor does he desire any protection except what is proper and such as every honest and capable officer is entitled to have.

Mr. THOMAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Colorado will state it.

Mr. THOMAS. Does the vote upon this amendment affect the right to vote upon my substitute?

The VICE PRESIDENT. The amendment offered by the Senator from Massachusetts has now been accepted by the Senator from Virginia.

Mr. SWANSON. As changed by the Senator from Massachusetts, so that it leaves it discretionary with him to issue serial bonds or other bonds.

The VICE PRESIDENT. It leaves it as it is—that is all the Chair can say about it—and makes it one amendment. The question now is upon the amendment offered by the Senator from Colorado——

Mr. THOMAS. As a substitute.

The VICE PRESIDENT. As a substitute.

Mr. THOMAS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SMITH of Maryland (when his name was called). Making the same transfer as on the last roll call, I vote "nay."

The roll call was concluded.

Mr. BECKHAM. Has the senior Senator from Delaware [Mr. DU PONT] voted?

The VICE PRESIDENT. He has not.

Mr. BECKHAM. I understand that he would vote "nay" if he were here. I therefore vote "nay."

The result was announced—yeas 14, nays 53, as follows:

YEAS—14.

Borah	Gronna	Martine, N. J.	Vardaman
Chamberlain	Jones	Norris	Works
Clapp	Kirby	Thomas	
Curtis	Lane	Tillman	

NAYS—53.

Bankhead	Husting	Phelan	Smoot
Beckham	James	Pittman	Sterling
Brady	Johnson, Me.	Poindexter	Swanson
Brandegee	Len, Tenn.	Pomerene	Thompson
Broussard	Lee, Md.	Ransdell	Townsend
Bryan	Lewis	Saulsbury	Underwood
Colt	Lippitt	Sheppard	Wadsworth
Culberson	Lodge	Sherman	Walsh
Fernald	McCumber	Shields	Watson
Fletcher	Martin, Va.	Simmons	Weeks
Hardwick	Nelson	Smith, Ga.	Williams
Hitchcock	Oliver	Smith, Md.	
Hollis	Page	Smith, Mich.	
Hughes	Penrose	Smith, S. C.	

NOT VOTING—29.

Ashurst	Gallinger	McLean	Shafroth
Catron	Goff	Myers	Smith, Ariz.
Chilton	Gore	Newlands	Stone
Clark	Harding	O'Gorman	Sutherland
Cummins	Johnson, S. Dak.	Overman	Warren
Dillingham	Kenyon	Owen	
du Pont	Kern	Reed	
Fall	La Follette	Robinson	

So Mr. THOMAS's substitute was rejected.

The VICE PRESIDENT. The question now recurs on the amendment of the Senator from Virginia [Mr. SWANSON] as modified.

Mr. BORAH. On that I ask for the yeas and nays, Mr. President.

Mr. SMITH of Michigan. Mr. President, before that question is put I desire to make an observation apropos of the suggestion of the Senator from Colorado [Mr. THOMAS]. I shall be very brief about it, but I think it is timely.

The falling off in revenue of the Government, for which our friends on the other side of the Chamber are responsible, began several months before the European war; and notwithstanding that war our importations have constantly increased, although we have received little from the central or Teutonic powers, until during the last year they were greater than ever before in the history of this Government. They amounted to over $2,400,000,000 worth of products. Under the rates of the tariff law which our friends upon the other side of the Chamber repealed, we could have gathered in all of the money necessary to meet even these extraordinary expenses of the Government.

Senators upon the other side of the Chamber, in convention assembled in political party, have declared over and over again that they favored a tariff so adjusted that it would produce revenue for the Government. They have even abandoned that policy now, and no Senator upon that side of the Chamber has risen to say that they have exhausted their remedy in that direction. Mr. President, the tariff law which they repealed would have raised ample revenues to have met the present situation. If Senators on the other side are truly desirous of doing that for which the country would give them its approval, they would, instead of bonding the country now and proposing the issue of Treasury notes at a crisis like this, retrace their footsteps and gather in at the customhouses of the United States tariff duties on hundreds of millions of dollars' worth of European products that come in free at the present time, as a donation to the European manufacturer and producer.

I say that our importations have exceeded by over $600,000,000 the highest point they have ever attained during any period of our country, whether the tariff is high or low, and millions of dollars' worth of products could easily be gathered in our customhouses and a fair rate of duty imposed which would yield the Government abundant revenue and would of necessity avoid class legislation and inquisitorial exactions upon which they seem to be blindly bent.

Mr. President, I protest against the free-trade policy of the Democratic Party, which has brought the Treasury to this extreme, and I proclaim again the wisdom of that time-honored principle of government of imposing duties upon imports from foreign countries and preserving our own market place for our own people, giving to American labor the right to win their bread here, rather than offering it as a free gift to Europeans and strangers beyond the seas, who pay none of our tax, who employ none of our labor in the ordinary and legitimate pursuits of our domestic commerce; and I say to the other side of the Chamber that if they will follow their own acknowledged and oft-enunciated principles of even a tariff for revenue, so often asserted in this Chamber, they will at least make an honest attempt to provide our Government with necessary revenues.

Mr. GRONNA. Mr. President, in the main I agree with what the Senator from Michigan has said. It is true, of course, that under a protective-tariff system there would be no necessity for the issuance of bonds to pay the running expenses of the Government; but I want to call attention to the fact that there are Senators on this side who are voting for these extravagant expenditures.

Mr. President, I realize that this is an important measure. It is a measure providing for preparedness, and I had hoped that the bill would be such that we could all vote for it. When it came from the House it provided for a little more than $360,000,000. When the bill was reported from the Senate committee it contained $535,000,000, and what it carries now I do not know. I should like to ask the chairman of the committee if he knows what the total amount of the appropriation is now, including the bond issues?

Mr. President, I feel that this measure is being loaded down with bond issues and appropriations not carefully considered before it is written into law in a scientific manner, not giving the people of the country the advantage of having the bonds issued so as to save them millions of dollars, as suggested by the Senator from Massachusetts [Mr. WEEKS]. The way it is going on, Mr. President, I feel that upon the final vote on this measure I may not be able to vote for it. I am unable to figure out exactly the amount carried by this bill, including appropriations and bond issues, but I am quite sure that it will, in the aggregate, be more than $700,000,000.

The VICE PRESIDENT. The question is on the amendment.

Mr. BORAH and Mr. CLAPP called for the yeas and nays.

Mr. TOWNSEND. I ask that the amendment be read.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 68, after line 5, add the following paragraph:

That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States, from time to time, such sums as may be necessary to meet expenditures directed by the President from the naval emergency fund and for expediting naval construction as provided in this act not exceeding $150,000,000, or to reimburse the Treasury for such expenditures, and to prepare and issue therefor bonds of the United States in such form and subject to such terms and conditions as the Secretary of the Treasury may prescribe: *Provided*, That such bonds shall be issued at not less than par, shall bear interest not exceeding 3 per cent per annum, shall not have the circulation privilege attached, and that all citizens of the United States shall be given an equal opportunity to subscribe therefor; but no commission shall be allowed or paid thereon. Both principal and interest shall be payable in United States gold coin of the present standard value and shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided further*, That any bonds issued under authority of this act or any other act or acts passed at the second session of the Sixty-fourth Congress, or any bonds hereafter issued under authority of section 39 of the act approved August 5, 1909, or acts approved June 3, 1916, and September 7, 1916, may, under such conditions as the Secretary of the Treasury may prescribe, be convertible into bonds bearing a higher rate of interest than 3 per cent per annum, if any bonds shall be issued by the United States at a higher rate than 3 per cent per annum by virtue of any act hereafter passed on or before December 31, 1918. In order to pay the necessary expenses connected with the said issue of bonds or any conversion thereof a sum not exceeding one-fifth of 1 per cent of the amount of bonds herein authorized is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct.

Mr. SMOOT. I take it for granted that the Senate is ready to vote upon this amendment, and at the request of a number of Senators who are absent from the Chamber on official business of the Senate I suggest the absence of a quorum in order that they may be here to vote upon the question.

Mr. SWANSON. The yeas and nays have been called for.

Mr. SMOOT. I am doing what I promised to do. At their request I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Hollis	Nelson	Smith, Mich.
Borah	Hughes	Norris	Smith, S. C.
Brady	Husting	O'Gorman	Smoot
Brandegee	James	Page	Sterling
Broussard	Johnson, Me.	Phelan	Sutherland
Bryan	Johnson, S. Dak.	Pittman	Swanson
Catron	Jones	Poindexter	Thomas
Chamberlain	Kirby	Pomerene	Thompson
Clapp	La Follette	Ransdell	Tillman
Culberson	Lea, Tenn.	Reed	Townsend
Curtis	Lee, Md.	Robinson	Underwood
Fall	Lippitt	Sheppard	Vardaman
Fernald	Lodge	Sherman	Wadsworth
Fletcher	McCumber	Shields	Watson
Gronna	Martin, Va.	Smith, Ga.	Weeks
Hardwick	Martine, N. J.	Smith, Md.	Works

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present. The pending question is the amendment offered by the Senator from Virginia [Mr. SWANSON].

Mr. NORRIS. I ask for the yeas and nays.

Mr. BRANDEGEE. I wish to ask the Senator from Virginia, if he is on the floor, a question about this amendment, and if not, I will ask any member of the committee who is in charge

of the bill. The proposed amendment comes in on page 68, after line 5, just after the amendment already agreed to, which creates the naval emergency fund, which fund is fixed at $115,000,000. This amendment reads:

That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States, from time to time, such sums as may be necessary to meet the expenditures directed by the President from the naval emergency fund and for expediting naval construction as provided in this act not exceeding $150,000,000, or to reimburse the Treasury for such expenditures.

And then provides for the bond issue. I wanted to ask the Senator in charge of the bill what the meaning of that is. I do not quite see how they can borrow $150,000,000 from $115,000,000, and I did not know whether it was the idea in the amendment now pending that the entire bond issue authorized should be $150,000,000.

Mr. SWANSON. If the Senator will permit me, the emergency fund as originally contemplated provided for $150,000,000, within which submarines were included. The Senator from Washington [Mr. POINDEXTER] insisted that we ought to spend $35,000,000 for submarines, especially for the Pacific coast, that is more or less undefended. So under the emergency fund there are two segregations, one of $115,000,000, which has been adopted, and certain portions of which can be specified and certain portions of which on account of the emergency can be used—we would not like to give it to the public, but each Senator can ascertain from letters here who desires to know—$115,000,000 to speed up construction, to build antiaircraft guns, submarine chasers, torpedo-boat destroyers, auxiliaries, and provide for the increase of the Navy. We have authorized the President in time of emergency to increase the Navy to 87,000 men, to command and make fully equipped every ship we have, both in commission and reserve. We have authorized, in addition, one-fifth increase proportionate for the Marine Corps to take care of that. That is $115,000,000, and the additional fund is $35,000,000 for submarines.

Mr. TILLMAN. The two together aggregating $150,000,000.

Mr. SWANSON. The two together aggregate $150,000,000. This bond issue is to take care of that emergency fund, which consists of two elements, the submarines and the emergency fund of $115,000,000.

Mr. BRANDEGEE. I am sorry the Senator took so long to answer my question, because I am afraid my five minutes will have expired before I reach the point I want to make. I think the Senator ought to have something in the bill, in a revision of this amendment, some proviso, making it clearly apparent that the total issued or to be used is $150,000,000 and not $265,000,000.

Mr. SWANSON. There is no purpose to issue more than $150,000,000. The Senator will see that the amendment provides for an issue of $150,000,000 worth of bonds.

Mr. BRANDEGEE. It does; but provides that $150,000,000 can be drawn by the President from a $115,000,000 emergency fund, which, on the face of it, is impossible. The Senator has not, in my opinion, arranged the pending amendment so as to fit in with the other amendment and make it plain. I accept the Senator's suggestion as to what his intention was and is, and if he will arrange the language so as to clearly express his intention I shall have no objection.

Mr. SWANSON. The mistake was made by the printer. When the committee and the subcommittee adopted a segregation of the $150,000,000 fund it intended to have in the emergency fund $115,000,000 for certain purposes and $35,000,000 for submarines, and the latter was transposed.

Mr. BRANDEGEE. The Senator perceives the point I make.

Mr. SWANSON. I perceive it. The only way it can be corrected so far as the Senator suggests is for the provision for submarines of $35,000,000 to be transferred back to the emergency fund. That was nothing but a misprint, and I ask unanimous consent that that be done.

Mr. WEEKS. May I call the attention of the Senator from Virginia to the fact that the amendment which has been offered by the committee and accepted provides for 40 submarines costing $1,300,000 each, 10 submarines costing $1,900,000 each, or $71,000,000? If I understand the Senator correctly, he is telling the Senate that $115,000,000 of the proceeds of this issue of bonds are to be devoted to the emergency fund and $35,000,000 to the building of additional submarines. Where are we going to get money to build the balance of the submarines?

Mr. SWANSON. If the Senator will permit me, that is all that is needed this year.

Mr. WEEKS. We are going to appropriate some more money to complete the submarines which we are providing for under this act.

Mr. SWANSON. If they were not completed but started they would be completed next year.

Mr. WEEKS. Of course it ought to be clearly understood, then, that instead of the $35,000,000 taken of the proceeds of these bonds for the building of submarines being sufficient to build the submarines it is going to require $36,000,000 more, which will be appropriated next year.

Mr. SWANSON. That is true.

Mr. BRANDEGEE. Let me ask the Senator further, if I may, while it may not be possible under the language of the two amendments which we are discussing to issue more than $150,000,000 worth of bonds, is the expenditure limited to $150,000,000 as well as the bond issue to secure the expenditure?

Mr. SWANSON. The Senator from Washington [Mr. POINDEXTER] is not here. I think it will cost about seventy or seventy-one or seventy-five million dollars to carry out the building of the submarines that we thought were absolutely necessary, but after full discussion in the committee the committee determined that out of the $150,000,000 emergency fund $35,000,000 should be devoted to submarines this year.

Mr. BRANDEGEE. Can not the Senator answer yes or no, whether this act as he has it arranged will authorize the expenditure of more than $150,000,000 in these two provisions?

Mr. SWANSON. It authorizes this year an expenditure of $150,000,000, and next year, if the paragraph for submarines is adopted, as it is so far by the Senate, it will authorize an additional appropriation of about $35,000,000 or $40,000,000—next year, not this year.

Mr. BRANDEGEE. Let me ask the Senator from Florida, if I may, if he understands my question, if he can answer whether the two paragraphs of the amendment now pending, which comes in on page 68, after line 5, together with the amendment directly preceding it, will authorize the expenditure of more than $150,000,000 during the coming fiscal year.

Mr. BRYAN. I think it would.

Mr. BRANDEGEE. How much would it authorize? What is the total?

Mr. BRYAN. Thirty-five million dollars and $40,000,000.

Mr. BRANDEGEE. How much altogether?

Mr. BRYAN. I should say that the submarine expenditure will be about seventy or seventy-five million dollars, of which $35,000,000 is appropriated and the balance is authorized.

Mr. BRANDEGEE. What does the Senator contemplate will be the total expenditure during the next fiscal year under the provisions of the naval emergency-fund at the bottom of page 67, together with the expenditure provided under the amendment which is now pending?

Mr. BRYAN. As I understand, the amendment now pending is the provision for a bond issue.

Mr. BRANDEGEE. It says "the Secretary of the Treasury is authorized to borrow on the credit of the United States from time to time such sums as may be necessary to meet expenditures directed by the President from the naval emergency fund, and for expediting naval construction as provided in this act, not exceeding $150,000,000," and then provides for the bond issue to provide it. It is perfectly blind, as far as I can see, as to what the total expenditure authorized is to be.

Mr. BRYAN. Let me say that the total expenditure under the naval emergency fund, considering the language on page 6 is transposed so that it becomes a part of that fund, would be $200,000,000.

Mr. BRANDEGEE. Two hundred million dollars?

Mr. BRYAN. About that, I would say. That leaves, then, $150,000,000 appropriated, for which the bond issue is made, and the balance of $40,000,000 is authorized and not appropriated for.

Mr. SWANSON. If the Senator will permit me, this is perfectly clear. The construction of submarines will ultimately cost $75,000,000. For the submarines as proposed by the Senator from Washington [Mr. POINDEXTER] only $35,000,000 is appropriated this year. That amendment was adopted, of which I doubted the wisdom to some extent, but the committee voted against me. We have an emergency fund of $150,000,000, which is left to the discretion of the Navy Department to construct submarines, torpedo destroyers, submarine chasers, aircraft, ammunition, and otherwise, but the committee decided that they ought to spend $75,000,000 for submarines to be used mostly on the Pacific coast.

When that amendment was adopted we said you do not need an appropriation of $150,000,000 and $75,000,000 additional for submarines, which would make an emergency appropriation of $225,000,000. We said if you are going to construct these submarines, and your judgment is that $75,000,000 shall be used on them—$35,000,000 this year and $40,000,000 next year—the submarines ought to be taken from the emergency fund of $150,000,000. That view was finally adopted by the committee. Now, then——

The VICE PRESIDENT. Three Senators have had 15 minutes and the time is up.

Mr. SWANSON. I ask unanimous consent——

The VICE PRESIDENT. The Chair rules there is no unanimous consent to be had. These are five-minute speeches here.

Mr. SWANSON. I do not ask unanimous consent for a speech. I want to ask unanimous consent to make it clear that the special provision of $35,000,000 should be transferred to the emergency fund, as the committee decided. It was a misprint.

Mr. BRANDEGEE. Mr. President, while the Vice President was out the occupant of the chair ruled that under Rule VIII unanimous consent to extend the time could be had when proceeding under the five-minute rule.

The VICE PRESIDENT. The present occupant of the chair holds——

Mr. ROBINSON. Mr. President, the Senator from Connecticut is under a misapprehension. The then occupant of the chair stated, or undertook to do so, that, in his opinion, the rule which governs the proceedings of the Senate under the unanimous-consent agreement is Rule VIII of the Senate; that no rule of the House of Representatives applies to it; and that under the strict construction of Rule VIII of the Senate it is not in order by unanimous consent to extend the time of a Senator who has spoken once and for five minutes. That was the ruling of the Chair. However, in one instance a Senator was, without objection, permitted to speak more than once, and the time of one Senator was extended five minutes.

Mr. BRANDEGEE. It may be that I did not understand the ruling, but several Senators secured recognition subsequently. I apprehended this very situation and I tried to impress it upon the Chair at the time. I do not ask for any time at all, but I think it is very unfortunate that a matter of this vital importance can not be explained to the Senate.

The VICE PRESIDENT. It is very easy for a Senator to take the floor and ask the Senator from Virginia about it. That is a very easy way.

Mr. BRANDEGEE. I can ask this, I assume, and not take the trouble to go to the extent of a parliamentary inquiry. Did the Senator from Virginia propose or ask unanimous consent to modify in some way this language in the amendment?

Mr. SWANSON. If the Senator will look at page 67, there is a naval emergency fund of which $115,000,000 is appropriated under that naval emergency fund. When the committee and the subcommittee passed it they included the submarines on page 66, if the Senator will look at page 66.

Mr. BRANDEGEE. Yes; I have it.

Mr. SWANSON. This appropriation of $35,000,000 was included under the naval emergency fund when the bill was passed by the committee. Through a misprint, after we had included it under that, it was put under construction. They intended to have $115,000,000 emergency fund, and this sum named here, $35,000,000, appropriated this year for submarines. The clerks who had charge of the matter thought that the $35,000,000 for submarines that were authorized ought to go under construction, and without our assent they thought it better to print it under construction. If we simply transpose it, as I think can be done by unanimous consent, to the naval emergency fund, the objection made by the Senator will be completely met.

Mr. BRANDEGEE. In what line on page 66 does the $35,000,000 appear?

Mr. SWANSON. "In addition to the foregoing, the Secretary of the Navy."

Mr. BRANDEGEE. In what line?

Mr. SWANSON. From line 1 to line 14—$35,000,000.

Mr. BRANDEGEE. It appears in line 12.

Mr. SWANSON. From line 1 to line 14 was printed through a mistake under construction instead of the naval emergency fund.

Mr. BRANDEGEE. If the Senator can get it in any place to which it belongs, I have no objection.

The VICE PRESIDENT. Is there objection?

Mr. SWANSON. It was a misprint, and I ask unanimous consent.

The VICE PRESIDENT. Is there objection to transposing it? The Chair hears none, and the Secretary will do the work. The question now is on the amendment of the Senator from Virginia, on which the yeas and nays were demanded.

Mr. SMITH of Michigan. Mr. President, one word before the call is made. I think this is a new amendment, and I have a right to be heard.

The VICE PRESIDENT. No; there is no new amendment.

Mr. SMITH of Michigan. The amendment just offered?

The VICE PRESIDENT. The Senator from Michigan has had his five minutes on the amendment. The question is on the amendment, on which the yeas and nays have been called for.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. O'GORMAN (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER] and in his absence withhold my vote.

Mr. WARREN (when his name was called). I have a pair with the Senator from North Carolina [Mr. OVERMAN] and therefore in his absence withhold my vote.

The roll call was concluded.

Mr. BECKHAM. I have a pair with the Senator from Delaware [Mr. DU PONT] and in his absence I withhold my vote.

The result was announced—yeas 50, nays 24, as follows:

YEAS—50.

Ashurst	Hollis	Newlands	Simmons
Bankhead	Hughes	Oliver	Smith, Ga.
Brady	Husting	Owen	Smith, Md.
Brandegee	James	Phelan	Smith, Mich.
Broussard	Johnson, S. Dak.	Pittman	Smith, S. C.
Bryan	Kirby	Poindexter	Sutherland
Catron	Lea, Tenn.	Pomerene	Swanson
Culberson	Lee, Md.	Reed	Thompson
Dillingham	Lewis	Robinson	Tillman
Fall	Lodge	Saulsbury	Walsh
Fernald	McCumber	Shafroth	Williams
Fletcher	Martin, Va.	Sheppard	
Hardwick	Myers	Shields	

NAYS—24.

Borah	Jones	Norris	Townsend
Chamberlain	La Follette	Page	Vardaman
Clapp	Lane	Sherman	Wadsworth
Colt	Lippitt	Smoot	Watson
Curtis	Martine, N. J.	Sterling	Weeks
Gronna	Nelson	Thomas	Works

NOT VOTING—22.

Beckham	Goff	Kern	Smith, Ariz.
Chilton	Gore	McLean	Stone
Clark	Harding	O'Gorman	Underwood
Cummins	Hitchcock	Overman	Warren
du Pont	Johnson, Me.	Penrose	
Gallinger	Kenyon	Ransdell	

So the amendment was agreed to.

Mr. SWANSON. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The amendment offered by the Senator from Virginia will be stated.

The SECRETARY. On page 8, after line 20, it is proposed to insert as a separate paragraph the following:

So much of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917," and approved August 29, 1916, which reads as follows is hereby repealed:

"*Provided*, That any person who may hereafter enlist in the Navy for the first time shall, in time of peace, if he so elects, receive discharge therefrom without cost to himself during the month of June or December, respectively, following the completion of one year's service at sea. An honorable discharge may be granted under this provision; but when so granted shall not entitle the holder, in case of reenlistment, to the benefits of an honorable discharge granted upon completion of an enlistment: *And provided further*, That at the time he is not under charges or undergoing punishment or in debt to the Government."

Mr. SWANSON. I will explain this amendment in a few words. Last year we took from the Secretary of the Navy discretion in regard to discharges from the Navy and made it mandatory that in the months of June and December any person who enlisted and who had served one year should be permitted, on his own volition, without any discretion in the department, to be discharged from the Navy. At that time I thought it was an unwise provision, and I have fought its extension to the Marine Corps. It is now realized that it is a very unwise provision. Heretofore the discretion in this matter has been vested in the Secretary of the Navy to say whether or not a man should be discharged from the Navy after he had served one year. Now, when ships come in, with the high wages paid in munition plants and with many persons urging enlisted men to resign from the Navy and go into the munition plants, with the emergency existing, after one year, in those months, any enlisted man can secure his discharge from the Navy.

The Navy Department desire this law repealed, and the Secretary of the Navy has written me a letter on the subject. The department is very anxious that the matter of discharges during the first year's service shall be left discretionary with and not made mandatory on the Navy Department. After we have gone to the expense of equipping a man for one year in the Navy, it seems to me it is not wise to make the acceptance of his resignation mandatory, but that it should be left to the discretion of the Secretary of the Navy. That is the effect of the amendment.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Michigan?

Mr. SWANSON. I do.

Mr. TOWNSEND. These men enlisted under the provisions of the law with the understanding that they could resign in one year.

Mr. SWANSON. This is the first enlistment in one year.

Mr. TOWNSEND. So the men who enlisted under this provision of law are now to be denied the privilege which existed when they did enlist.

Mr. SWANSON. This would become effective on the 1st of July possibly.

Mr. TOWNSEND. It seems to me that if this provision is wise it should be made applicable hereafter, but to say as to a man who enlisted under a certain condition of enlistment or contract that that condition shall not now be sustained would be an entire injustice to the men who enlisted under those circumstances.

Mr. SWANSON. If the Senator from Michigan will permit me, this proposed law only applies to men who have enlisted for the first time since August 29, 1916, which was the time that the law was passed. Consequently it seems to me it is wiser to make it effective at once.

If the Senator will permit me further, I desire to state that the defect of the law, as I thought at the time, was that it did not provide for an emergency, but applied to a time of peace. It is a hard question to determine whether these men would not be entitled to a discharge until there is an absolute declaration of war, but we think with the present emergency it is absolutely a demoralization to a ship coming into port for its captain to be unable to know whether or not all of his first enlisted men for three years will leave when he comes in.

Mr. TOWNSEND. I agree with the Senator from Virginia that that seems to be a bad provision of law, but nevertheless it seems to me that the Government should be held to its contract just as much as the Government holds individuals to their contracts.

Mr. SWANSON. Discretion is not taken from the Secretary of the Navy to discharge anyone in a meritorious case, but it seems to me in this emergency not to pass this provision of law at this time—as I have said, I did not favor the present law at the time it was passed, but finally yielded to others—would permit it to apply to the Marine Corps. So it seems to me this amendment ought to be adopted.

Mr. SMITH of Georgia. Mr. President, will the Secretary again state the amendment?

The PRESIDING OFFICER. Without objection, the Secretary will again state the amendment.

The Secretary again read the amendment.

Mr. SMITH of Georgia. As I understand that amendment, its effect is simply this: We allowed these men to enlist, agreeing at the time that under certain circumstances they could be discharged, and now we propose to break that agreement. We propose to change the law and not permit them to leave the service under the terms of their enlistment. It is compulsory service if we do that, and compulsory service in time of peace. I can not vote for it.

Mr. POINDEXTER. Mr. President, I should like to suggest to the Senator from Georgia that, if he would offer an amendment to the amendment providing that it shall not be applicable to enlistments prior to the passage of this act, I think that would meet his suggestion.

Mr. SMITH of Georgia. With such an amendment, I will vote for it with pleasure.

Mr. SWANSON. Let me make an appeal to the Senator. This amendment leaves the matter discretionary with the Secretary of the Navy as to whether he will discharge in June and December men serving their first enlistment of three years.

Mr. SMITH of Georgia. But they enlisted with the privilege to retire, not in the discretion of the Secretary of the Navy, but as a matter of right.

Mr. SWANSON. The only men who would come within that class are men who enlisted since the 29th of August last up to the present time, and any man who enlists in the Army or in the Navy does so with the right of Congress to determine by future laws whether it is absolutely necessary for the protection of the Government to change the law.

Mr. SMITH of Georgia. That is not only true, but every citizen lives under the right of Congress to put him in the service of his country, if necessary, either upon a vessel or in the line of duty of a soldier. What I ask is that we do not break our contract. If it is amended so as to read—

Provided, however, That this shall not apply to men who enlisted between the date of August 29 last and the present time—

That would be all I ask. As to future enlistments, I am perfectly willing to agree to it, but I ask that we do not break our contract with any of these boys who enlisted under the provisions of existing law.

Mr. SWANSON. I presume there will not be very many affected; but it was deemed important that the provision should be made. The Government, as has been stated, has a right now to call on its citizens for service. Why not let this matter be taken up in conference? I have no objection to the amendment of the Senator from Georgia being adopted for consideration in conference.

Mr. TOWNSEND. That is all right.

Mr. HUGHES. I have prepared such an amendment, I will say to the Senator.

Mr. SWANSON. What amendment does the Senator from New Jersey suggest?

Mr. HUGHES. I will read it:

Provided, That the provisions of this section shall not apply to enlistments under the operation of the act hereby repealed.

Mr. SWANSON. That is all right. I have no objection to that amendment.

Mr. HUGHES. It can go to conference, at any rate.

Mr. SWANSON. I accept that amendment.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The Senator from Virginia accepts the amendment to his amendment offered by the Senator from New Jersey.

Mr. PAGE. Mr. President, I simply want to say, in a word, that if the original amendment offered by the Senator from Virginia only applied to one man and would hold him in the service for only one day I would oppose it. I will vote against anything, I care not what it may be, that permits the United States to repudiate an honest and honorable contract with anybody.

Mr. SWANSON. The amendment as now framed does not do that, and the whole matter will be in conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia as modified.

Mr. SHAFROTH. I should like to ask the Senator from Virginia a question. Is there anything in this amendment relative to the discharge of officers of the Navy after they have graduated from the Naval Academy if they desire to resign?

Mr. SWANSON. Nothing.

Mr. SHAFROTH. They have a right, under a former law, as I understand, to resign after having served four years.

Mr. SWANSON. There has been a custom in the Navy Department to accept resignations after the officer has served eight years; but there is no law fixing that; and, in an emergency, after a man has been educated by this Government at a cost of thousands of dollars, although he may want to resign, this Government ought to have the right to refuse his resignation.

Mr. SHAFROTH. That is not involved in this particular amendment?

Mr. SWANSON. Not at all. The amendment only applies to enlisted men. Under the law of last year enlisted men are allowed to be discharged in December and June; but after we have gone to the expense of training men I think it is unwise to discharge them in so short a time. I thought so at the time, and told the Navy Department that in less than a year they would ask for the repeal of the provision. I think it especially unwise that such a provision of law should apply in an emergency. In my opinion, after the Government has gone to the expense of educating and training these men, it is wrong to allow them to be discharged at any time they please, simply on the payment of $60, the cost of their enlistment. The Navy Department now insists upon the repeal of that provision of law, and I have accordingly offered the amendment and think it ought to pass.

Mr. GRONNA. Mr. President, may we have the amendment read in its present form? I should like to know how it reads, as it has been modified.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. On page 8, after line 20, it is proposed to insert as a separate paragraph the following:

So much of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917," and approved August 29, 1916, which reads as follows, is hereby repealed: "*Provided,* That any person who may hereafter enlist in the Navy for the first time shall, in time of peace, if he so elects, receive discharge therefrom without cost to himself during the months of June or December, respectively, following the completion of one year's service at sea. An honorable discharge may be granted under this provision; but when so granted shall not entitle the holder, in case of reenlistment, to the benefits of an honorable discharge granted upon completion of an enlistment: *And provided further,* That, at the time, he is not under charges or undergoing punishment or in debt to the Government:

Provided, That the provisions of this section shall not apply to enlistments under the operation of the act hereby repealed."

SEVERAL SENATORS. Question!

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Virginia as modified.

The amendment as modified, was agreed to.

Mr. POINDEXTER. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Washington offers an amendment, which the Secretary will state.

The SECRETARY. On page 72 it is proposed to strike out lines 16 to 24, inclusive, and to insert the following:

The sum of $12,000,000, or so much thereof as may be necessary, is hereby appropriated to enable the Secretary of the Navy to improve and equip the navy yards, including the acquisition of additional land where necessary, for the construction of such vessels as may be assigned to navy yards for construction.

Mr. POINDEXTER. Mr. President, I offer that amendment at the request of the Secretary of the Navy. I have here a letter from him upon the subject, which I ask leave to incorporate in the RECORD without reading.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The letter referred to is as follows:

Hon. B. R. TILLMAN,
Chairman Senate Committee on Naval Affairs,
United States Senate, Washington, D. C.

MY DEAR SENATOR: With reference to the pending naval appropriation act as introduced in the Senate, there is contained on page 63, lines 11 to 19, an appropriation of $12,000,000 for the equipping of navy yards for shipbuilding. As now written, the provision will not carry out what I had in mind and recommended to the House Naval Committee, and no work could be undertaken to fit these yards until after the plans and specifications had been made for the ships authorized, advertisement made for bids, etc., thus involving a delay of several months. The facilities of public and private shipyards are inadequate for the speedy construction of the program already authorized, not to speak of the ships authorized in the pending bill. If this appropriation is to accelerate the building of the ships authorized, the wording should be changed, closely following the language of the act of last year appropriating $6,000,000 and authorizing the fitting up of certain navy yards for shipbuilding, and made to read as follows:

"The sum of $12,000,000, or so much thereof as may be necessary, is hereby appropriated to enable the Secretary of the Navy to improve and equip the navy yards for the construction of such vessels as may be assigned to navy yards for construction."

This will require the following changes on page 63:

"Strike out, beginning at line 11, 'in the event ———'; lines 12, 13, and 14 to and including 'reasonable price'; line 16, after 'Navy to' insert 'improve and'; lines 16, 17, and 18 strike out 'with suitable and necessary machinery, implements, building ways, and equipment'; and line 18 strike out 'of said.'"

Very truly, yours.

JOSEPHUS DANIELS,
Secretary of the Navy.

—

DEPARTMENT OF THE NAVY,
Washington, February 22, 1917.

Memorandum for Senator POINDEXTER:

Referring to my talk with you this morning, I would suggest the following amendment:

"Page 72, strike out lines 16 to 24, inclusive, and substitute 'The Secretary of the Navy is hereby authorized to improve and equip navy yards for the construction of such vessels as may be assigned to said navy yards for construction, and the sum of $12,000,000, or so much thereof as may be necessary, is hereby appropriated therefor.'"

F. R. HARRIS,
Chief Bureau Yards and Docks.

Mr. POINDEXTER. Mr. President, the purpose of the amendment is to strike out of the present provision containing this appropriation these words:

In the event the Secretary of the Navy is unable to secure from the private shipbuilders contracts for the expeditious construction of the ships heretofore authorized at a fair and reasonable price, the sum of $12,000,000, or so much thereof as may be necessary, is hereby appropriated to enable the Secretary of the Navy to equip the navy yards with suitable and necessary machinery, implements, building ways, and equipment for the construction of such of said vessels as may be assigned to navy yards for construction.

Under the large program provided for in this act it will be necessary to take some of the construction to the navy yards. Under the bill as it comes from the House it is the opinion of the Navy Department that they can not do this as to ships authorized in this bill until they have first submitted proposals for the construction of the vessels to private contractors and ascertained that they can not secure from private contractors a fair and reasonable price. In order to give the department the discretion of building ships in private yards or in Government navy yards I have offered this amendment at the request of the department.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. POINDEXTER subsequently said: I ask unanimous consent to insert in the RECORD in connection with my remarks on the naval bill a letter from the Secretary of the Navy containing a report of the naval board.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

NAVY DEPARTMENT,
Washington, February 23, 1917.

MY DEAR SENATOR: I have your letter of the 19th instant, and in reply I beg to hand you the following information:

Question 1: "The opinion of the naval board and the department as to the most approved type of submarines and their value for defensive purposes."

Probably the most concise reply to this question is contained in the General Board's opinion in its letter to the department of January 12, 1917, which is as follows:

"The General Board renews its recommendation that there shall be two types of submarines, one for coast work and the other a fleet type of much larger displacement, speed and radius of action, capable of accompanying and acting with the fleet or independently at long distances from our coasts.

"The military characteristics for both of these types have been submitted by the General Board to the department.

"Nothing in these characteristics definitely limits the displacement of either type. The desire of the General Board is to obtain the most useful and reliable types possible for their particular missions on the least expenditure of money.

"The development of submarines abroad during the present war has been along the line of increase in displacement.

"Under the approved characteristics submitted by the General Board the Navy Department can determine from time to time the displacements for the two types, and any increase in size which in our own and foreign navies appears to improve their value as naval weapons can be determined by the technical bureaus of the department.

"If experience with our own submarines shows that reliability and habitability require an increase in displacement, the General Board is in favor of such increase as may be necessary. The General Board having recommended the military characteristics of the two types, their displacement will be dependent upon the designs prepared by the technical bureaus and approved by the department in accordance therewith.

"The above is the unanimous opinion of the General Board."

Question 2: "The probable maximum limit of cost of the several types designated in general terms as fleet submarines and coast submarines."

For the coast-defense submarines the probable maximum cost would be about $1,300,000 each and for the fleet submarines probably about $1,900,000 each.

Question 3: "The available means, either now in existence or which can be prepared, for the construction of same on the Pacific Coast."

It is noted from the bill that the number of submarines proposed to be built on the Pacific coast is 6 fleet submarines and not less than 25 of the coast-defense submarines. It is my opinion that there are sufficient facilities on the Pacific coast to build the 31 submarines proposed in the bill. At the present time there are five places at which submarines can be built and are built. Of these Long Beach, Union Iron Works, and Seattle Dry Dock & Construction Co. are private and two, namely, the navy yard at Puget Sound and the navy yard at Mare Island, are Government plants. The Long Beach Co. has stated in correspondence with the department that it is possible for them to lay down as many as 12 submarines at one time, but the department has not attempted to verify this figure. There are five submarines building at Long Beach at the present time. At the Union Iron Works there are six submarines now building, and it would be difficult to state how many this company could lay down. It should be borne in mind, however, that to use all "available means" for the construction of submarines on the Pacific coast at both Government and private yards would mean neglecting other work which this department considers of equal importance. Under these conditions it is, of course, impossible to estimate how many submarines could be laid down at one time. There are a number of places on the west coast which might be suitable for building submarines where no works exist at the present time, and these places could doubtless be prepared in an emergency for the construction of submarines. The department, however, does not consider such a step necessary or desirable at this time.

* * * * * * *

Sincerely, yours,

JOSEPHUS DANIELS.

Hon. MILES POINDEXTER,
United States Senate, Washington, D. C.

Mr. BRANDEGEE and Mr. JONES addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, I send to the desk an amendment, and ask that it be acted upon.

The PRESIDING OFFICER. The Secretary will read the amendment submitted by the Senator from Connecticut.

The SECRETARY. On page 23, after line 13, it is proposed to insert the following:

Submarine base, New London, Conn.: For the further development of the submarine base at New London, Conn., including the erection and equipment of repair shops, the provision of additional berthing space, and the erection of quarters and barracks for officers and men, including the acquisition of necessary lands, $1,250,000.

Mr. BRANDEGEE. Mr. President, I offer that amendment because I know the situation demands it. The chairman of the committee has in his possession a letter from the Secretary of the Navy and the estimates upon which the appropriation is based. If we are going to construct the new submarines authorized in this bill, it is of the utmost importance that there should be facilities for training their crews and officers. The department has looked into this matter exhaustively. I do not care to take a great deal of time in its discussion, but I am familiar with the conditions at that station, and have been familiar with them all my life.

New London has been used as a naval base, a coaling station, and a training station, and is now in existence as

a submarine station. It is located at an impregnable point behind the Government fortifications in Fishers Island Sound. It is in touch with two railroads, one running east and west and the other north and south; it is midway between the great ports of New York and Boston; it is within 2 miles of the works of the company that builds the engines for the submarines; and is in every respect an ideal location for this purpose.

I ask the chairman of the committee to have read in his own time a letter from the Secretary of the Navy in relation to this project.

Mr. SWANSON. Mr. President, this is a very wise and necessary appropriation. The Secretary of the Navy has written me several letters urging this appropriation and estimates have been submitted. That was, however, after the bill had been reported by the committee and after we had increased the number of submarines authorized. There is only one submarine base or school, and that is the one at New London, where men are taught how to use the submarines and to equip themselves for that service. It is absolutely necessary to have berthing and other facilities to make this submarine base efficient for the submarines we have authorized, and, in behalf of the committee, I accept the amendment for consideration in conference.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The question is on agreeing to the amendment offered by the Senator from Connecticut. Without objection, the amendment is agreed to. The Chair hears no objection.

Mr. SWANSON. Mr. President, I have one more amendment to offer, in behalf of the committee, that has been overlooked.

Mr. BRANDEGEE. Before that amendment is offered, I desire to have the letter of the Secretary of the Navy printed in the RECORD.

Mr. SWANSON. I will ask that the letter referred to by the Senator from Connecticut be printed in the RECORD.

The PRESIDING OFFICER. Without objection, that will be done.

The letter referred to is as follows:

NAVY DEPARTMENT,
Washington, February 7, 1917.

Hon. B. R. TILLMAN,
Chairman Committee on Naval Affairs,
United States Senate.

MY DEAR SENATOR TILLMAN: In view of the present demands, the prospective early delivery of a large number of submarines, and the necessity for the training of their officers and crews preliminary to their operating from their regular assigned stations, it is important that there should be available as early as practicable a complete submarine base and school at the New London naval station.

This station has so far been developed out of available funds for the department and is training a large number of officers and men, but its facilities are not adequate either as to quarters for officers, barracks for men, shops for repair facilities, or berthing space for the required number of submarines.

The department has had estimates submitted by the submarine flotilla commander, Admiral Grant, and the bureaus have estimated for their necessary equipment, etc., and it is requested that the sum of $1,250,000 be made available at once to equip fully this station to its full capacity.

To accomplish this there should be inserted in the pending naval bill as reported to the House, after line 12, page 23, a provision along the following lines:

"Submarine base, New London, Conn.: For the further development of the submarine base at New London, Conn., including the erection and equipment of repair shops, the provision of additional berthing space, and the erection of quarters and barracks for officers and men, $1,250,000."

It is urgently requested that the above provision be included in the present appropriation bill and that the appropriation be made immediately available.

Very sincerely,
JOSEPHUS DANIELS.

Mr. HUGHES obtained the floor.

Mr. SWANSON. If the Senator from New Jersey will permit me, there is just one more committee amendment which I should like to have disposed of.

Mr. HUGHES. I have an amendment which I desire to offer, but I will yield to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. SWANSON. There is one amendment which has been overlooked and which is very necessary. I send it to the desk and ask for its adoption.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the top of page 44 it is proposed to insert the following:

Officers of the Corps of Civil Engineers hereafter appointed shall from the date of their original appointment take rank and precedence with lieutenants, junior grade.

Mr. SWANSON. Mr. President, I should like to say, in connection with that amendment, that the reason why the amendment is offered is this: Officers who enter the Civil Engineering Corps of the Navy enter as ensigns now. It has been impossible to get men to enter with the grade of ensign. This change is to the grade of junior lieutenant in the Navy. All officers who enter the Medical Corps enter with that grade. We authorized an increased appointment last year, but it has been impossible to get young men who are equipped and competent to enter as ensigns; and this changes it from ensign to junior lieutenant, as in the Medical Corps and others, from the date of their entrance. It does not change the law in any way whatever except as to the grade at which they shall enter, the compensation, and the question of starting as junior lieutenants instead of ensigns. The requirements as to who shall be civil engineers are very exacting in the last bill and the requirements were such that it was impossible to fill the corps.

I do hope this amendment will be agreed to.

Mr. JONES. Mr. President, in connection with this amendment I am going to submit some remarks with regard to an amendment that I have been trying to get recognition to present. I have not sent my name to the Chair to be recognized in connection with the amendment, because I have assumed that under the rules the first Senator addressing the Chair will be entitled to recognition; but it seems that a different rule is being followed. I fear I may not get an opportunity to present the amendment I desire to present. So, in connection with this amendment, I want to call the attention of the Senate to some provisions on pages 70 and 71 of the bill as passed by the House that I do not believe either the committee or the Senators have examined very carefully, or they would not under any circumstances permit them to go through on this bill.

I am in favor of giving to the President all reasonable power that may be necessary to carry out the purposes and objects of this bill, but I am not willing to go as far as the House did in the language that it adopted in the passage of this act.

What does it do? It says, just in brief—for I have not time to read the two pages—that the President may place such order as he may see fit with any manufacturer or shipyard or any company or factory for anything that he may need which it produces, and compliance with this order is made absolutely obligatory upon the factory owner. He must put aside any work that he may have under way in order to comply with the order from the President. If he fails to do anything that the President requires of him, his property may be taken by the President, and for a refusal to do that the man is liable to a penitentiary sentence of three years or a fine not exceeding $50,000. He must take as compensation what the President fixes as just, or else he must go into the Court of Claims and go through that long process in order to get compensation. His property is taken, and he gets no compensation until the end of a long litigation and long years of legislation, besides being charged with a crime. If that property is all of his means of support, then he has nothing with which to go into any other class of business in the meantime. Of course, under the penalty provision he may not have an opportunity to do anything else except serve his term in the penitentiary.

Mr. President, it seems to me that that is too harsh, that that is too great a power to place in the hands of any man. Such power might be appropriate in a despot, but it is contrary to all the principles of a republic. It is subversive of all the principles of liberty which we prize so highly. What I wanted to propose, Mr. President, was this: That if the President of the United States makes a proposition to a factory owner that he feels he can not accept, the President may take his property and fix the compensation and pay him 50 per cent of the value fixed by the President and let him come into the Court of Claims and get the remainder. This will give him something to go on in some other business or continue that part of his business not taken. It seems to me that would only be fair and right; and it also seems to me, Mr. President, that when we authorize the President of the United States to take the property of an individual or to take any part of his factory that he sees fit if the man does not feel that he can comply with the order of the President—when we authorize the President to do that, and when the President does take that property, we ought not to inflict upon the man punishment as for a crime and subject him to trial and a fine of $50,000 and three years in the penitentiary. It seems to me that it is enough to authorize the President to take the factory and take his property and operate it and fix the compensation for it.

The provision, it seems to me, ought to be stricken out of this bill. But, at any rate, where a man feels that he can not in justice to himself and his business accept the valuation that the President makes we ought to permit the President to pay him 50 per cent of it, anyhow, and then let him go into some other kind of business and go through the processes of the courts for the other 50 per cent. That especially is the amend-

ment I desire, if I can get recognition at any time, to offer. I would also like an opportunity to strike out the criminal proviso.

The PRESIDING OFFICER. The time of the Senator from Washington has expired.

Mr. SWANSON. Mr. President, has the amendment I offered been adopted?

The PRESIDING OFFICER. It has not.

Mr. SWANSON. I should like to have it adopted.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Virginia.

Mr. CHAMBERLAIN. Mr. President, I really do not care to address myself particularly to this amendment; but the rule which seems to have been adopted here precludes every individual Senator except members of the committee from proposing any amendments to this bill. In view of that, and in view of the fact that under that rule it will be impossible for me to offer an amendment in which the people of the Northwest and the whole country are very much interested, I am going to read the proposed amendment into the RECORD.

Mr. SWANSON. Mr. President, if the Senator will permit me, this is the last amendment the committee has to offer.

Mr. CHAMBERLAIN. The Senator has been saying that ever since 3 o'clock.

Mr. SWANSON. I have not said that except this time. I thought all of them had been concluded, but this one was overlooked. I have not made the statement before. The Senator is entirely mistaken.

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Virginia?

Mr. CHAMBERLAIN. I do not yield; but it does not seem to make any difference. That has been the trouble with these committee amendments. They have taken up all the time discussing little amendments that ought to have been disposed of without any discussion at all. Now, I will either read it myself or ask the Secretary to read it, in my time, of course.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested. The Chair hears no objection.

The SECRETARY. On page 68, line 20, it is proposed to insert the following:

That the establishment of a naval base for submarines and aircraft in the vicinity of the mouth of the Columbia River is hereby authorized on such site as may be recommended as most suitable by the commission appointed by the President to report thereon in accordance with the provisions of the act of Congress making appropriations for the naval service for the fiscal year ending June 30, 1917, approved August 29, 1916, provided that such site is approved by the President; and the Secretary of the Navy is hereby authorized to acquire by purchase or gift, if not already owned by the United States, the site approved by the President, and the sum of $300,000 is hereby appropriated toward the acquisition and development of this site for a submarine and aviation base.

Mr. CHAMBERLAIN. Mr. President, my reason for introducing that amendment at this time is to call the attention of the Senate and the country to the neglected condition of the Pacific coast. With the exception of spending more money in San Francisco Harbor, no money is appropriated in this bill for the purpose of protecting the most exposed and unprotected section of this country. From Lower California up to Puget Sound practically the only coast defenses that amount to anything are at San Francisco and at Bremerton on Puget Sound.

Now, Mr. President, I know that I can not within five minutes discuss this question, but I want to insist that the Pacific coast ought to be recognized from a defensive standpoint, and this committee, with all due deference to what they have done in this bill, have absolutely neglected the Pacific coast.

Why has not something been done for the mouth of the Columbia River? As long ago as 1900 a committee of experts of the Navy called attention to the advantages of this river as a station for a naval base. It is true that certain defects were pointed out, but the construction of the jetties at the mouth of the Columbia River have long since removed the objections which were made to this stream, and there is no reason now why a submarine base or a naval base should not be established at the mouth of this splendid waterway. It drains 250,000 square miles of territory, the richest in the West, and this vast section is entitled to have a station established at the mouth of the river for the protection of the inland empire, its citizens, and its wealth.

No, Mr. President, it seems impossible to have proper attention paid to the West because there are so many demands along the Atlantic seaboard from New York to Florida. The western coast and its needs are entirely overlooked by the Naval Committee and by Congress, and I serve notice on the committee now that western Senators propose to insist hereafter upon definite action with reference to the proper safeguarding of the Pacific seaboard from San Diego to Puget Sound.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. The Senator from Washington.

Mr. LEWIS. Mr. President, will the Senator permit me to tender an amendment?

Mr. POINDEXTER. I should like, first, to have the Secretary read the amendment of the Senator from Virginia in my time. I want to make a few remarks on it.

The SECRETARY. At the top of page 44 it is proposed to insert:

Officers of the Corps of Civil Engineers hereafter appointed shall from the date of their original appointment take rank and precedence with lieutenants (junior grade).

Mr. POINDEXTER. Mr. President, in order that I may not lose an opportunity to do so hereafter, while it is not relevant to this amendment, I take this opportunity to indorse the proposition stated by my colleague a moment ago. It seems to me that authority to the President of the United States to enter the shipbuilding yards and fix the compensation for them or to make an order requiring the proprietor of the yard to construct naval vessels at a figure fixed by the President is all the authority that is necessary to protect the interests of the United States in any emergency. It is unreasonable to attach a criminal penalty against the proprietor of the yard to be inflicted upon him in case he finds that it is impossible to carry out the construction of vessels at the price fixed by the President of the United States. The United States, having the opportunity to take the yard and to construct the vessel itself and to pay such compensation as the President fixes, is amply protected.

Also, as to the other phase of the question, it is unreasonable to require that the proprietor of the yard shall await the almost interminable process of litigation of a claim in the Court of Claims. It is perfectly reasonable, as suggested by my colleague, to pay the proprietors of these yards, if seized by the Government, one-half of the price fixed by the Government. The Government can not lose anything on that, and it ought to be done; and I would ask that the opportunity be given to my colleague to submit the amendment.

Mr. SWANSON. Mr. President, will the Senator yield to me?

Mr. LODGE. Will the Senator yield to me a moment?

Mr. POINDEXTER. I yield.

Mr. LODGE. I only wanted to say that I am in full accord with what has just been said, and that clause imposing criminal penalties ought to come out of the bill. That will take it, at least, into conference.

Mr. POINDEXTER. Mr. President, I will yield in just a moment to the Senator from Virginia. I will conclude what I had to say in regard to the matter by remarking that it is evident that this provision in the bill was prepared by a military man, looking at the matter purely from a military standpoint, and never was written by a civilian lawyer, else it would not have been so unreasonably harsh in its provisions.

Mr. SWANSON. Mr. President, I should like to have a vote on my amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Virginia.

The amendment was agreed to.

Mr. HUGHES. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 76, line 16, it is proposed to insert:

That during the fiscal year 1918 all civilian employees in the Naval Establishment, including on the lump-sum rolls only those persons who are carried thereon at the close of the fiscal year ending June 30, 1917, shall receive increased compensation at the rate of 10 per cent per annum to such employees who receive salaries or wages in such establishment at the rate per annum of less than $1,200, and increased compensation at the rate of 5 per cent per annum to such employees who receive salaries or wages in such establishment at a rate of not more than $1,800 per annum: *And provided further*, That so much as may be necessary for such purpose is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. SMITH of Georgia. Mr. President, I desire to inquire whether this increase in appropriation has been recommended by the department or by the committee?

Mr. TILLMAN. No.

Mr. SMITH of Georgia. Then I make the point of order upon it.

Mr. HUGHES. While it has not been recommended by the committee, similar legislation has been passed by the Senate Committee on Military Affairs. This applies to the civilian employees of navy yards as the Army bill applies to civilian employees in the arsenals, and it would be an act of the grossest injustice, it seems to me, if the Government should make fish

of one character of civilian employees and flesh of another. If there are any people who are suffering from the high cost of living and because of the conditions that now confront us, it is not the highly paid salaried clerks and officials; it is the mechanics who are working in these cities where the cost of living is so high. The situation as it exists now is such that the United States Navy finds itself in a position where it can not get these employees at the present rate of wages, and in all human probability it will not be able to get these employees at the proposed rate of wages; but I consider that I would be failing in a patriotic duty if I did not attempt to give the Navy Department at least as fair an opportunity as the War Department has to employ these civilian employees.

I trust the Senator from Georgia will not insist upon the point of order.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Pennsylvania?

Mr. HUGHES. I yield.

Mr. PENROSE. I have just come into the Chamber. I should like to ask the Senator from New Jersey whether this is not similar to an amendment introduced by me on the same subject?

Mr. HUGHES. Yes; it is.

Mr. PENROSE. I sincerely hope the chairman of the committee will accept this amendment. It is simply putting these employees on an equality with employees in the other departments under similar amendments, and there is no reason why they should be discriminated against.

Mr. SWANSON. Mr. President, I hope the Senator from Georgia will listen to me for a minute.

The naval bill has not this provision. The Army bill of the House includes it. It is included in the report made from the Military Affairs Committee of the Senate, and it means this, that mechanics will get 5 per cent higher wages in the Army than they will in the Navy. It means that the Army will be enabled to pay 5 per cent more for its employees and take them from the Navy and put them in the Army. I feel, as acting chairman of the committee looking after the naval interests, that I ought, as far as I am able to do so, to accept this amendment. Why? To put it in conference. If it is not accepted, it can not go to conference.

Mr. TILLMAN. Mr. President, we have only got 10 minutes more for this bill.

Mr. SWANSON. The Army bill increases wages 5 per cent all over this country for people whose wages are fixed like those of the employees of the Navy. The Navy will be discriminated against and the Army can get the best employees. It will have 5 per cent advantage in paying wages over the naval people. I hope the Senator from Georgia will permit this amendment to go to conference, and if it is included in the Army bill and other bills——

Mr. SMITH of Georgia. Mr. President, if the Senator will stop a minute, of course we know that going to conference is nothing. That is adopting it. The House is demanding more everywhere than we have conceded.

Mr. SWANSON. Well, if the House gives the employees of the Army in these arsenals increased wages when they are doing precisely the same kind of work as the employees of the navy yards, why should not Congress give it to the naval employees? If they do not give it to either, neither ought to have it. If one gets it, both ought to have it. It is an act of justice, fairness, and equality. I hope, as far as my influence and voice can go, that this amendment will be adopted. I am not authorized by the committee to accept it, but it seems to me but an act of justice that this amendment should go to conference, and if the Military Committee gives the increase the naval employees ought to have the same increase.

Mr. TILLMAN. Mr. President, I call the attention of everybody to the fact that there is only 10 minutes before we will have to begin voting on the bill itself, and I have two amendments pending.

Mr. FLETCHER. Mr. President, I desire to offer an amendment.

Mr. PENROSE. What is being done with the present amendment?

Mr. TILLMAN. What has become of my two amendments?

Mr. PENROSE. What is the status of the pending amendment?

The VICE PRESIDENT. The pending amendment is the amendment offered by the Senator from New Jersey.

Mr. TILLMAN. I move to lay it on the table.

SEVERAL SENATORS. Oh, no!

Mr. TILLMAN. I move that it be accepted, then—any way to get rid of it and go on.

Mr. SMITH of Georgia. I made the point of order upon that amendment that it is an increase of the appropriation, for which there is no estimate by the department and no recommendation by the committee. It goes out under the rule.

Mr. PENROSE. I should like to have a ruling by the Chair on the point of order.

The VICE PRESIDENT. Even the Chair is beginning to get a little out of order about this matter. The Chair must have time to read it. [A pause.]

Mr. SWANSON. Mr. President, I desire to say on the point of order that no estimate is ever made for any specific wages; simply for so much money at navy yards. I do not see how a point of order could lie against this, because the navy-yard appropriation has been increased in the House for the pay of employees and others 8 per cent. It was increased the 1st of January, and I do not see how this point of order can lie. It was not recommended by the committee.

The VICE PRESIDENT. Does this increase the appropriation?

Mr. SWANSON. It increases the appropriation.

The VICE PRESIDENT. Has it ever been referred to a committee?

Mr. SWANSON. No.

Mr. HUGHES. It has been referred to the——

Mr. TILLMAN. The committee has not considered it.

Mr. SWANSON. The House increased the appropriation in this matter on account of increasing the wages 8 per cent on the 1st of January. The House, it seems to me, having legislated on this question——

The VICE PRESIDENT. Is that this bill?

Mr. SWANSON. It is in this bill.

The VICE PRESIDENT. The point of order is overruled. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FLETCHER. Mr. President, I desire to offer an amendment, namely, to insert, after the word "practicable," on page 65, a semicolon and the matter which I send to the desk.

Mr. LODGE. Mr. President, I will save the time of the Senate, if that is what I suppose it to be—the shipping bill—by making the point of order that it is clearly general legislation.

Mr. FLETCHER. Mr. President, I will say that this is a bill as reported by the committee, which follows the increase of the Navy on page 65 of this bill, and has reference to naval auxiliaries and naval reserves.

Mr. LODGE. It has nothing to do with the bill.

The VICE PRESIDENT. Just a moment, please. We are not accomplishing anything. Let us be good-natured about it, if we are nothing else. Is there unanimous consent that the reading of this amendment shall be dispensed with?

Mr. JONES. No, indeed.

The VICE PRESIDENT. Then, the Secretary will read the amendment.

Mr. REED and Mr. SMOOT addressed the Chair.

The VICE PRESIDENT. The Senator from Missouri.

Mr. REED. Mr. President, I take it that remarks are in order. I want to say to the Senate that there is no more important matter relating to the question of preparedness than this bill.

Mr. JONES. I make the point of order that the amendment is not debatable until after it is read, under the unanimous-consent agreement.

Mr. REED. Well, I will debate the bill for a moment, then——

Mr. JONES. Very well.

Mr. REED. With the kind permission of the Senator, who has taken several hours on this bill to little purpose.

There are over 2,000,000 tons of vessels under construction in American navy yards, every ton of which is liable to be lost to this country and to the American flag if this bill is not passed. The measure has been carefully considered in a committee where both sides or both angles of the question have been fully represented. I hope the reading can be waived and a vote had on the proposition. It is unfortunate that we made such a unanimous-consent agreement as has been made, and there will be no more for some time in the future.

Mr. LANE. No more.

Mr. REED. But I ask now that we do not take the desperate chance of allowing this shipping to escape us and to go under a foreign flag and to go out of the American service.

Mr. SMITH of Michigan and Mr. WEEKS addressed the Chair.

The VICE PRESIDENT. The Senator from Michigan.

Mr. SMITH of Michigan. Mr. President, I have an amendment in the nature of a substitute which I desire to propose for the amendment proposed by the Senator from Florida.

Mr. FLETCHER. Mr. President——

Mr. JONES. Nobody knows what the amendment of the Senator from Florida is. It has not been read.

Mr. PENROSE. The amendment must be read first.

Mr. FLETCHER. The Senator knows what it is. It has been on his desk for a week.

Mr. PENROSE. The bill has been amended three or four different times. I do not know what the Senator's proposition is now.

Mr. FLETCHER. It has been on his desk for a week. I have seen what the Senator from Michigan is proposing, and I will accept it.

The VICE PRESIDENT. Just a moment, now.

Mr. FLETCHER. I am willing to accept the substitute.

Mr. JONES. I insist upon the reading of the amendment proposed by the Senator from Florida.

The VICE PRESIDENT. The Senator from Michigan certainly has the right to offer the substitute, at least.

Mr. JONES. I want it read.

Mr. PENROSE. Not until it is read.

Mr. SMITH of Michigan. If I may get the attention of Senators, I propose the following substitute——

The VICE PRESIDENT. Just a moment. Unless there is unanimous consent, the first reading will be the reading of the amendment offered by the Senator from Florida.

Mr. FLETCHER. I am willing to accept the substitute.

Mr. PENROSE. I insist on the reading of the amendment of the Senator from Florida.

The VICE PRESIDENT. The Secretary will proceed with the reading.

Mr. WEEKS. Mr. President, I want to debate the bill.

The introduction of these amendments is entirely contrary to the spirit under which the unanimous-consent agreement was reached. I do not suppose there are a dozen Senators on the floor who have read these bills or know anything about what the amendment offered by the Senator from Florida is, or the substitute offered by the Senator from Michigan.

I want to say, Mr. President, that I am quite in agreement with the Senator from Missouri that if this sort of thing is going to be done when a unanimous-consent agreement is reached which is supposed to relate to the legislation under discussion, if matter is going to be introduced that is entirely foreign to the bill, this will be the last unanimous-consent agreement that will be reached at this session of Congress.

Now, I can tell you, Mr. President——

Mr. SMITH of Michigan. Mr. President——

Mr. WEEKS. I will not be interrupted. I want to say to the Senate that the legislation which is now pending is not likely to pass during this session. There will be appropriation bills probably that can not be considered at this session. What we are considering is being improperly considered, and there is not any question but that it will be necessary to call an extra session of Congress. If it is necessary to call one, the President should do it without delay. Then this legislation may be given the consideration which it should be given. To adopt legislation without even having an opportunity to read it, covering 30 pages of bill form, is the height of folly, and ought not to be considered for a moment. I protest against the adoption or the consideration of any such amendment in connection with this bill.

Mr. SMITH of Michigan. Mr. President, a word on the bill, if I may be indulged. If the substitute or amendment which I have offered in any way infringes upon the unanimous-consent agreement, that is for the Chair to determine, not for the Senator from Massachusetts. I think it is in every way appropriate upon this bill. Under the law as it now stands merchant ships are auxiliary naval craft, and it is perfectly idle to say that this bill which I propose or the substitute which is consented to by the Senator from Florida is not at this time strictly germane and strictly within the unanimous-consent agreement.

The VICE PRESIDENT. The hour of 4 o'clock having arrived, in accordance with the unanimous-consent agreement that at this time a final vote shall be taken upon said bill, the Chair rules that the unanimous-consent agreement means that there shall be no further discussion of the bill or of any amendment, but that the sole thing which can be done is to vote upon the pending amendments and then through the regular parliamentary stages proceed to the final vote.

Mr. LODGE. Mr. President, a point of order.

Mr. LEWIS. A parliamentary inquiry.

The VICE PRESIDENT. The Senator from Massachusetts makes a point of order.

Mr. LODGE. It seems to me it is perfectly clear it is confined to the bill.

The final vote shall be taken upon said bill not later than 4 o'clock p. m.

The invariable form is "the bill and all amendments pending and to be offered." There is not one word said about amendments but only before 4 o'clock does it provide for amendments.

The VICE PRESIDENT. There are pending amendments.

Mr. LODGE. There is no mention of pending amendments. The term is:

The final vote shall be taken upon said bill not later than 4 o'clock p. m.

I do not see how it can be made clearer.

The VICE PRESIDENT. The Senate is still considering the bill as in Committee of the Whole. The bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. LEWIS. I tender an amendment in the Senate.

The VICE PRESIDENT. The Senate can not do it.

Mr. LEWIS. I make a parliamentary inquiry. The bill being now in the Senate, does the rule of the unanimous-consent agreement preclude the tendering of an amendment in the Senate to the bill?

The VICE PRESIDENT. It does in the view of the Chair, for the agreement provides that not later than 4 o'clock the final vote shall be taken on the bill. The question is on ordering the engrossment of the amendments and the third reading of the bill.

Mr. FLETCHER. There are pending amendments.

The VICE PRESIDENT. There are no pending amendments under the unanimous-consent agreement.

Mr. FLETCHER. There are amendments not voted on.

The VICE PRESIDENT. There are no pending amendments.

Mr. POINDEXTER, Mr. PENROSE and others. Question!

Mr. FLETCHER. Do not be in such a hurry. I have a right to make a parliamentary inquiry of the Chair. I do not believe it is quite courteous or decent to interpose yells and catcalls.

The VICE PRESIDENT. The Chair is not responsible for this unanimous-consent agreement. The Chair is not responsible for the fact that the question of the presentation of amendments was not raised until 4 o'clock p. m. The Chair can not help that. The Senate made the agreement. The Chair did not. You agreed that you would take the final vote on the bill not later than 4 o'clock, and that is the question.

Mr. TILLMAN. A parliamentary inquiry.

The VICE PRESIDENT. The Senator from South Carolina will state it.

Mr. TILLMAN. I have an amendment at the desk that was laid aside until it could be presented. I expected to offer it in the Senate.

The VICE PRESIDENT. We are in the Senate now.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. SWANSON. I move that the Senate request a conference with the House of Representatives on the bill and amendments, and that the President of the Senate appoint the conferees.

The motion was agreed to; and the Vice President appointed Mr. TILLMAN, Mr. SWANSON, Mr. BRYAN, Mr. PENROSE, and Mr. LODGE conferees on the part of the Senate.

Mr. SWANSON. There is another request I should like to make. One or two amendments have been eliminated, and I ask unanimous consent that where any appropriations were eliminated the totals may be corrected.

Mr. PENROSE. That can be done in conference.

The VICE PRESIDENT. That is the duty of the clerks at the desk.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 8307. An act authorizing the granting of patent to certain lands adjacent to the agricultural experiment station at Scottsbluff, Nebr., to the regents of the University of the State of Nebraska for dry-land agricultural experimental purposes;

S. 8317. An act to authorize the Legislature of Alaska to establish and maintain schools, and for other purposes;

H. R. 12030. An act to amend an act entitled "An act to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.," approved August 3, 1914;

H. R. 19119. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes;

H. R. 19300. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918; and

H. R. 19410. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes.

ARMED MERCHANT SHIPS.

Mr. STONE. I move that the Senate now proceed to the consideration of the bill (S. 8322) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing the registry of the United States, with defensive arms, and for other purposes, and upon that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CHAMBERLAIN. I have been attempting to get the eye of the President to be recognized for a good while, even before the Senator from Missouri rose to address the Chair, and I think I have a right to be heard on the motion which I propose to make now, and that is to substitute for the motion of the Senator from Missouri that the Senate proceed to the consideration of House bill 20783, an act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes.

Mr. STONE. I make the point of order that my motion is not amendable.

The VICE PRESIDENT. Motions to proceed to the consideration of a bill are not amendable. Such a motion can be voted down and some other motion made.

Mr. POINDEXTER. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. POINDEXTER. Is the motion at this time to proceed to the consideration of another bill in order?

The VICE PRESIDENT. It is not until we dispose of the first motion some way or another.

Mr. NORRIS. The motion of the Senator from Missouri is a debatable motion. I should like to hear the Senator from Oregon just——

Mr. STONE. Does the Chair hold that the motion is debatable?

The VICE PRESIDENT. It certainly is debatable at this time of the day.

Mr. CHAMBERLAIN. I do not know that the Chair has ruled on the motion I have made to substitute the Army appropriation bill. I claim that under the rules of the Senate I have a right to propose this bill as a substitute because of its preference as an appropriation bill.

Mr. President, I desire to say in this connection I am not unfriendly to the measure which the Senator from Missouri desires to have considered by the Senate. I shall vote for it at the proper time, but it seems to me in view of the situation that confronts the Senate now appropriation bills have the right of way, particularly in the case of a measure which has for its purpose the defense of our country itself. That is the reason why I move to substitute the Army appropriation bill for the bill submitted by the Senator from Missouri.

The VICE PRESIDENT. The Senator from Missouri has moved to proceed to the consideration of a certain bill. It is not in order to substitute by motion another bill until after the Senator from Missouri has had a vote on his motion. Whether carried or lost does not make the slightest difference; the Senator from Oregon can immediately move to proceed to the consideration of the bill he has in charge.

Mr. CHAMBERLAIN. Does the Chair hold I can not move to take up the Army appropriation bill?

The VICE PRESIDENT. Not until the motion of the Senator from Missouri is disposed of. The Senate can not have two bills before it at the same time. The yeas and nays have been ordered on the motion of the Senator from Missouri [Mr. STONE] and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. O'GORMAN (when his name was called). I am paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I transfer that pair to the senior Senator from Oklahoma [Mr. GORE] and vote "yea."

The roll call having been concluded, the result was announced—yeas 77, nays 14, as follows:

YEAS—77.

Ashurst	Brandegee	Colt	Fletcher
Bankhead	Broussard	Culberson	Harding
Beckham	Bryan	Curtis	Hardwick
Borah	Catron	Dillingham	Hitchcock
Brady	Chilton	Fernald	Hollis
Hughes	McLean	Ransdell	Sutherland
Husting	Martin, Va.	Reed	Swanson
James	Myers	Robinson	Thomas
Johnson, Me.	Nelson	Saulsbury	Thompson
Johnson, S. Dak.	Newlands	Shafroth	Tillman
Jones	O'Gorman	Sheppard	Townsend
Kern	Oliver	Shields	Underwood
Kirby	Overman	Simmons	Vardaman
Lane	Owen	Smith, Ga.	Wadsworth
Lea, Tenn.	Page	Smith, Md	Walsh
Lee, Md.	Penrose	Smith, Mich.	Watson
Lewis	Phelan	Smith, S. C.	Williams
Lippitt	Pittman	Smoot	
Lodge	Poindexter	Sterling	
McCumber	Pomerene	Stone	

NAYS—14.

Chamberlain	du Pont	Martine, N. J.	Weeks
Clapp	Gronna	Norris	Works
Clark	Kenyon	Sherman	
Cummins	La Follette	Warren	

NOT VOTING—5.

Fall	Goff	Gore	Smith, Ariz.
Gallinger			

So the motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 8322) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States, bearing the registry of the United States, with defensive arms, and for other purposes.

Mr. CHAMBERLAIN. I move that the Senate proceed to the consideration of House bill 20783, making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes, and I make the motion under the first subdivision of Rule IX.

Mr. STONE. Upon that I ask for the yeas and nays.

The years and nays were ordered; and being taken, resulted—yeas 15, nays 71, as follows:

YEAS—15.

Brady	Cummins	Kirby	Norris
Broussard	du Pont	La Follette	Vardaman
Chamberlain	Gronna	Martine, N. J.	Warren
Clapp	Kenyon	Myers	

NAYS—71.

Ashurst	Hollis	Newlands	Smith, Ga.
Bankhead	Hughes	Oliver	Smith, Md.
Beckham	Husting	Overman	Smith, Mich.
Borah	James	Owen	Smith, S. C.
Brandegee	Johnson, Me.	Page	Smoot
Bryan	Johnson, S. Dak.	Penrose	Sterling
Catron	Jones	Pittman	Stone
Chilton	Kern	Poindexter	Sutherland
Clark	Lane	Pomerene	Swanson
Colt	Lea, Tenn.	Ransdell	Thomas
Culberson	Lee, Md.	Reed	Thompson
Curtis	Lewis	Robinson	Tillman
Dillingham	Lippitt	Saulsbury	Townsend
Fernald	Lodge	Shafroth	Underwood
Fletcher	McCumber	Sheppard	Wadsworth
Harding	McLean	Sherman	Walsh
Hardwick	Martin, Va.	Shields	Williams
Hitchcock	Nelson	Simmons	

NOT VOTING—10.

Fall	Gore	Smith, Ariz.	Works.
Gallinger	O'Gorman	Watson	
Goff	Phelan	Weeks	

So the motion was rejected.

Mr. STONE. Mr. President, what was the result of the vote just taken?

The VICE PRESIDENT. The Senate refused to proceed to the consideration of the Army appropriation bill.

Mr. STONE. Then, the bill providing for the arming of merchant ships is before the Senate?

The VICE PRESIDENT. It is.

Mr. STONE. Mr. President, at this point I desire to make a brief statement. This bill, as I have heretofore said, was prepared by the Committee on Foreign Relations. As the chairman, and therefore as the official spokesman of the committee and in obedience to their direction, I presented the bill to the Senate. Subsequently, and at the earliest moment possible, I had the bill read and referred to the committee. Then, by direction of the committee, I reported it back to the Senate. Still following the direction of the committee, I have sought diligently to bring the bill before the Senate as the unfinished business, which position the bill now holds.

We have reached the point now, Mr. President, where candor to my colleagues compels me to say that I am not in accord with this bill as it has been framed, and it is my purpose to offer what I consider an important amendment to it. In that view of the situation I do not think it would be proper for me to continue further in the management on the floor of the pending measure. It is my purpose now, therefore, to ask the Senator from Nebraska [Mr. HITCHCOCK], who is the next ranking member of the committee, to take charge of the bill,

since I am advised by him that he intends to support the bill as reported.

In due time, Mr. President, I wish to state my views about the bill, and to define my attitude with regard to it. After that it will be my pleasure to contribute what I can to the efforts of the Senator from Nebraska and those cooperating with him to bring the bill to as early a conclusion as possible.

Mr. President, I now send to the desk an amendment which I propose to the bill, and ask that it be read. I will say that I have had copies of it printed in sufficient number for distribution to Senators, and that will now be done. After the reading of the proposed amendment I will ask the Senator from Nebraska to take charge of the bill.

Mr. BRANDEGEE. Mr. President, has the bill itself been read?

The VICE PRESIDENT. It has not.

Mr. BRANDEGEE. Then I ask that the bill be read before the amendment is read.

The VICE PRESIDENT. The Secretary will read the bill, and then the amendment.

The Secretary read the bill (S. 8322) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing the registry of the United States, with defensive arms, and for other purposes, as follows:

Be it enacted, etc., That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks, and the President of the United States is hereby authorized and empowered to supply such vessels with defensive arms, fore and aft, and also with the necessary ammunition and means of making use of them; and that he be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

SEC. 2. That the sum of $100,000,000 is hereby appropriated, to be expended by the President of the United States for the purpose of carrying into effect the foregoing provisions, the said sum to be available until the 1st day of January, 1918.

SEC. 3. That for the purpose of meeting the expenditures herein authorized the Secretary of the Treasury, under the direction of the President, is hereby authorized to borrow on the credit of the United States and to issue therefor bonds of the United States not exceeding in the aggregate $100,000,000, said bonds to be in such form and subject to such terms and conditions as the Secretary of the Treasury may prescribe, and to bear interest at a rate not exceeding 3 per cent per annum: *Provided*, That such bonds shall be sold at not less than par, shall not carry the circulation privilege, and that all citizens of the United States shall be given an equal opportunity to subscribe therefor, but no commission shall be allowed or paid thereon; that both principal and interest shall be payable in United States gold coin of the present standard of value, and be exempt from all taxation and duties of the United States, as well as from taxation in any form of all State, municipal, or local authorities; that any bonds issued hereunder may, under such conditions as the Secretary of the Treasury may prescribe, be convertible into bonds bearing a higher rate of interest than 3 per cent per annum if any bonds shall be issued by the United States at a higher rate than 3 per cent per annum by virtue of any act passed on or before December 31, 1918.

SEC. 4. That in order to pay the necessary expenses connected with the said issue of bonds, or any conversions thereof, a sum not exceeding one-fifth of 1 per cent of the amount of bonds herein authorized to be issued, or which may be converted, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct.

SEC. 5. That the President is authorized to transfer so much of the amount herein appropriated as he may deem necessary, not exceeding $25,000,000, to the Bureau of War-Risk Insurance, created by act of Congress approved September 2, 1914, for the purpose of insuring vessels, their freight, passage moneys, and cargoes against loss or damage by the present risks of war.

The VICE PRESIDENT. The Senator from Missouri [Mr. STONE] offers an amendment, which will be stated.

The SECRETARY. At the end of line 3, on page 2, it is proposed to strike out the period and insert a colon and the following:

Provided, That nothing herein shall authorize the President to employ or direct any person to manage or operate any arms placed on any merchant ship by the United States as herein authorized; and

Provided further, That it shall not be lawful for any merchant ship supplied by the President with arms as herein provided to carry or convey as a part of her cargo any munitions or other supplies of war destined for delivery to the armed forces of a belligerent nation engaged in war with another nation with which the United States is at peace; and

Provided further, That it shall not be lawful for any merchant ship which may be under the convoy or immediate protection of any public vessel of the United States to carry or convey as a part of her cargo any munitions or other supplies of war destined for delivery to the armed forces of a belligerent nation engaged in war with another nation with which the United States is at peace.

Mr. HITCHCOCK. Mr. President, before the discussion of this bill begins I have a preliminary request to make. Last night, rather late, the other House passed a bill known as H. R. 21052, which has a similar purpose and which is similar in its phraseology. I had intended to have that bill lie upon the table so as to be available in the Senate for consideration, but it was referred to the Committee on Foreign Relations. I now ask unanimous consent that that committee may be relieved from the further consideration of that bill, and that it may be considered as before the Senate.

Mr. STONE. I hope that will be done, Mr. President.

Mr. CUMMINS. Mr. President, will the Senator from Nebraska indulge me long enough to enable me to present an amendment to the bill under consideration and ask that it be printed?

Mr. HITCHCOCK. Certainly.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. BRANDEGEE. Mr. President, I was unable to hear the request made by the Senator from Nebraska. I wish he would restate it.

Mr. HITCHCOCK. The bill which passed the House of Representatives last night was formally referred to the Committee on Foreign Relations. I ask that the committee may be relieved of the further consideration of that bill, and that it may be considered as upon the table of the Senate.

Mr. BRANDEGEE. And not referred to the committee at all?

Mr. HITCHCOCK. Yes.

Mr. BRANDEGEE. As though it had not been referred?

Mr. HITCHCOCK. Yes.

The VICE PRESIDENT. Is there any objection?

Mr. LODGE. Mr. President——

Mr. BRANDEGEE. Some of the Senators seem to think that the position of the bill would be as though it had been reported from the committee; but that is not what the Senator asks.

Mr. HITCHCOCK. No; that is not my intention—not at all.

Mr. LODGE. Mr. President, as I understand, the motion of the Senator from Nebraska is that the committee be discharged from the further consideration of House bill 21052. That brings the bill before the Senate.

Mr. HITCHCOCK. I asked unanimous consent.

Mr. LODGE. Yes; but I used the word, "motion." Of course, that motion is possible if unanimous consent is refused. I only desire to say that it seems to me extremely desirable that we should have the House bill before us, so that we may deal with the whole subject; and I hope that the committee will be discharged, and the bill in that way brought before the Senate.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

Mr. HITCHCOCK. Mr. President, I now propose to yield to the Senator from Maryland for a conference report.

DISTRICT OF COLUMBIA APPROPRIATIONS—CONFERENCE REPORT.

Mr. SMITH of Maryland. I submit the conference report on the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, and I ask for the adoption of the report.

The VICE PRESIDENT. The report will be read.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 16, 87, and 88.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with amendments as follows: Omit the matter inserted by said Senate amendment and on page 9 of the bill, in line 3, strike out the following: "index clerk and typewriter, $900"; and on page 9 of the bill, in line 14, strike out "$180,540" and insert in lieu thereof "$179,640"; and the Senate agree to the same.

That the House recede from its amendment to the amendment of the Senate numbered 76, and agree to the said Senate amendment.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with amendments as follows: Amend the matter inserted by said amendment as follows: In line 1 strike out "SEC. 10" and insert in lieu thereof "SEC. 9," and in line 56, after the word "individuals," strike out all of the remainder of the said Senate amendment down to and including the word "session," in line 65; and the Senate agree to the same.

That the House recede from its amendment to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the matter inserted by the

amendment of the House to the amendment of the Senate numbered 98, and in lieu of the matter inserted by said Senate amendment, insert the following:

"SEC. 10. That to provide, during the fiscal year 1918, for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate per annum less than $1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than $1,800 per annum and not less than $1,200 per annum, so much as may be necessary is hereby appropriated: *Provided*, That this section shall only apply to the employees who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein, and that the increased compensation of teachers of the public schools be computed on their basic salaries, and on the salaries of the employees of the police department below the grade of sergeants: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein."

And the Senate agree to the same.

JOHN WALTER SMITH,
JOE T. ROBINSON,
WILLIAM P. DILLINGHAM,
Managers on the part of the Senate.

ROBERT M. PAGE,
JAMES MCANDREWS,
C. R. DAVIS,
Managers on the part of the House.

Mr. NORRIS. Mr. President, I do not believe I have any objection. I have not seen the conference report. All I know is what the newspapers have contained, and I wish the Senator would tell us what was done with the several amendments that were in dispute.

Mr. SMITH of Maryland. There were six items in disagreement, I will say to the Senator. The Senate agreed to all except those six.

One was the enforcement of the child-labor law, which only created two more officers to look after the child-labor law instead of the two that are there now. The Senate receded, as it considered that it was an unimportant matter.

The next was in regard to the payment of Thomas W. and Alice N. Keller. The Senate receded from that.

The House receded from the proposition they made to put the Gallinger Municipal Hospital on Upshur Street and agreed to the Senate amendment to put it on reservation No. 13, where the hospital is now located.

The Senate receded from the Klingle Valley proposition, and there is nothing in the bill regarding that at this time.

Included in the bill is the intangible-property tax as presented by the Senator, with the exception that there is not to be an investigation in regard to taxation in the District of Columbia, which was gone over last year very fully, and we thought that there was no necessity for such an investigation.

The other was in regard to increased compensation. The Senate accepted the House provision in that respect.

Mr. NORRIS. The increased compensation to clerks under the agreement of the conferees is the same as agreed to by both Houses——

Mr. SMITH of Maryland. By the House and by the Senate on the Indian appropriation bill.

Mr. NORRIS. On the Indian appropriation bill; yes. I have no objection to the consideration of the conference report.

Mr. JONES. Mr. President, I was interrupted and did not hear the Senator's statement as to what action was taken with reference to the item relating to the Gallinger Municipal Hospital.

Mr. SMITH of Maryland. That hospital is to remain on its present location.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The conference report was agreed to.

POST OFFICE APPROPRIATIONS—CONFERENCE REPORT.

Mr. BANKHEAD. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. HITCHCOCK. I am asked to yield for an opportunity to consider the conference report on the Post Office appropriation bill (H. R. 19410). I will do so temporarily, so that it may be taken up if there is no controversy upon it.

Mr. BANKHEAD. The conference report is on the table. I do not think there will be any controversy, because the conference report as adopted by the conferees is substantially the bill as it passed the Senate. There have been no changes in the bill except some very minor ones with reference to the amounts.

The VICE PRESIDENT. Is there any objection to the consideration of the conference report? The Chair hears none. The question is on agreeing to the conference report.

Mr. TOWNSEND. Mr. President, I want to say just one word. The Senate conferees receded on the amendment agreed to by the House relative to the payment of rural carriers for additional mileage over the 24 standard miles of the route. I was very anxious to stand by the Senate action; but it was thought under the circumstances that it could not be done, and especially in view of the prospect that possibly a resolution might be passed placing the post-office officials under the provisions, as to increase of salaries, which have been adopted thus far in the other bills. I think that at some time that injustice must be corrected.

Mr. SMOOT. Mr. President, may I ask the Senator reporting the agreement what conclusion was reached in relation to the increase of salaries of Government employees?

Mr. BANKHEAD. The amendment that passed the Senate was adopted by the conferees.

Mr. SMOOT. With the amendment offered to it by the Senator from Florida?

Mr. TOWNSEND. No.

Mr. SMOOT. Just the straight amendment?

Mr. TOWNSEND. Just the straight Smoot amendment.

Mr. HARDWICK. Mr. President, I want to say that the Senate amendment allowing an increase in compensation of rural carriers who are required to travel more than the standard distance, in my opinion, ought to be adopted as a matter of simple justice. We simply apply to these carriers the same scale that is applied to carriers in a descending way when they serve a rural route less than the standard. But at this stage of the session, and with many other important matters in the bill that ought to pass, it is not my purpose to delay or oppose the adoption of the conference report, although I offered this amendment and earnestly urged upon the conferees and upon the committee and upon the Senate its adoption in the first instance. I believe it is a matter of such simple and elementary justice that its adoption at an early date is a matter of absolute certainty; and resting on that belief I expect to support the conference report, although I wish this amendment had been retained in it.

Mr. LEA of Tennessee. Mr. President, I should like to ask the Senator from Alabama a question. Is there any change in the effective date of the so-called "bone-dry" amendment?

Mr. BANKHEAD. There is not. That matter was not in conference.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The conference report was agreed to.

LEGISLATIVE, ETC., APPROPRIATIONS—CONFERENCE REPORT.

Mr. OVERMAN. Mr. President, I ask the Senator if he will not yield to me to make a request to take up the conference report on the legislative, executive, and judicial appropriation bill (H. R. 18542).

Mr. SMITH of South Carolina and Mr. NORRIS addressed the Chair.

Mr. HITCHCOCK. I shall be glad to yield for the consideration of a conference report that can be adopted without objection; but I am informed by several of my colleagues that there are objections to this report.

Mr. NORRIS. Mr. President, will my colleague yield for just a moment, to enable me to make a request?

Mr. HITCHCOCK. I should like to dispose of this matter first.

Mr. NORRIS. My request pertains to a conference report that I understand has been formally adopted.

Mr. HITCHCOCK. We can get through with this first, and then go right to that.

Mr. OVERMAN. I do not know of any objection except to the item in regard to the increase in salaries, and that has been agreed to in other bills.

Mr. SMITH of Georgia. We do not want to take it up now.

Mr. NORRIS. Well, that is the question I wanted to ask. I wanted to ask the Senator from Michigan——

Mr. HITCHCOCK. I think, in view of the objections that have been made and the probability of a controversy, that I can not yield to my friend from North Carolina for this purpose at this time.

Mr. OVERMAN. The Senator, I understand, objects to my taking up the conference report on the legislative bill?

Mr. HITCHCOCK. There is an objection from——

Mr. OVERMAN. I ask the Senator to yield, and let us see whether somebody objects. I want to know if anybody is going to object.

Mr. PENROSE. I object, Mr. President.

The VICE PRESIDENT. Objection is made.

POST OFFICE APPROPRIATIONS—CONFERENCE REPORT.

Mr. NORRIS. Mr. President, will my colleague yield until I can make a request in reference to the Post Office conference report? There has been a misunderstanding here as to what it contained, and I do not believe the conferees desire to have us agree to it with that misunderstanding.

Mr. SMITH of South Carolina. That conference report has already been adopted.

Mr. NORRIS. I understand; but I want to ask if that fixes the compensation at the same amount that it was fixed in the Indian appropriation bill?

Mr. TOWNSEND. No; it does not. Let me explain to the Senator.

Mr. NORRIS. It was agreed to; but I did not believe it was——

Mr. TOWNSEND. I know it was; but the bill as it passed the Senate contained the Smoot amendment. The House had made no provision in its bill for that, and there was nothing left for the Senate conferees to do but to stand by the Senate bill, because the House conferees did not insist upon it; but that conference report has to be returned to the House, and I am very confident that the House will there take care of that proposition. But there was nothing left for the conferees on the part of the Senate to do but to stand by the Senate amendment.

Mr. NORRIS. That explanation is satisfactory.

ARMED MERCHANT SHIPS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8322) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing the registry of the United States, with defensive arms, and for other purposes.

Mr. HITCHCOCK. Mr. President, this is an emergency measure——

Mr. LODGE. Mr. President, before the Senator from Nebraska begins his remarks, would he object to having the House bill read? I do not think it has been read.

Mr. HITCHCOCK. It seems to me that is hardly necessary at this time, as the Senate bill is before the Senate, and the House bill is on the table and can be read at any time.

Mr. LODGE. It is not necessary, but there may be reference to it.

Mr. HITCHCOCK. I desire to make a preliminary statement of exactly what the situation is in regard to the Senate bill.

This is an emergency bill. Upon the eve of the adjournment of Congress the President came before the Congress and asked for certain powers. He asked for authority to maintain an armed neutrality. For this purpose he asked for authority to arm merchant ships of the United States for defense. He asked for authority to employ other instrumentalities and methods to protect vessels and citizens of the United States thereon in their peaceful pursuits on the high seas. He asked for the necessary credit to do these things. He asked for a larger insurance fund in order that the Government of the United States might protect, by insurance, the vessels and cargoes of citizens of the United States. All of these things have been granted in the bill which has been agreed upon by the Committee on Foreign Relations and reported to the Senate. One other thing also has been included in this bill. It is an authority for merchant vessels of the United States to defend themselves against unlawful attack.

When the committee came to consider the requests of the President, its attention was called to an old statute of the United States, I think of date 1819, which in times of war, when the United States is neutral, prohibited merchantmen of the United States from resisting by force the public vessels of other countries; and it was feared that if this law were not changed the merchant vessels of the United States, even though armed by the President, if they resisted or came into conflict with the public vessels of any belligerent nation might subject themselves to treatment as pirates. Therefore this authority for vessels to defend themselves against unlawful attacks has been incorporated in the bill.

Mr. President, I regret that the chairman of the committee has declined to manage this bill and present it to the Senate, although I have great respect for the conscientious motives which have moved him to do otherwise. The bill does not exactly represent my own judgment, but I have accepted it because it is the overwhelming judgment of the Committee on Foreign Relations after a careful consideration.

I know this bill has been referred to as one which if enacted may lead to war, but to my mind the United States will be in less danger of war during the next few months, or at least during the critical next few weeks, if the President is equipped with the powers which he seeks to enable the United States to assume the position of armed neutrality. I believe that the attitude of the United States under his very conservative administration and with his strong purpose to keep the United States out of the war as a party in the war is less likely to lead to war than for us to continue in the present uncertain state, where neither the people of the United States nor our merchantmen upon the seas nor the belligerent nations themselves know exactly what our attitude is. If we take under his management a position of armed neutrality, to stand for our neutral rights, if need be, against any other belligerent, we have taken a definite position, we have put ourselves in an unmistakable attitude of neutrality, and we have placed the destinies of the United States in the hands of our Chief Executive, who has shown for the last three years the steady purpose to keep this country out of that war as a participant.

I believe, Mr. President, that we will be in a safer position under those circumstances than if we permit the present uncertainty to continue. I am perhaps classified sometimes as a pacifist, and I do not shrink from that classification, but I believe there is more safety in a definite position than in our present uncertain position. Moreover, I would rather trust this President, who abhors war and who has shown his high purpose to keep out of the war—I would rather trust him in this emergency to be moderate, as well as firm, than I would trust this body itself if we should be confronted, as we may be confronted any day, with some great crisis.

Mr. President, I wish to call attention again to the fact that the attitude of the President, which I have described as a peaceful attitude, can be judged not only by his acts during the last three years, which have been much criticized by those of a bellicose disposition, but it is established by the words he spoke to us on the 26th of February. He came before us practically admitting that in his opinion he had most, if not all, the powers that he asks of Congress. He came before us and declared that he was as much opposed to war at this time as he has ever been. He said:

> I merely request that you will accord me by your own vote and definite bestowal the means and the authority to safeguard in practice the right of a great people who are at peace and who are desirous of exercising none but the rights of peace to follow the pursuits of peace in quietness and good will—rights recognized time out of mind by all the civilized nations of the world. No course of my choosing or of theirs will lead to war. War can come only by the willful acts and aggressions of others.

I am ready to take the President of the United States at his word upon his record, and I think he ought to be assured of these powers. I believe that a position of armed neutrality, a definite position of that sort at this time, is the safest as well as the most honorable attitude for the United States to assume. It will be notice to the belligerents that we are not going to submit to having our rights as a great neutral trampled upon. We ought to give notice to the world by this bill of our exact intentions, and by giving that notice we are, I believe, less likely to encounter the danger which will come if we continue to occupy an undefined and uncertain position.

Mr. President, at the present time this is all I care to say in support of the bill.

Mr. JONES. I should like to ask the Senator a question before he sits down. I wish to ask the Senator whether under the language contained in lines 1 and 2 and 3 on page 2 of the bill the President will be given authority, if he deems it necessary for the protection of American lives, to convoy these ships, upon which ships American citizens may be traveling as passengers or in their employment.

Mr. LODGE. To what bill does the Senator refer?

Mr. JONES. I refer to the Senate bill.

Mr. HITCHCOCK. The Senator will notice that the phrase relating to the protection of citizens is qualified by the term "vessels of the United States."

Mr. JONES. I have the bill here, Senate bill 8322. Probably this is the bill as it was introduced. It reads in this way——

Mr. HITCHCOCK. There is a calendar print of the Senate bill which is now pending.

Mr. JONES. It may read differently from this:

> And the President of the United States is hereby authorized and empowered to supply such vessels with defensive arms fore and aft and also with the necessary ammunition and means of making use of them; and that he be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may in his

judgment and discretion be necessary and adequate to protect such vessels—

Of course, that refers to vessels of the United States—

and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

Mr. HITCHCOCK. That is the same language.

Mr. JONES. As I understand that, it would authorize the President to protect a British ship from attack if it was necessary to preserve the life of an American citizen traveling as a passenger on that ship, or an American who might be in the employ, working down in the engine room of that ship, because, I understand, it is the contention that American citizens have a right to travel on those ships and they have a right to work on those ships. It seems to me that the language there refers to two things—first, the protection of such vessels from attack, and then the protection of American citizens in the exercise of their lawful pursuits. I want to get the view of the Senator in reference to that.

Mr. HITCHCOCK. As far as my opinion goes, I should think that probably it is not necessary to specify protection for the citizens of the United States, but I have no idea that it was intended to protect any except vessels of the United States and citizens upon them.

Mr. JONES. The Senator thinks that this would not give the President the authority to do that?

Mr. HITCHCOCK. I think it would not authorize him to go further than to protect American vessels and those upon them.

Mr. LODGE. Mr. President, referring for a moment to the question which has just been asked, the vessels dealt with are described in the first line of the bill:

All merchant vessels of the United States and bearing the registry of the United States.

They are referred to subsequently in the ordinary form as "such vessels," which is the same as "said vessels." The reference to "such vessels," as repeated through the clauses, refers, of course, to the vessels described in the first line. The law could refer only to vessels of the United States and bearing the registry of the United States.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Washington?

Mr. JONES. If the Senator will permit me, I make no contention about that.

Mr. LODGE. I misunderstood the Senator.

Mr. JONES. I think that is very clear; but it seems to me the bill provides for two things: First, the protection of such vessels from attack as vessels of the United States. Then it goes further and authorizes the President to protect an American citizen in a lawful occupation upon the high seas from attack, whether he is on an American ship or on any other ship. It authorizes him to protect him where he is lawfully, and if he is lawfully on a British ship, as a passenger on the *Laconia*, it gives him authority to use whatever means may be necessary to preserve his life. In other words, it seems to me if he thought it necessary to protect American passengers on the *Laconia* or any other British ship, he could convoy those ships with American battleships. I should like to have the opinion of the Senator as to whether it gives the President that authority.

Mr. LODGE. I do not think, Mr. President, that this bill gives the President authority to convoy or arm the merchant ships of foreign nations.

Mr. JONES. I do not think he could arm them; of course not. I did not say that.

Mr. LODGE. That is all that is conveyed here—arm or employ other instrumentalities.

Mr. JONES. Yes; "other instrumentalities."

Mr. LODGE. I am speaking of the protection of the ship.

Mr. JONES. I am not interested in that, because I think the bill is perfectly plain with reference to the protection of ships.

Mr. LODGE. No; the Senator misunderstands me. I say the words "citizens of the United States" do not carry with them the power to protect by convoy or arm, which are the only ways known to me of protecting a ship at sea, a foreign merchant ship.

Mr. JONES. If the Senator will permit me, because I want to get the information; I want to get at what this means, and I know no one in whose judgment I have more confidence in reference to matters of this kind than the Senator from Massachusetts. It says here the President is—

Authorized and empowered to employ such other instrumentalities and methods as may in his judgment and discretion seem necessary and adequate—

Now, leave out the matter with reference to vessels—

to protect the citizens of the United States in their lawful and peaceful pursuits on the high seas.

I understand it is contended that American citizens have the right to seek employment and follow employment upon a British merchant ship. These ships have been sunk and American lives have been lost. Would the President have the authority under this bill to take any steps that he deems necessary; for instance, to send a battleship to accompany a British passenger ship on which he knows an American citizen is a passenger or an American citizen is employed for the protection or warding off of attack that would endanger the life of that American citizen? That is what I would like to have the opinion of the Senator upon.

Mr. LODGE. I will attempt again to say what I tried to say before. I do not think there is anything in the bill which permits the President of the United States to convoy or to arm a foreign merchant ship. He could, of course, do that if war existed, but I do not think unless war exists he has any power given him by the bill to convoy or arm a foreign merchant vessel; but——

Mr. HARDWICK rose.

Mr. LODGE. One moment. I want to complete what I was going to say at this time. I think most decidedly that American citizens in peaceful pursuits of trade or travel who are on a belligerent ship, a merchant ship, who are lawfully there, have rights which it is the duty of this Government to guard. I thought when the *Lusitania* sank that a great wrong was done to the citizens of the United States who perished in that wreck.

Mr. President, I read the other day in a newspaper the following cablegram addressed to President Wilson by Austin Y. Hoy, whose mother and sister were lost when the *Laconia* was torpedoed without warning by a German submarine. The cablegram says:

I am an American citizen, representing the Sullivan Machinery Co., of Chicago, living abroad not as an expatriate, but for the promotion of American trade. I love the flag, believing in its significance. My beloved mother and sister, passengers on the *Laconia*, have been foully murdered on the high seas.

As an American citizen outraged and as such fully within my rights, and as an American son and brother bereaved, I call upon my Government to preserve its citizens' self-respect and save others of my countrymen from such deep grief as I now feel. I am of military age, able to fight. If my country can use me against these brutal assassins, I am at its call. If it stultifies my manhood and my Nation's by remaining passive under outrage, I shall seek a man's chance under another flag.

Mr. President, that to me is painful reading. Those two women were lawfully on that ship. They did not sacrifice their rights as American citizens by taking passage on that ship. It was a merchant ship, a passenger-carrying ship. It was torpedoed at night without warning and these women perished miserably in open boats. I do not think they had lost their rights as American citizens.

Now, I repeat I do not consider that this bill gives the President any power to put arms or send a convoy with a foreign merchant vessel, but I think that without any law he has power to assert the rights of harmless, peaceful travelers who are where they are entitled by law to be.

Mr. HARDWICK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I yield.

Mr. HARDWICK. I desire to inquire of the Senator from Massachusetts, who is on the committee, I believe, that reported this bill.

Mr. LODGE. Yes; I believe I am on the committee.

Mr. HARDWICK. And I suppose the ranking member on the other side.

Mr. LODGE. I have the honor to be that.

Mr. HARDWICK. What does this language in the bill mean? I ask purely for information.

Mr. LODGE. I understand; certainly.

Mr. HARDWICK (reading)—

is hereby authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate—

And so forth.

Exactly what does the Senator and his committee mean by that language? What does that cover?

Mr. LODGE. Such measures as seem necessary and adequate.

Mr. HARDWICK. Yes; what kind of latitude does that authorize?

Mr. LODGE. If the Senator will allow me, I was going to discuss that in my own way a moment later.

Mr. HARDWICK. Very well, if the Senator is going to cover it.

Mr. LODGE. I am going to contrast it with the House bill, and I am coming to that precise point.

Mr. HARDWICK. The Senator will remember that our committee struck out that language and that the bill as passed by the other House does not contain it.

Mr. LODGE. I am aware of that.

Mr. HARDWICK. I wanted to know exactly what, in the opinion of the Senator, who has had long experience in such matters, this language covered, and what it meant.

Mr. LODGE. I was coming to that.

Mr. HARDWICK. Very well; I will ask the Senator to come to it in his own way.

Mr. LODGE. If the Senator will allow me, I will come to it. I meant to treat it as fully as seems necessary.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from California?

Mr. LODGE. I do.

Mr. WORKS. Mr. President, the Senator from Massachusetts has said that two women to whom he has referred were entitled to the protection of the United States. If that be so, why should this bill not provide that the President shall protect American citizens under those circumstances? Why has that been omitted in the bill?

Mr. LODGE. Because, in my judgment, Mr. President, the President has ample powers under the Constitution to give general protection to American citizens in their rights wherever those citizens may be. If he needs the aid of Congress, he has, in my opinion, simply to apply to them for aid and they will give it, as we are going to give to him this limited aid which he has now asked.

Mr. President, I desire to call attention, first, to the lines with which the Senate bill begins.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Wisconsin?

Mr. LODGE. I do.

Mr. LA FOLLETTE. Do I understand the Senator to mean, in his answer to the question propounded by the Senator from California [Mr. WORKS], that the President has, under the Constitution, all the powers which this bill seeks to confer upon him?

Mr. LODGE. No, Mr. President; he certainly has not. He has no authority to arm merchantmen, and he is applying for that authority.

Mr. LA FOLLETTE. I thought the Senator's statement was broader than he has now made it.

Mr. LODGE. No. I said that if he lacked authority he could come to Congress for it, as he has now done in this limited way.

Mr. President, the first three lines of the Senate bill provide—

That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks.

Whether we pass the House or the Senate bill that clause must be placed in the bill. In the statutes of the United States we have a provision permitting merchant vessels to arm and defend themselves; but it expressly provides that they must not defend themselves against the public armed vessel of a nation with which we are at amity. Technically we are at amity with Germany now; and if we arm these vessels, or if they arm themselves, and then make resistance to a German vessel, be she cruiser or submarine, and they fail in that resistance and are made prisoners, under our own statutes they can be deemed pirates and treated in that way because of that particular exception in the statute of 1819.

It would be something worse than a mockery to invite the commanders and crews of our vessels to arm those vessels, to give them armament for that purpose, and then to send them to sea without at least fixing and defining their military status under our own laws. I do not know that even that would be sufficient to protect them as they ought to be protected, because we have the case of Capt. Fryatt, a merchant captain who defended his own ship, which he had a right to do under the English law and under the law of nations, but who was executed after being made a prisoner. We certainly ought never to arm those men and authorize them to resist all unlawful attacks, and yet by our own law leave them in a status where they might be treated as pirates, when it is our plain duty to give them the military status which would be recognized by all the world.

We then proceed in the Senate bill to authorize and empower the President to supply such vessels with defensive arms. After the words "defensive arms" in the Senate bill there were inserted the words "fore and aft." That was done at my suggestion. What I had in mind was a limitation which occurs in international law, and I think in our own regulations, about the position of the guns as evidence of the character of the ship, and there have been limitations in that way. All these limitations are merely in the nature of evidence as showing the character of the ship, and there is among them a limitation confining these merchantmen to carrying only one gun aft. My intention in making the amendment was to enlarge the power of the President in arming these ships, to give him the right, under our own regulations, to put on a complete defensive armament or an efficient defensive armament. I wished to make it possible to allow the ships to have revolving guns, both fore and aft, which would give them a really defensive armament; but I understand that my suggestion is regarded not as an extension of power in this direction, but as a limitation. The last thing I should wish to do would be to limit the President in that respect. I think, therefore, the words "fore and aft" had better be removed from the Senate bill.

I shall be glad to see the word "completely" put in before the word "defensive"; but if the words are now interpreted by the President and his advisers in that way, as meaning "completely defensive," and as leaving him the power to put broadside guns on the ships, and if he thinks that guns fore and aft are not enough, I want to give him all the power he desires in this direction. My last thought would be to put any limitation upon him.

Now we come to the part of the bill about which the Senator from Georgia [Mr. HARDWICK] questioned me.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. LODGE. Certainly.

Mr. CUMMINS. Before the Senator passes from that part of the bill, I should very much like to have his opinion upon this point: The bill uses the words "unlawful attacks." Does the Senator think the words "attacks" and "capture" are synonymous in this connection; or, in other words, what is an "unlawful attack"?

Mr. LODGE. Any form of attack not recognized by international law is unlawful.

Mr. CUMMINS. And that would cover capture, so that it might be read "unlawful capture" as well, I assume?

Mr. LODGE. No; capture is preceded by seizure.

Mr. CUMMINS. "Unlawful seizure and capture." The Senator from Nebraska [Mr. HITCHCOCK] said a few moments ago that this was intended to cover unlawful interference of all kinds.

Mr. LODGE. I think it is.

Mr. CUMMINS. Does the Senator from Massachusetts, therefore, propose that we shall arm these merchant vessels against their unlawful capture by a warship?

Mr. LODGE. Mr. President, I said any attack which was unlawful as tried by the admitted doctrine of international law, recognized by all the world for many centuries.

Mr. CUMMINS. Mr. President, I am asking these questions purely for information, because the Senator from Massachusetts is so much better versed in international law than I am, and I need the information to make up my mind upon this point. The President has said repeatedly, and I have no doubt has said correctly, that many of the captures or seizures of our ships destined to Germany or neutral ports by British warships have been illegal or unlawful. I want to know whether we are authorizing under this bill our merchant ships to use these guns to prevent a capture of that kind which the commander of the ship might think unlawful?

Mr. LODGE. Why, Mr. President, the armed merchantman has a right to resist any form of attack. He always has had that right in all wars. If he is held to be an armed merchantman, and not to have lost his character as such, he is not to be treated as a ship of war. The crew are entitled to be treated as prisoners of war and the neutrals to be set on shore by the captor at the nearest point. If he did not resist, they are entitled to be carried into port as a prize for adjudication. That was the ordinary rule; but under the old practice many merchantmen in time of war who kept their character as merchantmen would beat off an attack by a privateer, a letter-of-marque vessel with a recognized naval status. This measure is confined to "unlawful attacks," but I suppose our ships will undoubtedly have a right to resist capture and seizure.

Mr. SHERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. SHERMAN. If the Senator prefers not to be interrupted, I will not interrupt him.

Mr. LODGE. I yield to the Senator.

Mr. SHERMAN. In connection with the inquiry made by the senior Senator from Iowa [Mr. CUMMINS], I should like to make an inquiry of my own, which will be specific in character. The right is unquestioned of a merchantman to exact from the ship of another nation that visitation and search precede seizure and capture, of which the Senator has spoken.

Mr. LODGE. Absolutely.

Mr. SHERMAN. Specifically, a submarine is operated without either visitation or precedent search, which is necessary to establish the character of the ship as well as its cargo.

Mr. LODGE. That is true.

Mr. SHERMAN. Will an unlawful attack include in its necessary definition an attack by a submarine, without visitation and search, upon one of our merchant ships so armed under the provisions of this bill? Would that be an unlawful attack?

Mr. LODGE. It would be, in my judgment.

The Senate provided in the second clause of the first section that the President—

is hereby authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

The House bill provides—

That he be, and is hereby, authorized and empowered to protect such ships and the citizens of the United States against unlawful attack while in their lawful and peaceful pursuits on the high seas.

The House omitted the words "employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate," leaving it simply that the President is "empowered to protect such ships." Now, as a matter of interpretation, to me that gives him, if anything, larger powers than the Senate bill. It denies him nothing. I think it is more indefinite than the Senate bill. I do not in the least object to it, but I think the Senate form is better. The House has also inserted, after the words "citizens of the United States," the words "against unlawful attack," a repetition of the phrase in the first portion of the paragraph. I see no objection to that, nor do I attach any importance to it. I think those two provisions of the House and Senate are substantially the same.

Mr. HARDWICK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I do.

Mr. HARDWICK. Does the Senator believe that the elimination of this language conferring, apparently, broad general powers narrows the power of the President?

Mr. LODGE. I do not think anything could extend the House phrase or give him more power.

Mr. HARDWICK. But in the House bill what he could do was specifically outlined, was it not?

Mr. LODGE. Not so specifically outlined as in the Senate bill.

Mr. HARDWICK. No; it was——

Mr. LODGE. If I may be pardoned one moment, Mr. President, if we say to the President "we authorize and empower you to protect," we say to him, of course, that he may use every power that he has to protect our citizens, which gives him everything.

Mr. HARDWICK. If the Senator is right in that contention, certainly it does not narrow it any.

Mr. LODGE. I say the House does not narrow it in the least.

Mr. HARDWICK. Well, we do not broaden it then by putting it in.

Mr. LODGE. We do not, in my opinion.

Mr. HARDWICK. In other words, the Senator thinks it means exactly the same thing whether we have it there or not?

Mr. LODGE. No; I do not know that it means precisely the same. I think we are more specific, but, so far as the grant of power goes, I think it goes as far under one bill as the other. Our bill, if anything, is limiting, because it impresses upon the President the words "what in his judgment is necessary and adequate," but I do not think it limits him in the least. I am certain the House does not limit him.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. LODGE. Certainly.

Mr. CLAPP. Mr. President, at least one amendment has been offered which specifically authorizes the furnishing of convoy ships. Is there any question in the Senator's mind but that under the language of the Senate bill, "to employ such other instrumentalities and methods," the President would be authorized to furnish convoy ships for a vessel coming within the language of the proposed bill; that is, a merchant vessel of the United States bearing the registry of the United States?

Mr. LODGE. My belief is that we could, under the language of either bill, use convoys.

Mr. President, before I come to the next provision, which relates to war-risk insurance, it has been suggested to me that I did not make it perfectly plain about the fore-and-aft guns. Of course, with a single revolving gun aft there is a certain portion of the circle which that gun can not cover. It can not cover a portion on the broadside—I am not expert enough to know just how much—but it is impossible to give the ship full protection with one gun. If you have another revolving gun forward, of course that gun has the same limitation reversed, and you can come very near, I should think, to covering the whole horizon. The old gun carried aft, as the Senator from Vermont [Mr. DILLINGHAM] suggests, would reach a vessel in pursuit, and was looked upon as evidence of the merchant character of the vessel.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Michigan?

Mr. LODGE. I do.

Mr. SMITH of Michigan. May I ask the Senator from Massachusetts whether he has referred to the first part of the Senate bill as conveying broader powers than the House bill with reference to the right of commanders and crews of merchant vessels——

Mr. LODGE. I began with that, and pointed out, as well as I could, my views on the subject. I thought I did so very fully.

Mr. SMITH of Michigan. I beg the Senator's pardon. I did not hear his statement on that point.

Mr. CLAPP. Mr. President, before the Senator takes up the insurance clause, if he will grant permission, I should like to ask his view as to this situation: I understand that the English Government has established a blockade as to German ports. Would it be contended that there could be any right given under this bill for a merchant ship armed or convoyed to pass, or attempt to pass, that blockade?

Mr. LODGE. Why, of course, Mr. President, as we know from our own war experience, if a blockade which is an effective blockade, and not a paper blockade——

Mr. CLAPP. Of course.

Mr. LODGE (continuing). Is established by a belligerent Government, it is a belligerent right to do so, and any vessel that tries to break through that blockade does it at its own risk, and if another nation attempts to break the blockade with a warship of course it is an act of war.

Mr. CLAPP. Yes.

Mr. LODGE. And the great question in our Civil War was whether France or England would come in at any time and break the blockade.

Mr. CLAPP. Would the effort of the blockading ships, carried perhaps to the extent of force against the merchant ships provided for in this bill, constitute the unlawful attack or come within the purview of the expression "unlawful attack," as used in the bill?

Mr. LODGE. An armed merchantman attempting to break the blockade is engaged in taking a risk of breaking through a belligerent right. She has the right to defend herself. It does not follow that lives must be destroyed because she does it.

Mr. CLAPP. No.

Mr. LODGE. But she is taking her own risk. But if you take the ship of a nation, an armed vessel of war, and attempt to put it through a blockade, that is an act of war, of course.

Mr. CLAPP. Then, I should like a little more information, if the Senator's view is clear on that, as to whether the effort of blockading ships carried to the extent of force as applied to the merchant ships would constitute the form of unlawful attack contemplated by the bill?

Mr. LODGE. Mr. President, in those cases there would be visitation and search first, and then seizure and capture. It is within the right of the armed merchantman to defend itself if it chooses. The House bill uses the same language on that point of unlawful attack.

The next provision is to appropriate $100,000,000 to enable the President to carry into effect the foregoing provisions, and the Senate bill contains a limitation that not more than $25,000,000 shall be used for war-risk insurance. We have already, by special bill, added $15,000,000 to the insurance fund of the Government. This addition of $25,000,000 would give them $40,000,000 for that fund, which will be ample for all purposes, and the remaining $75,000,000 is given to the President to use for carrying out the purposes of this act. The House does not

limit the amount which shall be allotted to the war-risk insurance, but puts in another limitation:

That said Bureau of War Risk Insurance shall not insure any arms or ammunition or any vessel carrying arms or ammunition consigned to belligerent countries or any citizen thereof.

Mr. President, no distinction is drawn in giving insurance to vessels engaged in trade in a period of war. The rate may be much higher for a vessel carrying contraband of any sort and still higher for one carrying arms and munitions; but the private insurance companies—great corporations, in most cases—both here and abroad grant insurance, possibly, if the risk is very great, at very high rates; but they draw no distinction as to the contraband character of cargo by refusal to insure. The vessel carrying contraband or munitions of war sails at her own risk. She is good prize. She is liable to capture by a belligerent, and she takes her own risk; and no nation attempts to put it on any other ground. Cases have been cited here to the Senate, and I can cite many statements of our State Department and of our Government to the effect that the right of the citizen to take munitions of war or contraband to a belligerent country was undoubted, but that they did it at their own risk; and that risk is insured by all insurance companies—at a high rate, perhaps—but they are not excluded from insuring if they can pay the premium.

I see no possible reason for making this distinction in Government insurance. It is not an act of war to insure a vessel—in no sense—and I see no object in that House provision.

Mr. President, I now take up the amendments offered by the Senator from Missouri [Mr. STONE]. They are as follows:

Provided, That nothing herein shall authorize the President to employ or direct any person to manage or operate any arms placed on any merchant ship by the United States as herein authorized; and

Provided further, That it shall not be lawful for any merchant ship supplied by the President with arms as herein provided to carry or convey as a part of her cargo any munitions or other supplies of war destined for delivery to the armed forces of a belligerent nation engaged in war with another nation with which the United States is at peace; and

Provided further, That it shall not be lawful for any merchant ship which may be under the convoy or immediate protection of any public vessel of the United States to carry or convey as a part of her cargo any munitions or other supplies of war destined for delivery to the armed forces of a belligerent nation engaged in war with another nation with which the United States is at peace.

Mr. President, in my opinion for us to arm a vessel loaded with contraband, or to convoy a vessel loaded with contraband, would be an act of war. I voted against that amendment in the committee, and it seemed to me going very far to say to the President that he must not commit an act of war. He is as well aware of what constitutes an act of war as we are; and I feel very sure that if the President were ready to make war, and thought the time had come for that action, he would call Congress together if it were not in session, and that in any event he would submit it to Congress. I do not believe for one moment that the President will undertake to make or declare war without the authority of Congress, which is the only constitutional body which can declare war. I felt, and the majority of the committee and I feel so still, that if we are not prepared to trust the President with the powers which he asks, we have no justification for giving him anything at all. We should be tying his hands; and when I join in conferring on the President powers like that of arming merchantmen—a power which he certainly does not possess under the Constitution—I, for one, am not going to accompany it with the statement that I do not think he can be trusted not to commit an act of war.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. LODGE. I do.

Mr. BORAH. May I ask the Senator from Massachusetts if the statement that he has just made applies with equal force to the first proviso:

That nothing herein shall authorize the President to employ or direct any person to manage or operate any arms placed on any merchant ship by the United States as herein authorized?

Would that be an act of war?

Mr. LODGE. I did not touch on that, Mr. President; but while the Senator is a far better lawyer than I am, my own impression is that if you put officers of the Navy or men of the Navy of the United States—which this is, of course, intended to cover—on a merchant ship, you change her character; you make her a merchant auxiliary; you take her into the Navy of the United States; you make her a vessel of war, pro tanto.

Mr. BORAH. I asked purely for information; not in a controversial way.

Mr. LODGE. Oh, I understand that.

Mr. BORAH. I was not clear in my own mind, and I desired the Senator's opinion specifically upon that question.

Mr. LODGE. I am giving it for what it is worth. That would be my own judgment.

Mr. HARDING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. I do.

Mr. STONE. Mr. President, will the Senator pardon me for just a moment? I did not understand the Senator.

Mr. LODGE. In regard to putting officers and men on board?

Mr. STONE. Yes.

Mr. LODGE. The first proviso?

Mr. STONE. Yes.

Mr. LODGE. I said that in my judgment if the President put officers and men—either or both—of the United States Navy on board a ship, he would convert that ship into a merchant auxiliary, as it is commonly known, and he would make her a ship of war of the United States to that extent.

Mr. STONE. Well, the Senator does not state exactly the proposition advanced in the amendment. It does not say that the President shall not be authorized to place men or officers who belong to the Navy on board ships. It says nothing about officers.

Mr. LODGE. The President has no power or authority to put anybody on board a merchant ship in the capacity of gunner except men who are in the service of the United States. He can not order a citizen on board.

Mr. STONE. Well, he might employ one.

Mr. LODGE. I do not see how, without enlisting him.

Mr. STONE. The language is, "shall neither employ nor direct."

Mr. LODGE. I do not think he can employ him without enlisting him in the naval service of the United States.

Mr. STONE. Well, I am satisfied with that answer.

Mr. HARDING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. I do; with pleasure.

Mr. HARDING. In view of the statement the Senator from Massachusetts has just made, what objection is there, then, to putting this limitation in the bill?

Mr. LODGE. I have been trying to explain the objection, and I will repeat it. We are asked by the President to give him certain grants of power. We give him those grants. Now, these amendments propose to say to him: "You must not commit active and flagrant acts of war. You must not precipitate the country into war by your acts." If the President can be no more trusted than that, in my judgment we had better not give him any power at all.

Mr. O'GORMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from New York?

Mr. LODGE. I do.

Mr. O'GORMAN. Will not the language proposed by the Senator from Missouri be a protection to the President rather than an embarrassment? It will be noted the language in the second and third paragraphs places a restriction on the owner of the vessel and not on the President. It saves the President or helps to save him from imposition by the owner of an American vessel that might seek to carry munitions of war and at the same time look for the protection of a convoy—an American battleship.

Mr. LODGE. Whether that is in or not the method of determining the cargo of a vessel must be the same. The President in any event must know whether the vessel contains contraband and he must find out through the officers of the Government. That amendment compels nothing and relieves him of nothing as far as that goes. All this seems to me in the highest degree unimportant because the President of the United States under his constitutional powers can, if he choose, get the country into war. As Mr. Webster said on one famous occasion, "Nobody declared the Mexican War; Mr. Polk made it." The President can do that without any resolution of Congress, and I do not care to assume for one that he is going to do it.

Mr. O'GORMAN. The Senator from Massachusetts is, of course, quite familiar with the provisions of the London convention, and especially articles 61 and 62, which deal with the convoy of a merchant ship and make specific provision that where a merchant ship is convoyed by a man-of-war or a cruiser the representative of the belligerent, instead of searching the ship, has a right to receive from the commander of the convoying ship a certificate that there is no contraband of war.

Mr. LODGE. Undoubtedly.

Mr. O'GORMAN. And if not satisfied with that assurance he asks the commander to make further search because of suspicion entertained by the commander of the belligerent ship. It is the duty of the commander of the convoying vessel to make such further search, and if he then discovers that there is contraband of war he withdraws from the merchant ship the protection of the convoy.

That is only alluded to for the purpose of illustrating the possibility, perhaps probability, that the sovereign, in our case the President, may be deceived when he offers in the first instance the benefit of a convoying ship. I think, therefore, the Senator from Massachusetts is needlessly alarmed when he attributes to the language of the Senator from Missouri a desire to embarrass the President.

Mr. LODGE. The Senator from New York misapprehends the Senator from Massachusetts. I am not needlessly alarmed. The needless alarm is in those amendments. I am not in the least alarmed, either needlessly or otherwise.

Mr. O'GORMAN. Then I understand the Senator from Massachusetts to say, in substance, that the President would have no right to do those things which the proposed amendment covers, and that, therefore——

Mr. LODGE. The Senator, I know, does not want to misrepresent me. I said he had no right to do those things unless he was prepared to commit an act of war.

Mr. O'GORMAN. Do you think the President has a right to commit an act of war before Congress declares war?

Mr. LODGE. I do not; but it has been done.

Mr. O'GORMAN. You do not expect it to be done in this instance?

Mr. LODGE. I certainly do not—far from it.

Mr. O'GORMAN. Do I understand the Senator to be of the opinion that the insertion of the amendment offered by the Senator from Missouri will not have a tendency to safeguard the peace of this country?

Mr. LODGE. No, Mr. President; I do not think it will have the slightest effect in that direction.

Mr. O'GORMAN. Do you see any harm in it?

Mr. LODGE. I think it is very undesirable when we are asked by the President to give him certain powers to accompany the authority with a statement that he must not do that which he knows he can not do without committing an act of war and going beyond his constitutional powers. I see nothing to justify Congress in taking that position.

Mr. WILLIAMS. And that which the act does not empower him to do?

Mr. LODGE. Exactly.

Mr. STONE. But which the act in no wise forbids him to do.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. LODGE. I yield to the Senator from Iowa.

Mr. CUMMINS. I do not clearly apprehend the last statement of the Senator from Massachusetts. He says that he has no apprehension that the President will commit an act of war under the authority proposed to be given to him in this bill. Suppose he sent out one of our merchant ships which the United States has armed with cannon and ammunition. It sights a submarine. Does not the Senator from Massachusetts expect, in view of all that has taken place, that the merchant ship will use the cannon and ammunition at once, or does he expect——

Mr. LODGE. That is resisting unlawful attack. I should be very sorry if I did not think they would shoot at a submarine when it was approaching. The legislation would be quite useless unless they do so.

Mr. CUMMINS. Inasmuch as that is a method of attack adopted by one belligerent, if one of our merchant ships was armed, and immediately upon sighting the submarine would proceed to destroy it, it would be an act of war, would it not?

Mr. LODGE. It would be resisting an unlawful attack, according to the terms of this bill. I do not think it would be an act of war. I think a neutral merchantman armed has always had the right to resist attack without involving the country in war. It has always done it.

Mr. CUMMINS. I do not want to debate the question with the Senator, because I am in favor of sinking these submarines on sight.

Mr. LODGE. So am I. [Applause in the galleries.]

The PRESIDENT pro tempore. The Chair will state to the occupants of the galleries that any demonstration of approval or disapproval is not permitted here, and if repeated the Chair will not hesitate to order such portions of the galleries as may be necessary cleared.

Mr. CUMMINS. But I think there is no use closing our eyes to a patent fact that if we send out these ships to themselves attack the submarines the moment they are sighted, without waiting for any communication, whether physical or otherwise, with the submarine, we are committing an act of war.

Mr. LODGE. There I differ from the Senator. I do not think it is an act of war for a merchantman to defend herself against attack whether above sea or under sea.

Mr. WILLIAMS. Will the Senator from Massachusetts pardon me?

Mr. CUMMINS. I was thinking, though, that the attack had not been made had the submarine simply been seen.

Mr. LODGE. When the periscope of a German submarine appears in the neighborhood of a merchant ship it is the first step to attack.

Mr. CUMMINS. What the Senator from Massachusetts really means is, I hope, that these merchant ships are to avert threatened attack.

Mr. LODGE. Well, as long as she sinks the submarine, I do not care whether you call it averting or resisting attack.

Mr. WILLIAMS. Will the Senator from Massachusetts pardon a suggestion?

Mr. LODGE. Certainly.

Mr. WILLIAMS. Under circumstances of that sort are we not rather resisting an act of war than committing an act of war?

Mr. LODGE. We are most assuredly.

Mr. SHERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. LODGE. I do.

Mr. SHERMAN. More substantially following the thought of the Senator from Iowa, would an attack and destruction by a submarine of a merchant ship armed under the Senate bill, without the amendment, when the merchant ship so armed, laden with contraband, was destroyed by the submarine without search or halting be a lawless act?

Mr. LODGE. I am assuming that the vessels to which we give arms are not carrying contraband. If we deliberately, as a Government, put arms on a vessel carrying contraband, and we know it is carrying contraband, of course it is an act of war. I take it that any vessel which is armed by the Government will be subjected to careful examination by the officers of the United States to make sure that she is not carrying contraband and that her cargo and voyage are lawful.

Mr. STONE. Would the Senator from Massachusetts be willing to put a provision of that kind in the bill?

Mr. LODGE. I do not think it is necessary to put international law into the bill.

Mr. WILLIAMS. If the Senator will yield to me to make a suggestion, there is a double meaning in the phrase "carrying contraband of war," whether the contraband of war be contraband by our definition or be that of the belligerents. We are not committing any act of war when we put arms upon a vessel which does not carry any contraband at all according to our definition. If Germany, or any country, chooses to regard it as an act of war because carrying contraband according to her definition in particulars in which it differs from our definition, that is their affair. I say that, because lately both belligerents have about put everything that grows from the soil or falls from the heavens upon the list of contraband.

Mr. LODGE. They have. I am glad the Senator called attention to that distinction. I had it in my own mind, but in answering generally I did not cover it.

Mr. REED and Mr. SUTHERLAND addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield; and if so, to whom?

Mr. LODGE. I yield to the Senator from Missouri. I saw him first.

Mr. REED. Mr. President, I do not like to see the point that was under discussion a moment ago left in the manner it was left in. Assume that the United States Government furnishes guns to the owners of merchant vessels sailing under the American flag, and goes no further than to simply furnish those guns. That, of course, would not be an act of war against any nation, and it would not be an act against which any nation could protest up to that point. Now, assume that the captain of that merchant vessel was to be summoned to surrender by a vessel of the British Navy and to permit a search of the vessel. The Senator from Massachusetts surely would say that under those circumstances the captain of the vessel ought to permit the examination of the ship's papers, and so forth. Assume now that instead of answering the summons to halt, the captain of the vessel was to fire at this British man-of-war; the British man-

of-war would be perfectly justified then in sinking the merchant vessel, would it not?

Mr. LODGE. Absolutely; yes.

Mr. REED. Now suppose the vessel, instead of being an English vessel sailing above the water, happens to be an English vessel that has the ability to go under the water, and that that vessel summons the merchant vessel to halt. Is the right to fire upon that vessel, which has the ability to submerge, any different from the right under the law to fire upon a vessel that does not have the ability to submerge?

Mr. LODGE. I do not think it is.

Mr. REED. Then when the Senator from Massachusetts says it is proper—I think he said that in substance—for the captain of a vessel to fire the moment he sees the periscope of a German submarine he means to assert that the German submarine is to be treated in a different way from a British submarine?

Mr. LODGE. No; I did not say that.

Mr. REED. Would the Senator from Massachusetts mean to say that if the periscope of a British submarine was seen the captain of an armed merchant American ship would have the authority to immediately fire at that periscope?

Mr. LODGE. Yes, Mr. President; if the English submarine or the French submarine had been sinking American vessels without warning by night, I should say just the same that the American crew would have a right to shoot.

Mr. REED. Then if the same rule applies to submarines—I simply want to get the Senator's viewpoint——

Mr. LODGE. And especially, if I may add, when their Government had declared that they should do it.

Mr. REED. Yes, sir. If I get the Senator's viewpoint correctly, if the British Government had said that they would sink a vessel coming within a certain prescribed zone, it would be entirely justifiable for an armed merchant ship of our country the moment it saw a British man-of-war within that zone to open fire without waiting even a moment for a summons to surrender.

Mr. LODGE. I think if the English submarine or the French submarine had been destroying vessels in the way in which German submarines have been destroying them and their Governments had announced the purpose of destroying all vessels within a certain zone the merchantman would be absolutely justified in shooting at them on sight.

Mr. REED. The Senator makes that statement because he assumes that the merchantman would have the right to assume the moment he saw such a vessel that he intended to sink him?

Mr. LODGE. Yes; the first step to making the attack was to bring the periscope above the water.

Mr. REED. So we may now understand that the position of the Senator from Massachusetts is this: When we arm these merchant vessels and send them out we understand that as soon as they see the periscope of a German submarine or see the submarine itself if it comes above the water it is to be expected that they will begin shooting at it and attempt to sink it.

Mr. LODGE. That is my understanding in giving this power.

Mr. REED. Now, does the Senator understand if a merchant vessel does that that it is or is not an act of war?

Mr. LODGE. Most distinctly it is not an act of war.

Mr. REED. Because done by a private person?

Mr. LODGE. It is done by a merchant ship which has carried nothing but defensive armament and has not made an attack.

Mr. REED. But nevertheless while it only carries defensive armament it begins the attack.

Mr. LODGE. I do not think it does begin the attack. That is a difference of judgment.

Mr. LODGE. Perhaps it does begin the attack.

Mr. REED. I just want to ask one other question. The Senator has been very courteous and very patient. If an American vessel armed with the guns which we furnish goes out upon the seas and sees the periscope of a German submarine and, without waiting for warning, attacks that vessel and gets sunk by the German submarine, what is the next step?

Mr. LODGE. Mr. President, if a man has threatened to shoot me on sight, and I meet him coming toward me armed with a pistol in his hand, ready to shoot, I think I am entitled to protect myself, and I do not think I should be held to have gone beyond the bounds of self-defense.

Mr. REED. I am not asking what happens to the man who owns the merchantman or what happens to his crew; but if we send out a merchantman armed in this manner, if we furnish the guns, and that merchant vessel, without waiting for signal or warning, shoots at a submarine and the submarine then sinks that vessel, what is the next step our Government ought to take, in the opinion of the Senator from Massachusetts?

Mr. LODGE. Does the Senator mean, if the submarine sinks the vessel?

Mr. REED. Yes.

Mr. LODGE. If the vessel is taking her risk in the zone, and we have armer her, it is not an act of war either for her to sink the submarine or for the submarine to sink her if she resists capture.

Mr. REED. So the Senator's opinion is, then, that our responsibility is not at all affected by the fact that a vessel is sunk under these circumstances?

Mr. LODGE. I do not think the fact that we have put arms on board alters the situation.

Mr. REED. Then, all that we are going to do, according to the Senator's view, if I understand it, is that we are going to furnish a few guns to a few merchant ships, and if they go out and get sunk, that is the end of the matter?

Mr. LODGE. That is the end, if we choose to let it end there.

Mr. REED. Well, that is the end of the matter, so far as this particular bill is concerned. We may hereafter get angry and declare war, or something of that sort, but, so far as this bill is concerned, that is where the whole matter is to end?

Mr. LODGE. This bill is not a declaration of war.

Mr. REED. I had understood the Senator's statement to be of so belligerent a character a little while ago that I thought he was construing the bill really as a declaration of war, for I understood him to say——

Mr. LODGE. If the Senator refers to what I said about people killed or destroyed on the *Laconia* and the *Lusitania*, I was going wholly outside the bill.

Mr. REED. I was referring to the Senator's statement that he thought that it was perfectly proper for a merchant vessel to begin shooting at a German submarine as soon as it came in sight.

Mr. LODGE. I do. It is not an act of war for a merchant vessel to defend itself.

Mr. President, I have taken far more time than I had intended. I only desire to say a few words in conclusion. We have been asked by the President to confer on him certain powers. If we refuse him those powers, he will have a right to turn around and say, "I can do anything for the protection of American rights; the powers have been refused to me by Congress." I, for one, do not propose to put myself in that position.

I am going to vote to give the President the power which I think he ought to have in answering his request, and then the responsibility is his. I would not have Congress refuse what he asks when this country is at odds with a foreign nation. When I give I am going to give freely; I am not willing to tie strings to the gift; I am not going to send it to the President with statements which I think would show an utter lack of faith in his purposes and intentions. If I am going to give at all I am going to give freely; I am going to give the President what he wants.

I am one of those, Mr. President, who think it is for the best interest of this country that Congress should remain in session. I wish the President would call Congress together at an early date, because the situation seems to me to be so extremely grave that I think it is better for the entire Government of the United States to be in session at Washington, just as they were during the Spanish-American War; but so far as giving the President powers is concerned, I am not going to haggle over it. I am going to give him what he asks, so far as I am individually concerned.

I think the bill reported from the Committee on Foreign Relations is the better bill of the two. I am entirely against the amendment proposed by the Senator from Missouri [Mr. STONE]. I hope the Senate will pass the bill of the Committee on Foreign Relations and confer upon the President the powers which he asks, which are more than ever needful in the presence of the letter, the authenticity of which the President declared to us last night.

There have been speeches on this floor in reference to the Zimmermann note as if it were a pleasant, playful, and friendly communication. It does not so impress me. It seems to me that one of the great governments of the earth was conspiring to get two other countries with which we hold friendly relations to engage in war against us if we sustain our undoubted rights against the submarine warfare. Certainly, after a publication of such a note as that, it is no time to be close-fisted in the powers

we confer upon the President of the United States. [Manifestations of applause in the galleries.]

Mr. WALSH and Mr. KIRBY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Montana.

Mr. WALSH. Mr. President, I desire to submit some observations on a question of very great importance which is involved in this measure.

By the Constitution of the United States Congress is vested with power to declare war. In the distribution of governmental functions made by the supreme law, it is generally understood, and rightly so, that in the law-making body is reposed the duty, and that upon it rests the obligation, of determining when the Nation shall wage war.

When it was first suggested that it was the purpose of the President to ask Congress for authority to meet the crisis in the manner provided by the bill before us, it was advanced that to comply would be to delegate to him a power intrusted by the people, under the Constitution, to their representatives in Congress and to them alone; that such compliance would be an abdication on the part of Congress and the institution of a dictatorship, a practice not uncommon in republics in time of imminent national peril, but unknown under or system of government.

In his message delivered at the joint session on February 26, 1917, the President expressed the view that he already enjoys, by virtue of his great office, all the powers which he expressed the hope would be, in terms, extended to him by the formal act of Congress. In that aspect his request comes not as an attempt at usurpation, but as a manifestation of a deferential desire for the cooperation of the immediate representatives of the people in the discharge of the surpassingly delicate, grave, and important duties which late events have devolved upon him. If the course outlined in his message as that which he feels impelled to pursue is to be followed, it is of the utmost importance, looking to the success of the enterprise, that the world should know that in entering upon it, the President has the approval of the Nation, speaking through the Congress of the United States.

It may be that some Members of this body who entertain no doubt that the power, if conferred, would be discreetly and prudently exercised, who regard the President as the truest exponent of that ardent love of peace so generally prevalent in this country, might hesitate about giving their assent to the measure before the Senate in the belief that in according it the Congress abrogates one of the greatest functions with which it has been invested, and that those who support it weakly abandon the responsibility which they assumed in becoming Members of this body. To them, if there be any such, these remarks are particularly addressed. I inquire, How well sustained is the claim of the President that this bill is merely declarative, in that part of it in terms bestowing upon him authority to insure the safety of our ships at sea, in its nature confirmatory only of powers he now enjoys under the Constitution?

The Constitution does, indeed, give to Congress power to declare war, but it also makes the President "Commander in Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States." It commands that "he shall take care that the laws be faithfully executed." These several grants of power are all to be considered in arriving at a just conclusion as to where the authority rests to initiate war or to direct acts likely or calculated to precipitate war. It admits of no dispute that if an army should attempt to invade our territory it would be the duty of the President as Commander in Chief of our land and naval forces to utilize all the means at his command as such to repel and, if necessary, to destroy the hostile force. No President, in such a crisis, would be held excused by the American people if he should defer action until he had taken the advice or sought specific authority from Congress, even though actual war must ensue by reason of his resistance of or his efforts to overcome the invading force. The opportunities to effect a landing by such a force at the time the Constitution was adopted were infinitely greater than they now are. Even if Congress were in session the delay incident to its formal action after information of a surprise might be deadly. But it was not contemplated by the framers of the Constitution that Congress would be in continuous session, and the process of assembling it was necessarily slow in the face of a great national crisis.

It is expected and always had been expected that actual war may be precipitated in consequence, at least of aggressions upon our territory, without any action upon the part of Congress, and always has been recognized that in case of invasion it is the duty of the President to act promptly and with all the force at his command and necessary to the occasion. And so an eminent writer on the Constitution says:

> The right to "declare war" belongs to Congress alone (Art. I, sec. 8, par 11). Of course, the United States may get into a war without Congress's having declared war. War is, in the first place, a state of fact, the appearance of which can not be made wholly dependent by any constitutional provision whatever upon the pleasure of one of the nations concerned. As far as that is possible, however, Congress has the exclusive right of the initiative. If a foreign power begins war against the United States, then it is not only the right, but the duty, of the President to oppose the enemy with all the means placed at his disposal by the Constitution and the laws. (Von Holst, 164–165.)

As has heretofore been suggested on the floor this afternoon, the battles of Palo Alto and Resaca de la Palma were fought before Congress took any action touching the Mexican War, those engagements having been entered into upon the claim—a mere pretext in the opinion of many—that Mexico had invaded the territory of the United States. The course of the President was justified by Congress in a resolution which did not declare war, but recited that by the act of Mexico a state of war existed between that country and the United States.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH. I do.

Mr. BORAH. I should like to ask the Senator if he is citing the acts with reference to the Mexican War as acts which were really justified by the Commander in Chief without any action upon the part of Congress?

Mr. WALSH. By no means. I do not undertake to assert that the acts were or were not justified. I assert that the acts of the President were justified by himself and by the Congress, upon the claim that he had only resisted an invasion of our territory.

Mr. BORAH. The Senator does not take the position that, historically, they were borne out in their claim, does he?

Mr. WALSH. I do not care at this time to be drawn into a discussion of that much-debated question.

Mr. BORAH. The reason I asked that question is this, that, if that were true, there is practically no limitation upon the power of the President to get us into war.

Mr. WALSH. Of course, the limitation, so far as this is concerned, is as I have indicated: He has a right to repel invasion and to resist the invading force. Whether he transgresses and actually invades the territory of a foreign country is, as a matter of course, another question.

So when war was waged against the Union by the State of South Carolina and hostile forces were assembling throughout the seceding States to defy and resist its authority the President did not hesitate to utilize all the land and naval forces to put down the revolt. No one questions his authority to utilize the Army to quell insurrections or to overcome resistance to the national authorities without any express direction or declaration by Congress. Another writer says on this subject:

> A state of war may exist without a declaration of war by either of the hostile parties. Congress has the sole power, under the Constitution, to make that declaration and to sanction or authorize the commencement of offensive war. The United States would ordinarily begin hostilities against a foreign nation by a public proclamation, which would be equivalent to a declaration of war. But this is quite a different case from a defensive or a civil war. The Constitution establishes the mode in which this Government shall commence wars, the authority which may authorize, and the declarations which shall precede any act of hostility; but it has no power to prescribe the manner in which others should begin war against us. Hence it follows that when war is commenced against this country by aliens or by citizens, no declaration of war by the Government is necessary. (Whiting's War Powers Under the Constitution.)

These views have been confirmed by the Supreme Court of the United States, which, in the Prize cases, Second Black, page 635, said:

> If a war be made by invasion of a foreign nation, the President is not only authorized but bound to resist force by force. He does not initiate war, but is bound to accept the challenge without waiting for any special legislative authority.

It is not only, however, when war against us is waged by way of invasion that the President is called upon to act. "The navy of a European nation," says a writer heretofore quoted—Whiting—"may attack an American frigate in a remote sea," or a "foreign enemy might send out its armed cruisers to sweep our commerce from the seas." War would be upon us in such event without any action by Congress. Indeed, such aggressions are quite like an invasion of our territory, as it is maintained by many writers that the ships of a nation on the high seas are an extension of its area and though this view is controverted by others all agree that it is a duty, imperative in character, of every State to accord protection to its ships against attack or seizure in violation of their right to be upon the ocean highways. It would be accounted a gross dereliction on the part of any commander of a public armed ship did he not interfere, the

exigencies permitting, to avert or neutralize any such aggression. In such a situation he acts under the express or implied direction of the Commander in Chief of the Army and Navy, the President of the United States. The duty of the Nation extends further even than to the protection of our ships in foreign parts. Its citizens are equally, perhaps even more, the subject of its care. The strong arm of their Government has frequently been interposed to protect their lives and to secure for them their liberty and their rights threatened by some foreign power. It has in most cases fallen to the Navy to act as their defender, but instances have not been uncommon in which the land forces have been utilized to rescue our citizens in peril in distant lands. An historic incident will well illustrate the vast power enjoyed by the President of the United States as Commander in Chief of the Army and Navy. It is related in the opinion of the court in re Neagle (135 U. S., 64), thus:

Martin Koszta, a native of Hungary, though not a fully naturalized citizen of the United States, had in due form of law made his declaration of intention to become a citizen. While in Smyrna he was seized by command of the Austrian consul general at that place and carried on board the *Hussar*, an Austrian vessel, where he was held in close confinement. Capt. Ingraham, in command of the American sloop of war *St. Louis*, arriving in port at that critical period, and ascertaining that Koszta had with him his naturalization papers, demanded his surrender to him, and was compelled to train his guns upon the Austrian vessel before his demands were complied with. It was, however, to prevent bloodshed, agreed that Koszta should be placed in the hands of the French consul subject to the result of diplomatic negotiations between Austria and the United States. The celebrated correspondence between Mr. Marcy, Secretary of State, and Chevalier Hulsemann, the Austrian minister at Washington, which arose out of this affair, and resulted in the release and restoration to liberty of Koszta, attracted a great deal of public attention, and the position assumed by Mr. Marcy met the approval of the country and of Congress, who voted a gold medal to Capt. Ingraham for his conduct in the affair.

The display of force in defense of one entitled to the protection of our Government by the officer of the Navy in the thrilling affair adverted to, received the sanction of the court in the Neagle case as being quite within the line of his duty, as it had many years before had the approval of both of the other coordinate branches of our Government.

It has frequently been found necessary to land marines in order to protect the lives of American citizens endangered by insurrections in the turbulent republics of Central and South America. At the time of the Boxer troubles in China all available ships of war in the Orient were hurried to the ports at which they might be most useful, and 5,000 men under Gen. Chaffee were sent from the Philippines for the relief of the legations besieged in Peking—all without any concurrent action on the part of Congress.

In none of the cases in which such temporary occupation of foreign soil, induced by concern for the safety of American lives and property, occurred, did the status of war, to which reference will hereafter be made, ensue.

It is not open, accordingly, to serious doubt that the President is well within his rights in using the armed forces of the United States for the protection of American ships and seamen and for the safeguarding of the lives of American citizens against attack upon the high seas contrary to the laws of nations. Undeniably he may use the Navy to defend them from violence perpetrated under the authority of a foreign power, and, since he is vested with plenary power in reference to the movements and disposition of the forces, he may unquestionably direct the vessels of the Navy to convoy merchant ships that the former may be at hand should an anticipated peril appear. Touching his authority as the head of armed forces of the Nation, Von Holst says:

Congress * * * can withdraw from the President not the slightest part of the powers appertaining to the Commander in Chief. This is without doubt, as the Constitution confers that office upon him with a categorical "shall be."

The President alone must determine how the military force shall be employed, and he must make all provisions, temporary and not general in their nature, because from the nature of things these must be adapted to special circumstances. Congress—to make this relation clear by some illustrations—provides where forts shall be built and what kind of forts they shall be, how many and what kind of arms are to be provided, and how the men are to be distributed among the different branches of the service; but as to what the strength and composition of the garrisons are to be, how the arms and ammunition are to be distributed, how and where the Army and Navy are to be stationed and moved, as to all this Congress can give the President no directions whatever. (Von Holst, 192, 193.)

It is an ordinary duty of the naval force of a neutral—

Says Wharton—

during either civil or foreign wars to convoy merchant vessels of the nation to which it belongs to the ports of the belligerents. (3 Wh. Dig., 345–346.)

To afford such convoy is not to wage war, nor is it a declaration of war to inaugurate such a policy. It is followed by none of the legal consequences that attend a state of war, in the midst of which all intercourse between the subjects and citizens of the belligerent countries is suspended, every kind of trading or commercial dealing is interdicted, such subjects and citizens become incapable of contracting with each other, except within narrow limits, partnerships subsisting between them are dissolved, the alien enemy is not permitted to sue in the courts, and his property is subject to confiscation.

The practice by neutral nations of convoying their merchant ships to defend them against attacks by the navies of belligerents is an ancient one. The Armed Neutrality League of 1780 entered into between the northern nations of Europe while the Revolutionary War was in progress contemplated a concert of action by the parties to it to protect by convoy their commerce against belligerent rights asserted, or at least exercised, by Great Britain, in violation of the principles proclaimed by the league, namely:

First, freedom of the coasting trade of States at war; second, that the neutral flag should cover all goods not contraband; third, that contraband should be limited to essentially warlike stores; and, fourth, that a blockade to be effective must be one dangerous to pass. (Taylor, International Public Law, 633.)

The Empress Catherine, upon whose initiative the alliance was entered into, did "not hesitate to declare that to maintain these principles and protect the honor of her flag and the security of the trade and navigation of her subjects she had prepared the greatest part of her maritime forces"; that she would continue a strict neutrality "so long as she was not provoked and forced to break the bounds of moderation and perfect impartiality"; that in such extremity her fleet had "orders to go wherever honor, interest, and need might require." (Id., 634.)

A second armed neutrality league was organized by the same dauntless sovereign in 1800, under which war was provoked between England and Denmark, resulting in the destruction of the naval power of the Danes in the bloody battle of Copenhagen.

If, then, the President may direct the ships of the Navy to convoy our vessels of commerce to protect them from belligerent attack, of which there can be no serious doubt, it can scarcely be open to question that he may provide such vessels with guns from the Navy with which to defend themselves and with trained men to operate them. If a state of war prevailed, perhaps no one would be bold enough, I fancy, to deny his right so to do. It was a matter of extreme surprise to me that the learned and experienced Senator from Massachusetts should express a contrary view, as I understood him to, in the answer to the inquiry of the Senator from Wisconsin. That neutral commerce vessels may themselves, unless restrained, expressly or impliedly, by the municipal law, arm for defense appears to be as well settled as almost any proposition in international law, if there remain any such which can be said to be settled. It was asserted in the most unequivocal language by the Supreme Court of the United States, speaking through Chief Justice Marshall in the case of the *Neride* (9 Cranch, 388), decided in 1815. Prof. Triepel, of Berlin, contended at the meeting of the Institute of International Law at Oxford in 1913 that the merchant ship had no right to resist capture as distinguished from attack. But Dr. George Schramm, legal adviser to the German Admiralty, later in the same year went further and maintained that "from the point of view of the modern law of war there is no legal foundation for the rule allowing a merchant ship to defend itself." But these views expressed on the very eve of the present war militate but little against a doctrine which the maritime world had recognized in actual practice for centuries. It has been the very common practice, as well, for Governments to supply merchant ships with the means of making a defense against attack. In a letter from the English Embassy to the State Department, under date of September 9, 1914, it is said:

The practice of arming ships in self-defense is very old and has been ordered by royal proclamation in England from early in the seventeenth century. During the Napoleonic wars the right to arm in self-defense was recognized by British and United States prize courts in the cases of the *Catherine Elizabeth* and the *Neride*.

Mr. STONE. Mr. President——

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Does the Senator from Montana yield to the Senator from Missouri?

Mr. WALSH. I do.

Mr. STONE. The question as to the status of an armed merchant ship—that is, a private ship bearing its own arms—is one that opens an interesting field of inquiry and discussion under conditions existing in these later years; and I speak now, to make myself clear, of the period antedating and coming up to the present European war.

The principle upon which merchant ships were armed for defensive purposes, as the phrase goes, was recognized many, many years ago upon the theory that it was necessary that a ship should be so armed to defend herself first against pirates and secondly against privateers. But now since piracy has disappeared and is universally condemned as a crime, and since privateering has been condemned by the nations of the world and has ceased, an interesting question arises whether and to what extent and under what circumstances a merchant ship

may arm. But without seeking to invite the Senator into that field of inquiry I wish him to draw the line of distinction between the arming of a private ship by its owner and the arming of a private ship under public authority by the Government itself. Are the conditions the same? Are the responsibilities of the Government and the duty of the Government the same in the one case as in the other?

Mr. WALSH. Mr. President, I have not been unmindful of the importance of the two considerations to which the learned Senator from Missouri adverts—first, that one of the principal reasons for permitting merchant ships to arm themselves was for protection against pirates, and, second, that other conditions have made the business of sailing the seas quite different from what it was originally. But, Mr. President, I desire to remark in this connection that, although it was an important consideration in the development and establishment of the practice, it was by no means uncommon for the merchant ships of various nations, armed for that purpose, to resist attacks upon them not only by pirates but by belligerent enemies and by belligerent nations professing to maintain illegal blockades. In other words, Mr. President, before the armed neutrality of the nations of northern Europe was entered into they protested for years against invasions of their rights upon the high seas by Great Britain, and they have repeatedly armed themselves to defend against an attack by that nation and unlawful seizure.

Mr. STONE. Since the declaration of Paris against privateering made in 1856 privateering has been an unlawful enterprise.

Mr. WALSH. I hope the Senator will understand I had no reference whatever to privateering. The ships I speak of were not privateers at all; they were not going to prey upon peaceful commerce. They were themselves engaged in peaceful commerce, and armed themselves in order to assert their rights against the methods of belligerent nations that denied them the right to travel on the high seas, as they were permitted to do under the law of nations.

Mr. STONE. I referred to privateers merely to show the two reasons upon which the right of a merchant ship to arm was predicated in the early days. It was a right authorized and recognized generally by the nations that a ship could defend against pirates and privateers. Both those things have been made unlawful and have ceased, the one because of the crime and the other because the Governments do not issue letters of marque and reprisal which were formally granted to privateers.

But, Mr. President, does the Senator think that a private ship, a merchant ship, can resist when challenged by the warship of a belligerent, whatever its nation may be, and because the captain of the ship may think that a blockade is illegal? Whatever he may think, is he not obliged to submit himself to the authority of the warship of a responsible government when it asks that it may examine the papers of the ship and its cargo and its destination?

Mr. WALSH. The rule of law has been quite accurately stated on the floor this afternoon and it is quite in keeping with the statement now made by the Senator from Missouri. The belligerent nation has the right of search, and as a matter of course has a right to overhaul for the purpose of making the search. If the merchant ship resists search and resists an attempt to board for the purpose of making search it may be fired upon and sunk. If, instead of allowing search, it opens an attack upon the overhauling vessel it is subject to be destroyed. The rule is quite well established.

The Senator spoke of another feature, and that is the question as to whether the introduction of munitions and of guns as well as of men to operate them by the Government upon the merchant ships makes any difference in the character of the ship.

Mr. STONE. I did not say that.

Mr. WALSH. I mean munitions for the supply of the guns, or, we will say, the guns only. When the Senator first interrogated me he asked me whether that changed the character of the ship. As a matter of course, that question, it does not seem to me, is directly involved here. The question would be presented very pertinently as to what disposition should be made of those aboard the ship, whether they are to be considered noncombatants or whether they are to be considered as part of the naval forces and subject to be made prisoners of war; but the character of the ship, I take it, is not altered by that.

Mr. WILLIAMS and Mr. REED addressed the Chair?

The PRESIDING OFFICER. Does the Senator from Montana yield; and if so, to whom?

Mr. WALSH. I yield to the Senator from Mississippi. He rose first.

Mr. WILLIAMS. To follow up the question which has just been asked—Can a merchant ship resist when challenged?—does not the Senator agree with me that the answer depends upon the nature of the challenge? Of course, the merchant ship can not resist when challenged, under international law, for the purpose of visit and search. It can not resist, and it can not undertake to escape, without subjecting it to a penalty. But is not the answer, Yes; it can resist if challenged, not for the purpose of visit, but for the avowed and known purpose of sinking her?

Mr. WALSH. Unquestionably it can resist. It is obliged, anywhere upon the high seas, to submit to search if search is made. It is not obliged to submit to an attack, and it may carry guns to defend itself against it.

Mr. WILLIAMS. I take it the Senator will agree with me in this: Nor is the merchant ship obliged to submit to a command to put his crew in boats preparatory to sinking the ship.

Mr. WALSH. Of course, that introduces another question. I suppose the rule to be that when a ship is captured it must be brought into a port for adjudication in a prize court; but if the prize is likely to be lost it may be sunk, but provision must be taken to preserve the lives of those aboard the ship. The question whether adequate provision is made when they are put into open boats in a storm is, as a matter of course, a very important and delicate question of fact.

Mr. WILLIAMS. The Senator has not caught me. I am not talking about a case of capture at all. I am supposing a case where even the formalities of capture and visit and search are not gone through with, where no man from a belligerent ship visits the ship which is challenged at all, but where merely the ship is warned that she has so many minutes to put her crew and her passengers in boats.

The right to capture for the purpose of visit and search and the right to visit and search after capture and the right to destroy contraband in case the ports are closed so that the captor's ship can not carry the captured ship in to be submitted to a prize court is all undoubted common learning, but the point here is whether a merchant ship is compelled to heave to and to obey a command to put his crew in boats without search to determine whether the contraband be on board or not. It is not a question of the destruction of the contraband, but of the ship itself, and when the right is asserted not to capture a vessel and visit and search and then let the character of the search determine what shall become of the ship but to destroy her regardless of the character of the ship or the result of the search, I say it is entirely another question and that no principles of international law upon the subject of visit and search have ever given a right to a belligerent ship to sink the ship without visit and without search.

Mr. WALSH. The Senator from Mississippi is, of course, correct about that. The right to sink exists only in case contraband is found aboard the ship after the search is made and it has no means to get the ship away, and then provision must be made for the lives of those on board. That does not justify by any means the sinking of a ship regardless of what it has on board and without any search.

Mr. WILLIAMS. The reason why I asked the question is because the known fact in these cases is that the right is asserted to sink it without hailing, but when it is hailed, the purpose of hailing is not to visit it or search it, but it is to sink it, and the commander of the ship knows that.

Mr. WALSH. Mr. President, this legislation proceeds, as I take it, upon the assumption that that course is contrary to the rules of international law. I now yield to the Senator from Missouri.

Mr. REED. The point that I wanted to direct the Senator's attention to is so far past that it is hardly worth taking up time with it now. The right of the owner of a vessel to arm his vessel for the purpose of repelling unlawful attacks is asserted. It is further asserted that the guns can be furnished by the Government. As I understand, it is also asserted that men to handle the guns can be furnished by the Government.

Mr. WALSH. I can not see any escape from that as long as the President has power to dispose of the forces and put them wherever he sees fit.

Mr. REED. Of course, I concede the power of the President of the United States to take officers of the Navy and put them upon a merchant vessel. I think that power exists. It might, of course, be so exercised as to constitute an abuse of power. But now suppose the President of the United States does put guns and does put men on the decks of a merchant vessel. Does that not transform that vessel into an auxiliary vessel of the Navy?

Mr. WALSH. I do not express any opinion on that point. I do not see that it affects the situation here at all.

Mr. REED. I am not sure that it affects this bill. I do not want to say that it does or that it does not.

Mr. WALSH. I mean to say that it is remote from the subject under consideration here. As I suggested, the question of what disposition should be made of those aboard the ship would involve the question as to whether she retained her merchant character or had become an auxiliary.

Mr. REED. We will assume that Mr. Franklin, who is, I believe, the president of a company owning a number of American vessels, shall himself place a gun aboard one of his ships. Suppose the captain of the vessel, observing a German submarine, and, following the policy advocated by the Senator from Massachusetts, as soon as he observes a German submarine fires upon it, and that thereupon the submarine shall send a torpedo into the vessel and sink it. Now, that would not involve us in any war, because the assault would be the act of a private citizen. The Government could ignore the sinking of the merchant vessel and say, "You got into a fight and you were whipped; you must take the consequences." But suppose the same case, except that instead of Mr. Franklin arming his own ship the President of the United States shall place guns aboard that vessel and man them with expert gunners from our navy yard. Suppose, now, that a German submarine shows its periscope and instantly those enlisted men of the Navy with the guns of the Navy aboard a ship by authority of the President shall fire upon that submarine, I inquire how we can distinguish that case from the firing on the same submarine by an American gunboat?

Mr. WALSH. The question of the Senator presents the matter very clearly, indeed. The Senator will perceive that the case that he has put is just exactly the same as though an American cruiser ran alongside convoying the merchant ship and that the shot was fired from the cruiser adjacent to the merchant ship instead of from the deck of the latter. In other words, you have exactly the same condition that would present itself with a convoy, and accordingly I argue that whenever a convoy is justified, do whatever the convoy may, may be done by the guns from the Navy of the United States and the gunners from the Navy of the United States may do from the deck of the merchantman.

Mr. REED. Exactly; and no more.

Mr. WALSH. And no more. The results are just exactly the same.

Mr. REED. And, of course, if one of our war vessels were to be convoying one of our merchant vessels, and the moment a German submarine showed its periscope our war vessel were to sink that German submarine, we would then and there be at war with Germany?

Mr. WALSH. No; we would not be.

Mr. REED. If not, why not?

Mr. WALSH. We would not be at war with Germany; we would simply have met an attack which Germany had made upon us. That country might or might not deem the incident required her to declare war.

The Senator from Missouri is a skilled lawyer; he has distinguished himself——

Mr. REED. Will the Senator permit me to interrupt him?

Mr. WALSH. Not just now. I want to answer the statement made by the Senator. The Senator has distinguished himself as one of the most efficient public prosecutors in this country. He knows the principles of the criminal law as well as does any Senator in this body, if not better than any other Senator here. If one threatens to shoot another on sight if he goes within a certain territory or upon a certain street where he has a perfect right to go, and then the threatened man, taking counsel with himself, knowing the past record of the threatener, arms himself in order to defend himself against the threatened attack, and goes where he has a right to go within the territory which the other man has declared as proscribed, and hovering about there he finds his enemy, the threatened man may draw his weapon and kill and justify himself as having acted in self-defense.

Mr. REED. Exactly.

Mr. WILLIAMS. By anticipation.

Mr. WALSH. The Government of Germany has authorized——

Mr. REED. Then and there you have to fight. That is all I am talking about. The war is on then and there.

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Missouri?

Mr. WALSH. I have not gotten quite through. We have a perfectly analogous case here. Germany has served notice upon all the world; she has proclaimed her purpose to sink any ship that comes within a certain defined area on the high seas, into which area our ships under indisputable rules of international law have a perfect right to go. We have studiously endeavored to draw out from her a declaration that she will not thus destroy the ships which fly our flag, but she has as resolutely declared that she will make no exceptions, even in our favor, notwithstanding the ties that bind us to that nation and the long and honorable peace that has subsisted between us. We know, therefore, when our ships go within that area, that any submarine in the neighborhood is there by command of the German Government to sink them and any other ship that may be within sight, and we take the precaution, as the man does who is threatened, to get in our shot first. We are simply resisting an attack in the only way in which it can be effectually resisted.

Mr. REED. Mr. President, the Senator from Montana has been very courteous in permitting me to ask him these questions, and he has been very clear and explicit, as he always is, in his replies. Now, will he permit me to say just a word, for I do not want to be left apparently even in a position of undertaking to controvert the rights of this Government to defend its commerce upon the seas? That is not the question I have raised. I have been trying, however, in the questions I have asked the Senator from Montana, and by those which I propounded to the Senator from Massachusetts, to make plain the purpose of the pending act, namely, that our purpose is to arm American merchantmen, to send those American merchantmen, probably with American naval officers and enlisted men aboard, into the zone which Germany has marked out as a prohibited zone; and that it is the opinion, at least of Senators here, that because Germany has asserted that she will sink vessels upon sight going within that zone, therefore, it is perfectly justifiable for our vessels thus armed to fire upon a German submarine the moment it comes in sight. This we propose to justify upon the theory that we do not need to wait until Germany has sent a torpedo through our vessel, because we have been told in advance that her submarine is there for that purpose.

So we understand now the fact to be that it is proposed to put guns aboard merchant vessels; to probably take those guns from our navy yards——

Mr. WILLIAMS. But, if so, the merchant ships will pay for them.

Mr. REED. I do not care whether they pay for them or not. That gets you nowhere.

Mr. WILLIAMS. They cease to be naval guns.

Mr. REED. Oh; I am discussing not that evasion, but the bold statement—and it ought to be a bold statement and it ought to be boldly made—by the Senator from Montana.

Mr. WALSH. From my standpoint, it is entirely immaterial whether they are paid for or not.

Mr. REED. The proposition is to take naval guns, perhaps to take expert gunners from our warships, and put them aboard those vessels, to sail into the prohibited zone, and, if a German periscope shows itself, to fire at the periscope, and, if the boat shows itself, to send a shot or shell through it. Of course, we know the minute that is done by a vessel thus equipped, it will be treated as though it were done by a war vessel of the United States; in other words, the act will be the beginning of war.

I am not trying to settle whether we are or are not justified in so arming our merchant vessels. I do not concern myself with the question whether the firing upon the submarine as soon as it comes in sight can be classed as an act of self-defense. What I want to make plain is that an act so done will certainly mean the beginning of war. It seems to me that it is conceded that vessels shall be armed and shall fire upon German submarines the moment they come in sight. If that is the purpose, might we not just as well plainly provide that our war vessels shall convoy our merchant vessels?

Mr. WALSH. The principle is exactly the same. It is a mere matter of policy; that is all.

Mr. REED. I thank the Senator. I wanted to get this point plainly before the Senate, plainly in my own mind; and I wanted to get the viewpoint of others. I want to say in conclusion that I am not at all prepared to say that I am not ready, reluctant as we all may be, to take the grave step, but I want it taken, and I want to take it myself with my eyes open, and I think they are thoroughly opened by this discussion.

Mr. WALSH. Mr. President, the Senator and my other colleagues will understand that I intended to confine myself to the discussion of the question as to whether the power exists in the President without this legislation. I did not intend to be led into any discussion of the policy or the wisdom of exercising the power, although I have no hesitancy whatever in giving the bill my support, and thus approve the policy. But,

of course, it is expected, it must be expected, that these ships will sink German submarines on sight, because the German Government has left no room for doubt that they are within the proscribed zone for the purpose of sinking our ships should they venture within it. Now, Mr. President——

Mr. REED. If the Senator will pardon me, would it not be really, then, a more businesslike method to take our fighting vessels and go out there and go after them?

Mr. WALSH. Of course that is——

Mr. BRANDEGEE. Mr. President, I am interested in this colloquy, but can not hear a word of it. I should like to hear the discussion.

Mr. REED. I asked the Senator the question, if that was the case, whether it would not be a more businesslike method to take our fighting vessels and go out hunting German submarines?

Mr. WALSH. Mr. President, I am obliged to say as to that, that it is a problem for the naval experts. I do not pretend to be such. It may be that the result could be more satisfactorily accomplished by a convoy than by the arming of merchant vessels. I assume that the President will take the advice—indeed, that he has taken the advice—of the officers of the Navy, in whose judgment and discretion I believe we all have the greatest confidence.

Mr. HUSTING and Mr. JAMES addressed the Chair.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from Montana yield, and if so, to whom?

Mr. WALSH. I yield first to the Senator from Wisconsin.

Mr. HUSTING. I desire to ask the Senator if there is not some distinction between the method suggested by the Senator from Missouri and the one now under consideration, namely this, that if the fleet of the United States should go out and seek submarines aggressively, with the avowed intention of finding them and sinking and destroying them, would not that be an act of war, whereas the method now suggested leaves it still optional with Germany whether she wishes to commit an overt act and sink an American vessel?

Mr. WILLIAMS. That is exactly right.

Mr. WALSH. The Senator from Missouri [Mr. REED] had anticipated me a little. I was about to say, and will say in regular order, that all the power the President has in the matter is to defend, not to attack, and he really defends when he endeavors to sink a submarine in its course for the purpose of making an attack. He occupies exactly the same position as a man who in self-defense draws his weapon on one who, as he is entitled to believe, purposes taking his life. But, Mr. President, the Senator has not put the question quite right, and he has been corrected by the statement of the Senator from Wisconsin [Mr. HUSTING]. This bill gives the President no power to roam the seas hunting for German submarines wherever he may find them. Even under the convoy he has no right to do that. Just exactly where the line of demarcation must be drawn between defensive warfare and offensive warfare is often a very difficult thing to determine; and so in a homicide case it is difficult to determine whether it was an aggravated murder or whether the assault was made in self-defense.

Mr. JAMES. Mr. President——

Mr. WALSH. We are obliged to trust in the wisdom and discretion of the President and the officers whom he puts in charge to conduct merely a defense against attack.

Mr. JAMES and Mr. REED addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Montana yield, and if so, to whom?

Mr. WALSH. I yield to the Senator from Kentucky.

Mr. REED. Will the Senator allow me to say a word? I desire to conclude the colloquy I have had with the Senator from Montana. I will be through in a moment.

Mr. JAMES. Very well.

Mr. REED. Mr. President, I want the Senator from Montana and I want the Senate to understand that I have not been challenging the wisdom of passing this legislation.

Mr. WALSH. I understand that.

Mr. REED. I am going to vote for this bill, possibly with an amendment and possibly without. I am not afraid to trust the President. I am not arguing against that; but I did want to draw out the distinctions, so far as I could, if distinctions there are, between what we are here proposing to do and what we would be doing if we went out with our war vessels, and I think this discussion has brought out the distinction.

Mr. JAMES. Mr. President, the Senator from Missouri [Mr. REED] assumes, as I understand him in his colloquy with the Senator from Montana, that if a German submarine shows its periscope and comes within reach of a shot from a merchant ship of the United States, and that that ship fires in its defense, that would necessarily mean war. I do not think that necessarily means war at all. Germany has sunk our ships and we have not declared war. If a submarine comes to the surface, after an avowed declaration that it is going to sink a merchant vessel of the United States——

Mr. WILLIAMS. On sight.

Mr. JAMES. And if in self-defense we fire upon it, I do not see how that of necessity forces Germany to declare war against us.

Mr. WALSH. Certainly not.

Mr. JAMES. But if she does we must protect our commerce upon the sea or get off of it.

Mr. WALSH. It is a matter of choice with Germany whether she will yield after such an encounter or whether she will declare war on the United States and seek to destroy our forces by every means in her power.

Mr. JAMES. And merely because we defended ourselves from the attack they declared they were going to make.

Mr. WILLIAMS. We leave to her the question of peace or war. That is the point.

Mr. HUSTING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Wisconsin?

Mr. WALSH. I am practically through; but I will be very glad to yield to the Senator.

Mr. HUSTING. The point I wanted to clear up a little while ago was that sending our fleet out to hunt the enemy—as they would then be the enemy—would be an act of war, whereas the present idea, I understand, is to assume that no one would interfere with our rights upon the seas, and that, even though a certain country has made threats, yet when it comes to the test we assume that she will not carry out those threats. We simply go where we have a right to go; and it is up to Germany, then, to say whether she will interfere with our rights or not. So it does not necessarily mean that in convoying merchant vessels across the sea or in arming such ships we will actually meet with resistance, but, rather, we presume that Germany will recognize our rights and, notwithstanding her threats, will desist when she sees that we intend to assert our rights.

Mr. WALSH. It does not by any means follow that we will ever sink a submarine; it does not by any means follow that the submarines will not carefully avoid coming into the neighborhood where it might be believed they would be with a purpose to sink American ships. It may have been noticed that they have not been making a special search, if one is to judge from results, for American ships.

Now, Mr. President, I shall be through in just a moment.

Mr. REED. Mr. President, if the Senator will pardon me, that might be very true if it were not asserted here that it is the business of American ships to fire at one of these submarines the instant they are seen. It seems to me, in view of the doctrine that is announced here, that we are to sail the seas, and the submarine must absolutely keep out of sight or trouble begins.

Mr. WALSH. Yes. The Senator will remember perfectly well, however, that the man who made the threat may have been on the street for a perfectly peaceful purpose and did not intend to kill the man whom he had threatened at all, but the man whom he had threatened had a perfect right to believe that that was his purpose.

Mr. REED. Oh, yes. All that goes to the question of self-defense; however, I am not dealing with the question of self-defense, I am dealing with the probability of trouble, whether it is technically in self-defense or not. The question is not whether we will be justified; the question is, What is going to result? That is all I am dealing with. I understand, from my viewpoint at least, that we are abundantly justified.

Mr. JAMES. Mr. President, will the Senator yield to me?

Mr. WALSH. Certainly.

Mr. JAMES. As a matter of fact, the German submarine, before it can be in a position to be sunk, can ascertain the character of its prey upon the seas. If it sees that it is an American vessel and sticks its head above the water, everybody knows that it is coming to sink such vessel, because it has already seen it. While it is down under the water it is protected. The periscope tells what vessel it is. Now, if I tell the Senator I am going to shoot him on sight, and he sees me come prancing down Pennsylvania Avenue, I imagine he would commence shooting.

Mr. REED. I am not interested in the question of justification; I am interested in what is likely to result. Of course if I saw the Senator coming down Pennsylvania Avenue, and he had made the threats, and I had the courage to go down Pennsylvania Avenue under those circumstances, I say to him frankly

that I would commence to shoot before he got his gun out, if I could, because that would be my method of defense.

Mr. JAMES. And the Senator would be justified.

Mr. REED. But the illustration is lacking in one essential element. We are settling to-day the question, I take it, shall the Government put itself in a position where it is very likely to be speedily engaged in the conflict with Germany. At present private commerce is being destroyed. When we take the position here advocated we are likely to have our Government directly involved in the conflict and at war with Germany.

Mr. WILLIAMS. That depends upon Germany.

Mr. BRANDEGEE. Mr. President——

Mr. REED. At present the conflict, if we can call it conflict, is this: Germany is threatening to sink vessels owned by private individuals. It is now proposed that our Government shall take such acts, if the Senator from Montana is right—and I think he is—as will put the Government of the United States, in effect, aboard every one of these merchant vessels; for it is said that we will so arm them and so equip them and so man them that a shot from the deck of one of these vessels will be the equivalent of a shot by a war vessel convoying a merchant vessel. So it is not the case of the two individuals meeting on the street who have a quarrel; it is the question of the Government of the United States taking such action as puts it into the contest. Now, I am not saying it should not go into the contest, but I am saying that our act here to-night is likely to put us into the contest.

I am saying there is no use in our sitting here and undertaking to split any hairs about who is at fault and who is defending and who is attacking. We might just as well understand that the minute this thing is done, if a submarine shows itself, it will be fired upon, and probably fired upon under such circumstances and conditions as will amount to the same thing as though the shot were fired from the guns of an American man-of-war, and that whatever responsibility comes from that we must now, with open eyes, accept in advance.

Mr. JAMES. A United States merchant vessel has a right upon the high seas—just as much right as I have to go down Pennsylvania Avenue.

Mr. REED. Undoubtedly.

Mr. JAMES. And if Germany, by her submarine warfare, in violation of international law, makes the express declaration that she is going to sink all vessels, whether they fly the Stars and Stripes or the flag of any other country, either neutral or belligerent, the United States has got to do one of two things: It has either got to arm its ships for their defense, or it has got to keep them at their docks and leave the high seas.

Mr. REED. Well, of course that does not follow in that extreme way. Nevertheless, I say to the Senator from Kentucky, I am in favor of protecting American shipping; but I do not want anybody to stand here on the floor of the Senate and try to deceive himself or mislead himself or mislead me—and I am not saying anybody has tried it—with the theory that when we take this action here to-night we are not changing the situation. We are changing the situation.

Mr. BRANDEGEE. Mr. President——

Mr. REED. We are saying that from this hour on, an attack by a German submarine will be replied to from the throats of naval guns, probably fired by naval officers or men. That means, if Germany persists in her present policy we shall soon have serious trouble with her. We may not call it war; we may call it by whatever name we please; but when two men are shooting at each other with deadly weapons, that is war between those two men; and when nations point their guns at each other and fire them, that is war.

Mr. HITCHCOCK rose.

Mr. JAMES. If Germany declares war on us——

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. The Chair must, with five Senators on their feet, enforce the rules. The Senator from Montana has the floor. To whom does he yield, if to anyone?

Mr. HITCHCOCK. I desire to give notice that in view of the fact that there are a number of Senators desiring to speak I shall ask to have the rules of the Senate enforced from now on with regard to debate.

The PRESIDING OFFICER. Senators will observe the notice. Does the Senator from Montana yield to the Senator from Connecticut?

Mr. WALSH. I yield, provided I do not lose the floor. I have a very little more to say.

Mr. BRANDEGEE. I wanted to ask the Senator from Missouri if he did not think the situation ought to be changed?

Mr. REED. If I may have permission of the Senator——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Missouri?

Mr. WALSH. I yield.

Mr. REED. I think so; yes. I am not cavilling at that. I am simply discussing one question—what this bill means.

Mr. BRANDEGEE. Very well; I understand. Now I want to ask the Senator if he does not think that Congress ought to give to merchant vessels the right to carry arms to defend themselves?

Mr. REED. I think they have the right now, but I am willing to give them any right they may lack.

Mr. BRANDEGEE. Very well. They have not the right now.

Mr. HITCHCOCK. Mr. President, we are violating the rules of the Senate now, and we will never get to an end.

Mr. JAMES. This is very interesting. There is no filibuster in this.

Mr. BRANDEGEE. I think the Senator will not want to confine this debate to set speeches of an hour apiece. Now, Mr. President, if we have the right to pass legislation authorizing our merchant vessels, in the face of this threat of their destruction, to arm themselves for their defense, of what use is it to give them that right and to put the guns on their decks unless they can use them? How can they defend themselves without shooting?

Mr. REED. Undoubtedly they will shoot.

Mr. BRANDEGEE. Of course then, Mr. President, I think every Senator here understands perfectly well, without being told very often, that if they do sink a German submarine, the German Government having publicly advertised that they will sink any vessel upon sight and without warning, it is then clearly up to the German Government to determine whether they want to regard the exercise of our admitted right of defense as a cause of war or not; and, if they want to make it a cause of war, rather than abandon our rights, I, for one, am willing to meet them on that issue.

Mr. WALSH. Mr. President, I had, as I think, concluded the discussion of the right of the merchant ship to arm itself. I was reading from a letter which showed it to be the custom and practice of governments to provide merchant ships from their naval stores with arms that they might defend themselves. The letter is as follows:

> The practice of arming ships in self-defense is very old and has been ordered by royal proclamation in England from early in the seventeenth century. During the Napoleonic wars the right to arm in self-defense was recognized by British and United States prize courts in the cases of the *Catherine Elizabeth* and the *Nereide*.
>
> The right of a belligerent to carry arms and resist capture is clearly and definitely laid down in modern times. The right of resistance of merchant vessels is recognized by the United States Naval War Code, by the Italian Code for Mercantile Marine, and by the Russian Prize Regulations.

While the recitals of a document of such a nature, issuing from such a source at such a time are to be regarded with caution, it is believed that the statements made therein are substantially correct.

The argument of the foregoing is that the President may avail himself of the means at his command to protect our commerce on the high seas against attack; that is, he may use any instrumentality for defense though not for aggressive warfare. The line which separates operations conducted for defense from those which characterize offensive war is often vague and shadowy, but none need hesitate to vote in favor of the pending measure, lest he be guilty of an unwarranted delegation of power to the Executive. That he will exercise the authority which he asks with discretion and due regard to his oath to uphold the Constitution none have any occasion to fear.

Mr. POINDEXTER obtained the floor.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Oregon?

Mr. POINDEXTER. I do.

Mr. LANE. Mr. President, before this discussion closes between these very able attorneys—I am not of that profession—I should like to suggest to them an idea that has presented itself to me.

Mr. POINDEXTER. Mr. President, I decline to yield further.

Mr. LANE. Does the Senator decline to yield? I wanted to ask a question.

Mr. POINDEXTER. I yield to the Senator from Oregon for a question.

Mr. LANE. There is involved in this question this condition: We are protesting, and preparing to back ourselves in the protest, against Germany forbidding us access to the English ports. I guess that is, briefly stated, about what it is.

Mr. HUSTING. Neutral ports also.

Mr. LANE. Yes; neutral ports, too. Now, in that respect, if we insist on our rights, I suppose we have a right to begin to tote guns, and go and make our rights good, and have it out with them. But at the same time, if we do that, why have not

these ships of ours the same right, by the same token of toting guns, to go into the ports of Germany, where they need our products, or any other country that we please? If the sea is free and open to us in one instance, why is it not just as free and open, and why are we not within our God-given rights in demanding the privilege of going where we please from all nations?

Mr. POINDEXTER. I only yielded for a question.

Mr. LANE. That is the question I wished to ask.

Mr. POINDEXTER addressed the Senate. After having spoken for some time,

The PRESIDING OFFICER (Mr. LEA of Tennessee in the Chair). The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had resolved that the amendments providing for the issuance of bonds added by the Senate to the House bill H. R. 20632, in the opinion of the House contravened the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of the House, and the bill with amendments was returned to the Senate.

The PRESIDING OFFICER. Will the Senator from Washington suspend a moment while the Chair lays before the Senate the message from the House of Representatives?

Mr. POINDEXTER. Certainly.

The PRESIDING OFFICER. The Chair lays before the Senate the message from the House, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
March 2, 1917.

House resolution 550.

Resolved, That the amendments providing for the issuance of bonds, added by the Senate to the House bill H. R. 20632, in the opinion of this House contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House, and that the said bill with the amendments be respectfully returned to the Senate with a message communicating this resolution.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Florida?

Mr. POINDEXTER. I decline to yield, Mr. President. I should like to conclude what I have to say.

Mr. BRYAN. Mr. President, may I inquire if the Senator will not yield to me for the purpose of making a motion with reference to the naval appropriation bill?

Mr. POINDEXTER. Does the Senator want to make some request in regard to this message from the House of Representatives?

Mr. BRYAN. I do.

Mr. POINDEXTER. I yield for that purpose.

NAVAL APPROPRIATIONS.

Mr. BRYAN. Mr. President, I desire to make a very brief statement to the Senate with reference to the bond provision that was placed in the naval appropriation bill (H. R. 20632) this afternoon.

That provision was offered by direction of the House Committee on Naval Affairs, and went out of the bill on a point of order in the House. I am sure that the Senate did not intend to invade the constitutional prerogatives of the House of Representatives. In the closing days of the session, Mr. President, we were confronted with the necessity for this provision. The House was unable to place it in the bill because of the point of order; and it was not with any intention to reflect upon the House, but it was for the serious purpose of providing the necessary funds to carry out the provisions of the bill, that the Senate committee reported the amendment which had been offered by the House committee, and which the House had rejected.

In that situation, Mr. President, it becomes necessary to reconsider the vote by which the bill was passed. I am going to make that motion, and then move, when I get it so that it can be done, to strike out this provision.

I hope that no Senator will object to that on either side of the Chamber. I hope that no other amendment will be offered to the bill.

I now move, Mr. President——

Mr. PENROSE and Mr. CURTIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Florida yield; and if so, to whom?

Mr. BRYAN. I yield to the Senator from Kansas.

Mr. CURTIS. I just want to state to the Senator from Florida that I made the point of order against this amendment this afternoon on the ground that the amendment was general legislation, intending to state the reasons, but the Chair overruled the point of order without an opportunity to discuss it. I think the ruling is responsible for the situation in which we find ourselves.

The PRESIDING OFFICER. The Senator from Florida moves to reconsider the vote by which the Senate passed House bill 20632.

Mr. JONES. I make the point that that is out of order now, as long as the unfinished business is before the Senate. It has not been laid aside.

The PRESIDING OFFICER. Does the Senator from Washington make a point of order?

Mr. JONES. Yes.

The PRESIDING OFFICER. On what ground?

Mr. JONES. On the ground that it can not take the place of the unfinished business. The Senator has not asked unanimous consent to lay aside the unfinished business.

The PRESIDING OFFICER. Does the Senator from Washington refer to the pending bill as the unfinished business?

Mr. JONES. There is a bill before the Senate that has been taken up by motion, and that is the business before the Senate—the unfinished business—until it is displaced.

The PRESIDING OFFICER. Can there be unfinished business unless the Senate adjourns with some bill under consideration?

Mr. JONES. I make the point——

The PRESIDING OFFICER. The Chair rules that the motion of the Senator from Florida, as he understands it, is in order.

Mr. NORRIS. Mr. President, at least the matter is debatable, is it not?

The PRESIDING OFFICER. It is.

Mr. NORRIS. Mr. President, I am clearly of the opinion that the Chair is wrong in that ruling. I do not care to take any appeal from the decision, but we have before us a bill. It will be fair, perhaps, to state to the Senator from Florida that a reconsideration of the vote by which this bill was passed, of course, will open it up. There were other amendments intended to be offered by other Members of the Senate who were shut out because of the unanimous-consent agreement to vote at 4 o'clock; and in all fairness they ought to have an opportunity to be heard on those amendments.

Mr. BRYAN. Mr. President, I will say this to the Senator from Nebraska: There were amendments, no doubt, that were not considered which Senators would like to have considered, but the Senate agreed by unanimous consent to vote upon the bill at 4 o'clock. Everybody supposed that there would be ample opportunity and time within the four hours elapsing between 12 o'clock and 4 o'clock to offer the amendments.

Mr. NORRIS. They did.

Mr. BRYAN. We all had an equal opportunity with our amendments.

Mr. NORRIS. No, Mr. President, we are not having an equal opportunity. I am not speaking of myself, because I was not one of the Senators who had any amendment to offer, but as a matter of fact everybody supposed that there would be plenty of time. It turned out that there was not. I think the Senator ought not to press this motion at the present time.

Mr. BRYAN. I wish to say that of course I realize that Senators can prevent the passage of the bill at this time, but I do not know what else is left for me, in charge of the bill, to do except to make the motion in order to get the question back before the Senate.

Mr. NORRIS. I will not object to the Senator making the motion if he makes it at a time when it is in order.

Mr. BRYAN. The purpose of offering other amendments will be very clearly understood. If we want to pass the naval appropriation bill, let us do it, and we can do it in three minutes.

Mr. NORRIS. Mr. President, we can not pass it in three minutes. The Senator ought not to expect us to pass it in three minutes. It is not right for the Senator to say that everybody had an equal chance, and that it was fully discussed, or to make any intimation to that effect, because as a matter of fact we only got through with the amendments offered by the committee on the floor of the Senate that were not printed. Nobody had notice of them. The one that is now causing the trouble was an amendment which never had been printed, and nobody knew it was going to be offered, and that took up most of the time in debate. Other Senators had amendments to offer to the bill and they were shut out.

If it had been known that the committee were going to offer amendments of that kind there would have been objection to agreeing to take the vote at 4 o'clock. It is only a matter of fairness, it seems to me. It does not mean that the naval bill is going to be defeated, but these amendments ought to have consideration if anyone has such amendments to offer. There

was really no opportunity for Senators to offer individual amendments, and we had to take the bill just as it was.

Mr. BRYAN. If that be true we simply miscalculated the time, that is all. The Senate did it. The Senate entered into a unanimous-consent agreement to vote upon the bill at 4 o'clock, and the vote was taken under an agreement that each one of us made.

Mr. NORRIS. I am not complaining as far as the agreement was concerned.

Mr. HITCHCOCK. Will my colleague permit me to offer a suggestion?

Mr. NORRIS. Gladly.

Mr. HITCHCOCK. I ask unanimous consent that the pending bill be temporarily laid aside for one hour to enable the Senator from Florida to present his request.

Mr. WILLIAMS. Say not longer than one hour.

Mr. THOMAS. Mr. President, I object.

Mr. LANE. I should like to say that I desire an opportunity to be heard. I found there were 8 or 10 Senators on the list, and I had no opportunity to submit what I wished. The agreement was a most unfortunate one, and in the interest of good legislation there should be no more such agreements. It gives us very little time for consideration. I feel that I did not have justice in that respect. The bill has come back, and it is back here for the reason that it contains legislation that was such that it could pass the other House.

Mr. SMOOT. Did I understand that a decision was rendered by the Chair that the bill authorizing the President to supply merchant ships with defensive armor is not the unfinished business?

The PRESIDING OFFICER. That was the opinion of the present occupant of the chair. The Chair will be glad to hear the Senator on that point.

Mr. SMOOT. The bill was taken up after 12 o'clock. One o'clock was the close of the morning hour, and a motion to take up the bill after that time was in order, and the bill, having been taken up, it becomes the unfinished business. Senate bill 8322 is certainly the unfinished business.

I say this so that the record will be straight, as far as the rules are concerned. I should like to have the Chair reconsider that decision which he has just rendered.

Mr. HITCHCOCK. I make the point of order that the motion made by the Senator from Florida is out of order. He obtained the floor for the purpose of asking unanimous consent, and the Senator from Washington [Mr. POINDEXTER] yielded for that purpose. It seems to me that the motion at this time is out of order.

Mr. JAMES. Mr. President, the Senate entered into a unanimous-consent agreement that it would vote at the hour of 4 o'clock to-day upon the naval appropriation bill. That agreement was carried out. The Senator from Florida asked, by reason of the action of the House in refusing to receive the bill, that the matter be reconsidered. Whatever the Senators may say about snap judgment, whatever they may suggest about not having had time to offer amendments—and that is an unusual statement to be made in the Senate that somebody has not had time to do something—everybody agreed to the unanimous consent. The Senate voted on the bill. I say it is in keeping with the good faith of the unanimous-consent agreement that this matter be reconsidered, as suggested by the Senator from Florida.

I understand that any one Senator can object, but I also understand that any one Senator could have objected to the unanimous-consent agreement which was solemnly entered into. To say that because this bill comes back in this unusual situation that it is to be again thrown open to amendment, that indefinite delay and time are to be taken in order to resift and reargue and redebate these old, overdebated questions is, to my mind, a violation of the very honor and spirit of the agreement the Senate entered into.

Mr. NORRIS. Mr. President, if the Senator from Florida will move, as I think he has a right to move under the rules, to take up this matter, as far as I am concerned I will have no objection to it. I do not want to do anything that would prevent him from getting it before the Senate. But when he gets it before the Senate I think Senators who were cut out by the unanimous-consent agreement have a right to offer amendments. I do not charge, of course, that there was anything malicious, but they were cut out because they did not know that the committee had a whole lot of amendments which never had been printed, more important than most of those that were printed, that they were going to offer and that would cause debate and thus preclude other Senators from offering their amendments. It seems to me if there was any violation anywhere of a sort of an unwritten law, that was one instance.

Another one was this, Mr. President: We met at 11 o'clock this morning under that unanimous-consent agreement, and while it was not put in the unanimous-consent agreement it was stated here on the floor of the Senate, and understood, that the Senator from Florida would move to take up the naval bill just as soon as the ordinary routine morning business was finished. I am not blaming the Senator from Florida, because he tried to do it; but what did happen? The Senator from Missouri made a motion to take up the President's bill, and that was carried, notwithstanding it was known all over the Senate at the time it was carried that it was in reality a violation of the understanding that was had at that time.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from North Dakota?

Mr. NORRIS. I yield.

Mr. GRONNA. May I ask the Senator is it not true that new matter was inserted into the bill which had not been submitted at all when the unanimous-consent agreement was entered into?

Mr. NORRIS. Yes.

Mr. GRONNA. If that had been known, objection would have been made to the agreement.

Mr. NORRIS. Certainly. The very committee amendment that gets the Senate into this trouble would have caused an objection to have been made to the unanimous-consent agreement if it had been known that the committee had that amendment "up its sleeve."

Mr. WILLIAMS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The parliamentary situation, as the Chair understands it, is that the Senator from Florida moves to reconsider the vote by which House bill 20632, the naval appropriation bill, was passed.

Mr. WILLIAMS. That displaces this bill if it is adopted, and it displaces it indefinitely unless the Senator from Florida will agree to make his motion for a definite time. I understand the Senator in charge of the bill has asked unanimous consent that the pending bill be laid aside for an hour for the consideration of the naval appropriation bill, and that request was objected to. There would be risk then of this bill not being acted upon. This bill is of more importance than the naval bill, because what is provided for in the naval bill is to lay down things and begin to build things that will be finished anywhere from a year to five years. This bill is to take care of the present situation and as quickly as possible.

I hope, therefore, that any motion to set aside indefinitely this bill and take up the naval bill will be defeated. As soon as this bill is through, then we can take up other bills.

To see if we can not come to a settlement, I will ask unanimous consent that this bill be laid aside temporarily for two hours for the consideration of the naval bill.

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent that the present business be temporarily laid aside for a period of two hours in order to consider the naval appropriation bill.

Mr. JONES. I object.

The PRESIDING OFFICER. The Senator from Washington objects.

Mr. BRYAN. I intend to make a motion to reconsider the bill. I regret very much that the House is so sensitive about this amendment, but that is a matter with which we can not deal. I feel like the Senator from Kentucky [Mr. JAMES], that good faith ought to require that we reconsider this bill, strike out the objectionable item, and then immediately vote upon it. I believe that can be done. I believe that will appeal to the sense of fairness of Senators. There was no intention to take any advantage of anybody. The Senator from Virginia was absent last night when the unanimous-consent agreement was entered into. There were not more than two or three committee amendments, at least so far as I knew and so far as is shown by the report. It developed to-day that a great many amendments were offered, but that is a matter which can not go over now. If Senators did not have the opportunity they thought they were going to have, it was only a miscalculation. There was no intention on the part of anybody to mislead the Senate or any Senator. I submit in all good faith we ought to reconsider this vote and then strike out the objectionable matter and immediately pass the bill again.

Mr. BRANDEGEE. In relation to the statement there was some sort of an understanding that the Senate should proceed

to the consideration of the naval appropriation bill as soon as the Senate convened I call the attention of the Senator from Florida to the fact——

Mr. BRYAN. The Senator does not have to do that. I knew that. I tried to get the floor. The Senator from Missouri was recognized. I voted against his motion to proceed to the consideration of his bill, and as soon as that bill was taken up I immediately moved to proceed to the consideration of the naval appropriation bill, and that motion was voted down.

Mr. BRANDEGEE. There could have been no understanding that that should be done, because I asked the Senator from Florida last night when he was asking for the unanimous-consent agreement whether he would agree to move that immediately after the conclusion of the routine morning business the bill should be taken up.

Mr. BRYAN. I know the RECORD shows that question was asked, but Senators will remember, even when the motion of the Senator from Missouri was pending, although perhaps I had no right to do it under the rule of the Senate, I stood in the middle aisle and moved that the Senate proceed to the consideration of the naval appropriation bill.

Mr. THOMAS. Mr. President——

Mr. BRYAN. I yield to the Senator from Colorado.

Mr. THOMAS. I wish to state that my purpose in objecting to unanimous consent to take up this bill when suggested by the Senator from Nebraska was because I wanted, if possible, to secure an understanding that if taken up for reconsideration it would be only for the purpose of eliminating the objection which the House makes to the bill and to prevent, if possible, an extensive consideration of it. I may add that I am ready to withdraw my objection at any time when such an understanding can be reached.

Mr. JONES. Mr. President, it has been suggested here that this is in violation of the spirit of the unanimous-consent agreement. I want to call attention to the fact that while that unanimous-consent agreement was actually in force a great deal of time was taken up in endeavoring to place upon the bill a proposition that nobody had in mind and nobody had any suspicion would be offered to the measure, and that was a bill relating to an entirely different subject, changing the law, that has nothing to do with the Navy or the Navy Department, however it may refer in some respects to naval auxiliaries, and so forth. That was attempted to be put upon the bill, and it was held to be in order.

Mr. BRYAN. I think I can assure the Senator that no amendment will be offered on this side of the Chamber to the naval appropriation bill.

Mr. JONES. In this connection I wish to say that I called the attention of the Senate to some language in the bill as it came from the House, that I think everyone who heard me felt ought to be modified, and yet as it has passed it can not be modified; the conferees will have nothing to do with it. The Senator having charge of the bill told me it ought to be modified, and took the amendment I had prepared in expectation that he would get the recognition of the Chair to present it. I think that ought to be considered upon any motion to reconsider or to take up the bill. I would have no objection to unanimous consent to reconsidering the bill if the amendment the Senator from Florida has in mind may be considered and the House language modified so that it may get into conference. I would not want to take one minute of time in debating it.

Mr. BRYAN. I would be willing to do that; but does not the Senator see that if he did that every other Senator who had amendments would want to present them? The chairman of the committee himself had an amendment rejected in Committee of the Whole, and he wanted to present it in the Senate, and failed to get it up.

Mr. JONES. I think that was very different. I have no matter of special interest to my State that I want to present or anything of that sort, but I have called attention to language in the bill which in the judgment of every Senator here ought not to pass in that shape. I have had no other intention in calling attention to it except that the opportunity may be given to correct it. Of course I know that other Senators may be just as earnest about their amendments, probably, as I am in reference to this one.

Mr. BRYAN. That is the trouble, of course.

Mr. SMITH of Michigan. Mr. President, if the Senator from Florida will yield to me a moment, I will say that I also introduced an amendment. I did it advisedly, and I did it because I thought that the legislation which it embodied ought to be incorporated in the naval bill. I did it as a member of the Committee on Naval Affairs and as a member of the Committee on Commerce. The proposition of the Senator from Florida was to incorporate an amendment on the naval bill. I disagreed with the whole of the Senator's amendment and offered my substitute in its place. I think the substitute deals with a very exigent and important matter to the Government of the United States, and that our relations, especially with the Norwegian Government, warrant us in taking this step, but——

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Florida?

Mr. BRYAN. I have the floor, Mr. President.

Mr. SMITH of Michigan. Just one second. I shall not, however, embarrass this request for unanimous consent by pressing the substitute which I offered late in the afternoon; and I say, without reservation, that it is not the part of wisdom or of patriotism to interpose any technical objection to the passage of the naval bill, which should be speeded on its way, it having met substantially the approval of the Senate.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from California?

Mr. BRYAN. I do.

Mr. WORKS. Mr. President, I was one of the Senators who were waiting very anxiously to offer an amendment to the bill who were cut off by this unfortunate unanimous-consent agreement. It turned out to be unfortunate to several of us. The Senator from Florida acted in perfect good faith about the matter, I am sure. I do not know whether or not the Senator in charge of the bill knew that these committee amendments were held back and had not been disclosed to the Senate; but the result of it was that the consideration of those amendments, which had not been made known to the Senate at all, resulted in depriving those of us who desired to offer amendments from doing so. However, I am not disposed to insist upon my right now, if this bill should be reconsidered, to offer the amendment, notwithstanding I think the unanimous-consent agreement turned out to be very unjust and unfortunate.

Mr. BRYAN. I will say to the Senator from California that I accepted the unanimous-consent agreement as it was tendered to me by a Senator on the other side of the Chamber. I am sure he acted in good faith; I am sure we all did.

Strictly speaking, those amendments were not committee amendments; they had not been placed upon the committee print of the bill; they had not been reported by the committee. I was as much surprised as was any other Senator that so much time was taken up in their consideration. I think, however, it is accurate to say that not so much time was taken up in the consideration of the amendments as with the five-minute speeches. I think we understand each other pretty well now, and I am going to again propose——

Mr. NORRIS. Mr. President——

Mr. BRYAN. I hope the Senator from Nebraska will allow me to finish.

Mr. NORRIS. All right.

Mr. BRYAN. I am going to again propose this agreement: That, by unanimous consent, we reconsider the vote by which this bill was ordered to a third reading, read the third time, and passed, for the sole purpose of considering this amendment, which is objectionable to the House of Representatives.

Mr. THOMAS. Mr. President, relying upon assurances made by Senators upon the other side, I withdraw my objection.

The PRESIDING OFFICER. The Senator from Florida asks unanimous consent to reconsider the vote by which the Senate passed House bill 20632.

Mr. NORRIS. Let me say just a word. I am not charging the Senator from Florida with any bad faith. It was an unfortunate condition into which the Senate had gotten itself. No one was particularly to blame for it, but the condition came about; the things did happen. Now, the Senator from Florida wants to reconsider the naval bill because of one particular amendment. Other Senators who had amendments, and desired to offer them, were in just as good faith as was the Senator from Florida. There was not any amendment offered at any time during the debate that was not strictly applicable to the bill and offered in the best of faith. No one intimated anything to the contrary. If we should now agree to adopt the unanimous-consent agreement to take up the one amendment which the Senator from Florida desires considered, and which was offered by the committee, it is quite proper that the same good faith should be applied to those Senators who want to offer amendments. It may be that, like the Senator from California [Mr. WORKS], Senators will not offer their amendments. I do not expect to offer any myself.

Mr. BRYAN. There is the best reason in the world for the request, and the Senator from Nebraska, I think, will recognize it.

Mr. NORRIS. I understand that.

Mr. BRYAN. We are in the position that the House refuses to receive the bill——

Mr. NORRIS. Yes.

Mr. BRYAN. And to receive our amendments. If it were not for that fact, if the House would receive it, this bill would not be back here at all.

Mr. NORRIS. That is the correct reason for it. The other reason was that a Senator who had an amendment that he wanted to offer in good faith, because the time had expired, could not get recognition. There is one committee amendment on which I expected to say something. I know several other Senators who expected to debate it. I thought it was quite important, but no one debated it because the time was too short to do so.

Mr. VARDAMAN. Mr. President, I merely want to suggest to the Senator from Nebraska that, if he expects to object, it would be an economy of time for him to do so. I would not myself object; but if I thought that objecting would defeat the bill, I would be very glad to do it. I did not have an opportunity to express my hearty disapproval of the bill while it was here. I do not think objecting would defeat it, but would simply consume the time of the Senate. If, however, the Senator from Nebraska has any amendment which he has not introduced, but which will cut down the appropriations and improve the bill, I shall be very glad to vote for it.

Mr. NORRIS. Mr. President, I was about to say when the Senator interrupted me, that it seems to me that in the interest of absolute good faith, if you are going to set aside the unanimous-consent agreement, which this request does, it is just as important to any Senator having an amendment which he wants to offer and have considered that he be allowed the privilege of offering it. I do not think there is any Senator who will unnecessarily take up time, but I believe he will offer his amendment in good faith. Therefore, Mr. President, I object to a unanimous-consent agreement.

The PRESIDING OFFICER. Objection is made.

Mr. BRYAN. Then I move that the Senate proceed to reconsider the vote by which the naval appropriation bill was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The Chair did not understand that that was the motion of the Senator from Florida. The Chair understood that the Senator from Florida moved to proceed to the consideration of a motion to reconsider the vote by which the bill was passed. If that motion carries, then the motion to reconsider would be in order. The question is on the motion of the Senator from Florida.

Mr. VARDAMAN. I ask for the yeas and nays.

Mr. SUTHERLAND. Mr. President, I desire to make a parliamentary inquiry before voting. If this motion carries and the vote is reconsidered, will the bill then be open to amendment generally?

The PRESIDING OFFICER. In the opinion of the present occupant of the chair, it will be.

Mr. SUTHERLAND. I understood the Senator from Nebraska was willing for a unanimous-consent agreement if that might be the situation?

Mr. NORRIS. That unanimous-consent agreement has not been asked for; but I have no objection to it.

Mr. BRYAN. Mr. President, the proper motion is to reconsider the vote by which the bill was passed. If the bill was over in the other House, it would have to be accompanied with a motion to bring the papers back. The motion is to reconsider the vote whereby the bill was read a third time and passed.

Mr. NORRIS. I have no objection to that; but I think the Chair stated the parliamentary proposition correctly, because there is something else before the Senate. The motion, first, is to take the bill up, and then it will be in order, as the Chair stated, to make the motion to reconsider.

Mr. BRANDEGEE. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut will state it.

Mr. BRANDEGEE. Is the naval appropriation bill in the custody of the Senate at the present time?

The PRESIDING OFFICER. It is in the custody of the Senate.

Mr. PENROSE. Mr. President, I was not in the Chamber at the time this message was read, and I should like to make an inquiry. Has the House message been read to the Senate?

The PRESIDING OFFICER. It has been read to the Senate.

Mr. PENROSE. Might I ask that it be again read? There are a number of Senators present who have not heard it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and the message from the House of Representatives will be again read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
March 2, 1917.

House resolution 550.

Resolved, That the amendments providing for the issuance of bonds, added by the Senate to the House bill (H. R. 20632), in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House, and that the said bill, with the amendments, be respectfully returned to the Senate with a message communicating this resolution.

Mr. PENROSE. Mr. President, I only want to say on that point, in connection with the message, that, while I know there is precedent for this action of the House, yet had the House proceeded in what, in my opinion, is the better way and referred this bill in the usual course to a conference, and perchance instructed their conferees on this particular paragraph, this embarrassment in the Senate to-night would not have occurred, because there would only have been the report of the conferees on this one particular subject. The fact that this whole matter has been opened up, or is likely to be opened up, is due to the procedure, which, in my opinion, while there may be precedent for it, is not the best procedure to settle these differences.

The PRESIDING OFFICER. The question is on the motion of the Senator from Florida. Those in favor will say "Aye." [A pause.] Those opposed "No." [A pause.] The ayes have it, the motion is agreed to, and, without objection, the votes whereby the bill was ordered to a third reading, read the third time, and passed are reconsidered.

Mr. BRYAN. I move now to strike from the bill the provision as to the issuance of bonds, inserted at page 59, after line 16.

The PRESIDING OFFICER. Without objection, it is so ordered. The question now is on the passage of the bill.

Mr. NORRIS and Mr. JONES addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NORRIS. The bill is open to amendment, is it not?

The PRESIDING OFFICER. The bill is in the Senate and open to amendment.

Mr. JONES. Mr. President, just for the purpose of getting the matter in conference—I have not the amendment which I gave to the Senator from Virginia—I move to strike out from line 12, on page 71, to line 3, on page 72. I will not discuss the matter.

Mr. BRYAN. I am sorry the Senator does that, but I accept it and will let it go to conference.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The question is on the passage of the bill. Those in favor will say "aye." [A pause.] Those opposed "no." [A pause.] The ayes have it, and the bill is passed.

Mr. BRYAN. Mr. President, may I inquire what motion was made by the Senator from Virginia as to a conference, or did the Senator from Virginia make such a motion?

The PRESIDING OFFICER. The Senator from Virginia moved that the Senate insist upon its amendments, ask for a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

Mr. BRYAN. I make the same motion.

The PRESIDING OFFICER. Without objection, the motion is agreed to; and the Chair appoints the Senator from South Carolina [Mr. TILLMAN], the Senator from Virginia [Mr. SWANSON], the Senator from Florida [Mr. BRYAN], the Senator from Pennsylvania [Mr. PENROSE], and the Senator from Massachusetts [Mr. LODGE] conferees on the part of the Senate.

ALASKAN ENGINEERING COMMISSION (S. DOC. NO. 741).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers and illustrations, referred to the Committee on Territories and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the annual report of the Alaskan Engineering Commission for the year ending December 31, 1916.

WOODROW WILSON.

THE WHITE HOUSE, *March 2, 1917.*

ARMED MERCHANT SHIPS.

Mr. HITCHCOCK. I ask that Senate bill 8322 be again laid before the Senate.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nebraska?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8322) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing the

registry of the United States, with defensive arms, and for other purposes.

Mr. POINDEXTER. Mr. President, before proceeding to make the few remarks that I intended to make, I might answer the question of the Senator from Oregon [Mr. LANE].

There is no question about the right of American ships engaged in lawful commerce to go into the ports of Germany if they can get there. There is no objection on the part of the United States, however, to a belligerent engaged in this European war interfering with this commerce by halting a ship, visiting it, and searching it, determining whether its cargo is contraband or not contraband, or enforcing, if they can, an effective blockade. Now that reason of international and commercial rights is entirely outside of the discussion here. There is no such question involved in the controversy of this country with Germany.

What gave rise to this extraordinary legislation is just one thing; that is, the claim on the part of Germany that she has the right to sink without notice an American ship engaged in commerce with her enemy belligerents, and her claim of the right to sink without notice belligerent merchant ships upon which American passengers are traveling. The President of the United States, representing the Government of the United States and the people, after a very long negotiation has taken the position that we will not submit to that action on the part of Germany. It is perfectly useless to muddy the issue here by claiming that any similar question is involved in the relations of the United States with Great Britain or with France, because neither one of those countries has made any such claim. No such question has ever arisen between the United States and either one of them.

Mr. LANE. Well, Mr. President, some people might resent being held up and searched as much as others would to take a chance on getting shot.

Mr. POINDEXTER. Yes—well, of course, if people should be constituted that way. But in the matter of merchant ships the former is allowed by law, while the latter is not.

Mr. WILLIAMS. Suppose the man has an agreement that he shall visit and search?

Mr. POINDEXTER. I am speaking of the issue that has been made by the President of the United States. If the Senator from Oregon were President perhaps he might have made an issue out of that; but the President has not made that issue, and the country is not committed to any controversy on account of any such circumstances. There is a very deep and fundamental distinction between the nature of the complaints that we have had of Great Britain in the enforcement of her blockade and this claim on the part of Germany that she can kill American women and children without notice.

I listened with a great deal of interest to the learned discussion of the Senator from Montana [Mr. WALSH], but I think it must be admitted that a great deal of the learning with which the address was filled, precedents of international law with regard to the right of search and the right of merchant vessels to arm in self-defense, is of no value in determining exactly what is involved in the present controversy.

This controversy arises out of new conditions. A claim is made by Germany, too, that there should be new rules on account of new conditions. That being the case the only possible way in which the United States can protect itself against unprecedented claims growing out of unprecedented conditions is by adopting new rules. We can not find the remedy for an unprecedented situation in the old customs and rights to which we are entitled, as a neutral, under international law.

Now, what is this new condition? I did not intend, Mr. President, when I asked to be recognized to discuss this phase of the question, but some suggestions have occurred to me since, in listening to the arguments upon the floor. Germany claims that her submarines are very weak; they have not heavy armor and can not stand an open fight; that if she abides by the old rules of visitation and search her submarines will be hurt; that they are liable to get sunk. I understand that that, in substance, is the argument; and so, she says, because the observance of the immemorial rules of humanity is dangerous she must be absolved from them, and that, in order to avoid being sunk, her submarines shall stealthily approach, regardless of the lives of noncombatants on board, and send a ship to the depths of the sea without notice or warning. It is as though a man were engaged as guard at a turnstile where travelers were going into a fairground and should claim that, as he was a small man and too weak to stop anyone going in without tickets, he should be allowed to conceal himself and shoot them all on sight from ambush.

Now, that is a claim which Germany makes. What is the issue which the United States makes upon that proposition? So far as it has been suggested, it is simply this, that we propose to make defensive war against the German submarine. It has been stated in debate here this afternoon that in carrying out the authority granted by this bill in using the guns which this law would authorize the President to place upon the decks of merchant ships German submarines found in the way would be sunk upon sight. I think that was correctly stated, because that is the only practical way in which any use could be made of these arms.

Mr. WILLIAMS. I dislike to interrupt the Senator——

Mr. POINDEXTER. I yield to the Senator.

Mr. WILLIAMS. But if the Senator will permit me a word, I think that is going a bit too far and is not fully justified by the exigencies of the situation. An illustration was given a moment ago—one man giving another notice that if he appeared in a certain street or square he would kill him on sight. Much of the merit of the case would depend upon how the man who had made the threat presented himself. Of course, if the submarine periscope is going in the other direction from the merchant ship, or if it was seen in front of it, going in the same direction, there would be no right to shoot it on sight; but if the submarine which we may suppose, for the sake of argument, to have made the threat, although it was the Government that made it, was seen approaching the victim, then the right to shoot upon sight would exist.

The question, after all, will have to be decided by the captain of the merchant ship as to whether the circumstances are such as to convince him that the threat is about to be executed or may be, and then, if he thinks it is, he has a right to anticipate the attack; but to shoot any submarine going in his front on sight I think is going a little further than the gentlemen who have said that meant to carry.

Mr. POINDEXTER. To carry out the distinction that the Senator from Mississippi makes he will admit they make very difficult situations.

Mr. WILLIAMS. Oh, no doubt a whole lot will have to be left to the discretion of the individual who is in command of the merchant ship.

Mr. POINDEXTER. We have got to start out upon this basis, that not only once or twice but often, through their official press, through their official diplomatic correspondence with this Government, Germany has given us notice—just as she gave us notice that she was going to sink the *Lusitania*, and did sink her, and advertised it in the newspapers before hand—that she will sink American ships without notice within a certain zone. Are we entitled to believe that, or are we not?

Mr. WILLIAMS. I think we are entitled to believe it.

Mr. POINDEXTER. If we are entitled to assume that she says that in good faith, and we arm our merchant ships against such attack, it would be legitimate, and at the same time it would be necessary, upon meeting such a submarine to destroy it on sight if possible.

Mr. WILLIAMS. I think so, too.

Mr. POINDEXTER. That is, in meeting a German submarine in the way of a merchant ship within that zone under conditions in which we have been notified she would sink our ships without notice, to use the guns placed on merchant ships for that purpose.

Mr. WILLIAMS. But it would give us no right to pursue the submarine ahead of us and going out of the way. It would give us no right if we were going in this direction and saw a submarine going in the other direction and out of shooting distance to follow her up. In other words, I agree with the Senator perfectly in the general statement and in nine cases out of ten, but I do not want it to go abroad that we will have a right to shoot them on sight, no matter what they are doing or which way they are going. Now, it is conceivable, although in my opinion hardly possible, that the German Government might give orders to a submarine to let American merchant ships alone, and then in every case where they would see them they would get out of the way. I do not think that is the policy.

Mr. BRANDEGEE. Having announced the other policy——

Mr. WILLIAMS. Having announced the other policy we will act upon it until we find out she has a different practice.

Mr. POINDEXTER. I agree with the Senator from Mississippi in what he says. We have no cause for controversy with Germany about a submarine that is not hostile. We are talking about a submarine which intends to carry out her announced policy; but that assumes a wholly different case from that which we are legislating for. Then the controversy would be abandoned and it would be a cause for universal congratulation in the United States, and I hope in Germany. I was going to follow by saying that when we do that, when we see a German submarine engaged under the German Government as announced they would be engaged, and we sink it, it would have to be without notice, because if you stop to parley with a submarine it is all off. You might as well stop to parley with a

rattlesnake or a she bear after you had killed her cubs. We sink her. Now, Germany does not admit that that sinking is authorized. We claim that it is. Germany claims that it is not. When we sink her we have committed an act of violence against the war vessel of Germany which she claims was engaged in legitimate warfare.

Now, that is an act of war, is it not, on the part of the United States against Germany? It seems to me that is what it amounts to. I do not say that in order to create any impression that I am not in favor of giving the President the authority which is provided by these bills, but only in order that we may get as accurate an idea as possible of the policy on which we are about to launch ourselves.

Mr. HUSTING. Mr. President——

Mr. POINDEXTER. Just a moment. Fortunately for us personally, a great many of these questions we are not responsible for. We are only responsible and can only be responsible as a legislative body for the broad lines of policy to be adopted. The manner of its execution must be in the nature of things vested in the executive branch of the Government. There has been some disposition here and there to hesitate at granting adequate power to the Executive. I feel no such hesitation, because that is what the Executive is for. In the nature of things, this matter can not be carried out unless there is a certain amount of discretion vested in the agent of Congress, which will be the President of the United States, under the law which we are about to pass.

Upon that phase of the question I much prefer the bill that has passed the House. The powers granted by that bill are all contained in the first paragraph. It authorizes the President of the United States to supply the merchant ships, the property of citizens of the United States, with defensive arms and with the necessary ammunition and means of making use of them in defense against an unlawful attack, and he is authorized and empowered to protect such ships and citizens of the United States against unlawful attacks.

It seems to me that that is an efficient piece of legislation. On the contrary, when you take the Senate bill, which is intended to accomplish the same object, it says that the President of the United States is authorized and empowered to supply guns "fore and aft." In sinking a German submarine why should we be limited to guns "fore and aft"? Is it any more amicable to sink a submarine "fore and aft" than broadside?

Mr. SUTHERLAND. I call the Senator's attention to the fact that those words are to be eliminated.

Mr. POINDEXTER. I was only reading the bill. I am very glad they are to be eliminated. They ought to be eliminated. I now yield to the Senator from Wisconsin.

Mr. HUSTING. The Senator has left the point where I was going to interrupt him. The Senator said if the sinking of a German ship or submarine took place it would be for doing what Germany claims she has a right to do. I do not understand that Germany claims that she has the right to do what she is doing, especially as to boats plying between neutral ports. I do not think she makes any pretense of having a right under international law. I believe she puts it on the ground of necessity and retaliation against her enemy.

Mr. POINDEXTER. That is a difference in reasoning which I can hardly appreciate. She says she will do it and that she is justified in doing it. That is equivalent to saying that she has a right to do it.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Does the Senator from Washington yield to the Senator from Utah?

Mr. POINDEXTER. I yield to the Senator from Utah.

Mr. SUTHERLAND. I understand the Senator from Washington to say that he prefers the House draft to that presented by the Senate committee. I call the Senator's attention to the fact that in the House bill there is no provision which authorizes American ships to arm themselves; there is only a provision authorizing the President to do so. Does not the Senator think that an American ship which can not arm itself and desires to do so should be permitted to do it without calling upon the Government?

Mr. POINDEXTER. I infer that that power is, by implication at least, contained in the Senate bill. I think that power ought to be granted; but when we authorize the President in the House bill also to supply ships with defensive arms, it seems to me that it authorizes him to permit them to supply themselves with defensive arms.

Mr. SUTHERLAND. I call the Senator's attention to the fact that there is already upon the statutes a law which authorizes American ships to carry arms under some circumstances, but the express provision of the statute is that those arms shall not be used against a public ship of a Government with which we are at peace. Unless we authorize the ships to arm themselves we are in great danger of this statute being construed so as to make an exception to the existing statute only in the case where the precise provision of the statute has been complied with, namely, where the President has furnished the arms.

Mr. POINDEXTER. I think any doubt about that ought to be removed.

Mr. President, I have stated the consequences of what we are about to do. It means a limited war against German submarines. We do not propose, as I understand, to go submarine hunting, but we do propose to sink submarines found in the path of merchant ships unless there should be some circumstance that plainly indicated, as the Senator from Mississippi [Mr. WILLIAMS] has pointed out, that the Germans are not going to carry out their announced policy. That being the case, the question of contraband seems to me to be entirely eliminated from consideration. I do not understand that if the President of the United States, exercising the authority to be granted by this act, should put guns and men for operating them upon merchant ships for the purpose of protecting those merchant ships he would be expected to enter in any way upon the regulation of the commerce carried on by those ships.

Questions of contraband are eliminated from this controversy, first, because Germany has announced to the United States officially that she is going to sink without notice ships within that zone, whether they have contraband on board or not, and that she will not inquire as to contraband; second, because one of our chief complaints is the sinking without notice belligerent merchant ships carrying American passengers. Of course, the United States would have no right to regulate the cargoes of belligerent ships or the commerce in which they were engaged. Whether or not their cargoes are legitimate or illegitimate is a matter of no consequence, because that is not the condition which Germany has laid down as that upon which such ships will be destroyed without notice.

Mr. BRANDEGEE. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I agree with the Senator from Washington on that proposition, but I wanted to ask him if he thought there was anything in the provisions of either the House bill or the Senate bill upon this subject, to wit, the authorization by Congress that the Government property in the line of arms might be loaned to merchant vessels or supplied to them, and the means of using them supplied to them by the President, which would constitute the merchant vessel a vessel of war or a Government vessel in any way whatever?

Mr. POINDEXTER. Well, of course, as I said in the beginning, it is a new condition, and it seems to me that we should have to determine that question by a consideration of the use and purpose of the Government's action. There is no precedent for it in exactly similar circumstances. My opinion is, with such consideration as I have been able to give it here during the debate, that when there is a Government gun on a ship and a Government man there to operate it, in so far as their operations are concerned, that ship is a Government ship.

Mr. BRANDEGEE. I must differ from the Senator entirely on that, but I want to call his attention to the fact that there is not one syllable in the bill which contemplates the placing of a Government man on one of these merchant ships. The word "man" is not used in the bill. The language of both the bills is to supply defensive arms to these merchant vessels, together with the means of using the same.

Mr. POINDEXTER. It seems to me——

Mr. BRANDEGEE. Will the Senator pardon me just a moment?

Mr. POINDEXTER. Yes.

Mr. BRANDEGEE. I assume that, if the bill passes, the President of the United States is going to put enlisted men or officers of the Navy aboard these merchant vessels to operate the guns. I do not think any necessity for such a thing will arise, but if it should I am quite certain that when the gunners are at their posts on the decks of these merchant vessels they will in no way be employed by the United States or be subject to its authority, and the merchant vessels will be under the control of their owners and their masters.

Mr. CLAPP. Will the Senator yield for an interruption?

Mr. POINDEXTER. I yield to the Senator from Minnesota.

Mr. CLAPP. What I desire to say is partly in answer to the suggestion just made by the Senator from Connecticut [Mr. BRANDEGEE]. Whatever might be said of the effect of placing members of the American Navy on a merchant ship, I understood the Senator from Massachusetts [Mr. LODGE] to admit that under the phrase "employ such other instrumentalities and methods" there was no question but that the President could

order a warship to convoy a merchant ship that came within the designation "merchant vessels of the United States and bearing the registry of the United States." I would ask the Senator from Washington if he does not concur in that? The action of the officers and men on an American warship convoying a merchant ship would put the United States Government in action through the activity of the warship. Could there be any doubt about that?

Mr. POINDEXTER. I think not. I think the rule as to the extent of governmental responsibility would be the extent of governmental action. That is all there is about it. It is a very simple proposition.

Mr. CLAPP. Mr. President——

Mr. POINDEXTER. If the Senator will pardon me just a moment, if the United States—I do not, however, want to interfere with what the Senator was going to say——

Mr. CLAPP. I was going to make another inquiry when the Senator should have finished.

Mr. POINDEXTER. Well, go ahead.

Mr. CLAPP. No; let the Senator go on and complete his answer.

Mr. POINDEXTER. I was just going to say that if the Government of the United States put guns on board American merchant vessels and said to those merchant vessels, "Use these guns to sink German submarines," it would be absurd for us to argue with Germany that we, as a Government, were not responsible for it. I am willing to assume that responsibility, much as I regret it, and I am not willing to deny the responsibility. I think we ought to accept it.

Mr. CLAPP. Mr. President, a few moments ago the Senator, in discussing the question of the regulation as to details, said we could not prescribe with what the ships should be loaded. I am not questioning that part of the statement, but the Senator enlarged the illustration by reference to the fact that we could not, of course, regulate a foreign merchantman which has American passengers upon it.

While this bill does not cover the loaning of arms to foreign ships, undoubtedly it does cover the convoying of merchant ships by American battleships; and I will ask the Senator, in view of the statement he made with reference to the foreign ships, if it is his opinion that under this language, "employ such other instrumentalities and methods as may," and so forth, it would be within the province of the President to convoy a foreign merchant ship with American passengers upon that ship as a means of protecting the citizens of the United States, in view of the language found in the first three lines on page 2?

Mr. POINDEXTER. This is the language of the Senate bill——

Mr. NELSON. Mr. President——

Mr. POINDEXTER. I should like to answer one question at a time.

Mr. NELSON. Before the Senator answers it, will he allow me to interrupt him?

Mr. POINDEXTER. Well, I will yield.

Mr. NELSON. I call the Senator's attention to the fact that in legal effect there is no difference in that respect between the House bill and the Senate bill. I wish the Senator would turn to line 8 of the House bill, where the following is found:

> And that he be, and he is hereby, authorized and empowered to protect such ships and the citizens of the United States—

Not only to protect such ships, but to protect "the citizens of the United States"—

> against unlawful attack while in their lawful and peaceful pursuits on the high seas.

That is the language of the House bill. Does not that involve the protection of American citizens upon the high seas under all circumstances?

Mr. POINDEXTER. I think so.

Mr. NELSON. And is it not in legal effect just as broad as the Senate bill?

Mr. POINDEXTER. I think the Senator is entirely right, that the two bills are substantially the same in that respect. Now, applying that to the question of the junior Senator from Minnesota [Mr. CLAPP], to use the language of the House bill, one of the "lawful and peaceful pursuits of American citizens on the high seas" is to travel on the merchant ships of a belligerent; and this Government, acting through its authorized representatives, has said that they are entitled to protection against having the ship on which they are passengers sunk without notice with the result that they lose their lives.

Now, we authorize the President to protect them; and undoubtedly I must answer the question of the junior Senator from Minnesota in the affirmative. When we say that the President has unlimited power to select the means of protecting them, it would include a convoy of that belligerent ship by the President of the United States, if the President of the United States sees fit to exercise that power.

Mr. CLAPP. There is no question about that.

Mr. POINDEXTER. We might as well give the ordinary common-sense construction to the language which we use in these bills. There is no occasion to deceive ourselves about it at all.

Mr. SUTHERLAND. Mr. President, I will ask the Senator, however, whether, under the rules of international law, the law of convoy is not perfectly well understood, and that it only applies to the ships belonging to the Government which furnishes the convoy? In other words, the service of the convoy is to give notice to the belligerent that the necessity of search and seizure is done away with, and the Government which furnishes the convoy thereby guarantees that the ship does not carry contraband. By its very nature that can not apply to the vessel of another nation. It only applies to the vessels of our own country. So, as it seems to me, and I suggest it to the Senator, to speak of furnishing a convoy for a vessel of another country is a contradiction in terms.

Mr. POINDEXTER. I can not agree with the Senator. One of the ordinary meanings of the term "convoy," I know, is the accompanying of a merchant ship by an armed ship of its own Government, giving it the technical international status the Senator describes. But it is a term that has a much broader use and significance than that. There was a time when Venice was mistress of the seas, when she convoyed all of her ships. It was a time of more or less lawlessness, and it seems that we are getting back to conditions that are somewhat similar. Growing out of the necessity of protecting her merchant ships against the lawless attacks of others, call them pirates or call them what you may, there grew up the custom of collecting her ships into fleets; and so long as she was responsible for the conduct of the fleet, it was an easy step for her to take to prescribe the day upon which that fleet would sail, the ports at which it would touch, how long it would remain in the ports, and when it should return home.

It was an easy step for her to say what type of ships should be built, how they should be manned, and rigged; so that the entire merchant marine convoyed by the armed ships of Venice was under strict governmental regulation as to types and construction of vessels, as to their route, their equipment, and personnel. A "convoy" under those conditions was quite different from the ordinary "convoy" of a strictly private merchant ship at this time. So a "convoy" of a belligerent merchant ship, for the protection of Americans on board of her, might be under an agreement between this Government and that of the merchant ship, and have one status, or it might be a mere accompanying on the high seas of such merchant ship by our warship, on our own authority, and have quite a different status.

Mr. BRANDEGEE. But, Mr. President, whatever may have happened in those times of which the Senator speaks, the Senator from Washington will not claim, will he, that we could, without a violation of our neutrality, convoy with our Government vessels the ships of a belligerent power?

Mr. POINDEXTER. No.

Mr. BRANDEGEE. So that the question, it seems to me, is not applicable to the facts in this case. We do not propose to convoy British ships. The Senator from Utah [Mr. SUTHERLAND], in my opinion, is quite correct when he states what the convoying of our own ships means, and the obligation we assume when we do convoy them.

Mr. POINDEXTER. We are getting into quite an interesting phase of this question, and before I proceed to something else and forget the interesting suggestion of the Senator from Connecticut I will dwell upon it for a moment. The Senator said that, if we should convoy a belligerent ship, we will say a British ship, on which there were American passengers, it would be a breach of our neutrality. Of course it would, but does the Senator from Connecticut think that we can arm our merchant ships and sink German submarines engaged in a business which they claim the right to be engaged in, and still preserve our neutrality?

Mr. BRANDEGEE. I think it would very likely lead to war under the recent proclamation of Germany.

Mr. POINDEXTER. I am not speaking of what it would lead to; I am speaking of what it is.

Mr. BRANDEGEE. I think we can arm our merchant ships; I think we have that right. Clearly we have that right today, and have had it since 1819 under section 4295 of the General Statutes, only under that statute we are prohibited from arming merchant ships against foreign government-owned ships. Therefore, if we should pass the House bill, which does not contain authority for us to arm our ships against foreign

government-owned ships of a power with which we are at amity, and our ships should use the arms provided them, they would find themselves in the position of pirates if they attempted to use them against a foreign Government's warship. That is the reason the Senate committee put in the broad declaration in the first three lines of the Senate bill that the ships themselves and their commanders and crews were authorized and empowered to arm their ships for defense, and that the President was authorized to furnish them the arms, if they themselves did not have them. Then, if as a defensive act they sink a German submarine, they will be prisoners of war and not pirates. They will be acting under the authority of the laws of their own country, which at present deny them that position and that status. That is what I mean to say to the Senator.

Mr. POINDEXTER. Yes; well, I am in favor of that provision. I think in that respect the Senate bill is the better. What I had reference to, in comparing the two bills, was that limitation of a gun "fore and aft," which I understand is to be stricken out.

It seems to me that the confusion in regard to the relations between Germany and the United States, if we carry out the plan and the policy that is provided for in these bills, either one of them, is the assumption that the situation is going to be interpreted by the rules of ancient international law applicable to a neutral country. It can not be interpreted by the customs and precedents of international law applicable to anybody, because such a condition never existed before. It involves new elements. And it can not be defined by the law that defines the status of a neutral, because we will have ceased to be a neutral.

Mr. BRANDEGEE. Of course, Mr. President, when we cease to be a neutral and engage in war with a nation, I do not think there will be any question about the authority conferred in this bill or its exercise. It will all become utterly irrelevant when we enter the field as a belligerent, if we do.

Mr. POINDEXTER. I am not speaking about what might happen. I agree with what the Senator has just said; but I am attempting to arrive at a conclusion largely in order to satisfy myself in voting for these propositions, as I expect to do, upon which there is perhaps a sharp difference of opinion—not extensive, however, I am glad to say—in the country.

If we take all the deliberate care that we take in passing this legislation, and appropriate all this money, and provide all the guns and ammunition that are necessary for carrying it out, and then go out and destroy vessels that are sailing under the flag of Germany and sink them to the bottom of the sea, I fail to see how we can say that it is a peaceful errand on which we are engaged.

Mr. BRANDEGEE. Mr. President, I am not saying that it is a peaceful errand. We have got to do one of two things. Our merchant vessels at present are tied to the wharves in this country, and our foreign commerce is stopped, and we are effectually blockaded. Now, we have either got to send those vessels to sea across this zone of horror, with the standing threat of the central powers of Europe that they will sink on sight without warning everything which enters that zone, or else we have got to send them there with arms for their defense. The first vessel that goes there undefended Germany says they will sink, if they can, without warning and, in my opinion, they will do it. That would mean war. There is no doubt of that. The President has said that would be an overt act.

Mr. POINDEXTER. Well, that is what we are talking about.

Mr. BRANDEGEE. Very well; that would be war. Do not let the Senator think I am acting in ignorance of what the consequences of defending our rights may mean.

Mr. O'GORMAN. Mr. President, may I be permitted just one question?

Mr. BRANDEGEE. Not at this point, because I have not yet finished my sentence. I have not the floor, either. If we arm a vessel and send her there, and in defending herself she sinks a German submarine, that will mean war, in my opinion.

Mr. POINDEXTER. Well, is not that what we are providing for here?

Mr. BRANDEGEE. We are providing to defend our rights, even at the risk of war, and we ought to.

Mr. POINDEXTER. Will not the Senator describe specifically just what we are providing for?

Mr. BRANDEGEE. I have. I have attempted to do so.

Mr. POINDEXTER. Well, that is what I am talking about. He says it is war, and I say it is war.

Mr. BRANDEGEE. But the Senator says that we will be neutrals then, and I say we will be belligerents.

Mr. POINDEXTER. Just the contrary.

Mr. O'GORMAN. May I be permitted now?

Mr. POINDEXTER. I yield to the Senator.

Mr. O'GORMAN. I was only curious to know whether the Senator from Connecticut desired to be understood as saying that the destruction of a submarine by one of our vessels would constitute war, or whether he meant to say it would be a cause for war?

Mr. BRANDEGEE. Mr. President, of course I am not in the confidence of the Germanic or Teutonic powers; but, in my opinion, the first one of their submarines that we sink they will declare war on us. I have not a doubt of it.

Mr. POINDEXTER. If we sink one of their submarines, would it not be cause for them to declare war on us?

Mr. BRANDEGEE. If I were in their place I would consider it an act of war, and I expect them to. But I think they will have brought it on their own heads by their own utterly illegal acts and proclamations.

Mr. POINDEXTER. Yes.

Mr. HUSTING and Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield, and to whom?

Mr. POINDEXTER. I will yield in a moment. I will not yield now.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. THOMAS. I simply wanted to suggest——

The PRESIDING OFFICER. The Senator declines to yield.

Mr. POINDEXTER. The Senator from Utah raised a very interesting question. He said that there is no such thing as the convoying by us of a British vessel, because convoying was to guarantee against search and seizure of contraband, and we could not be responsible for the cargo of a foreign ship. But I want to ask the Senator from Utah a question.

The principal controversy, at least in its early stages, between Germany and the United States, grew out of such incidents as the *Lusitania*—the sinking by Germany, without notice, of belligerent ships upon which American citizens were passengers. Now, we are providing in this bill primarily to protect our citizens against that violation of their rights. Will the Senator from Utah say what steps we are going to take to protect these rights which the Senator has declared appertain to American citizens traveling upon a belligerent ship against the sinking of that ship without notice?

Mr. SUTHERLAND. Mr. President, if the Senator means by that to say that in his judgment there is no other way in which we could do it except to convoy the English ship, then I disagree with him. An armed vessel of the United States may be in the neighborhood of the merchant vessel of another country, upon which merchant vessel our citizens are being carried; and if that merchant vessel is attacked so as to endanger the lives of our citizens, the United States man-of-war may take a hand in the affair, and protect these citizens upon the foreign merchant vessel, without occupying the relation to it of a convoy.

As I said to the Senator a moment ago, as I understand, the word "convoy" in international law has a well-settled and very narrow meaning. Of course, we speak popularly of a convoy. We might speak in popular language of a man-of-war of the United States going along with a vessel of another country as convoying it; but that would be to speak of it in popular language, and not in the exact language of international law.

In international law, as I understand, it has the narrow meaning that a convoy is a man-of-war—as applied to the United States—of the United States, convoying a merchant ship of the United States. The very purpose of the convoy shows that, because the purpose of the convoy is to get rid of the search and seizure on the part of a man-of-war of the belligerent country. By going along with a ship and convoying it, we guarantee by that very act that the ship is carrying no contraband; and of course we can not guarantee that with reference to a merchant vessel. In addition to that, as it has been suggested to me, when a man-of-war is a convoy of one of our vessels, the merchant vessel is under the direction of the man-of-war. The man-of-war is commanding the whole enterprise. Of course we can not speak of a man-of-war of the United States commanding the movements of the ship of some other country. We have not any power to do that, or any right to do it; but I imagine the President can find means, if it becomes necessary, of defending our citizens upon the merchant vessels of one of these belligerent countries. We can have our vessels of war in the neighborhood so, as I say, to take a hand in the difficulty if any arises, without convoying the ship, and without guaranteeing anything about it.

Mr. NELSON. Mr. President——

Mr. POINDEXTER. I decline to yield further. I will complete what I have to say in just a few moments.

The PRESIDING OFFICER. The Senator declines to yield just at this moment.

Mr. POINDEXTER. There is very little material distinction in principle between a merchant ship of a belligerent having the protection of an armed vessel of the United States for an hour and having it throughout its entire voyage. There is nothing in international law that would prevent a naval vessel of the United States from accompanying a belligerent vessel upon which American citizens were passengers.

Just one word more. In the colloquy in regard to the convoying of a belligerent ship by an armed naval vessel of the United States for the purpose of protecting the rights of American citizens lawfully traveling on it it was suggested by the Senator from Utah we would have no right as a neutral country to convoy a belligerent merchant ship, because we would have no right to protect that ship against search for the purpose of determining whether or not her cargo was contraband. That is undoubtedly correct where visitation and search or the capture or destruction after notice of a neutral or belligerent ship is concerned. But I suggest that that question has no bearing on the bill now pending before the Senate, because the United States has no complaint of visitation and search of our own merchant vessels or of the capture or even destruction after due notice of those of belligerents upon which our citizens are traveling. Whatever inconveniences we may have suffered, whatever abuses may have arisen out of the visitation and search of American vessels by one or more of the belligerents, are aside and entirely distinct from the proposition involved in this bill. In fact, instead of objecting to search, seizure, or capture we are insisting that there shall be these very things instead of sinking without notice and the consequent murder of noncombatants. The proposition involved in this bill is that which has been stated to the joint sessions of Congress by the President of the United States in his several messages, and is the step which this country is taking to protect itself against the sinking of merchant ships, whether belligerent or our own, by submarines without notice. Now, I will leave that phase of the question.

Mr. WORKS. Mr. President, before the Senator leaves that point——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from California?

Mr. POINDEXTER. Well, if the Senator desires to interrupt me——

Mr. WORKS. If the Senator hesitates about it, I will not proceed.

Mr. POINDEXTER. I yield to the Senator. I was just going to say that I did not want to become involved, as I was before, in a very long colloquy.

Mr. WORKS. I will not interrupt the Senator.

Mr. POINDEXTER. I will be very glad to yield to the Senator.

Now, as to the authority and the extent of the authority which is conferred upon the President of the United States, there is no substantial danger, in my opinion, of too vigorous or decisive action by the President. The danger is, if I may be allowed to say so, that he will not be vigorous and decisive enough. In such situation as has existed with Mexico and with certain countries of Europe during the past several years, many occasions have arisen in which an ounce of action would have been worth a ton of talk. In national affairs, as well as in individual affairs, there are tides—

> Which taken at the flood lead on to fortune;
> Omitted, all the voyage of their life
> Is bound in shallows and in miseries.

Firmly grasping a situation is often the only means of saving it. The most dangerous course is often the indecisive and halting one. One clear act showing the true spirit of the American people to protect the life and the rights of every citizen and to perform our duty in Mexico four years ago would have saved much misery. One deed by the Government that rang around the world, when the women and the babies of the *Lusitania* were hurled into the sea without notice, would have made war or the present situation impossible. It would have saved billions in taxes that we are now imposing upon the people, and the piteous death of hundreds of killed abandoned by their country.

We do not deny to Germany the right to blockade England if she is able to do so, nor that any ship defying the terms of the blockade must do so at the risk of capture. What the President, the representative for the time being of the American people, has forbidden is the sinking of merchant ships without notice and the murder in this way of noncombatants. This is the position, and the proper position, the President has taken not only against Germany but against England and France as well.

This declaration should be enforced against them all alike, and I have no doubt it will be enforced against them all alike. Whether or not it is enforced against any of them may be a doubtful question; but I have no idea that there will be any distinction between these belligerents in that regard. So far, however, there is no offender against it but Germany, and there probably will not be.

Our rights upon the sea—and I say this because of the disposition on the part of a great many of our citizens to attach no importance to our rights upon the sea, and a more or less widespread propaganda that we should abandon our privileges upon the high seas—are as important as our rights upon the land. Our property and our lives upon the ocean are as essential as upon the land. If we are cut off at the sea we will die on the land. Great as we are, we must have trade and intercourse with the world. The bread that we put into our mouths comes in part from our business upon the ocean. Our rights upon the main roadways of the world are as distinct and well defined in law as those upon the shore, and as necessary to be defended. We have grown into a great and mighty people because we lie across the highway of the nations. Close that highway, and we cut off the sustenance that makes us great.

Fortunately for us, there could be no extensive actual conflict of arms growing out of the present situation. There may be a nominal war, but there can not be very much of an actual war. We desire no war with Germany, and will act, I assume in voting for conferring these powers upon the President, in so far only as her attack upon us makes it necessary. Between Germany and the United States, perhaps fortunately for us in our present condition, are the fleets and the armies of the other belligerents. No particular glory can come to us from a conflict with Germany, bled white as she is and staggering as she is, but much dishonor can come to us from abandoning our people.

Only a finger's breadth on the map of the world lies between the mighty legions of Germany and the capital of France, and yet in two years and seven months of concentrated effort she has not been able to advance across it. With scientific precision and superb organization she has hurled against it the material and human resources of 160,000,000 people and a million and a half square miles of the best part of Europe and a portion of Asia, and yet she could not cross that strip of ground that might be covered in a two hours' ride. Her hopes were blasted in the shambles of the Yser, and the Brandenburg Guard was broken on the heights of Verdun.

Now she is wearied, and her children are crying for bread. It requires nothing particularly heroic on the part of this great Nation to make a stand now against Germany.

The physical conditions prevent any extensive conflict of arms. The power which could not reach Paris in its prime in the days of its decline can not menace the United States. Yet if the throes of its death struggle involve in its fearful vortex the rights, property, and lives of our people, there must come a time for action.

There can be no pursuit of freedom in the paths of peace without protection. In the lean poverty and distress of Europe, when the fat has been fried out in the fires of war, America will be the hope of the world. That hope will be vain if this Government fails to provide for its citizens security in the ordinary and reasonable rights of mankind. All that has been gained by the sacrifices and triumphs of our statesmen and patriots will be lost if the Government they maintained shall fail to provide security to its citizens in the peaceful ways of business against foreign violence. Our merchants are as much entitled to protection for their ships and cargoes as the farmer for his land. Our sailors unlawfully imprisoned abroad, our women and children sunk in the slimy pits of the deep in violation of international law, involve the national honor and integrity as deeply as though they had been enslaved or murdered after an invasion of our soil. If it does not stand for the security of person and property under just laws, the power of the Nation back of the lives and liberty of its citizens, the flag loses its value and significance.

There are many who oppose the defense of our citizens who would yet cry aloud for protection if their own houses, their own lands, their own families, were taken and outraged or destroyed. There are some, apparently, who would only resent an attack upon real estate, but there are personal rights more precious than the ownership of land. There is property as valuable as the occupation of the soil. The inlets and outlets of our national life are by way of the sea. This war has demonstrated again that control of the sea decides the fate of nations. It is there that ours will be determined, and it is essential to our national existence.

Mr. THOMAS. Mr. President, in the short time that I shall detain the Senate I request that I shall not be interrupted, be-

cause I do not wish to be in any way concerned with an undue extension of the debate upon this bill.

I would not speak at all did I not deem it necessary to give the reasons which have prompted me to accept this measure and to support it as it comes from the committee. I have been concerned chiefly, Mr. President, with the question whether, by the adoption of this measure, we were delegating a power expressly committed to us by the Constitution, and which we alone can exercise.

The power to declare war is, by the organic act of the Republic, vested exclusively in Congress, and it is axiomatic that no such power can be delegated. If it could, our investment of it would be meaningless, and the reasons which actuated the framers of the Constitution in vesting us with that authority would be defeated could we delegate it to either of our coordinate branches of authority. They had, Mr. President, the best of reasons for depositing that great authority with their Representatives and Senators. These reasons are too obvious to need repetition here. The manner of its exercise—or, to be more specific, the reasons which would justify its exercise by Congress—have been well stated by the Supreme Court in the case of Fleming against Page, in Ninth Howard, page 603. It is there said:

> But the genius and character of our institutions are peaceful, and the power to declare war was not conferred upon Congress for the purposes of aggression or aggrandizement but to enable the General Government to vindicate by arms, if it should become necessary, its own rights and the rights of its citizens.

The message of the President, and the reasons which prompted him to come before us with that message, are entirely within the purview of this solemn judicial declaration. Consequently, if in fact we are shifting upon the shoulders of the President the power to declare war, we would, so far as the purposes are concerned, be in complete harmony with judicial construction; but that would not justify us in devolving upon somebody else a duty which is ours, and ours only, to discharge.

The question with me, therefore, is whether, in authorizing the President of the United States to do the things which are here outlined, we are delegating a power which we are supposed, under our oaths of office, to exercise if it is to be exercised at all.

The bill was carefully prepared, and follows very closely the language of the President in his address; and that address was prepared with unusual care, every word of it being judiciously selected, in order to convey to us exactly what the President desired us to do—no more, and no less. What he requested was read by the Senator from Nebraska [Mr. HITCHCOCK] on yesterday, but it will perhaps be well for me to repeat it.

He requests us to authorize him—

> to supply our merchant ships with defensive arms, should that become necessary, and with the means of using them, and to employ any other instrumentalities or methods that may be necessary and adequate to protect our ships and our people in their legitimate and peaceful pursuits on the seas.

Turning now to the bill, it is proposed to authorize the President—

> To supply such vessels with defensive arms, fore and aft, and also with the necessary ammunition and means of making use of them; and that he be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

Mr. President, within the life of this administration it became our duty to enact a resolution strengthening the arm of the President in his vindication of the flag in the waters and upon the shores of Mexico. I do not recall the exact phraseology of that resolution, but it was then my opinion, and I so expressed it, that that action virtually was a declaration of war. I have never changed that opinion, Mr. President. I believe that it did not result in war simply because we were engaged with a weak nation, and that had Mexico been one-tenth as powerful as Germany there would have been a state of war whether we had so declared it or not. That opinion was not shared at the time by many lawyers in this body, some of whom are here still, and for whose opinions I have the most profound respect.

When I first saw this bill and read it my mind naturally reverted to the incident to which I have referred. I then studied as carefully as possible this phraseology, and the more I did so the more it impressed me at the time with the view that, in an indirect way at least, we were declaring war, or, if not, that we were really delegating such power to the President. But another reading of his message disclosed a fact which I had temporarily overlooked. It is this:

> I feel that I ought, in view of that fact, to obtain from you full and immediate assurance of the authority which I may need at any moment to exercise. No doubt I already possess that authority without special warrant of law, by the plain implication of my constitutional duties and powers; but I prefer, in the present circumstances, not to act upon general implication.

That, of course, means that the duly constituted legal advisors of the President had informed him that in their opinion he possessed, virtute officii, those authorities which he desired us to expressly confer upon him, and that his purpose was more to secure community of action, mutual proceedings along the same channel of operation, than to ask us to confer an authority resting only in us. That seemed to me at the time to be a solution of the ambiguity under which I was laboring. Then to-day the Senator from Massachusetts in discussing this measure declared that he wanted to give the President every power and authority which he did not now possess, which indicated that the Senator was not in full agreement with the President's own view of his inherent authority in the premises. The opinion of the Senator from Massachusetts upon a subject of this kind is entitled to the highest consideration, but I am inclined to the view still that the Executive of this country would not have made such a declaration as that to which I am now calling attention either impulsively or without a full and due consideration and counsel.

After listening to the Senator from Montana [Mr. WALSH], who always exhaustively investigates his subjects and who presents them in the most illuminating manner to his associates here, I have reached the conclusion, Mr. President, that this is not a delegation of authority, and that as a consequence we are not proceeding in any other than the proper method of exercising our powers.

I shall, Mr. President, for that reason support this measure and the reason is confirmed, indeed it is very largely strengthened, by a historical precedent occurring during the administration of John Adams. At that time French privateers roamed the seas without regard to the rights of neutrals and seized and captured vessels, reckless of property and life alike, so that it became necessary for the Government to take action just as it is now necessary, and for kindred reasons. The President came to the Congress, which enacted three measures, two of them bearing date the 28th day of May, 1798, the last approved on the 16th of July of the same year. The submarine, of course, then had no existence and all violations of the rights of neutrals upon the seas were inflicted by vessels from the surface, and by sailing vessels at that time exclusively, as the Senator from New York [Mr. O'GORMAN] suggests. I will read these bills, as they are very short:

> *Be it enacted, etc.*, That the President of the United States be, and he hereby is, authorized, in the event of a declaration of war against the United States, or of actual invasion of their territory, by a foreign power, or of imminent danger of such invasion discovered in his opinion to exist, before the next session of Congress, to cause to be enlisted, and to call into active service, a number of troops, not exceeding 10,000 noncommissioned officers, musicians, and privates, to be enlisted for a term not exceeding three years * * *. (Approved May 28, 1798.)

This is not the complete text, but sufficient for my purpose.

Here, Mr. President, is language quite as much the basis of the view that there might be a delegation of the power to declare war by the Congress to the President as is presented in the text of the measure now under consideration. The second statute provides among other things:

> That it shall be lawful for the President of the United States, and he is hereby authorized, to instruct and direct commanders of the armed vessels belonging to the United States to seize, take, and bring into any port of the United States, to be proceeded against according to the laws of nations, any such armed vessels (French) which shall have committed or which shall be found hovering on the coasts of the United States, for the purpose of committing depredations on the vessels belonging to citizens thereof * * *. (Approved May 28, 1798.)

This authority to seize the armed vessels of a power with which the United States was then at peace is no more an act of war, can be no more an act of war, than authority to arm and defend our own vessels against unlawful attack or the authorization to the President to employ such instrumentalities and methods as in his judgment may be necessary to meet the emergency.

From the third of the laws of that year upon the subject I will now quote:

> That the President of the United States shall be, and hereby is, authorized to borrow, on behalf of the United States, from the Bank of the United States, which is hereby authorized to lend the same, or from any other body or bodies politic or corporate, or from any person or persons, and upon such terms and conditions as he shall judge most advantageous for the United States, a sum not exceeding $5,000,000 in addition to the moneys to be received into the Treasury of the United States from taxes, for making up any deficiency in any appropriation heretofore made by law, or to be made during the present session of Congress; and defraying the expenses which may be incurred, by calling into actual service any part of the militia of the United States, or by raising, equipping, and calling into actual service

any regular troops or volunteers pursuant to authorities vested or to be vested in the President of the United States by law. * * *
Approved July 16, 1798.

Our proposed measure is one which comprises in substance all of those parts of the three statutes to which I have called attention. The authority there given to the President was ample to justify him in taking such steps and in doing such things as would inevitably lead to war. Fortunately war did not actually occur between the nations, although frequent collisions occurred between their respective vessels upon the high seas. We may be here equally fortunate—I trust we may—but the point at issue is whether this act of ours about to be taken is or is not a declaration of war. There can be such a thing as a state of war, as the Senator from Montana [Mr. WALSH] very clearly demonstrated this evening, without any declaration whatever.

I was much interested in reading the decision of the Supreme Court of the United States this afternoon in the case of the Pedro, in One hundred and seventy-fifth United States, on page 354, which was the outgrowth of our recent War with Spain. After the sinking of the *Maine*, Congress passed a resolution declaring that Cuba of right ought to be independent, and instructing the President of the United States to carry out that declaration. It was communicated to our minister at Madrid, but before he could present it, he was informed that the Spanish ambassador to America had been ordered to demand his passports, and our minister was instructed to take such action in consequence thereof as seemed desirable. On the 23d of April, three days afterwards, Congress enacted a declaration of war somewhat peculiar in its terms, but that, of course, was caused by its previous action of three days before. The law recited first:

That war be, and the same is hereby, declared to exist, and that war has existed since the 21st day of April, A. D. 1898, including said day, between the United States of America and the Kingdom of Spain.

The court here held that the action of the Spanish Government consequent upon our initial action involved the two countries in a state of war three days before its actual declaration by the Congress of the United States. So it is true, supported by abundant authority, that a state of war may be the outgrowth of precautionary defensive measures and resolution, and thus precede its declaration, and that acts of Congress providing for such things may or may not be a declaration of war in themselves.

Now, Mr. President, what will be the course of action of the President here? It has been outlined so fully by those who have spoken upon the subject that it is unnecessary for me to recapitulate. I feared also that if this were indirectly a declaration of war, if it could be construed as a delegation of power, while there was no possibility of its abuse in the hands of President Wilson, it might as a precedent come back to plague the Nation in some crisis to arise in the future and that we should therefore hesitate about establishing such a precedent in view of its possible consequences. I do not think, however, Mr. President, for the reasons which I have attempted to assign and for those which have been assigned so much better by the Senator from Montana that there could be anything more than a doubt about the nature of this proposed measure, a doubt which should, in the pending instance, in my judgment be solved in the direction of the Government asking authority. I am therefore prepared, notwithstanding the existence of a possible question on the subject, to solve that doubt accordingly.

Mr. President, something has been said here, and I think it was admitted by the Senator from Washington [Mr. POINDEXTER], that under this authority to be bestowed upon the President he might, in the exercise of his discretion, furnish convoys to the ships of belligerents carrying American passengers. The fact that such seems to be the opinion of very able Senators upon this floor, including my friend the distinguished Senator from Georgia [Mr. SMITH], justifies its brief consideration. I do not think it extends so far, and I confess that if I were of the opposite view I would hesitate long before voting for the measure. I do not think that it confers that authority and power unless it exists already. In other words, unless the President of the United States has the authority eo ipso to furnish convoys now to the vessels of a belligerent carrying passengers he would not have it under this measure if we enact it into law, provided the President is right when he assures us that he already possesses all the authority which he asks us to express in this measure, and which, in my judgment, he must possess unless his legal advisers shall have reached an erroneous conclusion.

If there is such an authority to be derived from this measure, it must be found in its general authority giving him the power to take such measures and use such instrumentalities as are "necessary and adequate to protect such vessels"—that is, vessels of the United States—"and the citizens in their lawful and peaceful pursuits on the high seas."

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. THOMAS. I requested, when I began, not to be interrupted. While I would willingly yield to the Senator, I can only do so by being compelled then to yield to others, and I do not care to do that. I shall occupy a very brief period of time, however, before concluding.

An American seaman lawfully engaged upon a merchant vessel of a belligerent, in my judgment is entitled to the same protection as is an American passenger upon the same vessel. The one has a right to sail, the other has a right to be employed. If we concede that under this bill the President would have power to give a convoy to a belligerent merchantman because it carried American passengers, that would also include the power, and perhaps the duty, of giving the same convoy to the same sort of vessel which happened to be employing American seamen. I do not believe that will be contended for. There may be instances, possibly, exigencies might arise which would demand the exercise of such an authority, but if so it would come not any more from this bill than from the general power of the Commander in Chief. I do not think that it does it, and I do not care to elaborate that any further.

Mr. President, so far as the causes underlying the events which have reached the present crisis are concerned, let me say before taking my seat that I think they abundantly justify the attitude of the President, a man of peace, a man who has kept this country out of serious conflict, sometimes by the exercise of a judgment and patience, subjecting himself to bitter censure and equally bitter criticism. He, however, has pursued his course step by step, constantly and consistently safeguarding every point and every proposition announcing his attitude to the belligerents and making his demand with regard to American rights upon the sea, which is a common highway, after a patient and exhaustive consideration of every phase of that subject.

Matters came to a crisis when the Imperial German Government established an arbitrary zone around the British Islands and along the shores away into the ocean of the other belligerents and announced to the world that every ship after the 1st of February presuming to enter into that zone would be sunk on sight, but conceding to the United States the right and the privilege—the gracious right and privilege—of sailing one vessel per week to one of the harbors of one of the belligerents upon condition that it should always be painted like a huge, floating barber pole and according to regulations prescribed by that Government.

Mr. President, if the German Government can prescribe a zone bounded by the distances and degrees which appear in her now famous order she can also create a zone the western boundary of which will be the eastern 3-mile limit of the United States, and can prohibit all vessels from the Atlantic Ocean. If she can do that, then there is no limit to the boundaries that she may prescribe in all the seas and oceans of the universe. If she has the right to do it, and that right is recognized, other maritime nations equally entitled to possession of the seas may proceed accordingly, and international trade and the rights of citizens of all the countries to free access to a passage across the seas will be subject to the domination of the strongest maritime power.

Mr. President, no nation conscious of its dignity, of its authority, and its rights could, by any possibility, submit to such a limitation of its authority, particularly when accompanied by notice that death—instant and terrible death—would be the punishment meted out because of its violation.

I was therefore not surprised, but I expected the President to appear, as he did appear, to announce the breach of diplomatic relations and ask for this expression. That, Mr. President, we must give or else recede from the position outlined last April, surrender our common right to the use of the seas, and confess ourselves unable or unwilling to enforce them.

Such, Mr. President, being the position which now confronts us, I do not think that we should hesitate.

I want no war between the United States and any other country. As a youth, Mr. President, I passed through the vicissitudes and the ordeals of one war, and I have a lively recollection to this day of its awful horrors, of its blood and its tears, of the desolation which followed in the wake of deadly conflict, and of the terrible struggle for rehabilitation which those who were so unfortunate as to go down in the ordeal were compelled to undergo before resuming the proud

position which they now occupy as a part of our common country. I had fondly hoped that I should never live to see another war, but if, in the providence of God, it is to come, then, like other Americans, I am willing to take my share of the responsibility, believing that in the discharge of my duty as such I shall receive the support and the approval of the constituency which I in part represent upon this floor. I shall, therefore, Mr. President, support this bill.

Mr. KIRBY. Mr. President, I have a few words to say about this condition in addition to what I heretofore said. I believe the time has come when we should tear aside cant and hypocrisy and sham. I believe we should view this condition as it really is, and I am going to talk about it along that line to-night.

I agree with the distinguished Senators who have preceded me and with the brief that has been presented by the Senator from Montana [Mr. WALSH]. I do not question the President's power under existing law to exercise all the authority that he is asking here to be granted. I do not think there is room for questioning this power. Then why is the bill here? As the President said in his message, he came to Congress for this reason, and this reason alone: This is a grave question; the time is momentous, and he does not desire to assume alone the burden of plunging this country into war with Germany. Therefore he has brought the condition to Congress—to the Senate and to the House of Representatives—and said, "I desire that you approve my action; that you approve the course of conduct I outline and propose to follow before I shall be irrevocably committed to it." The President asks for no power, in fact, but an approval of the policy outlined; and along that line I am going to discuss this matter.

What is the condition? Let us be fair about it, and then, if we want war, let us go to war. That is the thing I want to talk to you about—the condition as it is, and not like we think it or make it or assume it to be. Let us see. We have had trouble with Germany. We said to Germany back yonder, "If you shall continue this submarine warfare we shall regard it as an unfriendly act. We want to know now what you are going to do about it." What was Germany's reply? Germany said, "We will discontinue this policy and practice now, but we expressly reserve the right to resume it when necessity requires that it shall be done." That was Germany's reply to our note.

Then, our next note said: "If you shall resume this warfare, we are going to regard it as an unfriendly act and break off diplomatic relations with you." There was not an agreement. There was Germany's express reservation of the right to resume this warfare. Then there was our ultimatum. There was no agreement between this country and Germany. Now we say here, "in contravention of your solemn promise not to, you have done this thing"—resumed this warfare. There is no court on the face of God's earth that would say that that constitutes an agreement between two men or between two powers. That is the condition now. We have followed our ultimatum; we have broken off diplomatic relations with Germany; and we have said further, "If you shall sink some of our merchantmen yonder in the prohibited zone, we will regard it as an overt act of war, and will protect our rights by force upon the sea and upon the land."

Now, let us look a little further. That is the condition that has been confronting us. We have our commercial interests that are crying for war. Why? In order that their profit taking may continue safe. Let us look at it as it is. Senators, we have said to England, "You have blockaded the ports of Germany and your blockade is effectual; therefore we will respect it, and not attempt to furnish supplies and munitions of war." Germany has said to us that conditions require that she blockade the ports of England; that she has no navy with which to blockade them above the sea, but that under the sea she is supreme and will blockade those ports, and all who attempt to enter them with supplies and munitions, contraband of war, shall be destroyed. That is the condition, Senators. Our commercial interests have said, "We are going to continue to safely take our profits if the whole power of the United States must be brought to our aid to do it."

What do we find yonder in New York? I picked up a paper two or three days ago, and it said what? It said, "Wall Street is impatient of the delay; Wall Street prefers war to the suspense which injures business." And, gentlemen, the public mind has been inflamed by a hireling sensational press—that ought to be in hell—to a point where we are not able to deliberate about matters as we should. We can hardly deliberate here as Senators in the United States Senate upon this important question, because of the inflamed condition of the public mind. These are the conditions as they actually exist, as I understand them. The reason for engaging in war, if this country shall go to war, is that our commercial interests shall be protected in what? In selling supplies and munitions to the belligerents. That is the condition with which we are confronted right here to-night.

We talk about international law. It has been regarded as settled international law from the days of Bynkershoek and Vattel down to the present time, that a blockade must be respected when it is effective; but when we come to examine what international law is we find it is but the declaration of a nation of what the law is if it has the power to support the declaration. That is all international law is in the final analysis, and that is all it ever has been.

Now, what is our position? Our position is that this is international law: We have these rights—the unrestricted right to carry our commerce through the German blockade under the sea and to furnish supplies and munitions to her enemy—England. That is our construction of international law, and that will be international law if we have the power to uphold and enforce it. I do not question our power when it comes to that, but, Senators, has the time come when we ought to do that? The same Wall Street that revels yonder in the coining of money and that would revel in the coining of the blood and patriotism of the Nation into dividends is impatient of delay. They want war and prefer it to suspense.

Reference has been made to the blockade. Senators have talked about the reasons for war; they have talked about upholding the hands of the President. I do not question the President's power, and I do not distrust his discretion, but I do not believe that the time has come when the United States ought to go to war about this particular matter. Has anything happened since we broke off diplomatic relations with Germany to change the conditions? No; nothing has happened; no overt act has been committed.

Some Senators say the *Laconia* has been sunk, but the *Laconia* was not an American vessel; the *Laconia* was in the prohibited zone, and all those Americans and others who unfortunately lost their lives on that vessel had been notified that there was danger and that no one was there to protect them. They went into that situation. It is unfortunate that they were destroyed, but were they within their rights in going there?

Mr. President, I am going to take just a few moments more. I desire to refer to the provisions of the bill. Mine is not so pacific a soul as some Senators may think. I do not believe any man here goes beyond me in love of this country of ours, nor concede that any Senator here is more patriotic than am I; but the conditions, I believe, are as I have stated them to-night; and do they warrant war? Now, let us see. We are giving the President the power that he asked for, and down here at the bottom of the first page of this bill is this provision:

> And the President of the United States is hereby authorized and empowered to supply such vessels with defensive arms, fore and aft, and also with the necessary ammunition and means of making use of them; and that he be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

If you insert the word "thereon" after the words "citizens of the United States," you will limit him to the protection of people on our own vessels and under our own flag. But when Congress provides that the President shall have authority to arm merchant vessels fore and aft, when Congress says that the President shall have authority to put guns and ammunition and means of making use of them on the ships, we have put an American vessel under the Stars and Stripes, the emblem of the honor and power and glory of the greatest Nation on earth; you have put on the deck of that vessel American guns and American marines, gunners; and let me tell you, Senators, when the guns roar it will be America speaking, and the voice will be war and not peace. That is what this measure means; and I think that is the reason it is brought to us here, because it can not result in anything but war if the provisions of the bill are followed out.

Therefore, I am not going to vote for the bill, not because I do not believe in the rights of the United States of America, not because I do not believe in protecting our rights upon land and sea, but because I do not believe that the condition has arisen that demands that we shall go to war to protect such rights as I have referred to. That is the reason I am going to cast my vote against the bill.

Senators, I have not spoken in favor of England; I have not spoken in favor of Germany; but there are sleeping to-night a million young men in the United States of America, and we have the power to put 5,000,000 or 10,000,000 of the men of this country into military camps inside of the next 30 or 60 or 90

days. If we go to war with Germany, we must carry that war to her shores. Land an army there. It seems to me that the time has not come when such action as is here proposed is required on the grounds alleged, not because I fear the result, because, Senators, I believe that the power of America is not surpassed by the power of any other nation, nor of all the nations on the earth if we shall stay on our own soil. I do not fear the result, for sooner or later, we must win, but I am speaking for America to-night. The vast majority of our people do not want war. I am speaking for our young men who must go to war if these conditions shall come to pass, and I say we ought not to go to war at this time.

Mr. McCUMBER. Mr. President, for six hours and five minutes we have been discussing in the Senate what are the lawful, peaceful rights of an American citizen upon the high seas. We have had about as many opinions upon that subject as there have been speakers, and practically as diverse opinions, and as many as there are Members of this body. Now, while we are unable to agree among ourselves on what are the lawful commercial rights of this country, what are the rights of neutral shipping in this war zone, and what is the limitation of the right of interference on the part of any belligerent, nevertheless we, in whom is vested the only authority to make war, are ready to-day to place in the hands of a single individual the right to determine that question for us.

Mr. President, I am satisfied that the authority will be given in some form, but as it is bound to be given, as we are bound to surrender that authority vested in us by the Constitution, not to declare war but to make war, and to place that in the power of a single individual, it is my hope that we may at least indicate to that person what we believe to be a righteous cause for war; that we should say and pass judgment upon what are the lawful rights of a neutral vessel in this war zone, and what is the limitation of the interference we will brook of belligerents in conducting our commercial relations.

Mr. President, while we may not agree entirely as to what will be our rights under each and every condition, I am certain that we can formulate a few declarations of international rights on which we are willing to go to war, if necessary, and upon which we will receive the united backing of every citizen in the United States. I should like to make our proposition so clear not only that our own citizens may feel and be impressed with the justice of our cause, but that it will be so certain and so just and so fair that every belligerent nation will be compelled to recognize it or admit that such nation is clearly at fault.

Mr. President, I offered in the committee an amendment which changed this bill to a joint resolution. That resolution declared unquestionable American rights. I will ask that the Secretary read the proposed declaration of these rights, and then I will comment upon them.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Without objection, it is so ordered.

The Secretary read as follows:

Resolved, etc., That the following are the recognized rights of neutral merchant vessels engaged in commerce, under international law, and the limits of belligerent interference:

Neutral merchant vessels may be armed for defensive purposes only.

A belligerent country has the acknowledged right to declare and maintain a blockaded zone around her enemy. In the enforcement of that blockade she has the right of search to determine whether any neutral vessel passing through the blockaded zone is engaged in carrying contraband goods to her enemy.

If contraband is found on a neutral merchant vessel and it is impossible or impracticable to take it into port and subject it to the investigation of a prize court she may seize and destroy such cargo.

In maintaining her right of search and seizure of a neutral merchant vessel, the question of the contraband character of the cargo of such vessel must be determined before such vessel or cargo is sunk or destroyed.

In ascertaining such fact the merchant vessel of a neutral must first be summoned to surrender and can only be fired upon in case of an attempt to escape after such summons.

Except in preventing an attempted escape of such vessel, it can not be fired upon or sunk unless and until all passengers and crew shall have been removed therefrom and assured safe conduct into some port where they may find shelter and food.

While any belligerent has the right of search for the purposes aforesaid, no belligerent has the right to prevent a neutral vessel from entering the port of another belligerent to discharge passengers, mail, or noncontraband products.

No belligerent has the right to prohibit any neutral vessel from traveling upon any part of the high seas in carrying on commerce with another neutral in goods not intended for belligerent destination, and no right to exercise any interference, except such as may be reasonably necessary to determine the character of the cargo and its destination.

Any act committed by any belligerent against American merchant vessels and American citizens in defiance of these well-recognized rights must be regarded as an act of hostility against this country: Therefore be it further

Resolved, That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks, and the President of the United States is hereby authorized and empowered to supply such vesels with defensive arms, fore and aft, and also with the necessary ammunition and means of making use of them; and that he be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas, in accordance with the declaration of international rights herein contained.

Mr. McCUMBER. Mr. President, I would prefer this as an amendment to the original bill on all of page 1, and lines 1, 2, and 3 on page 2.

I have here declared clearly international rights. I have, after making that declaration, provided in the resolution that the commanders and crews of all merchant vessels of the United States bearing the registry of the United States are authorized to protect and defend themselves against unlawful attacks. I have followed the wording of the Senate bill down to the end of that portion of the power; and then I provide, "in accordance with the declaration of international rights herein contained," so that the power which will be exercised by the President under the provisions of the bill as it would be amended would be only such rights as are clearly indicated in the resolution itself.

Mr. President, the first sentence in the bill reported from the Committee on Foreign Relations authorizes commanders and crews of merchant vessels of the United States to arm and defend themselves against unlawful attacks, and empowers the President to supply such vessels with defensive arms. As that is an international right recognized by all nations of the world—the right to defend against unlawful attack—I would have no hesitancy in voting for that part of the bill. In fact, Mr. President, I desire to vote for that provision.

The bill then proceeds—

and the President of the United States * * * is hereby authorized and empowered to employ such other instrumentalities and methods as may in his judgment and discretion seem necessary and adequate to protect such vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

This, Mr. President, everyone will admit under present conditions is a clear surrender of the power to make war, vested by the Constitution in the Congress, and a delegation of that authority to the President of the United States. We must construe this power given to the President in the light of present conditions. We can not eliminate from our minds the declaration on the part of the Imperial Government of Germany that she will conduct unrestricted submarine warfare within certain limits and a certain zone. We can not eliminate from our minds the reply of the United States to that declaration, and the severance of diplomatic relations with the German Government as a result of that declaration. The power granted, therefore, under those peculiar conditions, is the power to make war, if the President sees fit, or a power to surrender our rights, if he so chooses.

As Commander in Chief of the Army and Navy of the United States, the President must execute the will of this country. But, Mr. President, the power that wills is the people, speaking through their Congress; and before the President takes any active step, the consequence of which will necessarily be war, he ought to be informed as to the will and purpose of this Government.

The duty of protecting our citizens "in their lawful and peaceful pursuits upon the high seas" is imposed upon the Executive commanding the Army and Navy; but the determination of what are "lawful and peaceful pursuits" is imposed upon the Congress. It is, therefore, the duty of Congress to declare what are the lawful and peaceful pursuits which we command the President to defend. There should be no misunderstanding, no cross-purposes between the executive and the legislative branches of the Government in this great crisis.

Mr. President, there are two very important objects which I wish to accomplish in proposing this amendment. First, I want to keep this country out of this war, if possible and honorable; second, I want to preserve all the just and unquestioned commercial rights of this country. I am satisfied that both of these objects can be accomplished by following a proper course. I can not believe that if we insist only upon those rights which every nation is bound to recognize, and to recognize as being eminently just, any belligerent will purposely deny us those rights.

Mr. President, in the bill presented by the majority of the Committee on Foreign Relations, the President of the United States is empowered not only to supply arms for our merchant ships—which is a legal right under international law—but is also "empowered to employ any instrumentality which in his judgment may seem necessary or adequate to protect such vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas." This is a most

wonderful and far-reaching power with which we clothe the President.

Mr. President, the Constitution of the United States reposes in Congress alone the power to declare war. The real purpose of the constitutional provision is to make clear that the question of peace or war is a legislative and not an executive function. By this bill we in effect surrender our authority and delegate it to the President—to one man. The provisions of this bill, while they do not authorize the President to declare war, do authorize him to make war; and not only that, but they authorize him to determine what shall and what shall not be a cause for war. One man and one only in the United States, under the provisions of this bill, is to pass judgment upon what are the "lawful and peaceful pursuits of our citizens on the high seas"; is to pass judgment on a question which we have debated for more than six hours without coming to any agreement upon it.

I do not want to give to any one man the sole power to construe the meaning of that phrase. I want Congress to retain the power, first, to determine what are our "lawful and peaceful pursuits on the high seas"; and, second, under what circumstances the interference with such "peaceful pursuits" shall be a cause for war. That is a legislative duty. Under this bill we are about to transfer that duty.

If, however, Mr. President, Congress is disposed to surrender to the Executive that legislative function imposed by the Constitution upon Congress alone, then I want Congress to define beyond any reasonable question of doubt just what it regards as the rights of American citizens in "their lawful and peaceful pursuits," and then direct the President to uphold those particular rights, to the end not only that the American citizen shall be fully apprised of just what his rights are and any limitation in the exercise of those rights, but that all belligerent nations may also be apprised of what acts on their part will invite a war with the United States.

If I surrender my legislative discretion over the subject of war or peace, I want to know how that discretion will be exercised by the grantee of that power. We do not even allow a board of five men to pass judgment upon what shall be the charges for railroad freight and passenger service. We declare first a rule under which they must exercise their judgment; and yet in so important a matter as sending 100,000,000 people into this war we turn it over to one single individual and say, "Do as you like; declare what you believe to be a cause for war, and go at it without any further instruction on the part of Congress. We will give you the first start in a vote of $100,000,000."

Mr. President, I want our position not only to be defined with great accuracy, but I want it to be so just and so fair that there will be back of it a united American sentiment. Not only this, I want it to be so fair and just that any nation violating our rights must be compelled to recognize the wrongfulness of her own acts.

Mr. President, I do not want to empower the President of the United States to commit an act of war for any cause for which I would not vote a declaration of war. On the other hand, I do not want him to refrain from taking any step necessary for the protection of every unquestioned and just American right which I, acting under constitutional legislative authority, would insist upon his taking, even to the extent of war.

I would not vote to go to war for the breach of any inconsequential right, but only in defense of or to support the vital interests and honor of the country. It is evident that there are certain infringements of our international rights which we not only have heretofore condoned, but which we will continue in all probability to forego during this conflict. The President has asserted as international law the right of American citizens to travel upon and ship their goods in belligerent merchant vessels without any greater risk than that of having the ship seized and condemned as a prize and its crew detained. But we will not go to war in the assertion of that right in its entirety, and I do not think we ought to go to war for its enforcement to the limit. Judging from the past, it is also evident that we shall not go to war unless American ships not carrying contraband of war to an enemy are sunk or the lives of American citizens thereon destroyed.

We have not done it, although the act has been committed over and over again, and although the President has declared as often as he could get at his typewriter that he would hold that country to a strict accountability for the infringement of those rights. Inasmuch as we have stated to the world that we will not go to war for the infringement of those rights to that extent, inasmuch as the President seems to be backed by the people of the United States in that attitude, and inasmuch as they voted him into power again for four more years for keeping us out of war, notwithstanding the fact of those acts, I am inclined to think that we will not now go to war for the protection of the rights of the American citizen to ship his goods or himself upon a belligerent vessel carrying munitions of war to one of the belligerents.

Mr. President, I have therefore presented in the substitute for the general powers contained in the committee bill a short and concise declaration concerning the unquestioned rights of our merchant vessels, rights for which we ought to battle, rights for the defense of which I would vote a declaration of war. I have purposely excluded all foreign merchant vessels because I am satisfied that we ought not to enter into this contest, even though one of the belligerents commits unjustifiable acts against the vessels of another belligerent.

My first declaration is that neutral merchant vessels may be armed for defensive purposes only. That is an ancient and well-established rule. A merchant vessel can defend itself, if attacked, to the best of its ability, no matter what it is carrying. It has the right under international law to save itself from destruction or capture. It, however, must not go out of its way to hunt for an enemy submarine or vessel. Whatever the character of its defensive equipment, it must be used for the sole purpose of escape. No nation can complain of the exercise of that right of escape. If it goes beyond that it loses its rights and immunities as a merchant vessel.

My second proposition is that a belligerent country has the right to declare and maintain a blockaded zone around her enemy; that in the enforcement of that blockade she has the right of search and seizure. For what purpose? To determine whether any neutral vessel passing through the blockaded zone is engaged in carrying contraband goods to her enemy. Now, we can not deny that right to the belligerents in this war—to either of them. We can not say to the German submarine, "You shall not summon our vessel to surrender." And, of course, if she has the right to summon her to surrender and she refuses to submit to the search, the right to fire upon her must necessarily follow, and that right exercised by a belligerent would not be an act of war against this country any more than an exercise of the right to fire upon a pursuing submarine would be an act of war on the part of this country. They are concurrent and mutual rights. We do not challenge that right if properly exercised.

Suppose, then, that the summons is given and contraband goods are found. Under the old international law, as it existed prior to the use of submarines, it was necessary to take the ship into port and submit it to a prize inquiry, if it were practicable to take it into port. The submarine ordinarily can not perform this act; therefore we must concede to it the right to destroy the contraband cargo. I think these new instrumentalities of war do work a modification of some of the older requirements of international law, but not those demanded by the humane sentiments of twentieth century civilization.

The only question, or at least the most important question, is how the right of search and seizure may be maintained. It is evident that as neither the vessel nor the cargo can be sunk or destroyed without a determination of the contraband character of such cargo—I am speaking of neutral vessels only—that fact must be determined before such sinking or destruction.

Now, that is all that we ask of the submarine. It is all we have a right to ask of it; and it does seem to me, when we present it in that form, when we say to the German Government, "You have the right to destroy any contraband found on our ships," that she will not insist that she has the right to destroy an American vessel which is not carrying any goods that can by any possibility injure her cause, and that she has a right to sink them without ascertaining whether they are carrying contraband.

It follows, then, that in ascertaining such fact, the question of the contraband character of the cargo, the merchant vessel must first be summoned to surrender. If she surrenders and is found to carry nothing declared by Germany herself to be contraband there would be no legitimate purpose on the part of the German Government in the destruction of such innocent vessel.

What next? Suppose the submarine finds that there is a contraband cargo and exercises her right to destroy that cargo, or exercises the right to sink the ship itself, is there no duty imposed by the everlasting law of humanity?

Mr. President, international law has said that all passengers and crew must be safeguarded. Undoubtedly the same protection should be accorded the passengers and crew that would be accorded if the seizure were made by a cruiser or battleship. If, however, passengers and crew, under the conditions and limitations of submarine capacity, can only be accorded the safety of their own lifeboats, they could be turned adrift only under such

conditions as to make it reasonably certain that with diligence and care they could be landed safely in port. If this could not be done, it would simply mean one case where the submarine must forego any claimed right to destroy a vessel. It would have to be content merely with the destruction of the contraband on such vessel, leaving the vessel in the hands of the crew to reach a port of safety.

Again, while recognizing the right of search, we insist that no belligerent has a right to prevent a neutral vessel from entering the port of another belligerent to discharge passengers, mail, or noncontraband products. And why should any belligerent refuse to recognize that right of a neutral? The exercise of that right can not materially affect the interest of the opposing belligerent. How can it seriously injure the German cause that we allow passengers to travel to France or Italy, or we take on mail from Italy or convey mail to that country? In a desperate war belligerents should be allowed great latitude, and they are so allowed, even at great inconvenience to neutrals. But that right does not go to the extent of imposing upon a neutral conditions and restrictions so onerous as to put the neutral in the position of an enemy.

Again I assert in my declaration of the rights of neutral vessels that no belligerent has the right to prohibit any neutral vessel from traveling upon any part of the high seas in carrying on commerce with another neutral in goods not intended for belligerent destination. We have a trade, for instance, with Holland and Denmark, with Norway, and with Sweden. When we send a vessel to Holland loaded with cattle feed we are not assisting the enemies of Germany. Holland is sending her products to this country. She is not interfering with the German war. Each of these countries is conducting its commercial affairs in a proper way that ought not to be offensive to any belligerent.

Why, then, would Germany claim to exercise the right to sink that vessel, simply because she traverses a war zone? I admit, of course, she has the right to stop the vessel, to examine her papers and her cargo, to ascertain whether any part of that cargo is in fact intended to be transported either directly or indirectly to her enemy. But, having exercised that right and having found that the goods are intended only for the people of Holland, is it possible that Germany in her fight against France or Italy or Great Britain would assert that we have no right to carry on commerce with these other neutral nations? It seems to me that she has no more right to say that than she would have to say that we should not carry on commercial relations with South America, and I can not believe she would seriously assume such right if our own absolute fairness were made manifest and our purpose to defend those rights absolutely certain.

These, Mr. President, are the rights which the American people claim, and none of them are inimical to the interests of any belligerent. If we assert those rights and then say to belligerents on both sides that we shall regard any defiance of those innocent rights as an unprovoked act of hostility against this Nation, can it be possible that any country in the world will insist upon pursuing a course which while it injures us in no way seriously affects her war against her enemy? Can it be possible that any belligerent nation for such a wrongful cause, for such a useless cause, would willfully add this country to the list of her enemies? I believe when the right is asserted and declared fairly the belligerents in this great war will every one of them accede to it.

It seems to me, Mr. President, as I have stated, that we should make our declaration of rights so clear that not only our own people but the people of the world will be impressed with their absolute fairness, and then give notice to the world that we shall maintain them.

Mr. President, there has been considerable discussion of a purpose to convoy American ships. No one will claim, Mr. President, that the United States would have that right or will ever exercise a right to convoy an American ship loaded with ammunition or contraband of war to the enemy of any belligerent. I have no fear on earth that the President will ever assert such a right, loath as I am to turn over to him this entire matter which under the Constitution primarily rests with Congress. Such an act would be an act of war on our part. It would be projecting ourselves into this war. Of course, if war actually occurs, then we may do any of these things as a war measure. But we could not do such a thing at this time and claim any neutral rights, and we would not do so.

We simply want to say to Germany and Austria, "We shall not attempt to do an unneutral act." While the individual citizen may take his chances in running a blockade, if one is established, we shall not attempt to protect such citizen or his vessel from capture. All we shall ask in such case is that the lives of the crew and passengers shall not be sacrificed. That is not only international law, but it is the law of humanity. These crews have every right of prisoners of war, and no belligerent has any more right to willfully destroy the lives of such passengers and crew than it would have to purposely kill prisoners whom it has taken.

I am certain, Mr. President, that the adoption of the amendment, an amendment which not only sets forth unquestioned international rights, but which will allay any suspicion on the part of belligerents that we propose to do an unlawful act, or any suspicion on the part of our own people that we will get into this war without any just reason, will tend to preserve peace and maintain our real rights.

We do not want to back into this war. If we get into it, we want to get into it face foremost, and we want to know why and how we are entering it.

Mr. President, the American people do not know just what we mean by the phrase "lawful and peaceful pursuits on the high seas." Senators of the United States do not know, at least some of them do not know, for they do not agree with others. Therefore they can not all be right.

The many notes between this country and the central powers on the submarine question not only tend to cloud the meaning of that phrase, but without doubt give an elasticity of construction which may easily be stretched to cover cases for which our people do not want to go to war or to allow the President to avoid defending our rights where he should defend them.

These notes not only do this, Mr. President, but they create suspicion that we shall claim rights which we do not intend to exercise and thereby evoke a hostility which may unnecessarily lead us to war. If we—and when I say "we," I mean the United States—get into this conflict, we should first make clear to the people for what cause we enter it. If we are to get into war with Germany, I want to put the onus of that war on Germany, and then, and then only, will we present a united front. We want to know what we are fighting for and we want to know that the cause is one we fully justify.

This amendment would make our position clear. It would allay the suspicion of belligerents that we are about to project ourselves into this war, cause or no cause, and it will unite our people by showing to them that only for a just and serious cause will we send our sons to battle.

Mr. President, for these principles of international rights of neutral vessels, I am ready to war. To defend these rights I am ready to direct the President to use the armed powers of the United States while Congress may not be in session, but without any legislative definition of what we mean by "lawful and peaceful pursuits on the high seas," I dislike very much to vote to surrender the power of Congress to make war to the President or any other one man. I would far rather confine the bill simply to arming our merchant ships and stop there.

Mr. President, I appreciate the fact that I can justify myself only on the ground that if we now fail to grant the authority to defend our "lawful" rights, it will be taken by these great central powers that we are divided and will not defend those rights; and leaving that question open to such a construction will be the very thing that will lead to war. We need above all things certainty of purpose. I dare not by my vote cloud that purpose with uncertainty.

But I do wish, Mr. President, to have this Congress perform its sacred duty to declare what are our international rights, and then to empower the President to defend those rights. In the amendment which I have offered I keep clearly away from what might be regarded as debatable ground, for I do not think we should go to war on grounds that may be debatable. I admit there is a twilight zone of uncertainty that may arise on some of these questions. I have purposely avoided that one, and have stated only those clear, unquestioned rights for which every American citizen will stand and which every belligerent will be compelled to concede. Then we can safely adjourn and allow the President to put into force what we have declared to be our rights, and to maintain them upon the high seas.

Mr. President, I appreciate that at this time there is another amendment pending, and that I can not now offer this amendment, but I shall offer it at some time during the discussion.

Mr. HITCHCOCK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes.

I will say that my reason for asking this is that we may have the House bill on the subject before the Senate, instead of the Senate bill. If that consent is granted, I shall then move to strike out everything in the House bill, except the enacting

clause, and to substitute the text of the Senate bill. That text will then be open to amendment. While my motion is pending, the Senator from Missouri [Mr. STONE] can offer his amendment, and other amendments can be offered to it.

Mr. HARDWICK. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator from Georgia will state it.

Mr. HARDWICK. If that request is granted, then, the first proposition will be to perfect the text of the House bill, will it not?

The PRESIDENT pro tempore. That is the usual course, the Chair would think.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Connecticut?

Mr. HITCHCOCK. I do.

Mr. BRANDEGEE. Mr. President, I should have no objection to the request of the Senator from Nebraska at all, for I realize the parliamentary advantage to be obtained by substituting the Senate text for the text of the House bill after the enacting clause, but in that case would an amendment offered to the Senate text be subject to another amendment? If the Senator from Nebraska would get unanimous consent that it could be, I should have no objection.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. I yield.

Mr. LODGE. I take it, that if the House bill comes before the Senate, the motion will be to strike out all after the enacting clause and to insert. Under our rules the subject matter stricken out is open to being perfected, and such an amendment is not regarded as in the third degree—that is, an amendment to an amendment may be offered to it, and the same is true of what it is proposed to insert.

Mr. HITCHCOCK. I think that is correct.

Mr. BRANDEGEE. If that may be agreed to by unanimous consent, I shall have no objection.

The PRESIDENT pro tempore. The Chair thinks there is some misunderstanding in reference to this matter, and he would like to have it cleared up so that there can be none. As stated by the Senator from Connecticut, the Chair thinks an amendment to the amendment would not be in order.

Mr. PENROSE. Except by unanimous consent.

The PRESIDENT pro tempore. By unanimous consent, it would, of course, be in order.

Mr. PENROSE. That was the suggestion of the Senator from Connecticut, as I understood it.

Mr. LODGE. I think the rule on the subject is quite clear.

Mr. BRANDEGEE. I am simply trying to provide against a ruling by the Chair, that after the Senate text has been substituted for the House text and a Senator offers an amendment, a point of order might be raised and sustained that such an amendment was not in order, as being in the third degree.

Mr. HARDWICK. Can the Senator cite the precedent? I think the rule is the other way.

Mr. BRANDEGEE. My action is simply precautionary. I am trying to provide against an adverse decision by some other Senator who may be in the chair at the time.

Mr. LODGE. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Massachusetts.

Mr. LODGE. The rule is very clear that "pending a motion to strike out and insert"——

The PRESIDENT pro tempore. Will the Senator state from what rule he is reading?

Mr. LODGE. Page 19, the last sentence of Rule XVIII:

> But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question—

That is, it is open to amendment, and an amendment to an amendment does not make it in the third degree; it is considered an independent question—

> and motions to amend the part to be stricken out shall have precedence.

Mr. BRANDEGEE. That does not exactly answer my question, Mr. President.

The PRESIDENT pro tempore. The Chair does not think so. The Senator will state his parliamentary question.

Mr. BRANDEGEE. What I am asking is this: Assume that the Senate substitutes in the House bill the Senate text, and a Senator offers an amendment to the portion the Senate has substituted for the House text. I want it arranged so that any Senator can offer an amendment to that amendment.

Mr. LODGE. Mr. President, after the substitution, as the Senate has agreed to the precise form of words substituted, it is not open to amendment at all.

Mr. BRANDEGEE. Very well, then. I would exceedingly regret that condition, and I think other Senators who have amendments pending would also regret it. If it is so that after we substitute the Senate text for the House text in the House bill the bill is not susceptible of further amendment, I think we would be in a bad position.

Mr. HITCHCOCK. I think the Senator has misconceived the proposition. I propose to move to substitute the Senate text for the House bill, and while that motion is pending either the original Senate text or the House text will be open to amendment.

Mr. CURTIS. Mr. President, why would it not be a better plan to first perfect the Senate bill, and then to offer it as a substitute for the bill of the House?

Mr. HITCHCOCK. I think, Mr. President, that the plan I suggested gives the Senate the greatest latitude. It will then have before it practically two bills, either one of which will be subject to and open to amendment.

Mr. STONE. But, Mr. President, we can not have two bills pending at the same time.

The PRESIDENT pro tempore. If the Senator from Missouri will pardon the Chair, the motion, as the Chair understands, which the Senator from Nebraska proposes to make, is to take up for consideration in lieu of the Senate bill the House bill, intending them to make a motion to strike out and insert.

Mr. HITCHCOCK. That is correct.

Mr. STONE. I desire to state that I am entirely willing to have the end accomplished which the Senator from Nebraska seeks; that is to say, I would have no objection whatsoever to bringing the matter to the point of substituting the Senate amendment for the House text by moving to strike out all of the House bill following the enacting clause and inserting the Senate bill. That would help the business along, perhaps not in the Senate, but in conference, if the bill passes here and goes to conference. But, Mr. President, I desire to have it distinctly understood, and I wish it to be submitted in the form of a unanimous-consent agreement, whether it accords with the technical rules and the technical procedure of the Senate or not in ordinary cases, that when the text of the Senate bill is substituted it is open to amendment.

The PRESIDENT pro tempore. The Chair is prepared to rule on this question.

Mr. LODGE. It would be open to amendment in the Senate, of course.

The PRESIDENT pro tempore. The Chair will state as to how he would rule if he should happen to be in the chair when the question comes up and any Senator desires a ruling. The ruling of the Chair would be that on motion by the Senator from Nebraska to strike out all after the enacting clause and insert the Senate bill an amendment would then be in order to the House bill which would then be up for consideration, but the amendment would be to the Senate text, and a second amendment would be in the third degree, and could not be offered, which is the point made by the Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, for the sake of expediting the consideration of this bill in the way we would all like to consider it, can we not agree by unanimous consent that the House bill shall be laid before the Senate and that the Senate shall proceed to the consideration of the House bill, and then, by unanimous consent, the Senate text be substituted for the House bill, and the bill be considered as in Committee of the Whole, just as if it were an original Senate bill open to amendment, and amendments open to further amendment?

Mr. SUTHERLAND. Mr. President——

Mr. HARDWICK. Mr. President, if the Senator from Nebraska will pardon me, that would not do, because there are a number of Senators who want to consider the House text.

Mr. LODGE. That would give the opportunity desired.

Mr. BRANDEGEE. My request, if agreed to, would give every Senator an opportunity to offer any portion of the House text to the Senate text.

Mr. HARDWICK. But under Rule XVIII, cited by the Senator from Massachusetts, the first thing in order would be to perfect the text of the House bill.

Mr. BRANDEGEE. That could be done by amendment.

Mr. HARDWICK. Yes; an amendment would be made to the House text.

Mr. BRANDEGEE. Yes.

Mr. HARDWICK. The next thing in order would be to perfect the text of the substitute proposed by the Senator from Nebraska.

Mr. BRANDEGEE. Oh, no.

Mr. HARDWICK. Yes.

Mr. BRANDEGEE. I beg the Senator's pardon. What I asked was—and the rule would have no application if the unanimous consent for which I asked were agreed to——

Mr. HARDWICK. I am speaking of what the situation would be under the rule.

Mr. BRANDEGEE. The Senator is not discussing what I have in mind.

Mr. HARDWICK. Yes; I am coming to that in just a moment. As I understand, the Senator wants to make it in order to offer amendments in the second degree to the text of either bill.

Mr. BRANDEGEE. I do.

Mr. HARDWICK. I am perfectly willing to agree to that.

Mr. BRANDEGEE. Only we can not have both bills before us at the same time.

Mr. HARDWICK. Of course, we would dispose of the House text first.

Mr. BRANDEGEE. I withdraw the request I made.

Mr. STONE. Mr. President, I suggest to the Senator from Nebraska that he ask unanimous consent to lay aside the pending bill, which is a Senate bill, and request that the House bill be laid before the Senate in lieu thereof. Then when that is done let your unanimous request be limited in that way—simply to lay aside the Senate bill, and then lay the House bill before the Senate.

Mr. HITCHCOCK. Mr. President, that is entirely satisfactory. In fact, that is what I had in mind. I therefore ask unanimous consent that the Senate proceed now to consider the bill H. R. 21052.

Mr. PENROSE. Mr. President, before that question is put to the Senate I should like to make an inquiry of the Senator from Nebraska. We all want to facilitate the passage of this measure, but some of us are pretty well tired out. We have been working here all day, and I think many Senators would be interested in knowing whether the Senator having charge of this bill proposes to adjourn to-night or take a recess at 12 o'clock, after this consent is given, or at some later hour?

Mr. HITCHCOCK. I will say to the Senator that I am anxious to do that as soon as possible, and I had expected to tender a further unanimous-consent agreement for the limitation of debate to-morrow—not to name an hour to vote, but to limit debate—so that we might naturally proceed to a vote.

Mr. PENROSE. Well, I think it very doubtful, Mr. President, that that consent will be granted. I think this debate will have to take its natural course, and the bill will ultimately come to a vote at a reasonably early hour. It will certainly come to a vote earlier if the Members of the Senate do not come here in the morning tired out, cross, and ill-tempered, and waste a lot of time getting a quorum, as has frequently been the case. I think it would facilitate the request of the Senator and the series of requests that he is about to make if we should feel some assurance that along about midnight he would ask for a recess until 10 or 11 o'clock to-morrow.

Mr. HITCHCOCK. I have been anxious to do something of that sort, only I thought it proper to couple it with a request for a limitation of debate some time to-morrow.

Mr. PENROSE. I am afraid that hope is vain and illusory, Mr. President. I do not think it is possible.

Mr. HITCHCOCK. I realize, with the number who are to speak——

Mr. PENROSE. There are a number of Senators who have not been heard. I can speak disinterestedly, because it is not my purpose to address the Senate myself on this measure; but I know of others who I do not think will be willing to be restricted by any limitation of debate. At the same time, I am fully satisfied that they do not intend to speak at any length. I think it would facilitate the matter if the Senator could intimate that his purpose is not to prolong this debate to-night into the morning hours.

Mr. HITCHCOCK. Does the Senator think that it would be possible to provide by unanimous consent to take a recess at midnight, or thereabouts, until 10 o'clock to-morrow morning, the debate after 1 o'clock to be limited to 10-minute speeches?

Mr. PENROSE. I have no right to speak for anybody, Mr. President, only to express my own opinion, and, as a result of conversations with Senators on both sides of the Chamber, to speak candidly, I have very grave doubt whether it would be possible at any time to get a limitation on the debate on this resolution. At the same time, I want to assure the Senator that I am equally well satisfied that it is going to come to a vote, and I think he will get a vote just as soon——

Mr. STONE. Mr. President, I do not know whether it is possible to get an agreement to fix a time to vote or not, but I have a very ardent hope that we will get this measure to a vote to-morrow afternoon some time if we recess until 10. Of course I can give no assurance about it, but I think so.

Mr. HITCHCOCK. Mr. President, I want to suggest to the Senator from Pennsylvania that if he will accede to this unanimous-consent agreement that I ask we will then have before us the House bill, and we will not then be in such urgent haste to close debate, because when the bill is finally passed by the Senate we will be able to go into conference upon it. So it is really in the interest of giving greater opportunity for debate that I am making this request.

Mr. PENROSE. Mr. President, I fully recognize that, but there is no use in any Senator endeavoring to facilitate the progress of the bill if it simply means an all-night session. That takes away any motive to try to help.

Mr. CUMMINS. Mr. President, in order to give us some information——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. HITCHCOCK. I do.

Mr. CUMMINS. I understand that there is on the desk of the Presiding Officer a list of Senators who have up to this time signified their desire to speak upon the measure. Am I right about that?

The PRESIDENT pro tempore. The Chair is informed that six or seven Senators desire to speak.

Mr. CUMMINS. I can safely say that there are several who have not sought precedence by filing their names with the Presiding Officer. I do not know of any one of them who intends to consume a great amount of time, but I am quite sure that no agreement could be reached to-night for limitation of debate or for a time to vote. I say this because I intend to address the Senate at some time upon the measure, and I shall try hard to confine myself within the proper limitations of discussion. I have no objection whatever to the request now made by the Senator from Nebraska, namely, to proceed to the consideration of the House bill instead of the Senate bill.

Mr. HITCHCOCK. Then, Mr. President, I ask that the request be placed before the Senate.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. The Senator from Nebraska requests unanimous consent that the House bill be taken up for consideration in lieu of the Senate bill now before the Senate. Is there objection?

Mr. CURTIS. Mr. President, I did not hear the suggestion made by the senior Senator from Missouri; but I would have no objection if, as suggested by the Senator from Connecticut, the matter is presented in such a way that amendments may be offered. I want a chance to vote on the amendments offered by the Senator from Missouri and the amendment that has been suggested by the Senator from North Dakota. Personally, I shall not object; but I do want to see a provision made that would give Senators an opportunity to vote upon those amendments. I think we ought to have that right, and that that ought to be assured the Senate before the agreement is made.

Mr. HITCHCOCK. I think I can assure the Senator that an agreement to that effect can be reached. I can not put it in this agreement.

Mr. FALL. Mr. President, I should like to ask what the parliamentary situation will be in the event the unanimous consent is granted. The pending bill, which we have been devoting a large part of the last day or two to discussing, would then be set aside, as I understand.

The PRESIDENT pro tempore. The Chair thinks the Senator is correct. The House bill will then be before the Senate.

Mr. FALL. And in the event the House bill happened to be set aside, something else would be brought in, and the Senate bill would have lost its place.

The PRESIDENT pro tempore. The Senate can undoubtedly guide its own decision.

Mr. FALL. In other words, it would be practically substituting without a vote or without a motion the House bill for the Senate bill.

The PRESIDENT pro tempore. By unanimous consent.

Mr. FALL. By unanimous consent. I can not consent.

Mr. STONE. Just one moment.

The PRESIDENT pro tempore. Objection is made.

Mr. STONE. Wait a moment, please. The Senator from New Mexico, I think, does not understand the entire suggestion of the Senator from Nebraska.

Mr. FALL. Possibly not.

Mr. STONE. Possibly the Senator was not in the Chamber at the moment.

Mr. FALL. Yes; the Senator from New Mexico was in the Chamber. He has been asking the Chair just what the parliamentary situation would be.

Mr. STONE. The request is this: That the Senate bill now before the Senate, the pending measure, be laid aside and the House bill be laid before the Senate.

Mr. FALL. Yes.

Mr. STONE. But the Senator from Nebraska went on further to say that his purpose is to move to strike out all after the enacting clause of the House bill and substitute the text of the Senate bill.

Mr. FALL. Exactly.

Mr. STONE. His object being to facilitate a conference.

Mr. OLIVER. Mr. President, I suggest that the Senator from Nebraska might further add that after the Senate bill is substituted it will then be open to debate and open to amendment, the same as it is now pending before the Senate.

The PRESIDENT pro tempore. The Chair is inclined to that view now.

Mr. OLIVER. If there is any doubt about the right to do that, then I will suggest that it be made part of the unanimous-consent agreement.

Mr. FALL. Mr. President, as I understand, the practical effect of the unanimous consent is to displace the Senate bill and to place the House bill in the position now occupied by the Senate bill.

The PRESIDENT pro tempore. That undoubtedly is the effect of the motion.

Mr. FALL. Then, I am not willing to displace the Senate bill, and by implication, at any rate, or by unanimous consent, give the House bill the position of the Senate bill.

Mr. HARDWICK. Mr. President, will the Senator yield to me for just a moment?

Mr. FALL. I will.

Mr. HARDWICK. The Senator, of course, does not want the two Houses playing at cross-purposes on this question. Now, the House has passed a bill on this subject almost like the Senate bill. Ought we to proceed with the consideration of our own bill as an original proposition, or take up the House bill, and, if we want to, substitute the Senate proposition for it, and in that way get it to conference? That is the object of the request.

Mr. FALL. Is it not perfectly feasible to offer an amendment to substitute the House bill for the Senate bill?

Mr. HARDWICK. Not until we get the House bill before the Senate. That is the first stage of this proceeding, and that is the object. We will never get the two Houses together otherwise, because our bill would have to go to the House and be acted on there.

Mr. FALL. Yes; I understand, Mr. President. I think I understand the object some Senators have in view also. By an affirmative vote, then, you must amend the House bill. I believe that is the purpose. That is the understanding. It will then come up on the proposition to amend the House bill by practically substituting the Senate bill for it. Senators can take the responsibility if they wish. They are welcome to it. I will not offer any further objection.

Mr. CUMMINS. Mr. President, in order that there may be no misunderstanding, there can be no unanimous consent to substitute the Senate bill for the House bill.

Mr. HITCHCOCK. Oh, no; I am not asking that.

Mr. HARDWICK. That will be the motion, of course.

The PRESIDENT pro tempore. Is there objection to the unanimous consent requested by the Senator from Nebraska?

Mr. LA FOLLETTE. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. VARDAMAN. Mr. President——

The PRESIDENT pro tempore. The Senator from Mississippi.

Mr. SMOOT. Mr. President, will the Senator from Mississippi yield to me for the presentation of a conference report?

Mr. VARDAMAN. I shall detain the Senate only a very few minutes. I shall have to leave the Chamber soon, and I prefer to go on at this time.

Mr. SMOOT. I will say to the Senator that if the conference report leads to any discussion whatever I will ask to withdraw it, because the House is waiting for the report. It is only a partial report.

Mr. VARDAMAN. I have already declined to yield to two other Senators.

Mr. SMOOT. But this is a conference report.

Mr. VARDAMAN. I can not yield at this time, Mr. President.

The PRESIDENT pro tempore. The Senator from Mississippi declines to yield.

Mr. VARDAMAN. Mr. President, if ever in the history of this Republic it were imperative that the United States should keep its head, when all the nations about it are losing theirs and blaming it on Germany, now is the time. Conflicting interests, the shrewd manipulator of governmental functions for personal pecuniary profits, on the one side, the partisan patriot on the other, and mingled with it all the militarist, the imperialistically inclined element, whose natural sympathies are with a strong centralized government as against democracy, creates a situation which will test the wisdom and patriotism of those responsible for the Government in steering the ship of state through the newly discovered breakers. Love of country and that patriotism which will stand the martyr test when the emergency comes are common attributes to the character of the genuine home-bred and permanently imported, without-hope-of-reversion American citizen. No man or class of men have a corner on the stuff of which the hearts of patriots are made. And they who would arrogate to themselves the distinction of being the sole possessors of those superior qualities are either narrow, bigoted egotists, or hypocritical pretenders. Their asinine assumption of superiority is the old trick of the dangerous demagogue resorted to for the purpose of putting those who differ from them in a false light, or perhaps, for the selfish criminal purpose of deceiving the public in order that they may rob and plunder the people.

I have always found, Mr. President, that the truly brave man will go far toward avoiding dangers and difficulties which involve the sacrifice and suffering of others. For an adequate cause or a proper purpose it is not hard for a brave man to die. The inspired writer was right when at the height of patriotic fervor he exclaimed:

> Whether on the scaffold high
> Or in the battle's van
> The fittest place for man to die
> Is where he dies for man—

But oh! how much better it would be for the world if he were permitted to live for man. In this critical moment of our national history, when the world has become a veritable whirlpool of military preparation, when blood lust has poisoned the springs of human love, and confidence in the honesty and altruism of men has given place to doubt, suspicion, and sinister selfishness, it is easy to drift with the wind and elicit applause from the multitude by joining with loud voice in the chorus of the song put upon the lips of the shallow, hired claquers of the patriots for pelf and the advocates of "preparedness" for profit. But when a man conscious of the magnitude of the impending crisis, fully mindful of the far-reaching, soul-crushing disasters that war brings upon the world, urges peace, forbearance, charitableness of judgment—do unto others as you would be done by, not for selfish profit, but rather for world betterment—such an one is held up to the scorn and ridicule of a world, drunken with blood drawn from the quivering heart of innocence, and bereft of reason, by the all pervasive overpowering hysteria of war. For the craven creature—the conscienceless slanderer who would thus prostitute the columns of the newspapers—misuse his place in the halls of state, disgrace the pulpit, and dishonor the name of the Prince of Peace, I have not words with which to express the mingled feeling of pity and contempt that fill my heart. "Down all the stretch of hell to its last gulf" there is no character quite so despicable. The advocates of "preparedness"—"preparedness," a word that will stand as a colossal blood-stained monument, marking the turning point in the life of this Government—from a Government of the people, by the people, and for the people, to a military despotism. Yes, I repeat, the advocates of "preparedness" have won their fight.

The weapons of satire, ridicule, and sophistry, the bludgeon of mendacity, and the poison pen of detraction have been used with telling effect. The promoters of this pernicious propaganda started out at the beginning of the European war, bent upon taking advantage of the world's abnormal condition to open the Treasury vaults to the contractor for building battleships and furnishing Army supplies, and at the same time building a navy and creating an army that will overshadow every other influence in our national life. Like the poisonous breath which emanates from the Upas tree, everything within the purview of its deleterious influence will wither and die. Democratic principles can not live in such an atmosphere. No democratic-republican form of government ever lasted very long whose flag was defended and whose laws were upheld by a hired professional army. Yes; they have won their fight, and it was a sad day for America when they did. Just how long they will be able to hold the position they have taken by force of assault, by means foul and fair, time and chance alone will determine. I hope, however, the American people may read aright the real tendency of things, and through

the clouds and mists of doubt and fear they may see the star of eternal truth. The American voters will understand, I hope before it is everlastingly too late, that by their votes alone, old conditions, better conditions, altruistic, patriotic conditions, can be restored. The intelligent freeman's ballot is the only power beneath the flag that can steer the ship of state back to the moorings where the fathers of the Republic left it—that alone can save it. It may be that this administration has set the plow so deep that, to use a plowman's phrase, the team will refuse to pull it. If that be true, we may look forward for better things. So long as the people feel, think, and understand, the country is safe.

The taxes piled high upon the aching stoop of the laborer, the burden put upon the producer after being borne for a while, I pray to God, the voter may be brought to a realizing sense of the dangers to the Republic and his responsibility therefor in this tragic hour of the Nation's history. Eternal vigilance is the price of liberty to-day just as much as it was when Patrick Henry fired the hearts of the colonists with the dramatic statement more than one and a quarter centuries ago, "Give me liberty or give me death!" I love the Democratic Party, and I have heretofore indulged the hope that by and through the principles of Democracy American institutions are to be preserved and the sublime dream which glorified the brains and hearts of the founders of this Republic shall be realized; but above and beyond all that, as high as the sun hangs above the earth, I love my country. I love it with a fervor and devotion that knows no bounds. I shall make any sacrifice, or endure any hardships necessary to keep the American flag in the heavens, unstained and unpolluted by any act of injustice, hypocrisy, dissimulation, or dishonesty. The honor of this Nation is as precious and sacred to me as the stainless name of my sainted mother, and it is because of that feeling of reverence that I decline to be swept from my feet and refuse to consent to any measures which I know, whatever may be the motives that inspire the proponents, the inevitable effect will be not for the good of the Nation, but rather to serve sinister, selfish interests of the plutocratic few. Mr. President, I did not favor the bill to increase the Navy, for I know the country does not need at this time the ships and other implements of war which are provided for in that measure. They can not be constructed in time to meet any emergency that may grow out of the war flagrant in Europe to-day. And after that war is over, if we wisely use the power we should exert upon the nations of the world, conditions may be brought about which will result in the partial disarmament of the world. Oh God, that America may not throw away this opportunity to serve mankind by taking from the backs of the oppressed laborers throughout the world the enormous burden of militarism. Five hundred and thirty-five million dollars are carried in the Navy bill. A tax of about $40 for the head of every family in the United States is levied in that bill. It is without a precedent or parallel in the history of mankind. No nation ever appropriated that much money for that purpose in one year in time of peace. And when we realize the fact that about only two-thirds of the families produce anything, and in the end the producing families pay it all, it makes one shudder to contemplate the crushing injustice which necessarily will be inflicted upon the laborers of America. Nor shall I vote for the Army bill, which has been reported by the Committee on Military Affairs.

The appropriation it carries is enormous and the un-American principle of compulsory military training ought to damn it incontinently from the beginning. It proposes a policy that is as far from the ideas of the founders of our Government as infinite sorrow is from consummate bliss, far as Russian despotism is from Athenian democracy, and as far as wrong is from right. To take advantage of the unsettled abnormal panic-stricken state of the public mind to fasten this undemocratic, imperialistic, damnable scheme upon the American people is too horrible and outrageous for my limited vocabulary to adequately describe. As to giving the President the power to control and use the Army and Navy in order to keep the channels of commerce between New York and London open, is a matter that should be very carefully, prudently, and fearlessly discussed and considered by the Congress. There is some merit in the House bill, if amended by the resolution proposed by the able Senator from Missouri, Mr. STONE. It goes quite as far as the legislative department should go in the matter of delegating its authority to the Executive. I think it goes too far, but there is semblance of excuse for it. I will not, under any circumstances, consent that the President be given unlimited power to do certain things which we know if done would bring on war, sacrifice human life, and enable the conscienceless speculator and those commercial cormorants in the great centers of trade to coin the blood of the soldier and the tears of the women and orphaned children into dollars for their personal benefit. I do not question the President's patriotism—that is not in issue; nor would I derogate one iota from his intellectual attainments. He may possess all the elements of greatness that ever adorned the character of the greatest American statesman. He may have the patriotism of Pericles and the wisdom of a Washington.

I am not dealing with individuals but I am dealing with governmental functions! The President of the United States is only a man, with the limitations, subject to the same influences that affect, move, and actuate normal human creatures. There is no Divinity hedging him about in his great office which renders him immune to the errors common to humanity. The responsibility for managing the affairs of this Government, in desperate situations such as confront us to-day, should be shared by the Congress. For in the multitude of patriotic intellectual counsel there is safety—there is wisdom. I should like to be relieved of my share of responsibility in this hour of peril, but I can not and you can not. The Constitution imposes it upon us individually and as a Senate. Immortal souls, the happiness and security of the homes—the lives of men, women, and children are involved in this question, and therefore the Congress can not be too careful about what it may do. I would not offend the President by withholding from him any authority he might ask of the Congress, but I will not be disloyal to the trust which the people have committed to me. My first obligation is to the people, my master. Personally, I am willing to stay here as long as necessary to meet changing conditions and emergencies as they may arise. It is the duty of the Congress to remain on guard and no man will be excused by a patriotic, intelligent, and exacting constituency who fails to do his duty in this hour of stress and trial.

There is no necessity for war with Germany—there is no necessity for war with any of the belligerent powers. Three thousand miles of water makes it impossible for us to be drawn into that vortex of blood and passion and woe if we are true to the American people. If this administration shall put a higher estimate upon human life than commercial conquest; if we shall put the immortal soul above the dollar, and regard justice of more importance than financial success, there will be no war. It is not for the vindication of the principles of human justice that imperil our peace, but rather the avaricious reaching out for pelf that threatens to involve this Nation in this world war. I submit it would be more profitable to the people of the United States—better for the peoples of the world, rather than involve the United States in that war, to suspend commerce between Europe and America so far as American shipping interests are concerned. Not that I believe that Germany or England, or any other power, has a right to prevent our ships from going where they have a right to go on the high seas. I might have a right to go in the streets where a duel was being fought by participants in a drunken mob, but it would be better for me if I exercised the prudence of a brave, sane man, and remained away from the danger zone until order should be restored. If it be necessary to contribute to the belligerents in order that the allies may win and make the bonds of the allies held by the Americans collectible, I submit it would be a wise economy, it would cost less in blood and treasury to the American people if Congress should issue bonds for the payment of those debts which ought never to have been contracted.

Mr. President, the United States has had wars in the past, but her wars have been waged in defense of principle, and not for private pecuniary profit. Great Britain has violated our rights upon the seas quite as often as Germany. Great Britain's unwarranted and flagrant violation of international law cost the cotton growers of the South during the years 1914 and 1915 more than $750,000,000. Was any suggestion made to go to war with the allies because of that crime against the southern farmers? No. Can it possibly be less a crime to plunder the farmer than it is to inconvenience the munition manufacturers? That question is worth considering. I do not condone the crimes or wrongs of either country. But, if we are going to hold Germany to a strict accountability for her infractions of international law, it is cowardly and pusillanimous for the United States to supinely submit to the contemptuous treatment we have received at the hands of Great Britain and the allies. I do not want war with either power. That war in Europe is not our war, and the sensible, patriotic thing for the United States to do is to discourage the war—lend every possible proper assistance to bring it to a close without incurring in any way the hostilties of either of the nations engaged in that death struggle. They do not want war with us and whatever may be done to our detriment is incidental and not intentional. That,

in my judgment, Mr. President, is the manifest duty of America at this time. However unpromising the prospects, I have faith that justice and truth will ultimately prevail.

Under the storm and the cloud,
To-day the hard peril and pain,
To-morrow the stone shall be rolled away,
For the sunshine shall follow the rain;
Merciful Father, I will not complain,
I know that the sunshine shall follow the rain.

AGRICULTURAL APPROPRIATIONS.

Mr. SMITH of South Carolina. Mr. President, I wish to have conferees on the part of the Senate appointed on the disagreeing votes of the two Houses upon the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918. This is a very important measure; it has been discussed; and we have very few hours now left in which to consider it. The only question now is for us to have conferees named so that the matters at issue may be discussed and a report brought back to the two Houses. I therefore ask that conferees on the part of the Senate be named by the Chair.

Mr. GRONNA. Mr. President, I have on two occasions objected to taking up this conference report. I think the Senator from South Carolina knows that my people are intensely interested in certain proposed legislation from which the Senate conferees have agreed to recede. The only item in disagreement, I understand, is the question of salary. Am I correct in that?

Mr. SMITH of South Carolina. If the Senator will allow me, the House took action on that, but when the Senate appoints its conferees, and they go back to conference the whole bill, under the rule of the Senate, is open to any amendment the conferees see fit to put in.

Mr. GRONNA. I am very glad to learn that, Mr. President. I think every Senator here realizes the importance of the industry of agriculture. The talk has been to get back to the farm. I think every one here concedes that the farmer of the United States has been successful in producing not only sufficient food for our own people but a great surplus. I believe every one will concede that the farmer is the only person engaged in any industry in this country who has had absolutely nothing to say about the price of his products.

Mr. President, I proposed an amendment to the agricultural appropriation bill which, in my own opinion, is vital to the welfare of my people. The farmers, as I said, have nothing whatever to do about fixing the price of their products. Every one engaged in any other industry makes his price. I proposed an amendment which the legislative assembly of my State only on the 14th of last month by a concurrent resolution demanded; and moreover, they said, due to the fact that the standard has not been fixed so as to make it beneficial to the producer, during the year 1916 the loss to the farmers in my State alone is $55,000,000; yet the committee of conference refused, I understand, to appropriate $25,000 for what? For the purpose of aiding the Secretary of Agriculture to ascertain the right method of fixing standards and fixing grades.

Mr. President, I shall not consume a great deal of the time of the Senate in opposition to sending the bill back to conference, but I want it understood that at least the conferees on the part of the Senate will insist that amendment No. 82 shall be agreed to and that the conferees on the part of the Senate will ask the conferees of the House to recede.

Mr. President, it is unfair to the agricultural States of the Northwest to deny us this small appropriation. It is not the appropriation alone that is vital; it is the principle that I want to have recognized. I want the Congress of the United States to say to the Secretary of Agriculture that he shall in fixing standards apply the so-called milling test; that he shall apply the laboratory and mechanical test; and that the grain standard shall not be fixed simply by a physical test.

I ask the attention of the acting chairman of the committee. I think it is only fair to say that on a former occasion this body sent back practically unanimously to conference this same item, insisting that the item should remain in the bill. With the understanding that on this same question which I refer to, and which I know the acting chairman of the committee is familiar with, our conferees will insist upon it in conference, I shall interpose no further objection to the motion of the Senator from South Carolina.

Mr. JONES. Mr. President, I hope the bill will go back to conference, and I am glad to know that when it does go back to conference the whole proposition will be open.

I do not wish to add to the trouble of the Senator who has charge of the bill, but the amendment, I think it is numbered 79, put in by the Senator from Florida [Mr. BRYAN] I consider one of the most important amendments to the bill, and I hope that it will be included in the conference report in some form or other. I do not know just how true it is, but I understand that the department officials oppose it; that they claim they have the authority now. I hope that we will legislate upon the subject. I hope that we will do what ought to be done and not leave it to their discretion or to their contention with reference to the matter. If they contend that they have the power to do it now, they ought not to have any objection if we put in express authority and direction for them to do what the amendment requires shall be done.

So, regardless of their wishes one way or the other in reference to the matter, I hope the conferees on the part of the Senate will insist on that proposition being covered. While I do not care to say what I will do if it is not done, I want to say I hope it will be done.

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). The Senator from South Carolina moves that the Senate agree to the further conference asked by the House and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SMITH of South Carolina, Mr. SMITH of Georgia, and Mr. WARREN conferees on the part of the Senate on the further conference.

REPUBLIC COAL CO.

Mr. MYERS. Mr. President, I move that the Senate conferees heretofore appointed on the joint resolution (S. J. Res. 50) authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation, be discharged, and that the House amendments to the joint resolution be concurred in. Every day other conference reports are being disposed of, one after another, and this joint resolution is entitled to be disposed of in one way or another. All I ask for is a vote. If Senators do not like the House amendments, let them vote them down; but let the matter be ended. This joint resolution has passed both the Senate and the other House. It has passed the Senate in one form and has passed the House in another form.

Mr. HITCHCOCK. Mr. President, will the Senator from Montana give me any assurance that there will be no opposition to his motion?

Mr. MYERS. No; I can not give any such assurance.

Mr. NORRIS. Will the Senator tell me what the joint resolution is?

Mr. MYERS. It is the joint resolution in regard to the Republic Coal Co. It has taken four years to get the resolution passed through the Senate and the other House. There was some disagreement between the two Houses and the conferees were not able to come to an agreement.

The gist of the whole matter is that the House insists on a lease only, and the Senate conferees insist on a sale. I repeat, they can not agree. I simply ask to have the matter disposed of. It is entitled to be disposed of one way or another.

Mr. NORRIS. What is it the Senator requests?

Mr. MYERS. My motion is that the Senate conferees be discharged, and that the Senate concur in the House amendments. The motion is before the Senate; it is in order; and there is nothing to do but to vote on it, unless some Senator wants to debate it.

Mr. PENROSE. Do I understand that one objection will stop this debate, Mr. President?

The PRESIDENT pro tempore. The Chair thinks that the Senator could move to proceed to the consideration of the matter before the Senate.

Mr. PENROSE. Then I object to the consideration of the joint resolution.

Mr. MYERS. I hold there can be no objection. I have been recognized, and I have made the motion.

Mr. BRANDEGEE. I rise to a question of order.

The PRESIDENT pro tempore. The Senator from Connecticut will state it.

Mr. BRANDEGEE. My point of order is that the Senate is now proceeding with the consideration of the bill to authorize the President to arm merchant ships. The Senator from Montana can not take the floor to make another motion unless he displaces the pending order. I do not understand that the Senator from Montana has been yielded to by the Senator in charge of the bill. I will make the parliamentary inquiry, whether, if the Senator's motion to discharge the conferees prevails, it would not displace the bill now under consideration?

The PRESIDENT pro tempore. The Chair sustains the point or order. The matter before the Senate is the bill now under consideration.

Mr. HITCHCOCK. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 21052)

authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes.

Mr. MYERS. Mr. President, I had not surrendered the floor, and I want to appeal from the ruling of the Chair on the point of order.

The PRESIDENT pro tempore. The Chair thinks that the Senator from Montana should be allowed an opportunity of appealing from the decision of the Chair.

Mr. MYERS. May I ask on what ground the point of order was made? There was so much confusion I could not hear it.

Mr. PENROSE. That is in order. Let us have the appeal; let us vote on it, and we shall dispose of it entirely.

Mr. MYERS. I should like to know on what ground the point of order was made.

The PRESIDENT pro tempore. On the point of order made by the Senator from Connecticut [Mr. BRANDEGEE] that the Senator from Montana [Mr. MYERS] could not at this time make the motion which he did, the Chair decided that the motion was out of order. The Chair recognized the Senator from Montana only in connection with the pending bill, thinking that he desired to discuss the bill. Does the Senator from Montana appeal from the decision of the Chair?

Mr. MYERS. We are not operating under any unanimous-consent agreement. Is not a motion to take up any matter at any time in order?

The PRESIDENT pro tempore. The Senator did not make a motion to take the matter up. The question is, Shall the decision of the Chair stand as the ruling of the Senate?

Mr. MYERS. If the Chair will pardon me just a moment, I made a motion to do a certain thing with a certain bill. Is that not in order at any time?

The PRESIDENT pro tempore. The bill was not before the Senate.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. The Senator from Missouri.

Mr. REED. If we are going to get technical about things, there is no bill before the Senate. The bill that we have been discussing all night was displaced by a motion, and the transaction of other business, and no motion was made to again take it up.

Mr. HITCHCOCK. The Senator is mistaken about that. I made the motion, and it was declared carried by the Chair.

Mr. REED. Then the motion was made a good long while after the discussion had proceeded and when I had gone out of the Chamber.

Mr. HITCHCOCK. The Senator from Tennessee [Mr. LEA] was in the chair at the time.

Mr. LEA of Tennessee. The Senator from Nebraska asked unanimous consent that the pending bill be laid aside.

Mr. REED. In that case, I stand corrected, but I know that there was a period when we were discussing the bill when it was not before the Senate.

I think, Mr. President, if I may be permitted a word, that the Senator from Montana has been used very unkindly with reference to this matter. He has tried a number of times to bring it up. He simply asks for a vote, and I think it ought to be given to him. I think we shall gain time by giving it to him. I know we should gain time by doing so, if he were of the same disposition that I am.

Mr. MYERS. Then, Mr. President, I move that Senate joint resolution 50 be laid before the Senate for action.

The PRESIDENT pro tempore. Does the Senator appeal from the decision of the Chair?

Mr. MYERS. I withdraw that appeal and make my motion.

The PRESIDENT pro tempore. The Senator from Nebraska was recognized. Does he yield to the Senator from Montana for that purpose?

Mr. HITCHCOCK. I should like to ask the Senator from Montana whether this means a controversy or a discussion? If it means simply a vote, I shall be glad to yield.

Mr. MYERS. It means a discussion if any Senator wishes to discuss it. I do not wish to discuss it.

Mr. SMOOT. Mr. President, I assure the Senator from Nebraska that I shall oppose the passage of the joint resolution with all the strength I have.

Mr. BRANDEGEE. A parliamentary inquiry, Mr. President. If the motion of the Senator from Montana should prevail, would it not displace the bill which we are now considering?

The PRESIDENT pro tempore. As the Chair understands, it undoubtedly would. The Chair does not know where the bill referred to by the Senator from Montana is. Is the bill in the possession of the Senate at this time?

Mr. MYERS. It is in the possession of the Senate at this time.

The PRESIDENT pro tempore. In what way? The Chair is informed that that bill is now in conference.

Mr. MYERS. It is in conference.

The PRESIDENT pro tempore. Then, the Chair will have to rule that the motion of the Senator is out of order until there is a report from the conference committee.

Mr. MYERS. I appeal from the ruling of the Chair.

Mr. SMOOT. I am one of the conferees, and I have not been asked to sign the conference report.

Mr. MYERS. Because the Senator told me he would not sign it.

Mr. LODGE. Mr. President, I understand that an appeal has been taken from the ruling of the Chair?

The PRESIDENT pro tempore. The Chair is of the opinion that that is the situation.

Mr. LODGE. Then, I move to lay the appeal on the table.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Massachusetts to lay on the table the appeal of the Senator from Montana from the ruling of the Chair.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20755) to provide a temporary government for the West Indian Islands acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate on the 7th day of September, 1916, and for other purposes.

ARMED MERCHANT SHIPS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8322) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing the registry of the United States, with defensive arms, and for other purposes.

Mr. BRANDEGEE obtained the floor.

Mr. HITCHCOCK. Mr. President——

Mr. BRANDEGEE. Does the Senator from Nebraska desire to make a request?

Mr. HITCHCOCK. I desire to ask to present again to the Senate my request for unanimous consent that the Senate proceed to the consideration of House bill 21052.

Mr. BRANDEGEE. Mr. President, I yield to the Senator for that purpose.

The PRESIDENT pro tempore. The Senator from Nebraska requests unanimous consent that the Senate proceed to the consideration of House bill 21052.

Mr. NORRIS. Mr. President, I do not want to interfere with the arrangements of my colleague, but if he will withdraw that request for a few moments or until the Senator from Connecticut [Mr. BRANDEGEE] concludes, I should like to consult with my colleague about it before the request is submitted. I do not want to object, if I can avoid doing so; but it will not delay matters if he should allow it to take that course.

Mr. HITCHCOCK. Very well.

Mr. BRANDEGEE. Mr. President, I send to the desk the Revised Statutes of the United States, and ask the Secretary to read section 4295.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SEC. 4295. The commander and crew of any merchant vessel of the United States, owned wholly or in part by a citizen thereof, may oppose and defend against any aggression, search, restraint, depredation, or seizure which shall be attempted upon such vessel, or upon any other vessel so owned, by the commander or crew of any armed vessel whatsoever, not being a public armed vessel of some nation in amity with the United States, and may subdue and capture the same; and may also retake any vessel so owned which may have been captured by the commander or crew of any such armed vessel, and send the same into any port of the United States.

Mr. BRANDEGEE. I should like the Secretary to read the first section of the bill if he has it before him; it is very short.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

Be it enacted, etc., That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks, and the President of the United States is hereby authorized and empowered to supply such vessels with defensive arms, fore and aft——

Mr. BRANDEGEE. The words "fore and aft" can be stricken out, as I understand the committee have agreed that they be eliminated.

The Secretary resumed the reading, as follows:

and also with the necessary ammunition and means of making use of them; and that he be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

Mr. BRANDEGEE. I now ask that the Secretary read the first section of the House bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Secretary read as follows:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized and empowered to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and also with the necessary ammunition and means of making use of them in defense against unlawful attack; and that he be, and is hereby, authorized and empowered to protect such ships and the citizens of the United States against unlawful attack while in their lawful and peaceful pursuits on the high seas.

Mr. HITCHCOCK. Mr. President, will the Senator from Connecticut permit me to prefer my request for unanimous consent once more?

Mr. BRANDEGEE. I will yield to the Senator for that purpose.

Mr. HITCHCOCK. I desire to say that after securing unanimous consent, if I do secure it, it is my purpose to propose that the Senate take a recess until 10 o'clock this morning. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 21052.

The PRESIDENT pro tempore. Is there objection?

Mr. NORRIS. Mr. President, will my colleague include the other suggestion in the unanimous-consent agreement?

Mr. HITCHCOCK. And I also ask unanimous consent that at not later than 12 o'clock and 40 minutes a. m. this morning the Senate take a recess until 10 o'clock Saturday morning, March 3.

The PRESIDENT pro tempore. Is there objection?

Mr. OWEN. Mr. President, this morning, from the Committee on Printing, there was reported Senate resolutions 382, 383, and 384 providing for the printing as Senate documents of certain matters relating to the initiative and referendum in which I am very much interested.

Mr. MARTIN of Virginia. I suggest to the Senator that he first allow the Senator from Nebraska to secure his proposed request for unanimous consent.

Mr. OWEN. I desire to get the consent of the Senate for the printing of these documents before that is done.

Mr. PENROSE. Mr. President, I objected to the documents being printed this morning, but since then I have had an opportunity to examine them, and I find them very commendable productions, and I join in the request to have them printed.

Mr. OWEN. I am delighted to hear the Senator from Pennsylvania say that.

I ask unanimous consent for the present consideration of Senate resolution 382.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the manuscript submitted by the Senator from California [Mr. PHELAN] on February 27, 1917, entitled "Direct government in California," an account of the operation of the initiative, referendum, and recall, 1903 to 1916, by Dr. John Randolph Haynes, of Los Angeles, be printed as a Senate document (S. Doc. No. 738).

Mr. OWEN. I now ask unanimous consent for the present consideration of Senate resolution 383.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the manuscript submitted by the Senator from Texas [Mr. SHEPPARD] on February 27, 1917, entitled "Withdrawing from the Federal courts the power to declare acts of Congress void," an address by Senator ROBERT L. OWEN, be printed as a Senate document (S. Doc. No. 737).

Mr. OWEN. I also ask unanimous consent for the present consideration of Senate resolution 384.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the manuscript submitted by the Senator from Oklahoma [Mr. OWEN] on March 1, 1917, entitled "The present status of the State-wide initiative and referendum," by Judson King, executive secretary the National Popular Government League, be printed as a Senate document (S. Doc. No. 736).

Mr. HITCHCOCK. Now, Mr. President, I should like to have the unanimous-consent request submitted.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Nebraska? The Chair hears none. The Secretary will report the House bill.

The SECRETARY. A bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes.

Mr. HITCHCOCK. The bill is now the unfinished business?

The PRESIDENT pro tempore. The bill is now the unfinished business.

Mr. BRANDEGEE. Mr. President, I will resume my remarks in the morning.

Mr. HITCHCOCK. I move that the Senate——

INTERNATIONAL HIGH COMMISSION (S. DOC. NO. 739).

Mr. FLETCHER. From the Committee on Printing, I report Senate resolution 386 and ask unanimous consent for its immediate consideration. It provides for the printing of an appendix to the report of the International High Commission.

Mr. SMOOT. We could not hear a word that was said. I do not know what the request was; and I will ask to have it repeated?

Mr. FLETCHER. I will ask the Secretary to read the resolution.

The PRESIDING OFFICER. The Secretary will read the resolution reported by the Senator from Florida.

The SECRETARY read as follows:

Resolved, That the appendix to the report of the United States section of the International High Commission on the first general meeting at Buenos Aires, April 3–12, 1916, be printed as a Senate document.

The PRESIDENT pro tempore. Is there objection to the consideration of the resolution? The Chair hears none, and the resolution is agreed to.

SAMUEL R. SMITH (S. REPT. NO. 1140).

Mr. LEA of Tennessee, from the Committee to Audit and Control the Contingent Expenses of the Senate, introduced, with an amendment, Senate resolution 167, and asked unanimous consent for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in line 1, after the word "be," to strike out "and is hereby placed on the rolls of the Senate of the United States at the salary he was receiving at the date of his injury, and that he be assigned by the Sergeant at Arms to such service as he may be able to perform" and insert "paid a sum equal to one year's salary at the rate of compensation at the time of his injury in full settlement of all claims arising out of said injury, and that said sum be paid out of the contingent fund of the Senate," so as to make the resolution read:

Whereas Samuel R. Smith, for many years a member of the Capitol police force and employed at the Senate end of the Capitol, received injuries while in the discharge of his duties on the 20th day of November, 1910, which have permanently disabled him so that he is unable to gain a livelihood by manual labor; and

Whereas the said Smith was dropped from the rolls on the 31st day of January, 1912, and is now out of employment: Therefore be it

Resolved, That the said Samuel R. Smith be paid a sum equal to one year's salary at the rate of compensation at the time of his injury in full settlement of all claims arising out of said injury, and that said sum be paid out of the contingent fund of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

The preamble was agreed to.

ENOCH BROWN, JR. (S. REPT. NO. 1139).

Mr. LEA of Tennessee. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably with amendments Senate resolution 77, and I ask unanimous consent for its present consideration.

The Senate, by unanimous consent, proceeded to the consideration of the resolution.

The amendments were, in line 3, after the word "employ," to strike out "an additional assistant clerk at $1,200 per annum" and insert "in addition to the present clerical assistance Enoch Brown, jr., for a period of three months at a salary of $100 per month," and, in line 5, after the word "Senate," to strike out "until otherwise provided by law," so as to make the resolution read:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate be, and it is hereby, authorized to employ in addition to the present clerical assistance Enoch Brown, jr., for a period of three months at a salary of $100 per month, to be paid from "Miscellaneous Items" of the contingent fund of the Senate until otherwise provided by law.

The amendments were agreed to.

The resolution as amended was agreed to.

N. I. STONE.

Mr. LEA of Tennessee, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution (S. Res. 385), which was considered by unanimous consent and agreed to:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate be, and it is hereby, authorized to pay out of the contingent fund of the Senate the sum of $325 to N. I. Stone, in payment of his services as an expert for 13 days, at $25 per day, pursuant to his employment by the Committee on Finance of the Senate of the United States and assignment to Senator ROBERT M. LA FOLLETTE, member of the Committee on Finance.

WORLD'S PURITY FEDERATION.

Mr. STONE. From the Committee on Foreign Relations I report back favorably, without amendment, the joint resolution (H. J. Res. 334) authorizing the President to appoint delegates to attend the Tenth International Congress of the World's Purity Federation, to be held in the city of Louisville, State of Kentucky, November 8 to 14, 1917, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

The Senate, by unanimous consent, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized to appoint delegates to attend and represent the United States at the Tenth International Congress of the World's Purity Federation, to be held in the city of Louisville, State of Kentucky, November 8 to 14, 1917: *Provided*, That no appropriation shall be granted at any time for expenses of delegates or for other expenses incurred in connection with said congress.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS TO SURVIVORS OF INDIAN WARS—CONFERENCE REPORT.

Mr. SMOOT (for Mr. JOHNSON of Maine) submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, and 10, and agree to the same.

The committee of conference have been unable to agree on the amendment of the Senate numbered 9.

CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.
JOHN A. KEY,
EDWARD KEATING,
Managers on the part of the House.

The report was agreed to.

PENSIONS AND INCREASE OF PENSIONS—CONFERENCE REPORT.

Mr. HUGHES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the House to the bill (S. 8296) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 12, 17, and 20, and agree to the same.

CHARLES F. JOHNSON,
WILLIAM HUGHES,
REED SMOOT,
Managers on the part of the Senate.
JOHN A. KEY,
EDWARD KEATING,
S. R. SELLS,
Managers on the part of the House.

The report was agreed to.

Mr. HUGHES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20496) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7 and 8.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, and 16 and agree to the same.

WM. HUGHES,
REED SMOOT,
Managers on the part of the Senate.
JOHN A. KEY,
EDWARD KEATING,
S. R. SELLS,
Managers on the part of the House.

The report was agreed to.

Mr. HUGHES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20827) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 5, 7, 9, 11, 17, 19, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 8, 10, 12, 13, 14, 15, 16, and 18, and agree to the same.

WM. HUGHES,
REED SMOOT,
Managers on the part of the Senate.
JOHN A. KEY,
EDWARD KEATING,
S. R. SELLS,
Managers on the part of the House.

The report was agreed to.

DIVERSIONS OF WATERS AT NIAGARA FALLS.

Mr. WADSWORTH. Mr. President, I realize that it is too late in the evening to make a motion which will give rise to extended debate. I am entirely cognizant of the fact that the Senate desires to adjourn. There is, however, upon the calendar an exceedingly important joint resolution, introduced by myself, in relation to the diversion of water from the Niagara River. Without the passage of that joint resolution (S. J. Res. 218), Mr. President, I am informed upon the most reliable authority that it will be impossible for the Navy Department to continue much longer in securing shells and armor for battleships, owing to the fact that the metal alloys which are used in the steel industries which turn out armor and shells are derived almost entirely from the electrochemical industries of Niagara Falls.

At this time, then, sir, I ask unanimous consent that that joint resolution be brought before the Senate for consideration.

The PRESIDENT pro tempore. Is there objection?

Mr. HUSTING. Mr. President, I object to the consideration of the joint resolution at this time.

The PRESIDENT pro tempore. Objection is made.

DEATH OF REPRESENTATIVE CONRY.

A message from the House of Representatives by D. K. Hempstead, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. Michael F. Conry, late a Representative from the State of New York, and transmitted resolutions of the House thereon.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
March 2, 1917.

Resolved, That the House has heard with profound sorrow of the death of the Hon. MICHAEL F. CONRY, a Representative from the State of New York.

Resolved, That a committee of Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now stand in recess until 8 o'clock post meridian.

Mr. WADSWORTH. I offer the following resolutions, and ask for their adoption.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Senate resolution 387.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. MICHAEL F. CONRY, late a Representative from the State of New York.

Resolved, That a committee of five Senators be appointed by the Vice President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

In compliance with the foregoing resolution the Vice President appointed as the committee on the part of the Senate Mr. WADSWORTH, Mr. HUGHES, Mr. RANSDELL, Mr. HARDWICK, and Mr. O'GORMAN.

Mr. WADSWORTH. Mr. President, as a further mark of respect to the memory of the deceased, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 40 minutes a. m., Saturday, March 3, 1917), the Senate took a recess until 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 2, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord our God, who hast ever been a potent factor in the affairs of men, forsake us not, but uphold, sustain, and guide us in the trying ordeal through which we are passing. Quicken all the noblest impulses and finest instincts of our being, that with clear perceptions, honest motives, and patriotic endeavors we may meet the conditions as they unfold themselves, like men, ready to guard with unanimity of action the precious heritage handed down to us by our fathers. Deliver us from war and keep us in honorable peace with all the world; and we will ascribe all praise to Thee, our God and our Father. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. OAKEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article by Myron T. Herrick, of Ohio, on rural farm banks.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. SLEMP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. MANN. On what subject?

Mr. SLEMP. On the subject of the election of judges by the people.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

EXPLANATION OF VOTE.

Mr. DALE of Vermont. Mr. Speaker, I ask permission for one minute in order to make a personal statement.

The SPEAKER. The gentleman from Vermont asks unanimous consent for one minute in order to make a personal statement. Is there objection?

There was no objection.

Mr. DALE of Vermont. Mr. Speaker, in the final roll call under the consideration of the bill (H. R. 21052) to authorize the President to supply merchant ships, and so forth, on the motion to recommit, I am recorded as voting "nay," which is correct. On the roll call which was taken on the final passage of the bill I am recorded as 1 of 18 not voting, which is correct. I was called from the House just before that roll call was taken by the critical illness of an intimate friend. Had I been present, I would have been anxious to have voted "yea."

ACCOUNTS OF DISTRICT WITH FEDERAL GOVERNMENT.

Mr. LLOYD. Mr. Speaker, I submit the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk reported House resolution 518 in full.

Mr. MANN. Mr. Speaker, I reserve a point of order on the resolution.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves a point of order.

Mr. MANN. I hope the gentleman will postpone the consideration of it for a moment or two. The gentleman from New York [Mr. SANFORD] wants to be heard on it, and he is on the way here now.

Mr. LLOYD. All right. I will offer another resolution in the meantime. I withdraw this resolution temporarily until the gentleman from New York [Mr. SANFORD] is present.

Mr. Speaker, I offer another resolution from the Committee on Accounts.

JOSEPH S. M'COY.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 535 (H. Rept. No. 1616).

Resolved, That the Clerk of the House is hereby authorized and directed to pay to Joseph S. McCoy, out of the contingent fund of the House, the sum of $50 for services rendered the Ways and Means Committee from January 17 to February 1, 1917.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

G. D. ELLIS.

Mr. LLOYD. Mr. Speaker, I also offer the following resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 444 (H. Rept. No. 1614).

Resolved, That there shall be paid, out of the contingent fund of the House, $1,200 to G. D. Ellis for extra and expert services rendered in the office of the Clerk of the House of Representatives during the first and second sessions of the Sixty-fourth Congress as employee detailed from the Government Printing Office.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

ACCOUNTS OF DISTRICT WITH FEDERAL GOVERNMENT.

Mr. LLOYD. Now, Mr. Speaker, I present the resolution that I withdrew just a moment ago and which was read a moment ago.

The SPEAKER. The Clerk will report the resolution again.

The Clerk read as follows:

House resolution 518 (H. Rept. No. 1617).

Resolved, That after March 4, 1917, the members of the Committee on the District of Columbia who are Members elect of the Sixty-fifth Congress, or a subcommittee thereof appointed by the present chairman of said committee, be, and are hereby, authorized to continue the investigation directed by House resolution No. 229 of the Sixty-fourth Congress and to expend for the purpose and as provided in House resolution No. 256 of the Sixty-fourth Congress, out of the contingent fund of the House, a sum not exceeding $7,500, in addition to the unexpended balance of the amount heretofore authorized.

Mr. SANFORD. Mr. Speaker, I make the point of order.

The SPEAKER. What point of order?

Mr. SANFORD. On the ground that the House by its own resolution has no jurisdiction to continue the employment of the persons mentioned or to appropriate the money named after the session of this Congress. Let me call briefly to the Speaker's attention the fact that during the last four years something like over $40,000 has been spent by this committee—and perhaps profitably; on that question I have nothing to say—for the purpose of hiring clerks and auditors to audit the accounts of the District with the Federal Government. I want it distinctly understood that I do not in any way criticize the work. I do not know whether it is valuable or not. I have no opinion on it.

Mr. BORLAND. Will the gentleman yield?

Mr. SANFORD. Just let me make my point clear. The auditing that this committee does would seem to belong to the Auditor for the State and Other Departments. The function that it performs is an ordinary function of government. It is not anything in which the House has any peculiar or exclusive interest. It in no way pertains to the organization of the House or to the business of the House. If the House can by this resolution perpetuate the employment of these persons, then the House by its own resolution could provide for hiring additional auditors in the office of the Auditor for the State and Other Departments or additional employees in any other department of the Govern-

ment. The fundamental principle is stated in Jefferson's Manual, page 249, as follows:

Neither House can continue any portion of itself in any parliamentary function beyond the end of the session without the consent of the other two branches. When done it is by a bill constituting them commissioners for that particular purpose.

Mr. BORLAND. Mr. Speaker, will the gentleman yield now?

Mr. SANFORD. Yes; I yield.

Mr. BORLAND. I wanted to call the gentleman's attention to the fact that this work by the committee has been extremely valuable. While it may, as the gentleman from New York [Mr. SANFORD] says have cost $40,000, it has been of extreme value and is a great work for this Congress to undertake.

In the general deficiency bill, now reported to Congress, we are transferring $24,000 out of one fund and $211,000 out of another fund to the credit of the United States, money that has heretofore been erroneously credited to the District, and I find that, in all, the amount recovered and transferred to the credit of the United States has been about two and a quarter million dollars that was wrongfully credited to the District government.

Mr. SANFORD. Well, I will assume for the sake of the argument that the work that these gentlemen and their employees do is important work. If it is important or valuable, then it should be done by public officers appointed according to law. Provision can be made for the continuance of the work by joint resolution, possibly by concurrent resolution; I do not know. That seems to be a doubtful question. But in Hinds' Precedents there is a discussion of the subject of whether such a work should be done by joint resolution or concurrent resolution. There is no precedent in Hinds or anywhere else for continuing the employment of any person in the manner here provided beyond the life of a Congress. This thing, as I understand, has been done once or twice when the question has not been raised. But if the Speaker so rules as to make the precedent that the House by this House resolution can continue the employment of persons to perform functions of government after the adjournment of this Congress it will be the first time the House, when the question has been raised, has attempted to do any such thing. The matter attempted to be done here is a matter in which the Senate is just as much interested as the House, and I say if this work is important—and they say it is—then it is certainly important that it should be done according to law.

Mr. BENNET. Mr. Speaker, will the gentleman yield?

Mr. SANFORD. Yes; I yield to my colleague.

Mr. BENNET. If this resolution is proper, would it not be equally proper to provide by resolution what would be very comfortable to some of us——

The SPEAKER. The Chair would ask gentlemen to speak louder. The Chair would like to hear this discussion.

Mr. BENNET. I say if what is the purpose to be done by this resolution can legally be done, why would it not be legally possible for this House by a simple resolution to continue every one of us who go out of office on March 4 in some capacity at the salaries we are now receiving, assigning to us some more or less nominal duties, and therefore making an election to any particular Congress virtually a permanent thing? [Laughter.]

Mr. SANFORD. The point that the gentleman makes is good; but under the employment the gentleman would receive more pay than he now receives as a Member of Congress.

Mr. BENNET. Then I am interested. [Laughter.]

Mr. SANFORD. The auditor of this committee has received during at least the last year $25 a day. I believe the Sundays are excepted. Now, I do not criticize that. I do not know whether the man is worth $25 a day or not, but the point I make is that it is a dangerous thing for the House to attempt to assume authority of that kind.

Under this resolution the situation is this: The Member of Congress in whom the authority is vested because he now happens to be the chairman of the Committee on the District of Columbia—and, of course, he will not be the chairman of that committee after next Sunday, because there will be no such committee—has control of the expenditure of this $7,500, and has that authority merely because he is a Member of Congress; not because he has a peculiar interest in the work that is being done, but simply because he is a Member of Congress. It may make other Members of this House jealous. The power that is given to this one man is a power that is not given to other Members of Congress. I suppose that any Member of this House would be glad to have the power to employ a number of people with $7,500 or $10,000 a year. It is a privilege that the House should not grant. It provides for doing work in a manner in which the work should not be done.

Mr. BENNET. Mr. Chairman, will the gentleman yield again?

Mr. SANFORD. Certainly.

Mr. BENNET. Is it not a fact that when this House desired to authorize the employment of experts for both the Payne tariff committee and the Underwood tariff committee, that was done in the regular way by the act of the House and Senate? Has the gentleman any precedent for the House alone attempting to appoint an official after the House has expired by constitutional limitation?

Mr. SANFORD. There is absolutely no authority that I can find, and I feel safe in saying there is none. The usual and proper and ordinary manner of doing this thing is to provide for it in accordance with law—to provide for it by joint resolution. I think I have presented the matter as it appears to me. It seems to me clearly that the resolution is out of order.

Mr. LLOYD. Mr. Speaker, the House Members may not be aware of what this means to the House and to the country. The Committee on the District of Columbia has been authorized to make an investigation of the accounts of this District for the last six years.

The SPEAKER. How are they authorized?

Mr. LLOYD. They are authorized by House resolution in every instance. This committee has done its work in vacation before, under House resolution, and this committee has done more work and has done better work and has achieved better results than any investigation in the last six years, I do not care which one it was. It has more to show in things accomplished, measured in dollars and cents, to the United States Government and the Treasury of the United States than all the other investigating committees combined. It is the one investigation committee that has been profitable to the Government. Over $2,000,000 has been transferred to the Treasury of the United States, to the credit of the Government, by reason of these investigations that have been made by and on behalf of the District Committee.

It is not my purpose at this time to discuss the point raised by the gentleman from New York. I yield to the gentleman from Kentucky [Mr. JOHNSON], chairman of the District Committee, for such statement as he desires to make.

Mr. JOHNSON of Kentucky. Mr. Speaker, the gentleman from New York [Mr. SANFORD], in making his statement a few moments ago, admitted himself out of court. He made the statement that after the 4th of March, until the Sixty-fifth Congress assembled, there would be no Committee on the District of Columbia. In that he is correct; and, because he is correct in that, his point of order is destroyed. The rule provides that neither House——

The SPEAKER. What rule?

Mr. JOHNSON of Kentucky. On page 249 of the Manual, the rule provides that "neither House can continue any portion of itself in any parliamentary function beyond the end of the session without the consent of the other branch." Now, as there is no committee during that time and this resolution does not create one, therefore the individuals who are designated in this resolution to do the work have no parliamentary function. There is no requirement that they report to Congress. They have no parliamentary standing, but the persons who are designated in the resolution, not by name but by limitation, become a clerical force for this House. They will not work in the capacity of Members of this House but simply in clerical positions to complete work which a future House may take up when it is brought to their attention.

The members who will do this work under the proposed resolution will report their work to the Secretary of the Treasury. The Secretary of the Treasury will report it to the Comptroller of the Treasury, and if the Comptroller of the Treasury finds that their facts are sufficient, then he will make a ruling which will become equivalent to the judgment of a court. There is nothing in this resolution which says the Committee on the District of Columbia shall be continued, but it says that the present chairman of that committee, without calling him by name, and a number of the members of that committee who are reelected to the next Congress shall do this work. They are not continued at all in their capacity as a committee, but they are continued in a clerical capacity; and that being true, they can be continued just as clerks in any of the offices about here could be continued. I think the case is perfectly clear. The resolution was designedly so drawn that those who do the work should not do it in a parliamentary way, but simply as clerks. It appears that a majority of the Committee on the District of Columbia have been reelected to the Sixty-fifth Congress, but the present chairman under this resolution could select from the members of the old committee who have been reelected to the Sixty-fifth Congress those who shall do this work, not as members of a committee, but strictly as clerks.

The SPEAKER. What does the gentleman say to the point raised by the gentleman from New York that this takes a concurrent resolution?

Mr. JOHNSON of Kentucky. That is exactly what I am arguing against, that inasmuch as it provides only for a piece of clerical work to be done by this body and paid for out of the contingent fund of this body, the Senate has no voice in the matter.

Mr. MANN. Mr. Speaker, probably the essence of the situation was in the statement of the gentleman from Kentucky as he took his seat, that the expense was to be paid out of the contingent fund of this body. That is the question. This body expires with the end of the 3d of March, which we by a fiction fix at 12 o'clock noon on the 4th of March, and this body has no contingent fund beyond 12 o'clock on the 4th of March. The next House has a contingent fund after that date. Now, the law provides for the payment of certain expenses out of the contingent fund without action either by the House here or the Senate on the Senate side; but the House itself, when it orders money paid out of the contingent fund, must have control over the contingent fund out of which the money is to be paid, and I contend that this House has no control over the contingent fund of the next House, as this House expires on the 4th of March.

Now, what has been the practice, Mr. Speaker? I think it has been the invariable practice since you and I have been Members of this House that where it was proposed to make a contingent payment of money for some extra services after Congress had expired, the item had to be inserted either in one of the appropriation bills and become a part of the law or provided for by joint resolution, not a concurrent resolution. A concurrent resolution could provide for the payment of money out of the contingent funds of the House and the Senate while they exist. Of course the Senate is a continuing body, and the Senate may order money paid out of its contingent fund because it is a continuing body, but this House expires with the end of the 3d of March and has no jurisdiction over the payment of money out of the contingent fund after the 4th of March. For instance, here is a proposition, not to do any service for any committee of the House, not to do any service which relates to the House itself, but, as stated by the gentleman from Kentucky, to employ men to do some service, these men to report to the Secretary of the Treasury, who will turn their report over to the comptroller, for the comptroller to take action with which this House has nothing to do. We never have held that we could authorize even a commission to exist beyond the term of Congress to be paid out of the contingent fund; and if it shall be established by the decision of the Speaker that the old Congress may exhaust the contingent fund of the new Congress by paying all sorts of bills out of that contingent fund it will be a grave disaster, and will entirely reverse the unbroken practice and decisions in regard to the contingent fund.

Mr. JOHNSON of Kentucky. Mr. Speaker, the argument made by the gentleman from Illinois [Mr. MANN] is fallacious in this: He says that this is an attempt upon the part of this House to pay money out of the contingent fund of the next House. That is not correct. There is an attempt now to set aside $7,500 of the contingent fund of this House, to set it aside before this Congress expires, with which to pay for this clerical work. To me it is a plain proposition that this House now has the right to set aside $7,500 of its own contingent fund with which to have this work done during the vacation.

Mr. LLOYD. Mr. Speaker, there can be no question that there is a contingent fund after the 4th of March on which drafts may be made. The law provides that there shall be a temporary Committee on Accounts, and that committee shall audit such claims as may be properly presented during the vacation. This shows beyond any question that there is a contingent fund over which the House has control.

Mr. JOHNSON of Kentucky. And out of which they do pay accounts.

Mr. LLOYD. And out of which the payments of the House of Representatives are made, and any payment that this House authorizes is paid out of that fund. It is true that that committee can not legally pay any claim that has not been authorized by the House of Representatives, but what is sought here is to make an authorization so that this temporary Committee on Accounts can audit the claims and pay them, and they will be paid like any other claims that may be paid in vacation.

Mr. SANFORD. Mr. Speaker, it seems to me perhaps necessary to say just one word, to show the distinction between this resolution and the usual resolution which comes from the Committee on Accounts. The usual resolution providing for the payment of an additional clerk, for instance, comes into this House with a provision that such and such clerk shall be appointed at such and such an annual compensation until otherwise provided by law. Then, following that resolution the Appropriation Committee takes up the resolution and incorporates the provision for the item, and then it becomes existing law. But often when an appropriation bill comes before the House, if a point of order is raised to an item inserted in such a bill for a clerk, for instance, that had been authorized by a House resolution, the Speaker holds that such a clerk appointed by the House resolution is a clerk authorized by law, because the Congress has a right to spend out of the contingent fund for the expenses of the House itself. But this proposition is naked in that it provides, as the gentleman from Kentucky claims, for the appointment of clerks under his control by description and the expenditure of money by him for work that has nothing to do with the organization of or the running of the House after the constitutional dissolution of the House.

The SPEAKER. The Chair would like to ask the gentleman a question. Are the expenses of this to be paid out of the contingent fund of this House or out of the contingent fund of the next House?

Mr. SANFORD. It is to be paid out of the contingent fund which is appropriated for the fiscal year. As I understand it, there can not be charged against the contingent fund any item not authorized by law, but the House may within the period of its official life authorize expenditures therefrom. I have no doubt that the thing provided to be done by this resolution could be authorized by law, by a joint resolution providing that out of the contingent fund the money could be expended for the purpose mentioned.

The SPEAKER. The gentleman does not answer my question. Is the expense of this investigation to be paid out of the contingent fund of this House or of the next House?

Mr. SANFORD. It seems very clear by the logic of the situation that it would be out of the contingent fund of the next House, but the resolution says "out of the contingent fund." The contingent fund of this House expires with this Congress.

Mr. LLOYD. Anything paid out of the contingent fund between now and the 1st of July would be out of the contingent fund provided for this House. Anything paid out after the 30th of June would be paid out of the fund for the next current year.

The SPEAKER. When will this money be paid out?

Mr. LLOYD. It will be paid out after the services are rendered upon vouchers presented to the committee.

The SPEAKER. Before or after the 1st of July?

Mr. LLOYD. It may be before and it may be after.

Mr. MANN. Mr. Speaker, as to the question of the 1st of July, when the law was passed providing for an interim Committee on Accounts, it was decided by the comptroller that that committee was a committee of the next Congress and not a committee of the expiring Congress, although the law provided that the Speaker of the expiring Congress should name three Members of the next Congress as an interim committee. It is already decided that that was a committee of the next Congress and not of the expiring Congress.

Mr. JOHNSON of Kentucky. Mr. Speaker, the question is, Has this House of the Sixty-fourth Congress the right while the House of the Sixty-fourth Congress is still living to put aside $7,500 of the contingent fund at the disposal of this House for work to be done in the future? Unquestionably it has. If this work can be completed before the 1st of July, then the argument of the gentleman is fallacious. The money paid out before the 1st of July is not reached by their argument. But even their argument as to money paid out before the 1st of July is not good, and the Speaker is not called on to decide it. The Comptroller of the Treasury will decide that. The simple question is, Can the House of the Sixty-fourth Congress, while yet legally alive, set aside $7,500 of its own contingent fund to do work after the Congress has expired?

The question is asked, To which Congress does the contingent fund belong? The resolution says that this Congress sets aside that money payable out of the contingent fund. What is the logical answer as to what contingent fund is meant? It is the contingent fund in existence. The contingent fund for the next Congress has not yet been brought into existence. That fund could not be referred to in this resolution. It would have been a waste of words to have added "payable out of the contingent fund of the Sixty-fourth Congress." When its says "payable out of the contingent fund," that is what it means, without the addition of the surplus words. My contention is simply, to repeat it, that the House of the Sixty-fourth Congress while yet legally alive, from the balance of its contingent fund may set aside a certain amount for work to be done partly before this Congress expires and partly after it has expired.

The SPEAKER. The Chair would like to ask the gentleman from Illinois or the gentleman from New York whether or not the point that is raised does not go to the legality of the proceedings rather than to the parliamentary order of it?

Mr. MANN. No, Mr. Speaker; because this goes to the jurisdiction of the committee to report the item. It is only authorized to report measures touching the contingent fund of the House. That means the House which the Committee on Accounts is appointed by. My contention is that the committee has no jurisdiction to report as a privileged matter a resolution providing for the payment out of the contingent fund of the next House.

The SPEAKER. What does the gentleman say about the contention of the gentleman from Kentucky that this is to be paid out of the contingent fund of this House?

Mr. MANN. It is not; the gentleman does not mean that this money is payable out of the contingent fund of this House. The resolution expressly provides by its terms that it contemplates the payment of the money after the expiration of this Congress. By the very terms of the resolution the payment is after this Congress has expired.

Mr. LLOYD. The contingent fund is a continuing fund.

Mr. MANN. But the Congress is not.

Mr. LLOYD. I am aware of that. It is true the temporary committee is a committee of the next House, but it has no authority except to do that which has been previously authorized.

Mr. MANN. I understand that—they can only audit accounts authorized by law, and that is the very reason that you can not by this Congress pay money out of the contingent fund of the next Congress. They can not do it; we can not do it. We have no more jurisdiction over the contingent fund of the next Congress than the interim committee, which is the committee of the next Congress, has over the contingent fund of this Congress.

Mr. LLOYD. According to the gentleman's position, the interim committee would have no authority over the contingent fund up to the beginning of the next session, because the next Congress has no control over the contingent fund until the Congress convenes.

Mr. MANN. But the law has control over it.

Mr. LLOYD. Of course it does; the contingent fund, out of which the contingent expenses are paid. Whenever a contingent claim arises under the law it may be paid whether it is in the interim or during the session.

Mr. MANN. The contingent fund can be paid out under two conditions: First, it can be paid out by audit, where the law provides for paying it out; and, second, it can be paid out by order of the House, regardless of the law.

Mr. LLOYD. And that is what is sought to be done here.

Mr. MANN. Oh, no; you are trying to pay here out of the contingent fund of the next House and not out of this House, and it is not authorized by law. The gentleman never has had such a resolution before.

The SPEAKER. If the desires of the Chair were to rule in this matter the Speaker would overrule the point of order, because he thinks this committee has done more good than any investigating committee provided for in this House since he has been a Member of it; it has obtained more results. Still the Chair does not like to set a precedent that would be dangerous in days to come. This is not authorized by law, and the Chair therefore sustains the point of order.

CONDITIONS OF INTERSTATE AND FOREIGN COMMERCE.

Mr. ADAMSON rose.

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. ADAMSON. Mr. Speaker, I desire to make an announcement. There will be a vacancy upon the joint subcommittee appointed under Senate joint resolution 60, creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee, by the retirement from Congress of the gentleman from Indiana [Mr. CULLOP]. In accordance with the amended resolution extending that committee, I desire to announce that the gentleman from Michigan [Mr. DOREMUS] will take the place so vacated.

The SPEAKER. The chairman of the Committee on Interstate and Foreign Commerce announces that Mr. DOREMUS, of Michigan, will be appointed upon the joint subcommittee investigating the interstate railroad situation in lieu of the gentleman from Indiana [Mr. CULLOP]. As there is some doubt about who makes this appointment, whether the chairman of the committee or the Speaker, the chairman also appoints him.

JENNIE RITZHEIMER.

Mr. LLOYD. Mr. Speaker, I present a privileged resolution from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 506 (H. Rept. No. 1615).

Resolved, That the Clerk of the House be, and he is hereby, directed to pay, out of the contingent fund of the House, to Jennie Ritzheimer, widow of Frank Ritzheimer, late an elevator conductor in the House Office Building, a sum equal to six months of his compensation as such elevator conductor and an additional amount, not exceeding $250, to defray the funeral expenses of said Frank Ritzheimer.

Mr. LLOYD. Mr. Speaker, this is the usual resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS.

Mr. BRITT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the pending bill for the retirement of Federal judges.

The SPEAKER. Is there objection?

There was no objection.

PINEY BRANCH ROAD, DISTRICT OF COLUMBIA.

Mr. TALBOTT. Mr. Speaker, I move to take from the Speaker's table the bill (S. 5525) to provide for the abandonment of Piney Branch Road between Allison Street and Buchanan Street NW., in the District of Columbia, which bill has passed the Senate unanimously and is reported unanimously from the Committee on the District of Columbia to this House.

Mr. MANN. What is it about?

Mr. TALBOTT. About the dedication of Sixteenth Street and the closing up of Piney Branch Road.

Mr. MANN. Mr. Speaker, I object.

Mr. TALBOTT. I move, Mr. Speaker——

Mr. MANN. But the gentleman can not make such a motion.

Mr. TALBOTT. Then I move to suspend the rules and pass the bill.

Mr. MANN. Mr. Speaker, I make the point of order that the gentleman's motion to take this bill from the Speaker's table is not in order. The bill is on the Union Calendar.

Mr. TALBOTT. The bill is on the Speaker's table.

Mr. MANN. That does not make any difference. It is a Union Calendar bill to vacate certain property.

Mr. TALBOTT. Yes; and the District makes $1,200 by the deal.

Mr. MANN. It proposes to close up a valuable street for private benefit.

The SPEAKER. The gentleman from Illinois makes the point of order, and the Chair sustains the point of order.

SCHOOLS IN ALASKA.

Mr. HOUSTON. Mr. Speaker, I am directed by the Committee on the Territories to call from the Speaker's table the bill (S. 8317) to authorize the Legislature of Alaska to establish and maintain schools, and for other purposes, and have it put upon its passage. The Committee on the Territories has reported an identical House bill.

The SPEAKER. The Chair lays before the House the bill S. 8317, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Legislature of Alaska is hereby empowered to establish and maintain schools for white and colored children and children of mixed blood who lead a civilized life in said Territory, and to make appropriations of Territorial funds for that purpose; and all laws or parts of laws in conflict with this act are to that extent repealed.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill (H. R. 21020) was ordered to lie on the table.

RETIREMENT OF JUDGES.

The SPEAKER. The unfinished business is the bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, which the Clerk will report.

The Clerk reported the bill by title.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. MANN. Mr. Speaker, on that I ask the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays; evidently a sufficient number, and the Clerk will call the roll.

The question was taken; and there were—yeas 192, nays 200, answered "present" 4, not voting 38, as follows:

YEAS—192.

Abercrombie	Dixon	Key, Ohio	Reilly
Adair	Doolittle	Kincheloe	Riordan
Adamson	Doremus	Kitchin	Rouse
Aiken	Doughton	Konop	Rubey
Alexander	Dupré	Lazaro	Rucker, Ga.
Almon	Eagan	Lee	Rucker, Mo.
Ashbrook	Eagle	Lesher	Russell, Mo.
Aswell	Edwards	Lever	Sabath
Ayres	Estopinal	Lewis	Saunders
Bailey	Evans	Lieb	Sears
Barkley	Ferris	Linthicum	Shackleford
Barnhart	Fields	Littlepage	Shallenberger
Bell	Fitzgerald	Lloyd	Sherley
Black	Flood	Lobeck	Shouse
Blackmon	Foster	London	Sims
Booher	Gandy	McAndrews	Small
Borland	Gard	McClintic	Smith, N. Y.
Buchanan, Ill.	Garner	McCorkle	Smith, Tex.
Buchanan, Tex.	Glass	McGillicuddy	Steagall
Burgess	Godwin, N. C.	McKellar	Stedman
Burke	Goodwin, Ark.	McLemore	Steele, Iowa
Burnett	Gordon	Mays	Steele, Pa.
Byrnes, S. C.	Gray, Ala.	Montague	Stephens, Miss.
Byrns, Tenn.	Gray, Ind.	Moon	Stephens, Nebr.
Caldwell	Gregg	Morgan, La.	Stephens, Tex.
Candler, Miss.	Hamlin	Morrison	Stone
Cantrill	Hardy	Murray	Sumners
Caraway	Harrison, Miss.	Neely	Taggart
Carlin	Harrison, Va.	Nicholls, S. C.	Talbott
Carter, Okla.	Hastings	Oglesby	Tavenner
Casey	Hayden	Oldfield	Taylor, Ark.
Church	Heflin	Oliver	Taylor, Colo.
Clark, Fla.	Helm	Olney	Thomas
Cline	Helvering	O'Shaunessy	Thompson
Coady	Henry	Overmyer	Tillman
Collier	Hilliard	Padgett	Van Dyke
Connelly	Holland	Page, N. C.	Venable
Cox	Hood	Park	Vinson
Crisp	Houston	Patten	Walker
Crosser	Howard	Phelan	Watkins
Cullop	Huddleston	Pou	Watson, Va.
Dale, N. Y.	Hughes	Price	Webb
Davenport	Hull, Tenn.	Quin	Whaley
Decker	Humphreys, Miss.	Ragsdale	Williams, W. E.
Dent	Igoe	Rainey	Wilson, La.
Dewalt	Jacoway	Raker	Wingo
Dickinson	Johnson, Ky.	Randall	Wise
Dies	Keating	Rayburn	Young, Tex.

NAYS—200.

Anderson	Fess	Kinkaid	Rogers
Anthony	Focht	Kreider	Rowe
Austin	Fordney	Lafean	Rowland
Bacharach	Foss	La Follette	Russell, Ohio
Beales	Frear	Langley	Sanford
Bennet	Freeman	Lehlbach	Schall
Bowers	Fuller	Lenroot	Scott, Mich.
Britt	Gallagher	Liebel	Scott, Pa.
Browne	Gallivan	Longworth	Sells
Browning	Gardner	McCulloch	Sherwood
Bruckner	Garland	McFadden	Siegel
Campbell	Gillett	McKenzie	Slayden
Cannon	Glynn	McKinley	Slemp
Capstick	Good	Madden	Sloan
Carew	Gould	Magee	Smith, Idaho
Carter, Mass.	Gray, N. J.	Maher	Smith, Mich.
Cary	Green, Iowa	Mann	Smith, Minn.
Charles	Greene, Mass.	Mapes	Snell
Chiperfield	Greene, Vt.	Martin	Snyder
Coleman	Griest	Meeker	Stafford
Cooper, Ohio	Griffin	Miller, Del.	Steenerson
Cooper, W. Va.	Hadley	Miller, Minn.	Sterling
Cooper, Wis.	Hamilton, Mich.	Miller, Pa.	Stiness
Copley	Hamilton, N. Y.	Moore, Pa.	Sullaway
Costello	Haskell	Moores, Ind.	Sutherland
Crago	Haugen	Morgan, Okla.	Sweet
Cramton	Hawley	Morin	Swift
Curry	Hayes	Moss	Switzer
Dale, Vt.	Heaton	Mott	Tague
Dallinger	Helgesen	Mudd	Temple
Danforth	Hernandez	Nelson	Tilson
Darrow	Hicks	Nichols, Mich.	Timberlake
Davis, Minn.	Hinds	Nolan	Tinkham
Dempsey	Hollingsworth	North	Towner
Denison	Hopwood	Norton	Treadway
Dillon	Howell	Oakey	Vare
Dooling	Hulbert	Paige, Mass.	Volstead
Dowell	Hull, Iowa	Parker, N. J.	Walsh
Driscoll	Humphrey, Wash.	Parker, N. Y.	Ward
Drukker	Husted	Peters	Wason
Dunn	James	Platt	Watson, Pa.
Dyer	Johnson, Wash.	Powers	Wheeler
Edmonds	Kearns	Pratt	Williams, Ohio
Ellsworth	Keister	Ramseyer	Williams, T. S.
Elston	Kelley	Rauch	Wilson, Ill.
Emerson	Kennedy, Iowa	Reavis	Winslow
Esch	Kennedy, R. I.	Ricketts	Wood, Ind.
Fairchild	Kent	Roberts, Mass.	Woods, Iowa
Farley	Kiess, Pa.	Roberts, Nev.	Woodyard
Farr	King	Rodenberg	Young, N. Dak.

ANSWERED "PRESENT"—4.

Chandler, N. Y.	Dill	Garrett	Kettner

NOT VOTING—38.

Allen	Flynn	Kahn	Mooney
Barchfeld	Graham	Lindbergh	Porter
Beakes	Guernsey	Loft	Scully
Benedict	Hamill	Loud	Sinnott
Britten	Hart	McArthur	Sisson
Brumbaugh	Hensley	McCracken	Sparkman
Butler	Hill	McDermott	Stout
Callaway	Hutchinson	McLaughlin	Wilson, Fla.
Conry	Johnson, S. Dak.	Matthews	
Davis, Tex.	Jones	Mondell	

So the House refused to pass the bill.

The Clerk announced the following pairs:

On the vote:

Mr. ALLEN (for) with Mr. DILL (against).

Mr. SINNOTT (for) with Mr. CONRY (against).

Mr. SCULLY (for) with Mr. FLYNN (against).

Until further notice:

Mr. BRUMBAUGH with Mr. BARCHFELD.

Mr. DAVIS of Texas with Mr. BRITTEN.

Mr. HAMILL with Mr. BUTLER.

Mr. HART with Mr. GUERNSEY.

Mr. JONES with Mr. HUTCHINSON.

Mr. LOFT with Mr. JOHNSON of South Dakota.

Mr. SPARKMAN with Mr. LOUD.

Mr. STOUT with Mr. MONDELL.

Mr. WILSON of Florida with Mr. MCLAUGHLIN.

Mr. CALLAWAY with Mr. GRAHAM.

Mr. SISSON with Mr. KAHN.

Mr. BEAKES with Mr. HILL.

Mr. MCDERMOTT with Mr. MCARTHUR.

Mr. HENSLEY with Mr. MOONEY.

Mr. SISSON. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman in the Hall and listening?

Mr. SISSON. I was in the Hall, but I was not listening.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

Mr. MANN. Mr. Speaker, I move to reconsider the vote by which the bill was defeated and to lay that motion on the table.

The motion was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. CARTER of Oklahoma and Mr. FLOOD rose.

The SPEAKER. For what purpose does the gentleman from Virginia [Mr. FLOOD] rise?

Mr. FLOOD. To call up the conference report on the Diplomatic and Consular appropriation bill.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

An act (H. R. 19300) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1550).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19300) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8 and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 10, and 11, and agree to the same.

H. D. FLOOD,
CYRUS CLINE,
HENRY ALLEN COOPER,
Managers on the part of the House

LEE S. OVERMAN,
LUKE LEA,
W. L. JONES,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19300) making appropriations for the Diplomatic and Consular Service for the fiscal year 1918,

submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of the Senate amendments, namely:

On Nos. 1, 2, 3, and 4: Strikes out the provision for an envoy extraordinary and minister plenipotentiary to Morocco, at $10,000 per annum, and insert in lieu thereof an agent and consul general at Tangier, at $7,500 per annum, as proposed by the Senate.

On No 5: Strikes out the provision as proposed by the House which provides "That no secretary who as chargé d'affaires at any time during 1916 refused any privilege to any American citizen because such citizen criticized the President of the United States shall be paid any salary from this appropriation."

On No. 6: Decreases the appropriation "for emergencies arising in the Diplomatic and Consular Service" from $200,000, as proposed by the House, to $150,000, as proposed by the Senate.

On No. 7: Inserts in the bill the provision containing an appropriation of $50,000 for the Second Pan American Financial Conference, as proposed by the Senate.

On No. 8: Restores to the bill the provision making the appropriation of $40,000 for the Nineteenth Conference of the Interparliamentary Union available for the fiscal year 1918, as proposed by the House.

On No. 9: Restores to the bill the appropriation of $10,000 for the Fifteenth International Congress Against Alcoholism, as proposed by the House.

On No. 10: Inserts in the bill the provision proposed by the Senate making the appropriation for post allowances to diplomatic and consular officers available to diplomatic and consular officers in belligerent countries and countries contiguous thereto.

On No. 11: Strikes from the bill the appropriation of $80,000 for the acquisition of legation premises at Managua, Nicaragua, as proposed by the House.

H. D. FLOOD,
CYRUS CLINE,
HENRY ALLEN COOPER,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Speaker, when this bill passed the House it contained a provision which, in my mind, was very salutary, if we are to maintain in this country the right of free speech and the right which we have enjoyed from the beginning, of any one citizen out of office to criticize any other citizen who for the time being is in office.

Mr. MANN. Mr. Speaker, I ask for order.

The SPEAKER. The House will be in order. [After a pause.] The gentleman from New York [Mr. BENNET] will proceed.

Mr. BENNET. Mr. Speaker, as I was saying when I was interrupted by the disorder on the Democratic side, as this bill passed the House it contained a provision which was essential if we are to maintain the right of free speech in this country, at least outside of the House of Representatives.

Charles Edward Russell was and is a Socialist. Twice he has been a candidate for governor of the State of New York, and at least once a candidate for mayor of the city of New York. I have no sympathy with socialistic principles, and from the beginning of this Congress until this hour I have fought them every time I saw a chance to do so. But a Socialist who is a citizen has the same constitutional rights in this country as a man who belongs to any other party.

Mr. Russell is a newspaper man, and in connection with his duties as a newspaper man and in connection with his employment as such he was in Europe some five or six months ago. He and another man applied to the embassy at Paris for the ordinary letter of identification that is common to the most casual tourist accrediting him simply as an American citizen to the Belgian legation. Mr. Russell represented 295 newspapers. Everything seemed to be all right when he made the application, but when he came back at 4 o'clock in the afternoon Mr. Bliss, the chargé d'affaires, handed him a letter in which he said that since he had been there in the morning he, Mr. Bliss, had read the Paris edition of the New York Herald, in which Mr. Russell, as Mr. Bliss said, had criticized the President of the United States, and, therefore, because Mr. Russell had differed with the President of the United States on a question of policy, Mr. Bliss refused Mr. Russell a letter of credence to the Belgian legation.

Now, the criticism was this: The Austrian Emperor had just died and Mr. Wilson, in accordance with the custom, had sent a letter of regret to the Government of Austria upon the death of that monarch, and Mr. Russell had simply said that he deprecated the adherence of the President of our Republic to this ancient custom which compelled him to send courteous messages to either one of the central powers.

Now, I will admit if that criticism had been made in either Austria or Germany there might have been some reason for Mr. Bliss objecting to it, but it was made in France, where certainly a criticism of either Austria or Germany would not be unwelcome to the people of that country. It was not involving us in any diplomatic difficulties. But Mr. Russell's right was cut off and he was deprived of his means of employment as representative of those 295 newspapers, and was compelled to return to the United States because he had indulged in a right which is common to us all, to criticize any public official.

The House put in an amendment providing that no secretary of legation who during the calendar year 1916 had deprived an American citizen of a privilege because that citizen had criticized the United States should during the fiscal year 1917 draw any salary as an official of the United States Government. I think that that was right.

The Senate struck it out, and I regret to see that the House conferees have permitted the action of the Senate to stand, having receded from the House amendment, and the only opportunity that is left to this House to express itself is on a vote, if the House be so minded, to vote down the entire conference report, and if that is done, then to insist that the conferees on the part of the House insist on a disagreement to the amendment of the Senate striking out the particular provision.

Why, Mr. Speaker, just see what this will lead to. It is in line with the action, I regret to say, of the White House in cutting off of its list the gentleman from Indiana [Mr. WOOD] because he chose to exercise his right as a Member of this House and introduced a resolution which he had the right under his constitutional prerogatives to introduce. Now we take away the right of a newspaper man because he exercised his right to criticize the President.

We are in troublous times. We are in what is called a crisis; but the way to solidify our people permanently is to insist that within our own boundaries the slightest right of the humblest citizen be maintained in connection with our domestic matters.

Mr. ROGERS. Will the gentleman yield?

Mr. BENNET. I will.

Mr. ROGERS. Assuming for the sake of argument that the American secretary did an improper act, does the gentleman think the remedy is docking him a year's pay without an opportunity of being heard in his own defense?

Mr. BENNET. The secretary has stated his case, which was read into the RECORD in the Senate by one of the Senators, in which statement he said he did this thing. There was a letter signed by him in which he gave his reason. He said it was the article from the Paris edition of the New York Herald. I say the same rule ought to be applied to appointive officers as is applied to executive officers. If the gentleman from Massachusetts [Mr. ROGERS] did something that his district thought to be un-American, what they would do would be to dock him permanently from his salary.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. MILLER of Minnesota. Can the gentleman state how long the secretary, Mr. Bliss, has been in the service?

Mr. BENNET. I do not know.

Mr. SLOAN. Mr. Speaker, will the gentleman yield there?

Mr. BENNET. Yes.

Mr. SLOAN. Is Mr. Bliss still in the service, still occupying that position?

Mr. BENNET. Mr. Bliss is still in the service and still occupying that position, and the Secretary of State in a letter to the Senate stated that he commended his action in refusing this privilege to Mr. Russell. I do not claim it was a right belonging to this American citizen, because he did criticize the President of the United States, so that the line is very clear; the issue is distinct.

Now, one of the things that accounts for the growth of socialism in this country is a thing just like that. We claim to be a Republic, different from monarchies, and——

Mr. AUSTIN. Mr. Speaker, will the gentleman yield?

Mr. BENNET. Yes.

Mr. AUSTIN. I do not see the Representative of that party [Mr. LONDON] on the floor of this House. Is he in accord with you on that proposition?

Mr. BENNET. Well, I hate to speak for my colleague in his absence, but I am frank to say I do not know what the stand of the Socialist Representative is. I know what the stand of the Socialist press is. They are in favor of this proposition, because they believe, as every American ought to, in the right

of free speech. Just why my Socialist colleague [Mr. LONDON] is not here I do not know. I know he was here a few moments ago to vote some unnecessary judges on the bench in the United States. I regret he is not here to add his word to mine in behalf of his friend and fellow member of his party, Mr. Russell. I hope this House in some way or another will vindicate the American attitude, because, as I started out to say when I was interrupted by the gentleman from Tennessee [Mr. AUSTIN], one of the things that accounts for socialism in this country is just such an act as this. We boast of being a Republic and a free people, and about free speech, and things of that kind; but——

The SPEAKER. The time of the gentleman from New York has expired.

Mr. BENNET. I ask unanimous consent, Mr. Speaker, for two minutes.

Mr. FLOOD. I yield to the gentleman two minutes.

The SPEAKER. The gentleman is recognized for two minutes more.

Mr. BENNET. We contrast our country in public speeches with what we call the effete monarchies of Europe, and yet every time that we do something like this, depriving an American citizen of a right that you talk about on the Fourth of July, every Socialist in the United States says, "Oh, yes; we are a Republic, so far as 'bunc' talk on holidays is concerned, but we are just as much an oligarchy or monarchy as the monarchies across the sea when we deprive a citizen of this country of the right to criticize a citizen."

Furthermore, the right is fundamental. We can not maintain a free republic unless there is the utmost freedom amongst the citizens of that country to criticize those whom they elect to office while they are in office. A man elected to office is no different from any other citizen. He is simply, for the time being, occupying a position of trust, responsibility, and power, to which he has been set apart by the people for a limited time, and he is just as much subject to criticism while in office as when out of office. Unless we rebuke these repeated violations of a principle, the time will come when the man in public office, and particularly in an executive office, will claim as a right that which has grown up by prescription, as it were, from the time when no such thing would have been tolerated, through the days when we did tolerate it until the days we look forward to, when the man who holds the office of President or governor or mayor can send out the police or the Army to take into custody the man who presumes to differ with him in public. I hope this conference report will be voted down.

Mr. NORTON. Does the gentleman take the position that this was a privilege or courtesy that was denied to Mr. Russell that ought to have been extended to him?

Mr. BENNET. Yes; to any American citizen.

Mr. NORTON. Does the gentleman take the position that an American citizen abroad might not make such a criticism as would justly deprive him of a courtesy that would otherwise be extended?

Mr. BENNET. I said that if he had made this particular criticism either in Austria or in Germany, the representative of our foreign office would have been justified in saying, "We do not dare to extend this privilege to you because you have made yourself a persona non grata in the country. That would have applied in Germany or Austria, but certainly it did not apply in France, because Mr. Russell's criticism contained a reflection upon the Government of Austria.

Mr. ALMON. Mr. Speaker, will the gentleman yield?

Mr. BENNET. Yes.

Mr. ALMON. Is it not a fact that Mr. Bliss is a Republican, and has been in the service for a long time?

The SPEAKER. The time of the gentleman from New York has expired.

Mr. BENNET. I do not care if he is a Republican or not. I want this thing adopted, just the same.

Mr. FLOOD. Mr. Speaker, the gentleman from New York [Mr. BENNET] does not properly state Mr. Bliss's position. Mr. Bliss agrees with the gentleman from New York that criticism of the President of the United States is the right of an American citizen in this country; that if an American citizen abroad indulged in criticism of the President of the United States, that such a citizen had no right to call on American representatives abroad to grant him special privileges and through such representatives to recommend such citizen to the consideration of another Government. In this position I think Mr. Bliss was entirely right. Mr. Russell's attack upon the President was an effort to bring that high official into disrepute in a foreign country, and for this attempt he was properly denied this special courtesy. [Applause on the Democratic side.]

It has nothing in the world to do with the right of free speech or free criticisms in the press. This act bears upon our international relations. This gentleman took the simple position that Mr. Russell asked not for a right, but for a courtesy, consisting of a recommendation from the American Embassy in France to the Belgian Government, and he would not give it because that gentleman was engaged in trying to bring into disrepute and unpopularity the President of the United States and this country itself.

I do not believe that this House for one moment would undertake to inflict punishment upon this secretary for having exercised his discretion in the matter. But as the gentleman from Massachusetts [Mr. ROGERS] well said, if you are going to punish him, this is not the way to accomplish that end. To file a complaint with the proper officials and have the matter investigated, with opportunity for both sides to be heard would be much fairer.

Mr. BENNET. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. BENNET. What would be the use of filing a complaint when the Secretary of State has written a letter to the Senate saying he thoroughly approves of Mr. Bliss's action?

Mr. FLOOD. If the Secretary of State does thoroughly approve of it, it is evidence that Mr. Bliss acted correctly. [Applause on the Democratic side.]

Mr. BENNET. That is like the doctrine of monarchies, pure and simple, "The King can do no wrong."

Mr. FLOOD. I want to add that Mr. Bliss has made a fine record in the Diplomatic Service, and the amendment was not opposed when it was put in the bill in the House simply because we had not a quorum of the committee of the whole present at the time it was presented.

Mr. ROGERS. The gentleman from New York in his comment said that Mr. Russell had "deprecated" a telegram of condolence which had been sent by the President to Austria. I should like to read the first two sentences of Mr. Russell's letter, which was published in the Paris edition of the New York Herald and which served as the basis of the refusal by Mr. Bliss.

Mr. FLOOD. I shall be glad to have the gentleman read it.

Mr. ROGERS. Mr. Russell wrote:

I rejoice to see that Americans have entered their protest in your columns against President Wilson's most strange and grotesque felicitations to the Austrian Emperor.

This abominable person represents the antipodes of everything for which America is supposed to stand.

Mr. BENNET. That is, the emperor.

Mr. ROGERS. I read further—

He has not one ideal that is capable of being squared with ours.

Now, Mr. Speaker, I submit that that article, appearing in a Paris newspaper, was calculated to bring the American people, through their Chief Magistrate, into the contempt of the French, and it was calculated to do this country positive harm if it was allowed to pass unchallenged and unrebuked when the author of it sought a privilege at the hands of our representative in Paris.

Mr. FLOOD. And if our representative in the French capital gave his recommendation to the gentleman who wrote it, recommending him to another Government, it was calculated to offend the German and Austrian Governments, and to help increase the strained relations that then existed between our Government and theirs.

Now, Mr. Speaker, I would like to read the letter I received from the Secretary of State in reference to this. He quotes the action of the House in putting on this proviso, and then proceeds:

The explanation of the amendment is contained in certain correspondence—

I will not read that.

It appears that Mr. Russell wrote a letter to the Paris edition of the New York Herald, dated August 28, in which he makes certain criticisms of the President of the United States.

It also appears that on the next day, August 29, Mr. Russell called upon Mr. Bliss with a view to obtaining certain privileges from the Belgian Government, and that Mr. Bliss on the same day informed him by letter that in view of his criticism of the President as contained in the letter above referred to he did not feel justified in giving him a letter of recommendation to the Belgian legation.

While public criticism of the President of the United States by American citizens in the United States is not a matter in which this department can concern itself, the criticism of the President by Americans in the press of foreign countries bears directly upon the international relations of the United States. It is my opinion, therefore, that an American citizen who avails himself of an opportunity to discredit the standing of the President of the United States through the press of a foreign country can not expect that the diplomatic representatives of the United States shall seek to secure special privileges for him from foreign Governments, privileges which he can not ask as a matter of right, but which are wisely left to the discretion of our representatives.

I hope, Mr. Speaker, the conference report will be agreed to, and I do not believe it will be voted down on account of the House conferees yielding to the Senate conferees in striking out this provision.

Mr. MONTAGUE. Will my colleague yield?

Mr. FLOOD. I yield to my colleague from Virginia.

Mr. MONTAGUE. Your position is that this gentleman was not deprived of any American right?

Mr. FLOOD. None whatever.

Mr. MONTAGUE. But that he invokes the American Government to sanction a wrong in breach of the conventional comity of nations.

Mr. FLOOD. He asked for a privilege which it was in the discretion of the American Government to grant him or to refuse him. He asked to be recommended by the American Government to another Government, and our representative in France declined to recommend him after the improper criticisms by him of the President of the United States.

I yield two minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I do not know that it is especially material whether the official in question in this discussion is a Republican or a Democrat. Perhaps he has no politics at all. Perhaps he has been in the foreign service of his country so long that he has ceased to regard party strife in any intimate or personal way. I should like to read from the current volume of Who's Who in America a few lines which will indicate the time of his original appointment to the foreign service, and will give the House some idea of the service which he has rendered since he has been a representative of this country abroad. His name is Robert Woods Bliss, and he served——

Mr. KING. Is that written by him?

Mr. ROGERS. I do not know. Undoubtedly the facts are accurate.

Mr. KING. I wanted to know whether it was authentic.

Mr. ROGERS. This is what I wished to read:

Robert Woods Bliss * * * served in office of secretary of Porto Rico, 1900–1901; private secretary to Governor of Porto Rico, 1901–1903; appointed consul at Venice, June 18, 1903; second secretary of the embassy, Petrograd, 1904–1907; secretary of legation, Brussels, 1907–1909; delegate to international conference to consider revision of the arms and ammunition regulations of the general act of Brussels of July 2, 1890, April 8, 1908; secretary of legation, Buenos Aires, August 4, 1909; secretary of embassy at Paris since February 1, 1912; attended and reported proceedings of the International Conference for the Consideration of the Question of the Relief of Allens, Paris, June, 1912.

Now, Mr. Speaker, whatever criticism may or may not lie in the minds of individual Members of this House because of Mr. Bliss's act in protecting the name of the President of the United States, in the face of this record it can not be said that he was protecting a man or an administration that had been responsible for his holding these various positions of trust which he has held for the last 15 years. He first held office under President McKinley; he was promoted under Roosevelt and Taft; he was retained by President Wilson, and under him, in the trying times of the last three years, he has rendered noteworthy and valuable service to his country.

Mr. BENNET. Will the gentleman yield to me two minutes?

Mr. FLOOD. I yield two minutes to the gentleman from New York.

Mr. BENNET. As I heard the gentleman from Massachusetts [Mr. ROGERS] read this letter it gave me the impression as a hearer that Mr. Russell had criticized President Wilson as a most strange and grotesque person. That is not what Mr. Russell wrote. He wrote:

To the EDITOR OF THE HERALD:

SIR: I rejoice to see that Americans have entered their protest in your columns against President Wilson's most strange and grotesque felicitations to the Austrian Emperor.

This abominable person—

The abominable person being the Austrian Emperor, in Mr. Russell's judgment. So that the entire criticism was on the form of the felicitations by President Wilson; and almost every gentleman who went on the stump in opposition either to President Wilson or to Mr. Hughes in the recent campaign, I undertake to say, probably went further in criticism than Mr. Russell did. The question is very narrow. We can either maintain the right of an American citizen to free speech wherever he may be—and that is my stand—or we can take the ground taken by Mr. Bliss, who has not been in the United States in any capacity in 17 years, and who has imbibed a good many of the ideals of monarchy, and can deprive an American citizen of ordinary privileges extended to other Americans.

The SPEAKER. The time of the gentleman has expired.

Mr. FLOOD. I move the previous question.

Mr. MANN. Will the gentleman yield to me?

Mr. FLOOD. I yield to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from New York if he thinks it is the duty of the American Government to enforce the right of free speech of an American citizen in the war territory?

Mr. BENNET. I should like about an hour and a half on that question.

Mr. MANN. It is a perfectly simple question.

Mr. BENNET. The gentleman from Illinois has not found it very simple to answer in this session of Congress.

Mr. MANN. It is very simple; it is not the duty of the American Government to enforce the right of an American citizen to free speech in the war territory. [Applause.] That would lead to war in 15 seconds.

Mr. BENNET. I can not fully agree with the gentleman as to that.

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on agreeing to the conference report.

The conference report was agreed to.

BUREAU OF WAR-RISK INSURANCE.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to take up the bill H. R. 20082 and concur in the Senate amendments.

The Clerk read the title to the bill, as follows:

An act (H. R. 20082) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department, approved September 2, 1914."

The Senate amendments were read.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, this carries an appropriation of $15,000,000 for the War-Risk Insurance Bureau. After the President's address the other day a memorandum was sent down here from the White House, which was introduced as the Flood bill, carrying an appropriation of $100,000,000, a portion of which might be turned over to the War-Risk Insurance Bureau. I was told unofficially that they might turn over as much as $50,000,000 to that bureau. Meanwhile, after the President's address—and, I think, after the memorandum was sent down, although I am not sure of that—the Senate passed this bill adding $15,000,000. Of course, I know that $15,000,000 is not very much money at this time, but if this amendment is concurred in that gives $15,000,000 to the War-Risk Insurance Bureau, and if the other bill is passed the way we passed it that gives the President $100,000,000, with a view of turning over $50,000,000 to the War-Risk Bureau. I understood the other day that if this proposition was agreed to the $100,000,000 would be reduced by $15,000,000.

Mr. ALEXANDER. The House bill H. R. 20082 extends the life of the War-Risk Insurance Bureau in the Treasury Department from September 2, 1917, to September, 1918; that is the purpose of the House bill. Now, the Senate joint resolution, which is a counterpart of the Flood resolution, provides that not exceeding $25,000,000 of the $100,000,000 carried in that joint resolution may be used for the purpose of paying war-risk losses. The Flood resolution contains no such limitation as to the part of the $100,000,000 that may be used for that purpose. We do not know in what form the joint resolution may become a law, and for that reason I assume that if we concur in the Senate amendments to this bill the conferees will have that fact in view in fixing the amount under the joint resolution that may be used to pay losses or damage by present risks of war.

Mr. MANN. I apprehend that if the House concurs in this Senate amendment probably the amount of $100,000,000 in the resolution we passed yesterday will not be changed one iota in the Senate, so that it will not be in conference. As I said, I am not disposed to cavil about appropriating the necessary money. Fifteen million dollars is considerable to lose during the next summer; $25,000,000 is still more; and $50,000,000 is greater yet; while $65,000,000 is considerable.

Mr. ALEXANDER. I agree with the gentleman, and at the same time——

Mr. MANN. We throw around $15,000,000 and $65,000,000 just as if we owned it ourselves.

Mr. ALEXANDER. I assume that we should appropriate sufficient money to pay the war risks.

Mr. MANN. Absolutely; I am quite willing; but ought we not to use some common sense and judgment about making these appropriations? It was stated to me by a prominent gentleman on that side of the House the other day when the memo-

randum for $100,000,000 came down—and I think it was direct from the White House—that it was expected that $50,000,000 would be turned over to the War-Risk Bureau. I do not know, and the President does not know, because that is a matter that will come hereafter.

Mr. ALEXANDER. When this matter first came up it was my disposition to defer the matter until we could learn what action might be taken on the joint resolution. The Secretary of the Treasury called me up and said it was a matter so uncertain what action would be taken on the joint resolution, and so important to extend the life of the War-Risk Insurance Bureau and make provision for payment of losses, that the simplest and best way out would be for us to concur in the Senate amendments to this bill, and then for the conferees on the joint resolution to adjust the matter in conference.

Mr. MANN. But unless that item is amended in the Senate it will not be in conference. With all due respect to the Secretary of the Treasury, $100,000,000 is no more to him than a 1-cent postage stamp to a newspaper boy who is throwing them away.

Mr. ALEXANDER. I think the gentleman will agree that the life of the bureau should be extended.

Mr. MANN. I do; and it ought to have the necessary money. I quite agree with the gentleman.

Mr. ALEXANDER. I do not want them to have a cent more than is necessary. It is the parliamentary situation that appeals to me.

Mr. MANN. I hope the gentleman will let it go over for a little while and see if he can not ascertain about it.

Mr. ALEXANDER. I have no desire to press the matter, but I do not want the Congress to adjourn without this bill becoming a law.

Mr. MANN. I think it ought to become a law; I think we ought to make provision for it.

Mr. SMITH of New York. Mr. Speaker, my understanding is that the Committee on Foreign Affairs reported an entirely different provision in regard to this war-risk appropriation. I do not recall exactly what it is.

Mr. MANN. I recall exactly what they reported; but then I have information which evidently the committee did not have, though it ought to have had it. Evidently the gentleman from New York did not have it.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. MOORE of Pennsylvania. The amendment provides that this new sum of $15,000,000 shall be available for the payment of losses?

Mr. ALEXANDER. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman know whether there have been any losses recently?

Mr. ALEXANDER. There have not. This bureau was created on September 2, 1914. The losses up to this time are about $800,000. The net profits in premiums are about $2,500,000.

Mr. MOORE of Pennsylvania. There has been a profit up to date?

Mr. ALEXANDER. Yes.

Mr. MOORE of Pennsylvania. Then this appropriation must be in anticipation of losses?

Mr. ALEXANDER. To provide against possible loss, in view of existing conditions.

Mr. MOORE of Pennsylvania. There was a loss on the *Evelyn*, which was sunk by a mine; there was a loss on the *Carib*, which was sunk by a mine; and a loss on the *Frye*, which was destroyed, I understand, in some other way. I want to ask the gentleman if, up to the present time, any war-risk insurance has been granted upon contraband?

Mr. ALEXANDER. The gentleman says contraband. He uses a very broad term. I will answer and say that no war risk has been granted on vessels carrying arms and ammunition. The bill which passed the House yesterday contained a provision which is in harmony with the policy of the bureau from the time that it was created.

Mr. MOORE of Pennsylvania. The capital of the War-Risk Bureau is $5,000,000?

Mr. ALEXANDER. Yes; under the act creating it, $5,000,000 was appropriated to pay losses.

Mr. MOORE of Pennsylvania. And $15,000,000 will be added to that by this amendment?

Mr. ALEXANDER. No; it is increased to $15,000,000.

Mr. MOORE of Pennsylvania. I desire to read a letter in connection with the gentleman's request, to which I do not intend to object. Having occasion to inquire about war-risk losses recently I asked the question of the Treasury Department and received the following reply:

TREASURY DEPARTMENT,
Washington, February 9, 1917.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: In compliance with your request of the 8th instant I inclose a copy of the last report covering the operations of the War-Risk Bureau.

On the 5th instant premium rates were increased because of recent developments and increased hazard to American shipping.

As you are aware, the Bureau of War-Risk Insurance insures only American vessels and cargoes carried by them. Therefore, our Government did not have any insurance on the *Crown Point* or the *California*, which were British. As the *Housatonic* was carrying contraband of war, the bureau could not insure either the hull or cargo, as to do so would be violating the neutrality of the United States.

Yours, very truly,

A. J. PETERS,
Assistant Secretary.

That letter would indicate that up to the present time no contraband has been insured, and that if it were insured it would be regarded by the Treasury Department as a breach of neutrality on the part of the United States. Is that the gentleman's understanding of the situation?

Mr. ALEXANDER. My understanding is that no vessel carrying arms or ammunition has been insured. Of course none but American vessels have been insured by the bureau. I do not know whether the practice would include contraband as broadly understood. The belligerents have placed nearly everything on the contraband list.

Mr. MOORE of Pennsylvania. Here is the direct statement of the department.

Mr. ALEXANDER. Mr. Peters has supervision of that bureau and he speaks officially. The policy has been more conservative than I understood it to be.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. FESS. The bill we passed yesterday contained a limitation upon the application of the fund that is used for insurance, so that we can not insure certain vessels carrying certain kinds of goods. Under the bill the gentleman has up, in the proposed amendment, can any of the $15,000,000 be applied to the insurance of vessels carrying munitions if the bureau desired to do so?

Mr. ALEXANDER. The original act did not make any limitation on the vessels that might be insured or the cargoes that might be insured, but it has been the policy of the bureau not to do so. The bill that was passed yesterday, H. R. 21052, provides that the President is authorized to transfer so much of that fund of $100,000,000 as he may deem necessary to the Bureau of War-Risk Insurance created by act of Congress approved September 2, 1914, for the purpose of insuring vessels, and so forth, against loss or damage by present risks of war, and the amendment inserted by the committee provides that no part of the $100,000,000 shall be used to insure vessels carrying arms or ammunition.

Mr. FESS. That is a limitation contained in the bill which passed yesterday. There is no limitation in the original law creating the War-Risk Bureau.

Mr. ALEXANDER. No.

Mr. FESS. But the policy of the Government is in consonance with the action of the House yesterday.

Mr. ALEXANDER. Yes; it seems from the letter of Mr. Peters that the department has been more conservative than is provided in the law or in the Flood joint resolution passed yesterday.

Mr. FESS. I agree with the gentleman that contraband is a very broad term; that if they do not insure any vessel that carries contraband there is not nearly so much risk as otherwise there would be.

Mr. ALEXANDER. Mr. Speaker, I hope there will not be any objection to this, because we all agree, in view of its importance, that enough money should be appropriated to pay any losses that may occur between now and the 1st of January, 1918.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on concurring in the Senate amendments.

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MOORE of Pennsylvania. Mr. Speaker, I desire to ask unanimous consent to insert this letter in the RECORD in connection with the matter just discussed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair

hears none. The question is on concurring in the Senate amendments.

The question was taken.

Mr. RAGSDALE rose.

The SPEAKER. The ayes have it. For what purpose does the gentleman from South Carolina rise?

Mr. RAGSDALE. Mr. Speaker, will the gentleman permit a question?

Mr. ALEXANDER. Yes; though the bill has passed beyond that point. Ask the question, and I will answer it if I can.

Mr. RAGSDALE. As a matter of fact, the House went on record yesterday as being opposed to the idea of insuring vessels transporting arms and ammunition or of insuring arms and ammunition themselves while being transported to belligerent countries.

Mr. ALEXANDER. Yes.

Mr. RAGSDALE. Now, an increased appropriation is provided in this particular bill. Is there any limitation on that, and could not that very thing be done under this bill that was denied under the other bill?

Mr. ALEXANDER. I would say that the original law creating the War-Risk Insurance Bureau did not say just what the policy of the bureau should be, but the letter introduced by the gentleman from Pennsylvania [Mr. MOORE] says that no policy of insurance has ever yet been issued to a vessel carrying arms or ammunition, and the Secretary goes further and says contraband of war.

Mr. RAGSDALE. Nor, as a matter of fact, have any arms been put upon it?

Mr. ALEXANDER. No.

Mr. RAGSDALE. And they are abandoning the old policy as to arming vessels; now what assurance have we that they are not going to abandon the old policy of insuring arms and ammunition?

Mr. ALEXANDER. I presume they will be as conservative as before.

Mr. MANN. Mr. Speaker, will the gentleman yield me a few minutes?

Mr. ALEXANDER. Yes.

Mr. MANN. Now, Mr. Speaker, the War-Risk Insurance Bureau is absolutely a matter of business.

Mr. FITZGERALD. Mr. Speaker, I understood the question has been put.

The SPEAKER. The situation is this: The Chair thought the gentleman from South Carolina was trying to get recognition to correct the RECORD in some of these votes the other day, but he did not; but that he wanted to get in this debate, and the Chair thought he ought to have a fair chance.

Mr. ALEXANDER. I yield to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I just want a moment. The War-Risk Insurance Bureau, I was going to say, is purely and certainly a matter of business. It was provided for in order that American ships carrying cargoes abroad might obtain insurance on the theory that owners of ships and cargoes can not afford to take the whole risk of loss, precisely the same theory that runs through all insurance, and to-day you can not carry on commerce anywhere without insurance at home or abroad. Everything that is shipped in commerce is insured. If it is shipped on the railroads of the United States it is insured by the railroads, as a matter of fact. Now, while the War-Risk Insurance Bureau has not been issuing insurance policies on contraband of war or munitions of war, there is no reason on earth, in my opinion, why they should not do it, charging according to the risk. I would say——

Mr. ADAMSON. Will the gentleman yield?

Mr. MANN. No; I do not yield. I am making a statement that will enlighten the gentleman, if he will listen.

Mr. ADAMSON. I am liable to do a little enlightening if I am given the opportunity.

Mr. MANN. Not if we get it from the gentleman, for the reason he always interrupts in the middle of a sentence, neither polite nor sensible, although I will say my friend is always polite and sensible on every occasion.

Mr. ADAMSON. Less time than that would have answered my purpose.

Mr. MANN. If we want to ship a cargo of grain abroad, is it not desirable that we be permitted to do it? Do gentlemen want to say that we shall not be permitted to ship any of our products abroad as long as that is legitimate because we will not insure one product and will insure another? Now, if there is danger, if there is more danger in shipping contraband, as there is, then the risk is greater and the insurance rate should be higher, and that is the only basis. The risk may go to 50 per cent. Very well, charge it. To say we will not insure contraband or munitions is to say we ought not to establish the bureau. It is a matter of financial risk, being paid for according to the risk. To say we will not do it is to say we will absolutely abandon all right of protection. [Applause.]

Mr. ALEXANDER. Mr. Speaker, for the information of the House I will incorporate with my remarks a statement showing the operations of the War-Risk Insurance Bureau from September 2, 1914, to February 9, 1917.

TREASURY DEPARTMENT,
Washington, February 9, 1917.

Act of Sept. 2, 1914, creating the Bureau of War-Risk Insurance, appropriated for payment of losses	$5,000,000.00
Losses paid to date	833,924.60
Balance	4,166,075.40
Amendment of Aug. 11, 1916, extending the life of the bureau for one year, allowed premiums after that date to be added to fund for payment of losses. These amount to date to approximately	489,606.95
Leaving a (so-called) capital for payment of losses	4,656,682.35
The total profit of the bureau, Sept. 2, 1914, to Feb. 9, 1917	2,602,532.80
To which must be added salvage received and covered into the United States Treasury	59,055.87
Making a total of	2,661,588.67

Net amount now at risk, $40,257,631.

FEBRUARY 16, 1917.

2,016 policies issued Sept. 2, 1914, to Feb. 15, 1917.

Total amount insured	$224,161,092.00
Premiums on same	3,493,035.06
Net amount at risk	40,991,200.00
Known losses to date	833,924.60
Salvage received	59,055.87
Net losses	774,868.73
Expenses as of Feb. 1, 1917	42,007.03

Mr. RAGSDALE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAGSDALE. I would like to offer an amendment, Mr. Speaker.

Mr. ALEXANDER. I believe I have the floor, Mr. Speaker.

Mr. ADAMSON. Will the gentleman yield for a minute?

Mr. ALEXANDER. I yield.

Mr. ADAMSON. Mr. Speaker, I desire to call the attention of the gentleman from Illinois and others to one matter. The gentleman from Illinois would not permit me to interrupt him, nor would he permit me or anybody else to compare with him either in politeness or information; but the bill passed yesterday requires this money to be turned over to the Insurance Bureau, and when it is turned over to the Insurance Bureau it is turned over subject to all the restrictions imposed by that bill.

Therefore the restriction on arms and ammunition goes with that fund to this bureau and settles the matter, in my judgment.

Mr. ALEXANDER. Mr. Speaker, I move the previous question on the motion.

Mr. RAGSDALE. Then I make the point of no quorum, Mr. Speaker.

The SPEAKER. The gentleman from South Carolina makes the point of no quorum. The Chair will count. [After counting.] One hundred and forty-five Members; not a quorum.

Mr. FITZGERALD. Mr. Speaker, I move a call of the House.

Mr. FOSTER. Mr. Speaker, this is on the previous question, is it not?

The SPEAKER. Yes.

Mr. FOSTER. Then it is an automatic call.

The SPEAKER. The Chair did not understand the gentleman.

Mr. FOSTER. I thought it was an automatic call if it was on the previous question.

The SPEAKER. The House was not dividing. The gentleman from New York [Mr. FITZGERALD] moves a call of the House.

The Chair wants to announce that after this the Chair is not going to recognize anybody until we get through with these two appropriation bills. It is the paramount duty of the House to send those bills to the Senate and not give that body an excuse to force an extra session.

Mr. MANN. I hope the Chair will remember when making that announcement it is just as necessary to agree to conference reports.

The SPEAKER. The conference reports will go, of course, but this is another matter.

The question is on the motion of the gentleman from New York [Mr. FITZGERALD] for a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Bailey	Drukker	Kennedy, R. I.	Rowland
Beakes	Edmonds	Kent	Rucker, Ga.
Benedict	Flynn	Konop	Rucker, Mo.
Brumbaugh	Freeman	Lewis	Sabath
Butler	Gard	Lloyd	Sherley
Callaway	Goodwin	Longworth	Siegel
Cantrill	Gould	Loud	Sisson
Casey	Graham	McLaughlin	Snyder
Charles	Guernsey	Matthews	Sparkman
Church	Hamill	Meeker	Steele, Pa.
Cline	Haugen	Miller, Minn.	Stout
Conry	Hensley	Mooney	Tinkham
Copley	Hill	Morgan, La.	Venable
Danforth	Hughes	Mott	Wilson, Fla.
Davenport	Humphreys, Miss.	Nelson	
Dewalt	Johnson, S. Dak.	Nichols, Mich.	
Dickinson	Jones	Roberts, Mass.	

The SPEAKER. On this call 369 Members, a quorum, have answered to their names.

Mr. ALEXANDER. Mr. Speaker, I move to suspend further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

The question is on the previous question.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. RAGSDALE. Division, Mr. Speaker.

The SPEAKER. The gentleman from South Carolina [Mr. RAGSDALE] demands a division.

The House proceeded to divide.

Mr. RAGSDALE (during the count). No further count is demanded, Mr. Speaker.

The SPEAKER. The gentleman from South Carolina withdraws his demand. The question is on concurring in the amendment.

The question was taken, and the amendment was concurred in.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I insist on my motion.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21069.

Mr. FITZGERALD. Mr. Speaker, pending that motion, I wish to know if we can agree as to proceedings under general debate.

Mr. CANNON. What does the gentleman propose?

Mr. FITZGERALD. That we do not have any general debate.

Mr. CANNON. There is a demand on this side.

Mr. FITZGERALD. For how much?

Mr. CANNON. I have a demand for an hour.

Mr. FITZGERALD. That is too much at 2 o'clock in the afternoon on the 2d of March. Suppose we have an hour all told, and you take half an hour?

Mr. CANNON. The gentleman does not want any general debate, and if I had an hour it would be only an hour altogether.

Mr. FITZGERALD. But I can not take a chance on giving the gentleman an hour and not taking anything myself. I know him too well. [Laughter.]

Mr. CANNON. I think I would agree with the gentleman that neither one of us would take the time. I want to yield my time.

Mr. FITZGERALD. I am not afraid of the gentleman from Illinois; it is some of those uncontrollable wild men on his side. [Laughter.]

I ask unanimous consent, Mr. Speaker, that the debate be limited to one hour, one-half to be controlled by the gentleman from Illinois and one-half by myself. I will give the gentleman from Illinois 10 minutes out of my 30.

Mr. CANNON. I think the gentleman had better take an hour to a side.

Mr. FITZGERALD. I will give the gentleman 40 minutes and take 20.

The SPEAKER. The gentleman from New York asks unanimous consent that the debate be limited to 1 hour, 20 minutes to be controlled by himself and 40 minutes by the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. And I to have 10 minutes of his time?

The SPEAKER. Yes. The gentleman is to have 40 minutes out of the hour. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21069, the general deficiency bill.

The motion was agreed to.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21069, the general deficiency bill, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 21069) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1917, and prior fiscal years, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I ask that the gentleman from Illinois use his time.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] is recognized for 40 minutes.

Mr. CANNON. I yield 15 minutes of that time to the gentleman from Oklahoma [Mr. MORGAN].

The CHAIRMAN. The gentleman from Oklahoma is recognized for 15 minutes.

Mr. MORGAN of Oklahoma. Mr. Chairman, on the 10th day of February, 1917, I introduced House joint resolution No. 368. This resolution authorizes the appointment of a joint committee composed of eight United States Senators and eight Representatives in Congress. This committee is authorized and directed, during the time intervening between the adjournment of the Sixty-fourth Congress and the 1st day of January, 1918, to prepare and report to Congress a bill to provide the farmers of the United States with better credit facilities for short-time and personal loans.

The object of this bill is to promote and secure legislation along the line indicated at the earliest date possible. During the last session of Congress we passed the Federal farm-loan act. This act, however, provides only for farm-mortgage credit. The task begun by Congress a few years ago to enact such legislation as would provide the farmers of the United States with ample credit at the lowest rates of interest has only been partially performed. Congress should go forward and complete the program. We should create special institutions to provide the farmers with ample facilities for short-time personal loans. This is fully as important as it is to provide the farmers with farm-mortgage credit.

In this short session we have made no further progress in rural-credit legislation. This I sincerely regret. The appointment of this joint committee proposed by the resolution which I introduced would expedite the needed rural-credit legislation, which, in my judgment, is of the highest importance to the farmers themselves, to the development of the great industry of agriculture, and to all the people in the United States, whether residing on the farm or in our towns and cities.

Mr. Chairman, during the consideration of the vocational education bill a very honored and distinguished gentleman of this House expressed some impatience at what he termed the inclination to be charitable to the farmer, and asserted that the farmers were able to take care of themselves, and that the farmers were better off than the other two-thirds of our population.

I have made some investigation of the statistics which would throw light upon that proposition, and I shall undertake to show that the gentleman's conclusions are not correct.

I am not here to plead for sympathy for the farmer nor to ask for him charity. If the farmer desires anything at the hands of the Congress of the United States, it is something more substantial than sympathy. I am here to ask that the policies of the National Government, that the legislation of Congress, shall do justice to the farmers, give them their rights, promote the growth and prosperity of their great industry, secure to them a fair proportion of the wealth they produce, and give to them, to their families and descendants, equal opportunities in life with those who direct, control, and own our commercial, financial, and manufacturing interests.

To show that the farmer has not been able to take care of himself, that the farm has not been able to hold its own in competition with the towns and cities, and that the farmers are not better off than the other two-thirds of our population, and

that agricultural development should be promoted by the Federal Government, I shall call attention—

First. To the amount of our unproductive lands.

Second. To the concentration of population in our towns and cities.

Third. To growth in farm tenancy.

Fourth. To the increase in farm-mortgage indebtedness.

Fifth. To the concentration of wealth in our towns and cities.

Sixth. To the vast amount of wealth owned by corporations.

EXPANSION OF AGRICULTURE.

There are vast possibilities for the expansion of agriculture in this country. Continental United States contains over 3,000,000 square miles of territory. Our country comprises 1,903,000,000 acres of land. Eight hundred and seventy-eight million acres of this land are included in our 6,361,000 farms. Only 478,000,000 acres of our lands are improved. Less than one-half of our land is inclosed within our farms and scarcely one-half of our farm land is improved. Bread riots abound in our great cities, with three-fourths of our land area unimproved, untilled, waste, and unproductive. To provide an adequate food supply for our people is one of the great problems of the future. Its solution must come through the expansion of agriculture. The expansion of agriculture must come through the enlargement of the area in cultivation and in an increased yield per acre. This enlargement must keep pace with the growth of our population. But our population has been growing more rapidly than our food supply. From 1900 to 1910, our population increased 21 per cent, our farm land increased 5 per cent, the acreage devoted to cereals increased but 7.3 per cent, and the production of cereals increased but 1.7 per cent. Looking to the future, unless our people shall go hungry, we must either increase our food production at home, or purchase large additional quantities of food from abroad.

Both from a political and an economic standpoint, it is unwise to depend on other nations to feed our own people. So far as possible we should feed, and clothe, and house, and equip our own people. With this great end in view, in every appropriate way, by every legitimate means, and by every constitutional method, the National Government should promote the expansion of agriculture and the prosperity of our farmers.

DESERTION OF THE FARM.

Agriculture has not held its own in competition with our great commercial, manufacturing, industrial, and financial interests. For a hundred years people have been leaving the farm and flocking to the towns and cities. This continues down to the present time. In the last decade our urban population increased 34 per cent, our rural population increased but 11 per cent. For this there can be but one explanation. The towns and cities offer opportunities of life not found on the farm. There is only one way to remedy this evil. The opportunities of the farm must be improved. The farm must be made more profitable. It must be made more attractive. Social, educational, and religious conditions thereon must be improved. The farm must be made a better place to live and a better place to make money. We have the power, through national legislation, to do this. I am unqualifiedly in favor of such legislation. At every opportunity I shall urge it with whatever ability I may have. I shall do this, not as a matter of charity to the farmers, but as a means of doing them justice. Upon broader grounds I am for such legislation. I believe its benefits will extend to all industries, strengthen the fabric of our National Government, provide for the general welfare and contribute immeasurably to the happiness and contentment of all our people.

FARM TENANCY.

Out of our 6,361,000 farmers, 2,354,000, over one-third of the entire number, are tenants. On these farms are 2,299,000 farm laborers working out for wages. Combined, our tenant farmers and farm laborers working for wages constitute an army of 4,854,000 men. One in this vast army of men, representing a population of about 20,000,000, under present conditions has about one chance in a thousand of ever owning a farm home. Statistics show that farm tenancy is increasing more rapidly than farm ownership. In numbers, in 1910, 37.9 per cent of our farms were operated by nonowners. In acreage 25.1 per cent of our farms were operated by tenants. From 1900 to 1910 the number of farms operated by owners increased 8.1 per cent, while the number of farms operated by tenants increased 16.3 per cent. Does the fact that more than one-third of our farmers are landless and homeless indicate the farmer is able to take care of himself in a contest with the great financial, commercial, and industrial interests? Does the fact, as shown by the census reports, that farm tenancy is on the increase, that the number of farms operated by tenants is increasing more rapidly than are the farms operated by owners indicate that the farmer has been able to take care of himself? Is it wisdom, is it statesmanship, is it patriotism to go on from year to year and from decade to decade, knowing that farm tenancy is increasing, without any effort on the part of the National Government to remedy this great national evil that is hindering the progress of our greatest industry and weakening the strength of our Nation? Wherever it has been tried in all the history of the world farm tenancy has been inimical to good farming, good citizenship, and good government. We should therefore use every appropriate means to promote home ownership among our farmers.

Mr. FOCHT. Mr. Chairman, will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. FOCHT. May I ask whether you distinguish between the landowner and the tenant farmer? You know in recent years the system of tenant farming has largely extended and developed.

Mr. MORGAN of Oklahoma. Do you mean they are not in as good condition as they were?

Mr. FOCHT. Yes.

Mr. MORGAN of Oklahoma. I think they are not in as good condition as they were.

INCREASE IN FARM MORTGAGES.

The number of mortgaged farms has increased more rapidly than the number of farms free from mortgage.

Of farms operated by owners, in 1890, 28.2 per cent were mortgaged; in 1900, 31 per cent were mortgaged; and in 1910, 33.6 per cent were mortgaged.

The increase of farms operated by owners free from mortgage from 1890 to 1900 was 11.3 per cent; during the same time the increase of mortgaged farms was 27.1 per cent.

From 1900 to 1910 the increase of farms free from mortgage was 4.4 per cent. During the same period the increase of mortgaged farms was 17.7 per cent.

From 1890 to 1910 the amount of the average farm mortgage increased from $1,224 to $1,715. In that 20 years the amount of the average farm mortgage increased 40.1 per cent.

In the 20 years from 1890 to 1910 there was a larger increase in the number of farms mortgaged than there was in the number of farms free from mortgage, there was an increase in the amount of the average mortgage, and a large increase in the total amount of farm-mortgage indebtedness.

The total farm-mortgage indebtedness is about $3,000,000,000. The personal indebtedness of the farmers amounts to something like $3,000,000,000. To this $6,000,000,000 of indebtedness should be added the farmer's share of the debts of States, counties, townships, and school districts, amounting to about $2,500,000,000, which must be paid by direct taxation, and we ascertain that the farmers owe about $8,500,000,000. This means an annual interest charge of $500,000,000.

Mr. TOWNER. Will the gentleman yield?

Mr. MORGAN of Oklahoma. I yield to the gentleman from Iowa.

Mr. TOWNER. The gentleman has referred to the difficulty of the farmers leaving the farms and going to the towns. I would like to have the gentleman advise us what he thinks might be done to cure that difficulty. As he very well knows the farmers are compelled very often to leave their farms and move to town and rent their farms because of the fact that they can not obtain farm help. In fact, in Iowa the great difficulty seems to be to obtain sufficient farm labor to operate the farms. What are we going to do in that respect?

Mr. MORGAN of Oklahoma. I recognize that the gentleman has suggested an important problem as to how these things may be adjusted, and I feel that as a rule when a man is ready to leave the farm and go to the city and place the farm in the hands of somebody else, we ought in the first place to provide every means possible to enable the tenant to buy that farm.

We have done something on that; but we need special assistance in the way of credit, in the way of time, so as to enable the tenant to buy his farm, which would help some.

WEALTH OF OUR TOWNS AND CITIES.

We had in this country in 1912, $187,739,000,000 in wealth; $146,847,000,000 was owned by the residents of our towns and cities and $40,991,000,000 belonged to the farmers. More than three-fourths of our wealth is in the towns and cities; less than one-fourth is in the country. The per capita wealth in the towns and cities is $2,661; the per capita wealth in the country is $1,114. The farmers constitute 40 per cent of our population; they possess but 22 per cent of the wealth. On an average, every person residing in our towns and cities possesses $2 for every dollar possessed by the residents of the farm. In this calculation I have assumed that all farm property belonged to farmers. This is not the case. More than one-third of our farms are operated by tenants. In the main the owners of these farms

reside in our towns and cities. These farms, operated by tenants, represent one-third the value of all farm property. If all farm property is valued at $41,000,000,000, and one-third of our farms are owned by residents of our towns and cities, the actual wealth owned by those who reside on our farms is probably not more than $30,000,000,000. If this estimate is approximately correct, the nonfarming population own five-sixths of the wealth of the Nation, and the actual farmers own but one-sixth of the wealth of the Nation.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. MORGAN of Oklahoma. I yield.

Mr. BORLAND. The gentleman realizes that there are a large number of producers in this country who are anxious to produce, and a large number of wage earners who are anxious to buy, and we have the natural resources to produce an unlimited amount of farm products. Now, the gentleman knows that a few days ago we undertook to create an investigation, to turn on the light, to find out where was the choke between the producer and the consumer.

Mr. MORGAN of Oklahoma. Yes.

Mr. BORLAND. To see whether some of this wealth could not flow from the consumer into the hands of the producer. Does the gentleman know that in another body that money was taken away and used to build a bridge in the District of Columbia? Is that going to help increase the wealth of the farmers of this country?

Mr. MORGAN of Oklahoma. I think not; and my judgment is that until the farmers learn their rights and organize to obtain them the same process will go on.

Mr. SWITZER. I would like to ask the gentleman what he thinks of the proposition which has been published in the newspapers of the Farm Loan Bureau proposing to turn over to a syndicate of banks the farm-loan bonds that bear 4½ per cent interest? What does the gentleman think of the advisability of that?

Mr. MORGAN of Oklahoma. I do not like that proposition. I can not stop now to discuss the matter fully. I presume the gentleman refers to the article in the Washington Star of March 2, 1917. The article is headed "Bankers to get half of farm-loan bonds." The first sentence of the article was as follows:

> Federal Farm Loan Board officials are understood to have arranged for placing half of the entire first issue of forthcoming farm-loan bonds, amount undetermined, with a syndicate of bankers at New York and elsewhere, at a rate of 4½ per cent.

The article further says "although each bank will issue its own bonds, the board will undertake the marketing of them."

I have no disposition to criticize the members of the Federal Farm Loan Board. So far I have upheld their hands, and shall continue to do so unless I shall conclude my duty shall require a different course. I am not an expert as to the value of bonds. I do know that a Government Panama bond bearing 3 per cent interest has been selling at a premium. The rate of interest which the farm-mortgage bonds bear will determine largely the rate of interest the farmers will pay on the farm mortgages. The farmers are interested in having these bonds bear the lowest rate of interest possible. In my judgment, these farm-mortgage bonds would sell at par if they bore an interest rate of 3½ per cent per annum. Certainly it seems to me they would sell readily bearing 4 per cent interest. We have recently passed through this House a provision of law which authorizes the sale of a hundred million dollars of Government bonds. The law specifically prescribes that these bonds shall bear 3 per cent interest per annum, that they shall be sold at not less than par value, and that all citizens of the United States shall have equal opportunity to subscribe therefor. In European land-credit institutions farm-mortgage bonds have usually been regarded as good as the bonds of the Imperial Governments and have sold at as low a rate of interest. I do not understand why farm-mortgage bonds should sell at 4½ per cent when Government bonds are placed on the market bearing 3 per cent. Furthermore, I must confess that I am not favorably impressed with the arrangement of the board to place a large block of these bonds with a syndicate of bankers of New York and elsewhere without giving an equal opportunity to all the people of the United States to subscribe for said bonds.

WEALTH OF CORPORATIONS.

The home of the corporation is in the city. The wealth owned by the corporations of the Nation is so great as to be absolutely incomprehensible by the human mind. To show this I call attention to the statistics published in the 1914 report of the Commissioner of Internal Revenue. The capital stock of the corporations reporting to the Commissioner of Internal Revenue amounted to $64,071,000,000. Their bonds and other indebtedness aggregated $37,136,000,000. Combined, the stocks and bonds of these corporations amounted to $101,207,000,000. It may be said that the amount of stocks and bonds of a corporation is no indication of its wealth. This is true in particular instances. But it must be remembered that many corporations are undercapitalized; that the stock of many corporations is worth many times its par value. For instance, the surplus and undivided profits of our banks are greater than the capital of the banks. This would indicate that on an average every dollar of bank stock is worth two dollars. The fact is that the par value of the bank stock of the country does not represent one-half its value. The stock of some of our great industrial corporations has been worth several hundred times its par value. My conclusion is that the wealth of our corporations is not less than the total amount of their stocks and bonds combined, namely, $101,207,000,000. This is conclusively shown by the net income reported by our corporations for taxation purposes. According to these reports these corporations had total net incomes as follows: In 1913, $3,832,000,000; in 1914, $4,339,000,000; in 1915, $3,710,000,000; and in 1916, $5,854,000,000. This net income means the net profit of these corporations after paying all salaries, expenses, taxes, losses, and interest on bonds and other indebtedness. The net income of our corporations represents percentage upon the total amount of their capital stock as follows: In 1913, 6 per cent; in 1914, 6.7 per cent; in 1915, 5.8 per cent; and in 1916, 9 per cent. The percentages upon the total amount of stocks and bonds combined in the various years are as follows: In 1913, 3.8 per cent; in 1914, 4.3 per cent; in 1915, 3.7 per cent; and in 1916, 5.8 per cent. This was an average of 4.4 per cent for each of the four years. There is no safer way to judge of the value of any property than by its net income. The same rule applies to any business. I am, therefore, justified in concluding that the wealth of our corporations is fairly represented by the total amount of their stocks and bonds.

Mr. FOCHT. Do not those bonds and stocks represent the liabilities rather than the wealth of the corporations?

Mr. MORGAN of Oklahoma. Not at all, and I will tell you the reason. Now, during that period of four years to which I have referred, those corporations had a net profit, after paying all expenses, after making deductions for losses, after paying their taxes, after paying the interest on that $37,000,000,000 of bonded indebtedness—after all these deductions they had an average income of 4.4 per cent per year, indicating to my mind that the aggregate of their bonds and stocks indicates their wealth; because after all you determine the value of a piece of property by what it brings in, by the dividends it pays; this is the best possible test you can get.

Our public-service corporations, including railroads, measured by the amount of their stocks and bonds, in 1914 possessed wealth to the amount of $42,319,163,308, which represents $1,000,000,000 more wealth than is possessed by all our farmers.

Our industrial and manufacturing corporations, measured by the amount of their stocks and bonds, in 1914 possessed wealth to the amount of $35,238,566,264—a sum of money greater than the value of all the farm lands in the United States with the buildings and improvements thereon.

In 1915 the resources of the banks of the United States were $27,804,129,677, their loans, discounts, and investments amounted to $21,604,371,552, while all of our farm land, not including buildings and improvements, in 1910 were valued at only $28,475,674,169.

The corporations of three States, namely, New York, Pennsylvania, and Illinois, measured by the amount of their stocks and bonds, possess wealth to the amount of $43,594,000,000, which is $2,000,000,000 in excess of the value of all farm property, including land, buildings, improvements, and live stock.

Measured by the amount of their stocks and bonds the corporations of New York possess wealth to the amount of $25,425,500,513—a per capita wealth for the 9,000,000 people of that State of $2,784. This means wealth for each family in the State of $12,422. According to sworn returns to the Federal Government these corporations in 1913 had a net income, above all expenses of every kind and character, of $1,062,171,797, which would make an annual income for each family in the State of $519. This means, of course, that the corporations of New York alone have an annual net profit sufficiently large to provide the necessaries of life for all the 9,000,000 inhabitants of that State.

So, as I study these reports and as I make my investigations, anxious as I am for the prosperity, the strength, and the glory of my country in the future, I feel that it is not charity to stand for legislation that will develop this great industry of agriculture. We are now in perilous times, and we know not what may come in the future. We ought to be prepared to feed, to clothe, and equip our own people. To-day in the great struggle going on in European countries, the question after all there is the question of feeding their armies and their people. We can not be a

great country in the future unless our agriculture shall develop in a degree commensurate with our commercial, financial, and industrial development. The prosperity of the farmer and the expansion of his industry mean national growth, national strength, national security, and national greatness.

HON. SILAS R. BARTON.

Mr. MONDELL. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, on election day, 1916, when the American electorate were gathered at the polling stations throughout the Republic to select their servants for another period of our history, one of the candidates for a seat in this House was called by a power higher than the electorate of his district. At the hour of 10.30 a. m., November 7, Hon. SILAS R. BARTON, Republican candidate for Congress in the fifth Nebraska district, after having conducted a successful primary campaign and a preelection campaign of vigor and promise, yielded the field of political favor and passed to a preferment fairly measured by his life's merits.

Mr. BARTON was born at New London, Iowa, May 21, 1872. He moved with his parents in 1873 to Hamilton County, Nebr., where his father, one of the early homesteaders of that State, lived and afterwards died upon the homestead originally taken by him. His beloved and venerable mother still survives him. There the young man BARTON lived, attended the country schools, afterwards graduated at the high school in the city of Aurora, later finishing his education in the Peru State Normal School. That is one of the great institutions of the West engaged in the preparation of educators for the people of this country.

That education naturally made Barton a teacher, and for a number of years he was employed in that noble profession. He filled the position and filled it well. He was so constituted that he understood the child in its development and later in life understood men.

My colleagues, if the grand roll could be called of all men who have occupied this great hall, and that one at the other end of the Capitol, and the others whom we call great who have occupied exalted positions in the service of the Republic, a great percentage would answer, "Yes, he did serve our country first in the public schools." What a rich heritage has come to the public itself, not always direct from the education of the children who attended school, but the education granted unto the teacher who stood at the desk. Because it is always true that education runs reciprocally, and education obtained by the teacher at the desk has developed many a manly man and laid the foundation for the career of many great statesmen.

Later on he took a great part in the work of that benevolent fraternity known as the Ancient Order of United Workmen, having filled many of the positions in that order in our State and some of the leading national positions in the order. His work in this field brought him into public notice, and in 1908 he was nominated by the Republicans for State auditor of public accounts. He was elected by a large majority, and his conduct of that office for four years was such that it recommended him especially to the voters of the first district of Nebraska. In 1912 he was nominated by Republicans and Progressives for Congress. In a vigorous campaign against an able former Member of this body, Hon. R. D. Sutherland, he was elected by a substantial majority.

He came here well equipped for the duties of Congressman. While his equipment was excellent, his devotion to duty was more manifest. Of all the Members probably of the Sixty-third Congress, and I do injustice to none, he was one of the most devoted to what he conceived his duty to be. No day passed that he was not in his seat when health permitted. No roll call was had unless he was there to respond.

Neighbors in the State associated politically, I knew Mr. Barton well before either of us came to Congress. During his term's service here we were close to each other and frequently conferred upon matters affecting our districts, which adjoined, and the State generally which he had served. For a new Member he took an active and efficient part in both committee work and on the floor, where his deliverances merited and received the attention and frequent appreciation of his colleagues.

You will remember the long weary session of 1914, running from the first Monday of December, 1913, almost to election day the next year. Through all the long months of heat that protracted session tried not only the patience of Members, but tried their health, and I might, with little exaggeration, say tested their souls. He stayed here while many went to their homes intent upon reelection. Congressman BARTON stayed until within a few days of election, believing, as he saw it, that his duty was more important to observe and perform than to accomplish his own reelection.

He was the candidate of his party and a candidate against one of the ablest men of our State. There was a vigorous campaign, a clean campaign, and the electorate by a very small majority chose our present colleague, Gov. SHALLENBERGER. Two years later Mr. BARTON was again the candidate of his party and Gov. SHALLENBERGER a candidate opposing him. A vigorous campaign was waged by these two men. Appeals were made over the very large section of our State constituting the fifth district, which not only tried their mental fiber, but tried their physical being. At the close of a long campaign, standing before a mighty audience in his home town of Grand Island the night before election, he delivered one of the best speeches of his life to an admiring, loving, and devoted audience. In the cold of that evening, during the period of his effort, he stood with uncovered head, and treacherous pneumonia seized him and, reenforced by heart trouble, wrought a fatality.

At 10.30 o'clock election morning, after having cast an early ballot, unexpected by his family, probably unexpected and unforecasted by himself, a sudden attack came upon him, and our friend BARTON passed to the beyond. It seemed as if "God's finger touched him and he slept." What the result of the election might have been men can not forecast. Death in that case proved, as it has in the past and may prove in many future cases, a determining factor in fixing the events of our political world. Permit me to say of SILAS R. BARTON: He was noted for his kindly courtesy to all who knew him, whether friend or opponent. If I were to speak of his leading characteristics, I would say that it was his devotion to his friends. He did not remind them of that fact when the need was not present. When the need was present there was no occasion for reminder; he was present ministering comfort and aid to his friends, no matter what the difficulties were or who frowned upon him.

Mr. BARTON'S home life was happy and in it he was greatly blessed. His wife, the accomplished daughter of Hon. Richard Metcalfe, one of America's leading editors, had that rare combination of personal grace and charm of mind, to which were added a home-loving disposition, which made the Barton home a happy one. And when came the bright-eyed boy, now nearly 3 years old, the husband and father deemed himself truly blessed. To the views of earth it seemed that home and that husband and father belonged together. It seemed a harsh Providence which separated them. But with the Christian devotion of the subject of these remarks we bow to the wisdom which our earthly ideals render it hard for us to understand.

The loss to home, community, and country our words can not measure. We of this House must content ourselves by saying he was true to his friends, attached to his party, loyal to his district and State, and devoted to his country, with that patriotism and zeal which would inspire best service in peace and would have prompted supreme sacrifice in time of peril or battle.

Mr. FITZGERALD. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, the press this morning carries renewed accounts of the riots for food in New York City. We have the rather humiliating spectacle of the greatest and richest Nation in the world, whose productive capacity has never even been tested, in time of profound peace and splendid commercial prosperity, with food riots in its metropolis. If that indicates anything to the thoughtful man, it indicates a complete breakdown and failure somewhere in our economic system. There is no doubt that there is tremendous undeveloped capacity for the production of food in this country; there is no doubt there is a population engaged in agricultural pursuits anxious, willing, and able to produce food to an unlimited extent; there is no doubt there are wage earners to-day drawing what appears to be upon the books high salaries and good wages, who are anxious to buy and can not because of the high prices. When the consumer can not buy at a reasonable price and the producer can not produce and sell at a reasonable profit there is indicated a most disgraceful breakdown in our economic system. That problem must be solved. It is so vital to the industrial, social, and commercial life of this Nation that this Congress can not avoid the solution of that problem. We must find the answer. It is imperative; it is vital that we find an answer to that problem. I have no pet theories upon the subject. My only theory is that we ought to turn on the light. Somewhere between the producer and the consumer there is some choking of the channel of distribution. For a year and a half we have been fighting the battle to turn the light on the Food Trust in this country. We have been sidetracked here, and we have been shunted off there. Propositions have been made that this ought to be done and that that ought to be done, but we have kept our eye on the polestar of our principle, that

we wanted to know the real facts, we wanted the light turned on first before trying any set experiments.

There is nothing peculiar about that doctrine. After we had brought the matter up to a report of this House by the Judiciary Committee authorizing an investigation by the Federal Trade Commission, a body created for that purpose, with inquisitorial power designed for exactly that kind of an investigation, we found there might be some danger of getting such a resolution through the House because of the crowded condition of the calendar. Then at the united demand of the agricultural interests of this country the President of the United States exercised the power vested in him by the Federal Trade Commission law and ordered an investigation to be made. But still the fight was not at an end. When the estimate came in for the appropriation to carry out the President's order it was refused upon the ground, of course, of economy. Then economy was the great reason, and the appropriation must be refused. This House, after a full debate on the subject lasting six hours and a half, restored that appropriation to the bill. Then the fight was not ended. When the bill came out of the House for its final vote a separate vote and roll call was demanded upon that particular amendment, and by a majority of 89 this House, without division of party or partisan politics, insisted that the light be turned on the food situation. But the fight was not yet ended. The bill went to another great body of this Government and it went into the committee. There the appropriation here twice insisted upon, asked for by the President of the United States, was again stricken out upon the ground of economy. What became of the $400,000 that these gentlemen were so afraid to expend? What became of that money? Was it to be saved to the Treasury of the United States? Ah, no; no. Do not deceive yourselves. It is to be used to build a bridge in the District of Columbia. Four hundred thousand dollars, four-tenths of 1 per cent for every inhabitant of this great Nation, is to be taken away from any investigation of the food supply, but the same $400,000 is to be appropriated to build a bridge in the District of Columbia that this House has decided can wait indefinitely. This bridge happens to connect the District of Columbia with the great State of Virginia.

When gentlemen come to look at the head of the list of the body that struck out that appropriation, they are surprised to find that there is a connection apparent between the head of the list and this particular bridge between the State of Virginia and the District of Columbia. Four hundred thousand dollars for a bridge in the District of Columbia and not a cent to investigate the disgraceful causes of food riots in the metropolis of the richest and most productive country on the face of the globe!

Mr. MORGAN of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. For a brief question.

Mr. MORGAN of Oklahoma. I would like the gentleman to state to what he attributes the opposition to this investigation? He has been connected with it for a long time.

Mr. BORLAND. I think he knows exactly the cause of the opposition. I know, of course, there are lots of gentlemen who have an honest difference of opinion as to methods, and no great reform or other work among human beings is carried on until the matter has finally reached a position where men will forget their little differences about methods. There may be a division upon that. There may be some who honestly think that expenses ought to be curtailed in this connection or in that. I think I am one of the economists of this House, but the real opposition, the continuous, scientific, never-sleeping opposition, is the opposition of the Food Trust that do not want the light turned on. [Applause.]

Mr. MORGAN of Oklahoma. Will the gentleman yield?

Mr. BORLAND. Briefly.

Mr. MORGAN of Oklahoma. The term "Food Trust" is rather indefinite. I would like the gentleman to particularize and tell us what that is if he can.

Mr. BORLAND. There may be other branches of it, but the head and front of it are the five great packers of the United States. Those five packers, as the gentleman is well aware, as he sat and heard the testimony before the Committee on the Judiciary, control the slaughtering of meat animals, the packing of meat, the cold storage, the packing of fresh fruits, vegetables, apples and potatoes, butter and imitations of butter, the storage of all dairy products, poultry, butter, and eggs. They control largely the manufacture of vegetable oil, the tanning of hides, the manufacture of nitrates and fertilizers; they own the cold-storage transportation works; they own or control the stockyards, the feeding lots; they control the large banks lending money for cattle feeding; they control the grain elevators along the line of the transcontinental railroads where grain is gathered to-day; and they are beginning to control the milling interests; and they have long dominated the board of trade and the wheat pit in Chicago. They are controlling the Bread Trust of Chicago; they are controlling the retail markets throughout the country. We will find some effective remedy for this condition if this Congress will stand by its rights and let the light be turned on this disgraceful condition of the food problem. [Applause.]

Mr. MONDELL. Mr. Chairman, I yield five minutes to the gentleman from North Dakota [Mr. YOUNG].

Mr. YOUNG of North Dakota. Mr. Chairman, the Sisal Trust, which is now a world-wide trust, has been advancing prices of twine so rapidly of late that the problem to the farmers has become a very serious one. The subject is being discussed I notice in the farm newspapers, conventions, and elsewhere. Now, out in California they have a gentleman who believes he has found a substitute for the making of binder twine. All must admit that if we are ever going to get this question solved it is much better to do it by finding a suitable product in the United States than to find it anywhere else. If we can produce binder twine in large quantities in the United States the law of supply and demand will strike down the Sisal Trust. While the different departments of the Government are seeking to find some legal way to get after the Sisal Trust many believe that there is an opportunity to solve it more quickly and completely by raising the fiber in the United States.

Mr. Charles Christodora, of Point Loma, Cal., a gentleman who has devoted a lifetime to the scientific study of agriculture, says that *Phormium tenax*, known commonly as New Zealand flax, will produce an excellent quality of binder twine, and it will produce a much larger quantity to the acre, making it possible to sell it at a greatly reduced price. The former president of the agricultural college in North Dakota, John H. Worst, has also written me upon this subject, urging that Congress and the Department of Agriculture should give some attention to this subject, and to the possibility of producing commercially *Phormium tenax*, or New Zealand flax. Fortunately, it is a plant which has been tried out in the United States, although not grown for commercial purposes. It has been grown for many years in the State of California simply as an ornamental plant, and it grows very luxuriantly, with leaves something like 12 feet long. I believe it grows in the district of the gentleman from California [Mr. KETTNER], does it not?

Mr. KETTNER. Yes. While New Zealand flax is not native to the Imperial Valley, Cal., it grows there much more luxuriantly than in New Zealand. The facts as to production of the raw material are well settled. The obtaining of sufficient quantities of seed and the establishment of the industry is too great an undertaking for any individual. The benefits promise to be general, and the Government should get back of it. It will cost a comparatively small sum.

Mr. YOUNG of North Dakota. One plant will produce about 100 pounds, and an acre of it will produce 50 tons and upward——

Mr. SHALLENBERGER. Of fiber?

Mr. YOUNG of North Dakota. Of the plant which afterwards will be manufactured into fiber, of which it is estimated 10,000 pounds of fiber can be made to the acre.

Mr. FESS. Will the gentleman yield?

Mr. YOUNG of North Dakota. I will.

Mr. FESS. Upon what country do we depend for sisal?

Mr. YOUNG of North Dakota. We depend upon Mexico. As you know, it is a Government monopoly covering the entire product down there.

Mr. FESS. That is the question I wanted to ask: If the monopoly was a Government monopoly?

Mr. YOUNG of North Dakota. Yes; in Mexico. Now, in that direction I can not very well——

Mr. SLOAN. And it is confined to just about one State, that of Yucatan?

Mr. YOUNG of North Dakota. Yes. I do not desire in the five minutes to which I am limited to follow up the operations of the sisal or binder-twine trust. I want in the brief time I have to call attention to this natural method of solving the twine problem. I hope all interested in securing action will write to the Secretary of Agriculture, Washington, D. C., and pass on the word to their friends throughout the country to do the same.

Mr. FESS. Would not the gentleman extend his remarks along the whole subject? That matter has been of great interest to the people of my State.

Mr. YOUNG of North Dakota. The gentleman from Minnesota [Mr. STEENERSON], who introduced the resolutions calling for investigations respecting the sisal trust's operations, will, I understand, before Congress adjourns, discuss this question in

such a way as to answer the gentleman on that point fully. Mr. Rufus Choate, of San Diego, Cal., is at the Congress Hall Hotel this week. He has a big fund of information upon this subject. Members living at or near his hotel should talk with him.

Mr. HAUGEN. The monopoly referred to by the gentleman is a Mexican monopoly financed by American bankers?

Mr. YOUNG of North Dakota. I believe so. I have samples of New Zealand flax fiber here, which Members may examine. It has the strength needed to make a serviceable binder twine. The Government should help to develop it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. YOUNG of North Dakota. I ask unanimous consent to print in the CONGRESSIONAL RECORD certain letters and articles prepared by Charles Cristadoro and John H. Worst upon this general subject.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota. [After a pause.] The Chair hears none.

The matter referred to is as follows:

LETTER OF CHARLES CRISTADORO.

POINT LOMA, CAL., *January 20, 1917.*

Representative GEORGE M. YOUNG,
Washington, D. C.

DEAR SIR: I have suggested the advisability of Dr. Worst acquainting you with the effort California is making to grow the raw material for binder twine in the form of New Zealand flax. The inclosed literature refers to same. Samples of this flax can be seen at the office of Mr. Jason L. Merrill, Bureau of Plant Industry.

It is safe to say that in our Imperial Valley this flax will produce 100 tons of green leaves per acre. In fact, we can grow in this valley enough of this flax to supply the world with binder twine.

Let Congress authorize the importation of several hundred tons of these flax roots and distribute same throughout the Southwest, and the sisal problem can be considered on the high road to solution in less than three years.

Yours, very truly,

CHARLES CRISTADORO.

P. S.—I have written Senators Nelson, Kellogg, and Clapp, Mr. Mann, our Kettner, and Stevens of Minnesota. I do not know any of the Kansas, Montana, and Wyoming delegations, and their farmers use binder twine like all the rest.

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NEW ZEALAND FLAX TO SUPPLANT SISAL.

[By Charles Cristadoro.]

At once I began to read up on New Zealand flax (*Phormium tenax*). It is a perennial growth, everlasting so far as I can learn, once it takes hold, and indigeneous to New Zealand, but eminently adapted to a California environment, growing here more quickly than in New Zealand, plants grown from roots maturing and yielding in our fair grounds in two years. In New Zealand it grows in swampy lands without care or cultivation, yielding easily 10 to 15 and sometimes 25 tons of leaves per acre. Much of our swamp-land areas could be profitably, and yet with an "equal-to-lemon" orchard irrigation it will grow on all but worthless soil and may turn our mesas into dividend-paying lands that no orange or lemon orchard or alfalfa field can equal. Irrigation, seemingly, more than soil is needed.

Under cultivation and irrigation leaves might grow to a length of 12 to 14 feet. It grows from seed and from roots, presumably better from the latter. It resists everything, even a moderate 26° F. frost. Note from New Zealand Agricultural Reports: "One of the easiest plants to grow. Is not in any way affected by frost nor the most severe winds."

Once planted the growth is permanent. A single plant under proper cultivation is said to yield 50 to 100 pounds of green leaves at a single cutting, and a yield of 50 tons per acre is reasonably to be expected. Grown in our Imperial Valley and southern California generally it no doubt would do far better than the above. It is said if properly irrigated it will grow on the poorest of soil.

This New Zealand flax is rated as to tensile strength at 100, whilst hemp is rated at but 70 (presumably the manila or sisal fiber) and flax (presumably the European flax) at but 50. This is where the tenax comes in—tough, 100 per cent stronger than flax when woven into cloth.

The wonderful India paper that for strength is the marvel of the paper world is made from European flax, and that accounts for its unapproachable strength. And here is *Phormium tenax* double the strength.

FLAX TO SUPPLANT SISAL.

So this was not only to prove a most suitable fiber for binder twine, supplanting sisal from Yucatan, but a field of unlimited uses are to be opened up to it. Sisal is the ordinary raw materail from which most of the binder twine is made, but at present there is an air-tight trust on sisal in Yucatan from which the International Harvester Co. suffers like all the rest. It is not in the Sisal Trust.

Rope, cordage of all kinds, thread, nets, and fishing lines, linen paper, and many other manufactured products await an abundant and cheap supply of this fiber. Automobile tires are to be made of this fabric because of its toughness. Even cotton, long staple, appears rotten alongside this tensile giant. All of these are of great importance when one can take the leaves green or dry as leather from this plant and machine them into a mass of lustrous fiber, and the yield is 50 tons of leaves at 8 to 12 feet long to the acre—longer, perhaps. A yield of fiber of 12 to 14 per cent from the green leaf.

Already *Phormium tenax* plants are growing and thriving by the thousands in California, as ornamental growths, no one paying any attention to the wonderful commercial possibilities of the plant along agricultural and manufacturing lines.

EXPERT APPROVES.

And now comes Mr. Osborn G. Austin, expert horticulturist of the Harris Seed Co., San Diego, who informs me as follows: That he has grown New Zealand flax, *Phormium tenax*, for many years; that to get immediate results divisions of the root should be planted, young crowns from the parent plant. At three years or less you should, under favorable conditions, be able to get 75 or 80 leaves from each plant, 6 to 8 feet in length, averaging 8 ounces per leaf, and from then on you could reap from 5 to 25 leaves per plant every two months, cutting the mature leaves and letting the others grow on.

It stools out in a number of crowns from the ground, increasing the size of the plant very rapidly. These can be split off from the plant and reset. A crop of 50 tons of leaves per acre is a very conservative estimate. I know of very few plants which would respond more quickly to generous treatment and repay the grower better. It will thrive in almost any soil and grow in swamps where the water is not stagnant. It needs little attention, stands both cold and heat, and will give the grower far better returns than can be had from any plant or tree grown in southern California.

The uses of the fiber are almost beyond estimation, being the strongest of any fiber known, and open a wide field for a score of manufacturing industries.

The henequin or sisal green leaf yields 3 to 3½ per cent of fiber; the manila but 1 to 2 per cent. Sisal yields about 1,000 pounds of fiber per acre, which is on an average 250 pounds more than the yield of tow-free Kentucky hemp fiber per acre grown under average eastern conditions, whilst the New Zealand flax, in its native land, produces 50 tons of leaves per acre and a yield of 12 to 14 per cent of fiber when properly processed. What this plant will produce under the forcing sun of southern California per acre no one knows. One experienced grower estimates 100 tons, but he is an enthusiast, and yet he claims he is right and says time will prove him so.

The control of the binder-twine situation would be in American hands and binder twine in connection with this general manufacturing proposition may be considered but a mere speck in fiber space, despite the fact that annually Yucatan sends us about 1,000,000 bales of sisal of 500 pounds each, worth in the New York market $50,000,000. And like the ticking of a clock sisal is advancing a cent at a move.

The northwestern wheat farmer knows too well all about this sisal and tells about an air-tight trust in Yucatan beyond the reach of the Sherman law financed from this side by American bankers; and the wheat farmer wants Congress to take a hand and run down these bankers. But this is not the kind of relief the wheat farmer really wants.

The Lord helps those who help themselves, and the only way to get from under this trust is to grow our own binder twine and under control on American soil. There is no other practical way. And once we have begun to produce New Zealand flax in appreciable quantities, say in two or three years from now, its effect upon the sisal market will be pronounced and the time will come when the New Zealand flax will have entirely supplanted the Yucatan sisal growth, so far as binder twine is concerned.

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LETTER OF DR. WORST.

AGRICULTURAL NORTHWEST,
New Rockford, N. Dak., January 8, 1917.

Hon. GEORGE M. YOUNG,
Washington, D. C.

DEAR CONGRESSMAN YOUNG: I am sending you under another cover a copy of the Daily State Center, containing a write-up of a certain phase of the fiber industry that might possibly be encouraged to advantage in California. Mr. Cristadoro, with whom I am well acquainted, seems quite sanguine that such is the case. I am heartily in favor of encouraging the growing of hemp in this State, but if the Sisal Trust is to be hit hard it will require all the fiber that can be grown in the whole country to accomplish the desired end.

* * * * * * *

If what he says of the plant in question is true, then it would seem the proper thing to do to secure the importation of these crowns and give them a try-out at all events.

If not too much bother, I should like to hear from you on this subject.

Very truly, yours, J. H. WORST.

[Article by former President John H. Worst in the State Center.]

THE BINDER-TWINE PROBLEM.

It costs the farmers of North Dakota a couple of million dollars a year for twine. The Sisal Trust will not only maintain the present high price of twine, but in all probability will increase the price to the limit that the business will stand.

The experiments made by the Government with regulating or dissolving trusts is humiliating. The trusts have fattened upon the antidotes imposed by Congress.

The national remedy for dealing a solar plexus blow to the Yucatan Fiber Trust is to produce the needed fiber in our own country and thus be free from the exactions of fiber kings. This can be done.

A movement has been started to grow hemp in the State as a profitable crop. Doubtless this can be done and its cultivation should be encouraged. Nevertheless this fiber plant can not be grown in sufficient quantity to materially injure the Fiber Trust.

There is a fiber plant known, however, as *Phormium tenax*, or New Zealand flax, that thrives wonderfully in the valleys of southern California and that for strength of fiber and yield per acre discounts by several hundred per cent any other fiber plant that has ever been introduced into the United States. While Kentucky hemp, according to Government reports, produces from 750 to 850 pounds of tow (free fiber) per acre—1,000 pounds under the most favorable conditions—this *Phormium tenax*, or New England flax, will produce from 12,000 to 14,000 pounds of fiber per acre. Moreover, it is a perennial plant, and once established will produce year after year without the trouble and expense of replanting. The fiber from this plant is tough, being 100 per cent stronger than flax woven into cloth. It is more than a substitute for sisal, from the evidence at hand.

This plant is propagated by planting its crown or roots, and every grain-growing State should insist on the Government importing these crowns in order to give the plant a try out in latitudes suitable for its cultivation. In fact, as will be seen in a write up appearing elsewhere in this paper from the pen of Charles Cristadoro, of Point Loma, Cal., that the plant will stand several degrees of frost without injury and has been growing for years in southern California as an ornamental plant.

We repeat that the way to bust the "Twine Trust" is to produce the fiber in our own country, and the Representatives in Congress from the grain-growing States should give this matter serious consideration, and at once.

We invite a careful reading of excerpts from an article appearing in the San Diego Union of January 1 by Charles Christodoro under the caption "New Zealand flax to supplant sisal."

THE INTERNATIONAL DRY-FARMING CONGRESS.

POINT LOMA, CAL., *February 6, 1917.*

MY DEAR REPRESENTATIVE YOUNG: Your good letter has a 40-degree-below crisp ring of accomplishment to it, that I know so well. Drs. Worst and Bailey, also Mr. Crocker, of Lisbon, are all very good friends of mine, and Waldron, of Dickinson.

* * * * * * *

We are in the right; we are on the way to produce a home-grown binder-twine raw material superior to and cheaper, no matter how low they go, to the Yucatan product.

The quicker we get the roots—crowns, not the seed—in the ground the quicker the results. As to what may be done in the Imperial Valley call for the Christian Herald, December 6, at the library and note the frontispiece. That is phormium cut from an oasis in the desert, under the Imperial Valley environment of soil (perhaps), irrigation, and forcing sunshine. Note the standing shock of leaves, trimmed to the limit. How many tons of such green leaves to the acre? A hundred, two hundred, maybe more. Now, when you see such things, reflect, realize that sisal is 16½ cents in New York to-day and may go to 25 cents before the binders go into the wheat fields this fall. How can the United States Department of Agriculture take the peculiar position it does?

Now to business. The farmers and the head-eating people own that department; the officials are but custodians, trustees, servants, if you will, of the people. Let me suggest. First, have a talk with Representative KETTNER, who, of course, knows the story ab initio. Then see if you can gather together the men from the wheat-growing States, and freely discuss the situation, and having arrived at a conclusion, visit the honorable Secretary and express your wishes. Insist on the University of California making an exhaustive investigation, as outlined in my letter to Mr. Merrill. This done and the report sent in, the department must act one way or the other. It certainly is of too much moment, this binder-twine problem, to our wheat growers to dismiss by a mere wave of the hand.

These men personally know me in Washington, and I refer you to them as to my integrity of purpose, etc.: Prof. Gifford Pinchot; Dr. Carleton, of the Grains Division of the United States Department of Agriculture, he will tell you of my work for durum wheat; Prof. Le Clerc, of Chemistry Bureau, United States Department of Agriculture; and Dr. E. C. Schroeder, Bethesda, Animal Bureau, a friend by correspondence. But enough.

Yours, very truly, CHARLES CRISTADORO.

Mr. BORLAND. Mr. Chairman, how much time remains?

The CHAIRMAN. Ten minutes remain to each side.

Mr. MONDELL. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. RICKETTS].

Mr. RICKETTS. Mr. Chairman and gentlemen of the House, during the consideration of the sundry civil appropriation bill the gentleman from Missouri [Mr. BORLAND] offered an amendment to the bill, which provided for an appropriation of $400,000 to be given to the trades union for the purpose of investigating the question of high prices for foodstuffs in America at the present time. A heated debate ensued over this amendment, and probably 20 or more speeches were made touching the question of high prices for food, but no two of those who spoke upon the subject seemed to agree. I sat here silently and listened carefully for two long hours to this discussion. It was deeply interesting, yet was not satisfactory to me.

A number of reasons were presented as to the cause of the high prices of foodstuffs. Among them these:

First. Car shortage in railroad transportation.

Second. Crop failure in the year 1916.

Third. The European war.

Fourth. The rapid increase in population in the United States.

Fifth. Monopolies and unlawful combinations having a corner on foodstuffs.

Sixth. A poorly developed system of distribution through car service and otherwise.

Seventh. A want of a general system of warehousing.

Eighth. The migration of so many people to the cities.

And some suggest one thing and some another, but no one suggested a remedy for the immediate relief of the starving Americans except the gentleman from New York [Mr. FITZGERALD], who proposed an embargo upon the exportation of foodstuffs from the United States.

It seemed to be the consensus of opinion, after the debate had ended, that the adoption of the amendment of the gentleman from Missouri [Mr. BORLAND] was necessary, and it was accordingly adopted.

I was deeply impressed with the address of the gentleman from Tennessee [Mr. AUSTIN]. He gave a most clear, vivid, and concise description of the work done in the past by commissions appointed by Congress. Among other things he said:

Now, we have, in the last eight years, had seven investigations by commissions and committees. We had the Money Trust investigation; we had the Sugar Trust investigation; we had the Steel Trust investigation; we had the industrial investigation; we had the immigration investigation; we had the Colorado coal strike and the Michigan copper investigation; and the Post Office Department was investigated in the Sixty-second Congress. We have had seven investigations and they cover over 100 volumes of testimony and hearings, costing countless thousands of dollars, and to this good day there is not a single man, to my knowledge, who has ever read a single volume of the testimony, and in the line of legislation practically nothing has been done.

In my judgment, he is exactly correct in his deductions and conclusions with reference to the benefit derived from committee and commission investigations in the past. No good has ever come of them. Appropriations made for such purposes are a reckless and profligate waste of the people's money.

Now, when do the American people want relief? Now, or in a year from now? It is conceded that the Trade Commission, at the earliest possible date, could not report to Congress inside of eight months, and it is perfectly evident that such a report will not be made until the $400,000 appropriated has been entirely exhausted, and it is not at all improbable that an additional appropriation will be asked for before such investigation shall have been concluded and a report thereon made. To my mind this remedy is the very height of folly and an exhibition of extremely poor judgment on the part of the membership of this House. What are the starving Americans going to do during the prosecution of this so-called investigation to be made by the Trade Commission, and how long after the report of that commission shall have been received will it be before relief is actually given to the people of the United States? Gentlemen of the committee, what the American people want is relief now, and in order to determine what relief should be given it is only necessary for us to exercise a little common horse sense and discover, if we can, what the real cause of the high cost of foodstuffs in America is. Is it not strange that, during all of that two hours' debate which took place last Saturday night, not one of the gentlemen who spoke said anything about the amount of foodstuffs that had been exported to foreign nations since the beginning of the European war, covering a period from August, 1914, up to the present time? If we know what the food-crop productions of the United States were for the years 1914, 1915, and 1916, and if we deduct from the amount of its crop production the amount of foodstuffs exported to warring nations, then, it seems to me, it will be easy to determine just what amount of foodstuffs remain in America upon which to feed about 103,000,000 of people.

I know that quite a large majority of the membership of this House is opposed to an embargo. But, gentlemen, why are you opposed to an embargo? What reasons do you assign? How could an embargo on foodstuffs hurt the people of the United States, in the face of the fact that every other nation on the globe at the breaking out of the European war placed an embargo on foodstuffs? What has been the result of the unanimity of action on the part of other nations? There could be but one result, which is as plain as the noonday sun, and that is that the central powers, the allies, and the neutral nations of the earth have been drawing their foodstuffs from the United States. Is it any wonder that there is a shortage of foodstuffs? There has been a constant drain, in a commercial way, on the United States for foodstuffs since the breaking out of the European war in August, 1914. Many of you claim that the warehouses of the United States are filled to the roofs with foodstuffs and articles for the table, but you are mistaken in your judgment and assumption. The cold truth is that we are on the very verge of a food famine in the United States, due to the extensive exportations to foreign countries. No one denies that prices are high, but who is able to tell what they will be in the future if we continue to export foodstuffs?

Now, so far as my judgment goes, I am frank to confess that I honestly and sincerely believe that the high price of food in the United States is due primarily to the scarcity of food within our borders, and I predicate my judgment upon the gross production of foodstuffs in the past three years and the exportation of our supply to foreign countries.

Here is a table that will give some very important information upon this vital subject:

The crop production of the United States for the years 1914, 1915, and 1916 for the crops named is as follows:

Wheat:		
1914	bushels	891,017,000
1915	do	1,025,801,000
1916	do	639,886,000
Corn:		
1914	do	2,672,804,000
1915	do	2,994,793,000
1916	do	2,583,241,000
Potatoes:		
1914	do	409,921,000
1915	do	359,721,000
1916	do	285,437,000
Beans:		
1914	do	11,585,000
1915	do	10,321,000
1916	do	8,846,000
Cabbage, in 9 northern States:		
1915	tons	671,000
1916	do	247,000
Onions, in 12 northern States:		
1915	bushels	7,664,000
1916	do	6,417,000
Sweet potatoes:		
1914	do	56,574,000
1915	do	75,639,000
1916	do	70,574,000

Meat:		
1914	pounds	19,076,000,000
1915	do	10,321,000,000
1916	do	22,040,000,000

The United States exported foodstuffs in the fiscal years ending June 30, 1914, 1915, and 1916, as follows:

Wheat, for fiscal year ending June 30—		
1914	bushels	92,393,775
1915	do	259,642,533
1916	do	173,274,015
Wheat flour, for fiscal year ending June 30—		
1914	barrels	11,821,461
1915	do	16,182,765
1916	do	15,520,669
Potatoes, for fiscal year ending June 30—		
1914	bushels	1,794,073
1915	do	3,135,474
1916	do	4,017,760
Beans and dried peas, for fiscal year ending June 30—		
1914	bushels	314,655
1915	do	1,214,281
1916	do	1,760,383
Lard, for fiscal year ending June 30—		
1914	pounds	481,457,792
1915	do	475,531,908
1916	do	427,011,338
Bacon, for fiscal year ending June 30—		
1914	do	193,964,252
1915	do	346,718,227
1916	do	579,808,786
Fresh beef, for fiscal year ending June 30—		
1914	do	6,894,404
1915	do	170,440,934
1916	do	231,215,075
Corn, for fiscal year ending June 30—		
1914	bushels	9,386,855
1915	do	48,786,291
1916	do	38,217,012
Eggs, for fiscal year ending June 30—		
1914	dozen	16,148,849
1915	do	20,784,424
1916	do	26,396,206
Ham, shoulders, and cured meat, for fiscal year ending June 30—		
1914	pounds	165,881,791
1915	do	203,701,114
1916	do	282,208,611
Neutral lard, for fiscal year ending June 30—		
1914	do	29,323,786
1915	do	26,021,054
1916	do	34,426,590
Canned pork, for fiscal year ending June 30—		
1914	do	3,074,303
1915	do	4,644,418
1916	do	9,610,732
Fresh pork, for fiscal year ending June 30—		
1914	do	2,668,020
1915	do	3,908,193
1916	do	63,005,524
Cattle, for fiscal year ending June 30—		
1914	head	18,376
1915	do	5,484
1916	do	21,666
Onions, for fiscal year ending June 30—		
1914	bushels	386,220
1915	do	727,983
1916	do	563,739
Coffee, green or raw, for fiscal year ending June 30—		
1914	pounds	52,649,233
1915	do	49,177,146
1916	do	35,421,530
Coffee, roasted or prepared, for fiscal year ending June 30—		
1914	pounds	1,815,835
1915	do	2,421,664
1916	do	1,851,100
Mutton, for fiscal year ending June 30—		
1914	head	4,685,496
1915	do	3,877,413
1916	do	5,552,918
Sugar, for fiscal year ending June 30—		
1914	pounds	199,530,874
1915	do	158,462,508
1916	do	186,386,182
Hogs, for fiscal year ending June 30—		
1914	head	10,122
1915	do	7,799
1916	do	22,049
Sheep, for fiscal year ending June 30—		
1914	do	152,600
1915	do	47,213
1916	do	52,278
Coal and coke, for fiscal year ending June 30—		
1914	tons	19,664,080
1915	do	18,095,183
1916	do	22,632,867
Mules, fiscal year ending June 30—		
1914	head	4,883
1915	do	65,788
1916	do	111,915
The value of our total foreign export of meat for the fiscal year ending June 30—		
1914		$143,261,846
1915		205,785,468
1916		266,795,608
The value of our total foreign export of vegetables for fiscal year ending June 30—		
1914		6,936,400
1915		10,813,151
1916		15,952,412
The value of our total foreign export of fruits and nuts for fiscal year ending June 30—		
1914		31,030,713
1915		34,229,906
1916		36,073,051
The value of our total foreign export of fish for fiscal year ending June 30—		
1914		12,842,173
1915		12,870,790
1916		19,983,545

Not only have we in the past three years exported foodstuffs, as above recited, to the amounts above set out, but we have also exported horses to the number of 357,553 and mules to the number of 182,586, and every other article produced either by manufacture or agriculture within the United States in large quantities or amounts.

Is it any wonder that we are prosperous? We have the best market in the world—a war market. But what will happen to this country when the market is closed?

I only refer to this to show that our export trade has not been confined to the shipment of foodstuffs alone but has been a general exportation of all the products of the United States.

Mr. Chairman, it is true that a great many suggestions have been made touching the questions as to how the high prices may be reduced, some of which are meritorious and some of which are amusing.

My friend from New York, Mr. BENNET, has told us that he has introduced a resolution in this House which provides that only a certain amount of food shall be served to the patrons of the hotels and restaurants in the city of Washington. He is an elegant gentleman, whom we all love and admire for his splendid service in this House, but, in Heaven's name, what does he mean by trying to reduce the rations of the patrons of hotels and restaurants in this city? I do not think it can be done. I am sure he is mistaken in this, for how a less portion can be served than is being served is beyond my comprehension.

It is true that the proprietors of hotels and restaurants are doing their best to supply the people with good, wholesome food, but the scarcity of food has made it impossible in many instances for them to secure a proper supply.

It is the purpose, of course, of the gentleman from New York in this way to, at least in part, reduce the high cost of living. He has acted in good faith, but I doubt seriously if he can secure the support of the membership of this House for his resolution.

Mr. Chairman, I dare say there is not a Member in this House who does not know, or at least should know, that the scarcity of foodstuffs and the high prices the American people are required to pay are due absolutely to the fact that we have been exporting enormous quantities of foodstuffs to those engaged in war across the sea, and that our supply has been greatly reduced, so that there is now a shortage of all kinds of foodstuffs everywhere within the United States, and the prices have abnormally increased and will continue to rise until a great majority of the American laboring people will be unable to purchase the same.

What will happen to us if we become involved in war? The crisis of war is almost upon us, and we have not sufficient food with which to supply the needs of our people. If war should come, the young men of the farms will be assembled for military duty and the farm food productions of the future must of necessity be greatly diminished, and there is a shortage now.

During the first nine months of 1914 the United States exported breadstuffs to Europe amounting to $172,000,000; during the first nine months of 1916 the United States exported to Europe breadstuffs amounting to $337,000,000; during the first nine months of 1914 the United States exported dairy products, such as butter, cheese, condensed milk, and eggs, amounting to $5,800,000; in the first nine months of 1916 these exports amounted to over $29,000,000; in the first nine months of 1914 the United States exported meat products to the extent of $97,000,000; in the first nine months of 1916 these products amounted to $201,000,000, and yet while our exportations have so largely increased our production has decreased. In the year 1914 the production of potatoes in the United States amounted to 409,921,000 bushels; for the year 1916 the production was 285,437,000 bushels, yet in 1914 the United States exported 1,794,073 bushels, while in the year 1916, up to October 1, it exported 2,700,000 bushels. The average annual production of wheat from 1910 to 1914 was 728,000,000 bushels. In the year 1916 the production was 639,886,000 bushels, and a somewhat similar condition exists in our other crops. With an extremely heavy exportation and a considerable decrease in production it was inevitable that prices would advance. Now, what does this statement mean? Is it accurate to say that in view of these facts the European war has caused high prices? Is it our duty to feed foreign nations whereby in doing so we oppress our own people? Is it right that the consumer in Europe should be preferred to the consumer in the United States?

Mr. LANGLEY. I happen to know the gentleman has made an extensive investigation of this question. Is he going to put in the RECORD the results of his investigations as to the effect that the deposit of so much material in cold storage has had on the cost of foodstuffs?

Mr. RICKETTS. I regret to say to the gentleman, in the limited time I had I was unable to determine exactly how large a quantity of foodstuffs there is in cold storage to-day.

Mr. LANGLEY. But it has had a very material effect on it.

Mr. RICKETTS. It has had an effect on it. There is no question about that.

I am not unmindful of the fact that monopolies and unlawful combinations have some effect upon the high price of food, but the real cause is our unlimited exportation of the same. I know, of course, that the greatest, the most oppressive, cruel, and heartless food combination ever known is the firm of J. Pierpont Morgan & Co., the financial and fiscal agents of the foreign warring nations. These nations are favored in supplies above and over our own people. These agents make loans to pay for the food exported and they are paid commissions upon the loans. Foreign nations order food through them and they receive commissions upon the sales. The contracts they have with foreign nations make them, of necessity, a combination and trust, the basis of its operation being that the foodstuffs which should be ours first are finally shipped abroad. But do we need an appropriation of $400,000 of the people's money to find out these facts? It is an open secret to the world. Then why spend the people's money to find out something we already know? The farmers of the United States have been prosperous beyond measure. They have sold the products of the farm too close, and the American people will find it difficult to procure seed for the planting season this coming spring. I know some of the membership of this House say that to cut off the exportation of foodstuffs abroad would destroy in a measure the market of the farmers of America. I do not agree with that statement or conclusion. It is my opinion that the farmers of this country can find an ample market at home for their products to be used for our home consumption. The farmer, it is true, during the past three years has received an extraordinary price for the products of the farm, but the profit to him in the sale of articles he produced is not to be compared with the profits made by the agents of the foreign countries who have furnished these products to the people at war. The farmer did not get the gold, but the real gold was "copped" off by Morgan & Co. and other monopolies and syndicates who represent the foreign nations in the markets of the United States. I have no objection to sending and exporting the products of the farms of this country to the nations abroad when we have an ample supply for our own people, but I am for America first. The American people are not to be deceived. You gentlemen can offer as many fictitious reasons as you please for high prices in the United States for the foodstuffs that we must, of necessity, consume, but the American people of to-day read and they can understand that the real cause for the high cost of these articles is due to our extensive exportation which I have hereinbefore stated.

I did not intend to address the House on this subject, but the more I studied the matter the more I become convinced that it was my duty, as a Representative of the people, to give them the facts which would enable them to determine for themselves what, in truth and in fact, is the real reason for the high prices which the poor people of the United States are forced to pay for the foodstuffs which they require. In conclusion let me say, gentlemen of the House, that we should stand by the American people first, and then if we have any surplus of food we will be glad to export it to all of the nations abroad who may demand our supply.

It is true, of course, in addition to the other reasons that I have assigned for the high prices, that the young men of the country have left the farms and gone to work in the munition plants, because they can secure a much better wage; and this fact has also contributed in a measure to the high prices as a result of less production.

Gentlemen of the House, what would you do under these circumstances if the food-crop production of the United States amounted to a certain quantity and the exportation of foodstuffs to foreign nations amounted to a certain quantity, and after deducting the one from the other you find you have not a sufficient supply left to feed the 103,000,000 American people what, then, would you say as to whether or not we should continue to export foodstuffs to foreign countries?

In 1916 the country produced 400,000,000 fewer bushels of corn than in 1915; of wheat, 400,000,000 fewer bushels; of oats, 200,000,000 fewer bushels; of barley, 50,000,000 fewer bushels; of potatoes, 100,000,000 fewer bushels. In these five crops production was down 1,150,000,000 bushels, or 10 bushels per capita. These are established, telling facts. Action, not investigation, is needed.

All the reserve stocks are rapidly exported and consumed. Owing to adverse climatic conditions, lack of good seed, labor, and fertilizer, this years' crops promise to be even worse than last year's. The outlook is most alarming.

EXTENSION OF REMARKS.

Mr. KENT. Mr. Chairman, I ask unanimous consent to place in the RECORD a report from the Secretary of Agriculture on the bill H. R. 15730, which is to be presented to the House under a rule.

The CHAIRMAN. The gentleman from California [Mr. KENT] asks unanimous consent to extend his remarks in the RECORD by printing the matter named. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, what is the title of the bill?

Mr. KENT. It is a bill to permit the States to sue the Government.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Following is the report referred to:

DEPARTMENT OF AGRICULTURE,
Washington, March 1, 1917.

Hon. WILLIAM KENT,
House of Representatives.

DEAR MR. KENT: Receipt is acknowledged of your letter of February 28, 1917, inclosing copy of H. R. 15730, to give the consent of the United States for the bringing of certain suits in the Supreme Court of the United States. You inquire about the effect of the bill, if enacted, upon matters which may be adjusted by special acts of Congress or by means of departmental action.

In the time at the disposal of the department it has been impossible to give thorough consideration to the subject. However, a casual examination of the bill raises a strong apprehension that it might be construed to subject the United States, with respect to public property and the administration of governmental affairs, to the same liabilities to a State which would obtain were the controversy between individuals.

The chief object, as stated in the report (No. 1444) from the Committee on the Judiciary, accompanying the bill, was to accord to States the privilege of using a forum not now open to them to enforce rights against the United States. This would doubtless be accomplished by the passage of the bill; but it is possible that the language employed would have a much more far-reaching effect.

The words of the first sentence of the bill are certainly capable of being interpreted as conferring new rights on the States, of vesting the States with a cause of action against the Federal Government in every instance in which, under like circumstances, one individual would have a cause of action against another. The words of the second sentence make the more probable the adoption of that interpretation. The defenses of the United States in suits by the States are specifically defined to be those which could be made by a defendant in suits between individuals. The recital of what the defenses may consist of would probably be held to be exclusive. If so, many defenses which the Government can now avail itself of would be wiped out of existence.

The Constitution, in Article IV, section 3, provides that—

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States."

Pursuant to this authority, there has been passed a mass of legislation governing the administration by this department of the public property committed to its care. If the bill should be construed in the way suggested above as possible, then its enactment would repeal many of these acts of Congress, so far as concerns dealings with the States. Many illustrations might be called to your attention. Four only will be cited at present.

1. There are certain pending suits involving the right to the use of lands of the United States in the national forests for hydroelectric power purposes. In these, of which the United States *v.* Utah Power & Light Co. (209 Fed., 554; 230 Fed., 328) is an example, it has been argued, in substance, that the right to control the use of the public domain for power purposes is vested in the State in which the lands are located, and that, by State legislation defining the rights of eminent domain, the authority of the State in this respect has been delegated to individuals and public-service corporations. While up to date this view has been rejected by the Federal courts, yet if the bill were passed it might be interpreted to mean that the right of the State to condemn lands of the United States for power purposes would become the same as the right of an individual under State law to condemn lands of another individual. If that should be held, then all Federal control of the use of the public domain for power or other purposes designated by State laws as public would cease, and the States at will could grant rights to individuals or corporations on lands of the United States.

2. There is a general contention in certain of the Western States in which are located national-forest lands that the State has exclusive right of control of the waters within as well as without the public domain. If the bill were construed to have the effect of placing the rights of the States against the United States upon the same basis as the rights between individual citizens, then it might well follow that thereby all Federal statutes defining water rights upon the public domain would be repealed.

3. The States assert claims to various portions of the national forests under grants from Congress of sections 16 and 36 of the public lands. Jurisdiction over controversies involving these matters is now vested in the Secretary of the Interior. The bill might have the effect of repealing all statutes defining the jurisdiction of the Secretary of the Interior in this matter and transferring that jurisdiction to the Supreme Court, thereby burdening the court with the determination of many administrative details.

4. The Department of Agriculture administers several statutes having to do with land-grant colleges and the agricultural experiment stations in the States. Under these the States may, as the proprietors

of the colleges and stations, claim causes of action against the United States, and, if so, it might be held that the bill shifts the power to settle such controversies from the executive officials of the Federal Government into the Supreme Court.

In general, it may be said that the department, on its hurried consideration of the bill, has been impressed that its effect might be to repeal a great many of the statutes of the United States; to leave the rights of the United States concerning public property to be regulated, as between the United States and the States, by the same set of rules that govern the rights of individuals, instead of by the statutes of the United States.

Very truly, yours, D. F. HOUSTON,
Secretary.

Mr. MORIN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on a bill I have introduced in the House on raising Government revenues.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by printing the matter he named. Is there objection? [After a pause.] The Chair hears none.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent to extend my remarks on the revenue bill, and more particularly the Underwood amendment.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks on the revenue bill. Is there objection?

There was no objection.

Mr. HICKS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing an address on Lincoln by Dr. Seymour, of New York.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. OLNEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing an article in the National Service Magazine by Sidney Brooks on the subject of preparedness.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SCHALL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the referendum and also on the oleomargarine tax.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks on the subject named by him. Is there objection? [After a pause.] The Chair hears none.

Mr. SAUNDERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing an article on the subject of commercial banking.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD on the subject referred to. Is there objection? [After a pause.] The Chair hears none.

Mr. LANGLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the revenue bill.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD on the revenue bill. Is there objection? [After a pause.] The Chair hears none.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a resolution of the Board of Trade of Baltimore and telegrams from some of our prominent citizens.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. CALDWELL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the subject of universal military training.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the subject of universal military training. Is there objection?

Mr. MONDELL. Mr. Chairman, I reserve the right to object to ask the gentleman from New York on what subject he intends to extend his remarks in the RECORD.

Mr. CALDWELL. On universal military training. I had consent last week and I did not use it, and I wanted a few more days so that I could get it in.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LOBECK. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from the lieutenant governor of Nebraska.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a memorial of the State Legislature of Washington on the necessity of Federal water-power legislation.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD by printing therein a memorial from the Legislature of Washington. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] asks unanimous consent to extend his remarks in the RECORD. On what subject?

Mr. FESS. On the powers of one Congress to fix the time for the meeting of another.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD on the power of one Congress to fix the time of meeting of another Congress. Is there objection? [After a pause.] The Chair hears none.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. BORLAND. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. STEPHENS].

The CHAIRMAN. The gentleman from Nebraska is recognized for five minutes.

Mr. STEPHENS of Nebraska. Mr. Chairman, I was very much interested in the remarks of the gentleman from Ohio [Mr. RICKETTS] on the provision in the sundry civil bill providing for a food investigation. I was also interested in the remarks of the gentleman from Missouri [Mr. BORLAND] in answer to the objection to this investigation by the Senate committee on the ground of economy. I have had something to do with the authorization of the construction of this bridge across the Potomac River here, and this House has authorized the construction of a bridge there for $1,000,000. The War Department has concluded that it will not furnish plans for a $1,000,000 bridge, but wants $500,000 more, or such a matter. The Senate committee's rejection of this amendment for the investigation of this food situation on the alleged ground of economy merely transfers that $400,000 from the purpose that the House intended to that of a continuation appropriation for the construction of this bridge. The House committee has refused to give the War Department the $1,500,000 that it asked for, but if the Senate committee can get this provision of $400,000 through in the form of a continuing appropriation, then this bridge can cost any sum that they have a mind to make it cost. There certainly must be some other objection offered to justify the strenuous efforts that are being made to defeat this investigation of the food trust.

I was interested in the remarks of the gentleman from Ohio [Mr. RICKETTS] when he stated that no two Members of the House, or scarcely more than that, agree upon the causes of the food shortage in this country. It seems to me that that fact in itself is the greatest justification for this investigation. This $400,000 will be placed in the hands of the Trade Commission, and the Trade Commission certainly justifies the confidence of this House by the result it has obtained in investigating the print-paper situation. If the newspapers are to be relied upon at all, the situation now appears to be that the Newspaper Print Trust is about at an end, and that we will ultimately have the price of paper fixed by the Trade Commission, and fixed at a figure not far from the price that prevailed before the war.

If that be true, the Trade Commission has won the greatest victory that has been won by any department of the Government since its foundation. It will have established a record for settling a gigantic dispute in an exceedingly short period of time, thus saving the print-paper consumers of this country millions of dollars in the cost of their paper in a single year.

Mr. FESS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Ohio?

Mr. STEPHENS of Nebraska. Yes.

Mr. FESS. Did we have to make a special appropriation for the investigation of print paper?

Mr. STEPHENS of Nebraska. No; because that is a very trifling matter as compared with this food investigation. This proposed food investigation is of such gigantic proportions that 100 men will be required to proceed in this investigation where 5 or 10 men only were required to proceed in the paper investigation. We want this money for the use of the Trade Commis-

sion, so that quick action can be had and the markets set free from the stranglehold of manipulators.

The CHAIRMAN. The time of the gentleman from Nebraska has expired. The gentleman from Illinois [Mr. CANNON] is recognized.

Mr. MONDELL. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. I would not wish to deprive the gentleman from Illinois [Mr. CANNON] of any of his time.

Mr. MONDELL. The gentleman from Illinois does not desire to use any time.

Mr. FOCHT. If he did, I would be delighted to yield to him.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FOCHT] is recognized for five minutes.

Mr. FOCHT. Mr. Chairman, we are always glad to listen to our friend the gentleman from Oklahoma [Mr. MORGAN] when he discusses anything pertaining to the interests of the farmer, because we believe he has investigated the subject and is thoroughly honest in his conviction and in his manner of presenting the accumulation of knowledge and information which he has acquired through his diligent researches. We have had agriculture from and before the time of Abraham, and it seems that we have made but little advance. In fact——

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. FOCHT. Yes.

Mr. SLOAN. Can you not go back further than that?

Mr. FOCHT. Oh, yes; you might go back further than that.

Mr. LOBECK. Is the gentleman sure that Abraham was the first farmer, or was he a farmer at all?

Mr. FOCHT. It is not intended that there shall be anything humorous in this speech of mine, but go ahead.

Mr. LOBECK. I understand Abraham was a shepherd, not a farmer.

Mr. FOCHT. Well, he was a good farmer, and the people of his time had implements well adapted to the cultivation of the soil. And also in the days of the ancient Egyptians and the early days of that civilization they had good implements for the cultivation of the soil. Therefore it does seem strange to me that with all our modern appliances and boasted advancement and development we can not produce food more cheaply and abundantly. Of course, as a matter of public economy, we well understand that, and if honestly governed by the law of supply and demand, the more the farmer produces the less he will get for it; but it seems this principle does not apply.

Now, in the State of Pennsylvania we have a great agricultural college, such as they are supposed to have in every State. The State of Pennsylvania appropriates, or did last year, and this year will probably, more than a million and a quarter dollars, and yet, my friends, although they have a splendid board of directors, with one of the most brilliant men in the country as president, I have never yet heard of their reclaiming one acre of abandoned farm land or of producing anywhere 2 bushels of anything out of the soil where only 1 bushel grew before.

Now, what is the trouble? A gentleman on this floor one day in debating the tariff question said something happened from the time the tree on the yonder mountain was cut down until it got into the cabin on the plain, and I am constrained to believe that something happens with the price of this food from the time it leaves the farm until it reaches the market or the table of the consumer.

Mr. DAVIS of Texas. Mr. Chairman, will the gentleman yield?

Mr. FOCHT. Yes.

Mr. DAVIS of Texas. It struck me that if the gentleman is telling the truth about the agricultural college in Pennsylvania, his State is very much benighted.

Mr. FOCHT. I am surprised at the gentleman's question. I do not do anything else but tell the truth, sir. [Laughter.] Or just for the levity of the situation, why should you even suspect me of telling the truth? [Applause.]

Mr. DAVIS of Texas. Amen!

Mr. FOCHT. I accept the gentleman's apology, and will proceed. [Laughter.] I am of the opinion that while Brother BORLAND objects——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FOCHT. I would like to have two minutes more.

The CHAIRMAN. The time has been fixed.

Mr. FOCHT. I would like to have, by unanimous consent, two minutes more.

Mr. BORLAND. I yield to the gentleman two minutes.

Mr. FOCHT. I do not agree with the gentleman from Missouri when he objects to the proposed bridge across the Potomac. We really need two of them. A bridge costing $400,000 here in the National Capital really is not excessive. Let it be one or two million dollars if that amount is required to do it right, especially since everything has become a billion-dollar proposition around here in the last few weeks. Anyway, let us have the bridge. At the same time, I am heartily in accord with my friend from Missouri [Mr. BORLAND] in his anxiety to find out what is the trouble between the field and the table. In other words, there are two great issues before the American people which transcend all others. They are, first, to honorably keep out of war; and, second, to look after the tables of the consuming public and see that these outrageous prices, somewhere fixed after leaving the farm, are reduced.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. FOCHT. Yes.

Mr. GARNER. The gentleman does not think, then, that the $400,000 which Congress appropriated the other day for an investigation of this subject should be used for building a bridge in Washington?

Mr. FOCHT. I am not in favor of giving the last $400,000 we have for that; but both situations should be accommodated.

Mr. SLOAN. Is this a bridge across the Potomac or a game called "bridge"?

Mr. FOCHT. This is a real bridge. I do not play bridge nor poker, but I am told you might lose $400,000 in either game. [Laughter.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. STEELE of Pennsylvania having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had agreed to the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 19119, making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. BORLAND. I yield five minutes to the gentleman from Ohio [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, when a person from Ohio walks through the Hall of Fame in this Capitol he sees a statue of ex-President Garfield, which is properly there. He also sees a statue of William Allen, a very good man; but when we consider the men Ohio has furnished to the Nation, one feels that alongside of Garfield should stand McKinley, and alongside of McKinley should stand his able lieutenant, M. A. Hanna. [Applause.] McKinley as President and Hanna in the Senate constituted the strongest representation Ohio has ever had at the National Capital. [Applause.] During the days of McKinley and Hanna Ohio was on the map, and the influence of Ohio was felt in the National Capital.

Mr. HICKS. Does not the gentleman think a statue of Nicholas Longworth would look well out there?

Mr. EMERSON. I will concede that outside of NICHOLAS LONGWORTH Ohio is not very prominently represented in the Capitol at present. [Laughter.] It was often a common expression in the days of McKinley and Hanna to hear people say, "The United States of Ohio." The influence of McKinley in the White House and of Hanna in the Senate will be felt for many years to come. If Ohio is properly to be represented in the Hall of Fame the statues of two such men should be there. During their official lives they were inseparable, and they should be honored together in death. [Applause.]

Mr. SLOAN. Will the gentleman yield?

Mr. EMERSON. I yield to the gentleman from Nebraska.

Mr. SLOAN. I suggest that the Hall of Fame should not be crowded too much, because we want to leave places for EMERSON, LONGWORTH, and FESS. [Applause.]

Mr. LONGWORTH. I want to say that the reports of my death have been very grossly exaggerated. [Laughter.]

Mr. EMERSON. When I see in the Hall of Fame the statues of some men of whom I never heard and of whom a great majority of the people have never heard I feel that the statues of some men should be placed there of whom not only Ohio but the whole country is justly proud. [Applause.]

Mr. LEWIS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

EXECUTIVE.

For contingent expenses of the Executive Office, including stationery, record books, telegrams, telephones, books for library, furniture and carpets for offices, automobiles, expenses of garage, including labor, and miscellaneous items, to be expended in the discretion of the President, $2,500.

Mr. MOORE of Pennsylvania. Mr. Chairman, this item of $2,500 for contingent expenses of the Executive Office attracted my attention in view of the appropriations made in other bills for the Executive office. I observe that this $2,500 is to include a variety of things—furniture and carpets for offices, stationery, record books, telegrams, books for library, automobiles, expenses of garage, including labor, and miscellaneous items. All these are to be covered by $2,500. You could not buy very many automobiles for $2,500. I was wondering how this emergency had arisen, necessitating the expenditure of the small sum of $2,500 for so many purposes. Has the Executive Office fallen short of stationery? Has it fallen short of record books? Is there any dearth of money to send telegrams or to pay telephone charges? Or to buy books for the library? What is the trouble with the furniture and carpets and how many automobiles are we going to buy in addition to all these other things for $2,500? What is this emergency?

Mr. FITZGERALD. Is the gentleman asking me these questions?

Mr. MOORE of Pennsylvania. The gentleman is chairman of the committee and is an expert in automobiles. I was wondering why the Executive had overlooked all these important items and why we are called upon to appropriate $2,500 to cover them all.

Mr. FITZGERALD. The appropriation for the current year for the contingent expenses of the White House is $25,000. The very great increase in the cost of all articles of stationery and all other materials paid for out of the contingent fund necessitates this additional sum. In the legislative bill which has passed the House and Senate the appropriation for this purpose carried for next year is $30,000, an increase over the current year of $5,000, and the committee recommend this additional $2,500 because it is needed for the proper transaction of the public business in the Executive offices.

Mr. MOORE of Pennsylvania. There is no information as to automobiles in the item.

Mr. FITZGERALD. There is none, and it is not needed. The gentleman, after his long service in the House, is, of course, aware that when deficiency appropriations are made they are made in the language of the original appropriation. The original appropriation is worded like the language in this paragraph. The necessity for this additional $2,500 is due to the increased cost of the materials paid for out of the appropriation, and that is a condition found not only in the Executive offices, but in every departmental office in the Government service, as well as in the legislative branch.

Mr. MOORE of Pennsylvania. What was the original item?

Mr. FITZGERALD. Twenty-five thousand dollars.

Mr. MOORE of Pennsylvania. And automobiles, carpets, furniture, and so forth, were included in the same language that is used here?

Mr. FITZGERALD. In the same language.

Mr. MOORE of Pennsylvania. Then this $2,500 is in excess of the sum already appropriated?

Mr. FITZGERALD. Supplementary to the $25,000.

Mr. MOORE of Pennsylvania. And of course it is not the purpose to buy automobiles with the $2,500, but to augment existing funds by $2,500?

Mr. FITZGERALD. Yes.

Mr. YOUNG of North Dakota. Mr. Chairman, I desire to speak upon a subject of great importance in connection with the food-supply problem. Viewed from that standpoint I hope no one will make a point of order that my remarks are not germane to the subject before the House.

During the last Congress we enacted what was known as the grain-standards act. It was made the duty by that law for the Secretary of Agriculture to establish standard grades for the grading of grain. The farmers in various portions of the country had been complaining for years about the abuses which existed, due in part to grain grades established arbitrarily by State boards without regard to the real values of the different grains. The farmers wanted a law which would not only establish standard grades but also appoint men to carry the law into operation in the actual grading of the grain. The law passed only went part way, but it was confidently expected that the Secretary of Agriculture would establish standards, usually called "grades," which would measure the quality of grain based on scientific knowledge. The farmers are now experiencing a rude awakening.

The work in grain standardization is being done by the Office of Markets. Officials in that office adopted what they call tentative grades, with the idea of using them as a basis for consideration in establishing permanent grades. Hearings were announced in various portions of the country, one of them at the Agricultural College, Fargo, N. Dak., on February 20, 1917. This was an appropriate place to meet. There, under a State law which bears my name, experiments had been carried on for eight years to gather a fund of scientific knowledge as to the milling value of wheat and baking tests of the flour made therefrom. Into this atmosphere, where nothing was taken for granted, nothing guessed at, and where everything was reduced to a foundation of facts, came a committee from the Department of Agriculture, and they brought with them their "tentative" grades prepared at Washington with nothing to guide them excepting their eyes, their fingers, and a pair of scales. I went into this question somewhat in an address on this floor last month—January 8. I regret that I can not get time now, during these closing days of the session, to discuss this question fully.

To put it in brief form, the department officials propose to establish grades upon the physical appearance, moisture content, and weight, requiring only the use of eyes, fingers, and scales. Against this method the western farmers demand that the grades shall be established according to accurate, scientific information as to the content of the wheat, what quantity of flour it will make, and of what quality; what content of shorts, bran, screenings, and of what value. This has not been guessed at by President Ladd, of the North Dakota Agricultural College. With a complete flour mill, chemical and baking laboratories he has tabulated his findings over a period of eight yars. He speaks with knowledge; he speaks with the accuracy of a scientist. The question is whether the Secretary of Agriculture will follow his lead or that of those who believe in the old, unscientific, and grossly unjust methods by which grades have been established in the past. The final hearing of the committee is to be held at Washington on March 7. At that time it is to be hoped that the Secretary of Agriculture will be present in person. This is too great and too important a matter to leave to subordinates, however skilled. The course followed up to this time has evidently not had his personal direction. There is time yet to save the day and to do justice to the wheat producers. If no changes are made in the proposed grades, the farmers who have suffered so long and who have hoped for so much at the hands of the National Government will have had the painful experience of having jumped from the frying pan into the fire.

Mr. Chairman, the farmers of the Northwest are greatly disappointed. Expecting much, they are threatened with getting something worse than they have had under State laws. Many of them have written to me, among them Hon. J. N. Hagan, commissioner of agriculture and labor. I have received also concurrent resolution proposed by Representative F. W. Mees and adopted by the North Dakota Legislature; also, letter from J. G. Crites, general manager of the Equity Cooperative Exchange, St. Paul, Minn. For the information of those Members who are here and others who may read the RECORD to-morrow morning, I ask permission to print these letters and other pertinent matters in the CONGRESSIONAL RECORD. [Applause.]

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The matter referred to above is as follows:

LETTERS OF HON. J. N. HAGAN, COMMISSIONER OF AGRICULTURE AND LABOR FOR NORTH DAKOTA.

STATE OF NORTH DAKOTA,
DEPARTMENT OF AGRICULTURE AND LABOR,
BISMARCK, *February 27, 1917.*

Hon. GEORGE M. YOUNG,
House of Representatives, Washington, D. C.

DEAR SIR: I am inclosing herewith a copy of letter that I have written to Hon. David F. Houston, Secretary of Agriculture, together with resolutions passed by house of representatives of our legislature. Wish to call your attention to this letter and resolutions and can assure you that the farmers of North Dakota will appreciate your efforts if you could bring this matter before the United States Congress and if you can personally appear before the Department of Agriculture when this is taken up and thrashed out on March 7, 1917.

Yours, very respectfully,

J. N. HAGAN, *Commissioner.*

BISMARCK, N. DAK., *February 26, 1917.*

Hon. DAVID F. HOUSTON,
Secretary of Agriculture, Washington, D. C.

DEAR SIR: As has been manifested repeatedly by farmers' organizations throughout the State of North Dakota that there is a general dissatisfaction with the present Minnesota grades under which our wheat is sold, and hoping to get relief and a more just system of grading from

the United States Department of Agriculture, the producers of this State were very much grieved by the proposed grades in Table 1, page 6, in Circular 19, and feel sure that the producers in this State under such a system would be penalized; also, the system could be a very material advantage to the buyers at terminal points. The percentage of so-called "inseparable foreign material" is too low, making it practically impossible at local points to market No. 1; also wheats of other classes, the percentage is too low. Your system also reduces the percentage of moisture, and, besides, you have raised the weight per bushel.

The producers present at the Fargo hearing were practically unanimous in favor of the grades proposed by Dr. E. F. Ladd, which are based on milling values instead of physical value. Under your present system it would be just as fair to force us to sell cream by the gallon or by the pound instead of by butter-fat test.

The producers of North Dakota also resented the attitude of Mr. Brand, as it is almost parallel with the attitude of our legislator of two years ago who told the farmers to go home and slop their pigs. Mr. Brand demonstrated to the satisfaction of the producers that his plan was the outgrowth of the system now so universally condemned by the farmers of the Northwest, especially by men of Dr. E. F. Ladd's caliber.

All we ask is that a fair system be established on the milling and baking values. We are coming to realize that taking the crop money out of its just course causes suffering among the producers and consumers of food, which is a great moral wrong, and believe that your department can and should assist in correcting the already existing evils.

There is, however, one point for which we feel thankful; that is the manner in which the representatives of the United States Department, as represented at Fargo, showed plainly that nothing is to be expected from them toward relief of market injustice.

I am sure any relief from the present proposed standard would be appreciated by the producers of the Northwest.

Yours, very respectfully,

J. N. HAGAN, *Commissioner.*

Concurrent resolution of Legislature of North Dakota. (Introduced by Mr. Mees.)

To the Hon. DAVID F. HOUSTON,
Secretary of Agriculture of the United States,
Washington, D. C.:

Whereas there has been manifested by the grain growers of the State of North Dakota a demand for a change in the present system of grain grading; and

Whereas the Hon. David F. Houston, Secretary of Agriculture of the United States, ordered a number of hearings to be held on said subject; and

Whereas one of such hearings was held in the city of Fargo on the 20th day of February, 1917; and

Whereas at the said hearing were present Mr. C. J. Brand, representing the United States Department of Agriculture; Hon. John N. Hagan, commissioner of agriculture and labor of the State of North Dakota; Dr. E. F. Ladd, president of the agricultural college and State chemist for North Dakota; A. C. Townley, representing 40,000 North Dakota farmers; C. J. Crites, sales manager of the Equity Cooperative Exchange; A. G. Bemmels, of the Bemmels Flour Mills, of Lisbon; O. Brown and N. Malcolm, representing the Stark County Grain Growers' Association; S. J. Nagel and O. McGrath, representing the Morton County Grain Growers' Association; C. O. Kell, representing the Burleigh County Grain Growers' Association; as well as many other individual farmers; and

Whereas at the said hearing it became apparent that the information secured by milling and baking tests at the agricultural college mill at Fargo, N. Dak., is not being considered in establishing grades of wheat by the United States Department of Agriculture; and

Whereas the proposed standards for grades of wheat to be established by the United States Department of Agriculture are eminently unreasonable, unfair, and unjust for the reason that they impose a penalty upon the producers of wheat in North Dakota; and

Whereas the percentage permitted by the proposed standards of inseparable foreign material is entirely too low to permit of a proper and just grade; and

Whereas the aforesaid representatives of the people of North Dakota emphatically protested against said standards at said hearing: Now, therefore, be it

Resolved by the House of Representatives of the State of North Dakota (the Senate concurring therein), That we emphatically protest against Table I, on page 6, of Bulletin 19, issued by the United States Department of Agriculture from the Office of Markets and Rural Organization, becoming the standard for grading wheat grown in North Dakota; and be it further

Resolved, That we earnestly request the United States Department of Agriculture that the findings of Dr. E. F. Ladd, through a series of milling and baking tests, be a basis for establishing grades applicable to wheats grown in North Dakota; and be it further

Resolved, That a copy of these resolutions be filed in the office of secretary of state of North Dakota and that the secretary of state be instructed to forward a copy to the Hon. David F. Houston, Secretary of Agriculture, Washington, D. C., and a copy be sent to each of the Senators and Representatives of the State of North Dakota in Congress assembled.

[Statement in Fargo Courier News.]

DEPARTMENT OF AGRICULTURE REPRESENTATIVES DO NOT BELIEVE IN STANDARDS PROPOSED BY DR. LADD AT INVESTIGATION HELD HERE—MILLERS AND GRAIN DEALERS EXPRESS SATISFACTION OVER SYSTEM BRAND DEFENDED—FARMERS PROTEST BUT EXPERTS SHOW NO INTEREST.

MAIN POINTS BROUGHT OUT AT HEARING.

The grades the Department of Agriculture at Washington, D. C., proposes are not based on milling tests in the sense proposed by Dr. E. F. Ladd, famous for his fight for better grades for the producers of the Northwest.

From the attitude of the Department of Agriculture men present it is indicated that the final grades will be changed little, if any, from the tentative grades already framed and explained at the hearing, which means defeat of the Ladd tests.

Dr. Ladd condemns the proposed grades and proposes a set of grades based on the eight-year milling tests at the North Dakota Agricultural College, which have aroused the farmers of four States over what they believe is rank injustice in the markets. He proposes a system of simple grades, three in number, against six proposed by the United States department and which will likely be put in effect.

C. J. Brand of the Federal department staff condemns actual milling tests in commercial grain grading. He is against it even to check inspectors when appeals are made. He claims the United States department has "the greatest staff of grain experts in the world" and that the new grades will be based on their data, "though, of course, we will consider your Mr. Ladd's tests."

The farmers of the Northwest are opposed to the proposed grades as outlined by the United States department, if expressions of some 20 or more who spoke at the hearing are an indication. On the other hand, the proposed grades find so much favor with the milling and elevator interests that those representing that interest had few suggestions to make as to changes in the proposed plan. John D. Shanahan, of the Shanahan Grain Co., of Duluth, said at the hearing, "That the proposed grades are a great personal satisfaction to me."

The matter of the fixing of these grades is so important to the people of the Northwest, affecting as it does their chief industry, that the Courier-News last evening sent Mr. Morris, who reported yesterday's meeting for this paper, to Minneapolis to report the two-day hearing there. Mr. Morris, representing the Courier-News, was the only newspaper man present at the hearing in Fargo yesterday, and the Courier-News in this issue prints the only first-hand report of the meeting made by any newspaper.

[By Oliver S. Morris.]

Two staff men of the United States Department of Agriculture, who have it in their power, under the recent grain-standards act of Congress, to fix the conditions under which the grain of the Northwest shall be marketed, paid a flying visit to Fargo yesterday. They were C. J. Brand and J. W. T. Duvel, delegates of the United States Secretary of Agriculture. They held a hearing at the little country theater of the agricultural college for the announced purpose of getting the ideas of farmers, millers, and grain dealers of North Dakota on what the new Federal grades for wheat shall be. These men will make recommendations which the Secretary of Agriculture will adopt, and the grades thus fixed will supplant the existing grading systems of the various States, so far as interstate commerce is concerned.

IMPORTANT HEARING.

Because the grading of wheat largely determines the price and other market conditions, and because farmers of the Northwest believe the grades now existing are grossly discriminating against them, the hearing was fraught with the utmost importance. In the space of the few short hours allotted them, Dr. E. F. Ladd, president of the agricultural college, and a score or more of farmers present attempted to present adequately the producers' side. The hearing began at 10 o'clock in the morning and closed at 5 in the afternoon, and the Secretary of Agriculture's delegates then hurried away to Minneapolis, where a two-day hearing will be held, to be followed by two-day hearings at Chicago and Kansas City.

It was not till the closing hours of the hearing that Dr. Ladd was given an opportunity to present the results of the famous tests he has made and which have aroused the producers of the Northwest. As fully as the brief time given would permit, he explained what eight years of experimental milling and baking have disclosed about wheat, and what he has found to be the discrimination against the producers and other abuses of grain grading and marketing.

TO CONSIDER LADD'S PLAN.

Mr. Brand, who is chief of the office of markets of the United States Department of Agriculture and who presided at the meeting, made it plain that all that he and his associate could promise was to "consider carefully" what Dr. Ladd had to say.

"We have the greatest staff of grain experts in the world," said Mr. Brand. "We have many Dr. Ladds in our department, and we must consider what they say, too. We might as well make it plain that we can not base any system of grading we may decide upon on your Dr. Ladd's findings—we must base our grades on our own data. But we can promise, and you can be assured we will consider carefully what you have presented to us to-day, and if we find your data warrants it will, of course, alter the tentative grades we have already decided upon."

The tentative Federal grades mentioned by Mr. Brand were explained by him and Mr. Duvel. They completely ignore, as was brought out by several speakers, what Dr. Ladd's tests have shown, namely, that physical appearance does not determine the milling value, and that the so-called lower grades net millers as much, and often more, than the so-called higher grades.

OPPOSE MILLING TESTS.

While the National Agricultural Department men said they were holding these hearings to get ideas for the purpose of altering their tentative rules, "if found necessary," they indicated plainly that the grades as promulgated finally will not be grades based on milling tests in the sense that Dr. Ladd means milling tests. The tentative grades explained by the department men are no better for the producer, and perhaps worse, than the present grades, the farmers present claimed. But every indication is that these tentative grades, with few, if any, alterations will be the new Federal grades.

"Milling tests for commercial grading are impossible," said Mr. Brand. "In a market, for instance, where 1,200 to 1,500 cars of grain are arriving daily, inspectors could not wait for the milling and baking of samples before grading the wheat. All that can be done is to grade by physical appearance and other methods which indicate as near as possible the value of grain for milling."

"Could not actual milling tests be provided at least in case of appeals, or where either buyer or seller are dissatisfied with the grade given by an inspector?" Mr. Brand was asked.

"NOT FAIR," SAYS BRAND.

"No; that could not be done, either. You would then be requiring inspectors to grade by one system and standard and using another system and standard on appeal, which would not work or be fair."

"But you claim," it was urged, "that your grades will be based on milling tests. How, then, would actual tests on appeal be using a different standard or system?"

"It would," said the department man. "It would be using two methods and would not be fair."

The hearing soon after it opened showed that the tentative grades already framed by the United States department, and which with few changes will be the final grades, meet favor with the millers and grain buyers and, on the other hand, are opposed by the producers. Dr. Ladd opposed the tentative grades strongly. He proposed half the number of grades on a plan he has worked out from his tests, but these did not seem to be taken seriously at first by the United States department men. Later, however, they promised to consider carefully Dr. Ladd's proposed grades.

HARD ON DURUM WHEAT.

A big point brought out at the meeting was that the new grades will attempt to force farmers to raise what the department men called "better, cleaner" wheat, especially in the case of durum. Mr. Duvel, who is in charge of the grain-standardization work of the department, was frank to say that the proposed grades on durum have been made so strict that they will bar out of durum grades 40 per cent of the durum now marketed and throw it into the mixed-grade classification, with consequent lower prices.

"We have purposely made the durum grades strict," said Mr. Duvel, "because durum in the Northwest is becoming badly mixed with other wheat, and we think stricter grades will influence farmers to use better seed and better farming methods so as to improve the durum marketed. Our tentative grades on durum provide that any grain of that kind containing more than 10 per cent of other classes of wheat can not be sold as durum, but must be sold as mixed wheat. I believe that your durum can be cleaned up to make these new grades this crop year. You should begin through publicity and through your experiment station to preach better seed and better methods. If you act soon enough your durum sown this spring and harvested this fall can make these grades. It is just a question of farming right. You will get more money for your durum when you clean it up under these grades than you are now getting for durum. I realize these grades we have drawn up for durum look difficult, but the farmers know how to grow clean durum and they can make it clean if they want to."

GRAIN MAN PLEASED.

At this point John D. Shanahan, of the Shanahan Grain Co., of Duluth, arose.

"It is a great personal satisfaction to me," he said, "to contemplate the way you men have worked out these proposed grades. The whole grain industry is to be congratulated on the help of such men as Mr. Duvel. I believe that in five years, under these grades you propose, kicking about grain grading in the Northwest will be a thing of the past. We have been mining more than farming, in my opinion."

The sweeping change in durum grades proposed by the department men caused a big protest of the farmers present. Later even Mr. Shanahan volunteered the guess that the strict grades ought to be put in effect gradually, instead of all at once, so the farmer would have a chance to adjust methods to them gradually.

J. G. CRITES PROTESTS.

"Not a carload of durum in 500 will make these strict durum grades you propose," said J. G. Crites, general manager of the Equity Cooperative Exchange, of St. Paul, who was there to represent the 3,000 farmers who own the stock in this Equity enterprise, which is the largest grain-brokerage firm owned by farmers in the world.

"We expect that will be true at first," said Mr. Duvel, in answer to Mr. Crites. "We know high mixtures get into the durum grades now, but we think it best not to allow it under the new grades."

"I agree with that," said Mr. Shanahan, of Duluth.

"Frankly," continued the department man, "I say durum at present can not make these grades. I think the grades are right, however, because I am confident that it is just a matter of seed and care, which can be remedied in one crop—starting this spring."

"In that case I do not see that any concessions at all are necessary," again interrupted Shanahan.

SOME MORE PROTEST.

F. R. Babcock of the Williston agricultural substation, speaking for the producers, pointed out that much of the other classes of wheat mixed in durum was not the fault of the farmer.

"We find at the station that no matter how carefully you work there is a natural crossing between durum and red spring wheat," he said, "where they are grown on the same farm close by."

"It is pretty difficult in this State," said Carl F. Rockwell, a gray-headed pioneer North Dakota farmer, "to keep other classes of grain out of durum. I know because I farm. You can get every foreign kernel out before seeding—at least you think you have every one out—but before you know it you have a mixture with your durum. This is because you use the same drills and the same thrashing machinery for durum and other wheat, and we all raise various varieties. I think your grades will work a hardship on farmers."

"We find mixtures through volunteer grain," said O. A. Brown, of Dickinson. "We find farmers who pay the best prices for the best durum seed and use great care and yet get a mixture which would not make the grades you propose. These grades are going to work a hardship on the farmer. The farmer gets various prices for his grain, but you know all these grades on which he gets different prices are all mixed before milling by the miller, and the flour price is the same and is based on No. 1 grade for wheat."

SEED ALREADY BOUGHT.

In answer to Mr. Duvel's belief that durum farming could be reformed in North Dakota this spring, Norman Malcolm, representing the Stark County Grain Growers' Association, said that 90 per cent of the seed for the 1917 crop had already been purchased by farmers. Mr. Crites, of the Equity, added that at this time there was little or no good durum in the Northwest to be had for seed. But Mr. Duvel said he thought good seed could be got for this spring all right.

"I know it can't, because we are trying to get it and there is none," said Mr. Crites.

HAGAN WANTS TO KNOW.

In the morning a clash occurred between John N. Hagan, commissioner of agriculture of North Dakota, and Mr. Brand.

"I'd like to know how many inspectors you intend to hire to enforce these grades," asked Mr. Hagan.

"We have 320 already engaged and may need more," was Brand's reply.

"You will need 640—yes, several thousand, right here in North Dakota, if you are going to get at the evils we suffer from here. I want to put a case to you."

"You are getting off the topic. Confine yourself to the topic we are discussing," said Brand, rapping for order.

"What I was saying," said Hagan, who would not be shut off, "was that I am a farmer, and I had 100 acres in bluestem last year. I sold part of it to a local elevator and got No. 2 grade and two pounds dockage. Later I sold the rest of it—the identical same kind—and got No. 1 grade and 1½ cents premium on it and only 1½ pounds dockage. How do you propose, under your Federal grades and inspectors, to reach that sort of thing?"

"Well, that's a case of misgrading," was the reply. "By fair and uniform grades we expect to avoid that."

NO INSPECTION IN STATE.

"Are you going to have men in North Dakota to see to that?" asked Hagan.

"No; that's beyond the scope of the act of Congress. We might as well set you right on that. We are to fix grades only for interstate commerce and will have nothing to do with grading when grain is sold a local elevator. We will grade at the terminals."

"What is this act for? To help the farmers?" insisted Hagan.

"Sure it is," was the reply, "but not in that way."

"That's what I was getting at," said Hagan. "Then we will need a grain department and grain inspectors in North Dakota, created by our legislature."

DR. LADD PRESENTS PLAN.

"Any method of fixing grades that does not take into consideration milling tests is unfair to the producers," said Dr. Ladd in opening his presentation of the farmers' case. "I am in sympathy with Federal grades, uniform in all States, but they should be grades based on milling tests."

Dr. Ladd then told of his eight years of experiments, familiar throughout the Northwest. He showed that under existing grades and under the grades proposed by the United States Department of Agriculture, No. 3 wheat would make more flour than No. 2, although it would bring less to the farmer in spite of bigger returns to the miller. He produced the figures that showed that under present grades, there is a spread often of 100 per cent or more between farmer and consumer on the lower grades, while the spread is only 20 to 30 per cent on the so-called higher grades.

"If mills are making a fair profit on Nos. 1 and 2 wheat, then somebody is making profits out of all proportion on the lower grades," he said.

TOWNLEY ASKS FOR DETAILS.

During Dr. Ladd's discussion of the subject, A. C. Townley, president of the Nonpartisan League, who was present during the afternoon, arose to ask Dr. Ladd in more detail about some of his investigations.

"Dr. Ladd, did the millers advertise that the 1916 crop, all of which was so-called low grade, made better flour than the 1915 crop, which graded much higher?"

"They did," said Dr. Ladd. "Notices they sent out to dealers explained that 1916 wheat, sold by farmers in many instances as feed, was making bigger and better loaves of bread than the 1915 crop."

"I would like to ask, also," said Mr. Townley, "whether or not you found commercial mills in Minnesota actually proving this by grinding flour for farmers for 15 cents a bushel and giving them the grist—whether under this custom milling plan farmers were not getting up to $2 per bushel in mill products for wheat they were offered only $1 for by the mills."

"That is true," said Dr. Ladd. "We did find that in our investigation of commercial mills in Minnesota."

In explaining his system of grading, which makes three grades where the proposed Federal grades make six, Dr. Ladd explained that Russia uses only two grades. He said that he believed that the elaborate system of grades proposed by the United States department would work a hardship on the producers. In answer to another question of President Townley, of the Nonpartisan League, he said that his system of grading, which he submitted at the hearing, was based on milling tests and would give millers the same profits they now get on Nos. 1 and 2 grades, but would not give them any more margin than that on the lower grades, whereas now they are making several times as much on the lower grades.

PROVEN IN CANADA, TOO.

"The high value of the so-called lower grades of wheat," said Dr. Ladd, "have not been shown alone by our tests. Canadian Government investigations have proved the same thing. South Dakota experiment stations have shown that for feeding purposes low-grade wheat is as good as higher. So we know it is as good for both feeding and milling. At my home we eat bread from these so-called feed grades, and we do not know the difference. Our guests can not tell the difference."

Norman Malcolm, of Stark County, created something of a stir when after Dr. Ladd had finished, he said:

"I notice, Mr. Brand, that some of your department men seemed to be unfamiliar with Dr. Ladd's tests, judging from the notes they were taking during his talk, and other indications."

Mr. Brand chose to consider this as reflecting on the members of his party and himself.

"We won't allow any of that to go into the record," he said.

"I just inquired for information," said Mr. Malcolm.

"Well, I will say that we are familiar with Dr. Ladd's tests," said Brand. "We do not agree with him in all things, of course, but we have studied his bulletins and we are going to carefully consider what is brought out here."

LEARN LOCAL SENTIMENT.

While the entire attitude and most of the remarks of the United States department men indicated that they had already decided the matter of what the grades should be and that the present hearings are a mere formality required by law, they will not leave North Dakota without knowing the sentiment in this section. S. J. Nagel, of Glen Ullen, presented resolutions of the Grain Growers' Association of Morton County, asking that the Ladd tests be made the basis for the new grades; C. B. Waldron, president of the Tristate Grain Growers' Association, presented similar resolutions of that organization; C. O. Kell, of McKenzie, handed in resolutions of the Farmers' Union of Burleigh County, asking the same thing; O. A. Brown, of Dickinson, did likewise for the Farmers' Union of that locality; Mr. Malcolm presented petitions with hundreds of names of producers from all parts of the State asking careful consideration of the Ladd proposed grades; others present did likewise for the farmers of their vicinities.

OFFER LITTLE CHANGE.

The department men used a stereopticon to flash tables on the screen showing the data on which they had based the proposed grades. These tables, with one exception, had nothing to do with milling tests. They were tables showing how grain had graded in the Minneapolis terminal and at local points over a term of years; how different grades averaged for moisture, weight per bushel, foreign matter, etc., and they gave a good idea of how much wheat will get in the various grades under the new plan. They showed there will be little change from the present conditions. The new grades proposed make six classifications, called

Nos. 1, 2, 3, 4, 5, and sample. The old grades have No. 1 hard, and then Nos. 1, 2, 3, and 4 northern and sample, so that under the new grades the old No. 1 hard would be just No. 1 and the No. 1 northern would be No. 2, and so on down the list.

The single table of milling tests shown as the basis for the department's arrangement of the proposed grades was labeled the "Howard laboratory tests." It was not explained what the Howard laboratory was, but the department men when questioned about it were quick to say they did not take the responsibility for it, but presented it for what it was worth. It is the same table, grain men present said, that millers have been exhibiting to offset the Ladd tests, with which it materially differs.

WHERE REJECTED WHEAT GOES.

During the showing of the tables J. M. Brinton, of Beach, asked what became of the rejected and sample wheat, amounting to 25 per cent of a crop on the average, which did not get into grades 1, 2, 3, and 4 under present conditions.

"It all goes into flour," said Mr. Duvel. "We all know that practically all wheat goes into flour."

"I thought so," said Mr. Brinton.

With Mr. Shanahan, from Duluth, in behalf of the grain trade, were William Grettum, a grain dealer, and W. C. Mitchell, ex-president of the Duluth Board of Trade. C. M. Bemmels, of Lisbon, a miller, was also present. Grain buyers and millers, however, with the exception of Mr. Shanahan, had little to say. They seemed to be satisfied with the grades as proposed, and the proposed grades did not need defending from the farmers, as the United States department men did all the necessary arguing for them and against what the farmers proposed.

"We have had fewer millers and grain men at this meeting than any we have held," said Mr. Brand. "But we are glad to see the farmers so well represented. It is only by hearing both sides that we can reach just conclusions."

The hearings at Minneapolis to-day and Thursday promise to bring out hundreds of millers and grain buyers.

[Editorial from Fargo Courier News.]

WHAT NORTH DAKOTA IS LOSING.

North Dakota farmers out of last year's crop have been getting for their heat and rust shriveled wheat just about half its real value for milling purposes.

That fact has been established not alone by the careful milling tests carried on at the agricultural college test mill, but by actual commercial results in at least three small gristmills in western Minnesota.

The full meaning of this ought to be realized by the business men as well as the farmers of North Dakota. It means a loss of millions of dollars that ought to have come into the hands of the farmers of this State and through them into the hands of the merchants of the State.

It is money that ought to have helped to build the State of North Dakota, and a mighty help it would have been. It would have erected schools and equipped them with the best teachers and the finest appliances; it would have built hard-surfaced roads; it would have built new and modern homes on the farms; it would have added to bank deposits and created new industries.

This "feed-wheat" proposition is not a trivial thing. If the farmers were robbed this year of 50 cents a bushel on 20,000,000 bushels—actually an underestimate—the State has paid tribute of ten millions of dollars that it ought to have retained, money that its own citizens had earned.

This one year's loss would pay all the investment costs of a mighty group of State industries dedicated to the purpose of saving for North Dakota the profits on what it produces.

It is a project of wonderful moment to the people of the State of North Dakota, for which the farmers have been fighting for years. The vision broadens as its possibilities are seen. It is one phase of the great problem with which the whole Nation must grapple—that of cutting out the wastes in the distribution of all products, whether grown or manufactured, in order that a dollar may bring what a dollar produces and that a dollar may be received for a dollar's worth of work or product.

Not to see the greatness of this project is blindness, and those who are blinded by narrow prejudice are doubly unfortunate.

[Editorial from Fargo Forum.]

MAKE THEM COME AND GET IT.

"If you want full justice in marketing the products of your State you must sell in your State and force the buyer to come to you for his wheat. He will do it."

So says Dr. E. F. Ladd, who is one of the best informed men in the Nation regarding grain values. Why not?

The farmers of North Dakota are the victims of custom. The present methods of marketing grain are outgrown and obsolete, a relic of the early struggling days when North Dakota was a pioneer State, its farmers few, without means, and at the mercy of the grain buyers.

That day is past and gone.

To-day this State could dictate to the grain buyers. But it blindly allows the buyers to have things all their own way. The farmers of North Dakota are raising a product which is absolutely essential to the consuming public of the world.

The amount of hard spring wheat grown in the United States is not large compared to the great bulk of the wheat crop of the Nation, but that hard wheat is of a quality second to none grown anywhere on the globe. The millers must have it to blend with the soft wheats in milling. If North Dakota did not foolishly dump its crop into the world market each fall, making hard wheat almost a drug on the market, the millers would be at our doors clamoring for that splendid hard wheat.

Will we ever learn the lesson?

The Forum believes the remedy is the establishment of terminal elevators in North Dakota. As Dr. Ladd says, force the buyer to come here for his wheat. You may be absolutely sure that he will do it.

THE FARMER'S PRIVILEGE.

The indignation of the farmer members of the legislature against Dr. Brand and his assistants of the Federal Bureau of Markets is well directed. The conclusions of Dr. Brand and his helpers are open to question, but his attitude is plainly censurable.

He has warm sympathy for the grain dealers and the rich millers of Minneapolis. He is anxious to defend them and to explain their position, as he showed when he accepted and indorsed the explanation of the head of the Washburn-Crosby Milling Co. as to how it comes that seeds actually separated from wheat by new processes are still "inseparable." There was no interest shown in the revelation that modern machinery was doing this. The millers' explanation that "It costs too much," and "We're thinking of throwing the machines out" is readily accepted. The miller is a gentleman, but as for the farmer——

"If the farmers don't like it, they have the privilege of putting in these machines themselves," says Dr. Duvel. This from an official of the United States Government commissioned to fix just standards and conditions of marketing grain.

Well, the farmers do have that privilege, don't they? They can put in these machines. Why not take Dr. Duvel at his word? The pea extracting mechanism is a necessary part of the equipment of the big modern mill, with all its new devices for treating grain by which an enormous profit is being reaped.

Why shouldn't the farmers own them? They can't put one on every farm, of course, but they can do something else. They can have the State, which they support and whose taxes they pay, build them a big and modern mill at some advantageous point in the State of North Dakota, and they can reap some of the profits of milling low-grade and mixing wheats to produce good flour at low cost.

They can advertise and sell this product all over the world as a State product, made and sold on honor and with the guaranty of a State behind it, and made from the best milling wheat in the world.

* * * * * * *

The Federal grain-standard "experts" with their chamber of commerce grades have conferred a real favor on the farmers of the Northwest and the people of the State of North Dakota. They have come out in the open. They have shown early in the game that nothing is to be expected from the Division of Markets of the Department of Agriculture toward relief of market injustices.

The Government has handed the farmers a stone in place of bread. Hope in that quarter is ended. The power of the State is the only recourse.

The only way to a remedy is plainly indicated. North Dakota must have her own grain-grading system; she must have her own grain elevators within the State and buyers of the grain, whose milling quality is not equaled in the world, must be invited to come to this State for it.

Let the Minneapolis inspectors, clothed with the authority of the Federal Government, do as they please about grading such North Dakota wheat as gets into their hands. A market can be found for North Dakota wheat sold under an honest label that tells just what it is. The world needs the wheat. Buyers will come to this State to get it.

The farmers of this State before this have made the arrogance of brief authority a help to achieve their objects. The insolent self-sufficiency of Brand forms a parallel to the words of the legislator who told the farmers two years ago to "go home and slop the pigs." That phrase built the new revolt and Brand is but pouring fuel on fires the extent of whose future sweep blissfully he can not conceive.

The Clerk read as follows:

FEDERAL TRADE COMMISSION.

For compensation, travel expense, and per diem in lieu of subsistence at the rate of $4, of such special attorneys, special experts, special examiners, special agents, clerks, and other employees as may be necessary for the purpose of carrying on the work of said commission; no salary shall be paid hereunder exceeding the rate of $5,000 per annum; $50,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Information in the newspapers indicates that another body has refused to approve the item of $400,000 passed by the House recently for the purpose of having the Federal Trade Commission make an investigation into the food supply. If that is true, then another prolonged and, as some of us believe, a rather wasteful investigation will fall by the wayside, and a large sum of money will be saved to the people. I refer to it at this time, because we are informed through the newspapers that bread riots are continuing in the city of New York.

Mr. SLOAN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. SLOAN. Not many days since the gentleman was speaking of the newspapers as not being the best authority. Has he changed his mind on that?

Mr. MOORE of Pennsylvania. That was as to some newspapers; we can accept some statements without a grain of salt.

Mr. FESS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FESS. I have read recently that these bread riots were not quite as real as they were artificial. What does the gentleman know about that?

Mr. MOORE of Pennsylvania. I know one Member of the House has introduced a bill for an inquiry to ascertain whether those instigating the riots are American citizens or aliens. I have no particular interest in that inquiry, because I assume that an alien is just as anxious to have food and clothing as any other. It is as important that these men, women, and children shall be fed, irrespective of the country from which they come. I have no desire to prevent anybody who ought to have food from obtaining it. These people in New York who are daily appealing to the mayor of the city for help have my sympathy, whether they were born in Poland, Russia, or in the United States.

I would like to see something done to enable them to obtain food cheaper than they get it in New York and some other large cities to-day. There is a good deal of money being made in New York City. Large profits are being taken, and it is to be regretted that any of the people should suffer. There is a great

production in the agricultural districts of the country, and apparently no good reason why the people of the United States should not be fed at a reasonable rate, except as has been intimated in one or two speeches here, that we are sending so much food abroad that the supply for the people of the United States is limited, so that the home price necessarily rises. I have been informed that there is ample food for everybody in the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, have I had a full five minutes? I ask unanimous consent to speak for five minutes.

The CHAIRMAN. Yes. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes. Is there objection?

Mr. FITZGERALD. I object.

The Clerk read as follows:

The accounting officers of the Treasury Department are authorized and directed to credit in the accounts of George Johannes, special disbursing agent, Federal Trade Commission, the sum of $94.65, representing amounts paid by him for subscriptions to periodicals and publications of the nature of books of reference disallowed by the accounting officers of the Treasury Department.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I am satisfied, although not a lawyer, that there is ample law upon the statute books of the United States to-day to enable the Attorney General of the United States, if he cares to exercise the power Congress has given him, to proceed against those who are said to be cornering the food supply. I have contended that before, and no less a lawyer than the gentleman from Missouri [Mr. BORLAND], who has been the champion of an antibeef trust resolution, admits that the Attorney General has the power to proceed against these so-called trusts and combinations that are supposed to be controlling food prices.

It has been brought out here by gentlemen from the western part of the country that four men hold up the entire beef supply of the United States. The Attorney General has recently indicated that there are no trusts, and yet the Republican Party was defeated four years ago upon the pretense that it fostered trusts. The Democrats said if elected to power they would immediately destroy these trusts. They said they would enact laws that would have "teeth in them" which would bring relief to the plain people of the land, reduce the cost of living, and put malefactors in jail. Yet there has not been a single prosecution of consequence and none of the alleged trusts have been crushed.

Mr. SLOAN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. SLOAN. Is it not a fact that there is a piece of legislation known as the Webb bill being pressed by the administration forces and forces within the House against trusts, the primary purpose of which is to organized trusts to do foreign business and export food out of the country?

Mr. MOORE of Pennsylvania. There was such a bill, and there has been a strong effort to pass it. It is probably not in accord with the Democratic pretense of crushing trusts. Our friends on the other side have revised and modified and lessened the influence of the reserve banking act. Professing they would destroy the interlocking directors in banking institutions the gentlemen on the other side came in with a bill to restore interlocking directorates; they had previously contended that these directorates were responsible for "the money power" in the United States. Those who were supposed to be culpable under the Clayton antitrust law were exempted from its provisions——

Mr. FESS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FESS. How many cases have been prosecuted under the Clayton bill?

Mr. MOORE of Pennsylvania. I do not believe a single case has been prosecuted under the Clayton antitrust law, and I have challenged time and again Members on the other side to indicate a single malefactor of great wealth that has been "brought to book." No "malefactor," so far as I know, has been put in jail. And yet the Republican Party was defeated in 1912 because it was supposed to be controlled by these influences.

Mr. HAUGEN. Does the gentleman claim that last year's production in food products was normal?

Mr. MOORE of Pennsylvania. I understand that the crop was ample to supply the normal wants of the people of the United States.

Mr. HAUGEN. The fact is it was much below the normal.

Mr. MOORE of Pennsylvania. That would indicate that when we send so much abroad prices here may rise.

The Clerk read as follows:

For additional expenses of the Eight-Hour Commission, created by the act of September 3 and 5, 1916, to complete the work of the commission and to enable it to make the report called for by the said act, $35,000, to continue available during the fiscal year 1918.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting therein two resolutions passed by the Legislature of the State of California.

Mr. BORLAND. Upon what subject?

Mr. RAKER. One is on the California Débris Commission and the other is on the military highway.

Mr. MANN. How many times have they been inserted in the RECORD?

Mr. RAKER. They have not been inserted at all. They just came this morning by telegraph.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CURRY. Mr. Chairman, I move to strike out the last word. There is plenty of foodstuffs raised in the United States to maintain in comfort and happiness all of our own people and also for the exportation of a great deal of it abroad. In some portions of the United States food products are reasonable in price and in other places they are unreasonable. In New York City they are unreasonable, and in some of the other centers of population. I think possibly that is caused partly by local combination and not because there is not enough food in the United States to supply the people of the United States with sufficient to eat. This morning I received from Mr. Fred Shaffer, the secretary of the Yolo County, Cal., Board of Trade, a telegram in which he says that in Woodland, Yolo County, they have 15,000,000 pounds of rice in warehouses which they are ready and willing to sell for 3¼ cents a pound f. o. b. Woodland. Rice is being sold in New York for 15 cents a pound. Of course, a great many reasons have been given regarding the high cost of living in certain centers of population. Some people attribute it to the plethora of gold. Where there is more gold than can be properly used prices naturally go up, and the United States has at the present about one-third of the gold in the world. Some people say that it is on account of the war in Europe. War also always increases the price of foodstuffs. Some people have said that it is on account of combinations. It is not a question of any general combination in the United States, because the high cost of living is only in certain spots.

If there is any combination, it is a local combination. The lack of proper facilities for transporting and distributing foodstuffs has also helped to increase the price. Some people say that food is exorbitantly high in cities because three-quarters of the people of the United States live in cities and towns, while one-quarter live on the farms, when 75 years ago three-quarters of the people lived on farms and one-quarter of the people lived in the cities. That is a matter that is always determined by where a man can do the best for himself. It is governed by the law of supply and demand. Seventy-five years ago the farmers had no modern machinery; they had to do their work by hand. Now most of their work is done by machinery. We had no great railroads and telegraph and telephone systems and manufacturing and mining machinery and things of that kind 75 years ago. At that time 75 per cent of the people ought to live on the farm. They were needed there, and not more than 25 per cent could find profitable employment in cities. At that time we were not a manufacturing people and we had not applied steam, electricity, and machinery to industry. To-day it takes over 50 per cent of the adult population of the people of the United States to take care of the steam and electrical industries of the country. If 75 per cent of the people were living on farms to-day and 25 per cent in the cities, we would not be a civilized people. We would produce farm products enough to feed the world, would manufacture but little, and could not man our railroads and our steam and electrical plants.

I believe that while the increase in the cost of foodstuffs should be a little more than it was before the European war—for war naturally increases the prices of food in the centers of population—that the real reason that the foods are so high and they have not enough in New York and Chicago and the great centers of population is because we have an ineffective and unsatisfactory system for the transportation and distribution of foodstuffs, and that some of it is due to local combinations and some to the misuse of cold-storage plants that were supposed to be used in the interest of the public, to equalize and make reasonable the cost of food products throughout the year, instead of which they are being used in the interest of monopoly, to increase the cost of food to the consuming public. The United States is at peace and must export large quantities of farm products that are grown on her farms in excess of the needs of her citizens. Great Britain is at war and must import much

of what her people eat. Under those conditions, something must be wrong when the food necessaries of life cost more in New York and Washington than they do in London. And something must be radically wrong when the warehouses of the West are filled with farm products seeking a market at a reasonable cost and the poor in our eastern cities hunger because they can not buy those same products but at an exorbitant price. And the excuse is made of a shortage in the supply.

The Clerk read as follows:

Not less than 5,000 feet square of the space now occupied by, and to be made vacant by the removal of, the Federal Trade Commission from the building rented for the use of the Department of Commerce is transferred to, and for the accommodation of, the Bureau of Efficiency.

Mr. FITZGERALD. Mr. Chairman, I move to amend on page 3, line 17, by striking out the words "feet square" and inserting in lieu thereof the words "square feet."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 3, line 17, by striking out the words "feet square" and inserting in lieu thereof the words "square feet."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

DEPARTMENT OF STATE.

For the relief, protection, and transportation of American citizens, in connection with or growing out of the existing political disturbance in Europe, $250,000, to be expended at the discretion of the President and to be available during the fiscal year 1918: *Provided*, That American citizens to whom relief is extended or transportation is furnished hereunder shall pay to or reimburse the United States all reasonable expenses so incurred, respectively, on their account, if financially able to do so.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to have a statement from the gentleman in reference to the $250,000 appropriation carried in this item and, if the gentleman has it, also a statement as to how much previous appropriations have been refunded. How much did we appropriate before?

Mr. FITZGERALD. Two million seven hundred and fifty thousand dollars in two resolutions. The first resolution carried $250,000 and the second $2,500,000.

Mr. MANN. Are there still a great many Americans abroad who need this sum to get home? We have been offering to bring them home for over two years, and if they want to stay so long why do they not come home at their own expense?

Mr. FITZGERALD. Mr. Chairman, it was believed that there were many cases and many demands that would be made upon this fund. Then, the money has been used for purposes other than the paying of expenses of American citizens abroad. For the relief of American citizens $450,000 was expended. Three hundred and seventy-eight thousand dollars was expended for services in the Department of State and the Diplomatic and Consular Service. Telegraph and cable services amounted to $542,000. Additional equipment for departments and for missions and consulates, $13,000; traveling expenses of special representatives abroad, $21,000. Then, there is about $100,000 on account of unsettled accounts with the various embassies in London, Berlin, Petrograd, Vienna, Rome, and the like.

Mr. MANN. Mr. Chairman, I remember when we made the first appropriation. Every one, I think, was favorable to it. It was designed to bring home American citizens who were abroad, with the expectation that they would reimburse the Government for the money advanced, so far as they had the means to do so. Here is a proposition to advance money to American citizens for their relief, protection, and transportation, and to have them reimburse the Government for it, but when the money is appropriated it is not used for that purpose at all.

They use it for expenses of the State Department. Why not be honest enough to say what they want the money for and let us appropriate for expenses in the State Department instead of going on the theory or under the guise that we are appropriating to transport American citizens home? I think it is perfectly proper that we should appropriate money enough so that the embassies abroad, which have extra work placed upon them, should have the means with which to handle the work, but certainly a large proportion of the extra work which was placed upon the embassies is now taken off their shoulders. We represented all over the world the German Government. We no longer are doing that. I think we represented, also, the Austrian Government. We represented in our embassies the central powers all over the world, and that was a considerable expense. Now that expense has been taken off our shoulders and we have to have somebody else represent us in connection with those powers instead of our representing those powers in connection with other Governments.

Mr. FITZGERALD. If the gentleman will permit me, the language of the original appropriation was broader than is carried in this bill.

Mr. MANN. That is very likely. I know what was stated as to what was expected to be done in reference to that work. A very large proportion of that money, and I am not criticizing that, I expect they needed the money at these embassies, and probably in the consular offices, but if they had why did not we appropriate the money for the full expenses instead of hiding it under the guise of appearing to be very generous to American citizens abroad by transporting them home?

Mr. BENNET. Mr. Chairman, I move to strike out the last three words for the purpose of asking my colleague, the chairman of the committee, whether there is not some way to supervise these expenditures? I will tell him a case. There were two Italians over in Genoa when the war broke out.

Mr. FITZGERALD. Only two?

Mr. BENNET. Lots more; but I happen to know that these two were American citizens of foreign birth. One of them had credit enough with people there to get money enough to come back to the United States, and he got back to the United States with $75 or $80, or something like that.

The other man, who did not have credit enough to get home on, had to go to the American consul, and the American consul said, "That is all right; I will send you home." And it cost him something like $300. He was a man who had money in this country, and he has had to pay back to the United States Government something like $300. He had no voice in the matter. The consul just picked up the whole proposition, and it cost that man three or four times as much as the man got back on who could raise his own money. I am sincerely asking for information as to whether or not there is any rule governing this?

Mr. FITZGERALD. Of course, it may be the consul could not have given him any other accommodations, and some American citizens when they found the Government was about to pay back their expenses got very exaggerated ideas of the character of accommodations that should be furnished.

Mr. BENNET. I do not think my colleague followed my statement. This man whose way the consul paid back had money in the United States and had to repay to the United States the money that was advanced by the consul.

Mr. FITZGERALD. The consul had to take what he could get for him, and as he was an acquaintance of the gentleman from New York, on his appearance he supposed he was accustomed to traveling in a style commensurate with the expenditure.

Mr. BENNET. He really did give me as reference. Really, ought not these consuls exercise some discrimination?

Mr. FITZGERALD. I imagine they try to do so. It seems they have. We have spent over $600,000 in this work.

Mr. BENNET. And a good deal of that has come back.

Mr. FITZGERALD. We have received back about half of it so far. We hope to get it all back. But there are times when a delay of half an hour would make it impossible to get a choice of accommodations on a steamer. My understanding is that when applications were made for relief of this character the effort was made to provide suitable accommodations, and whether the steamship companies took advantage of the Government agents I do not know. A man seeking accommodations for himself might drive a little harder bargain than a representative of the American Government could do who was acting for him. There are a number of conditions that might surround him.

Mr. BENNET. At any rate, the only thing we can do, really, is to appropriate abundantly and put our trust in Providence.

Mr. FITZGERALD. We will have to do as we do in all cases, trust to the common sense and good judgment of officials. Sometimes they make mistakes. We occasionally do that here. Therefore we have to make allowances for those who do it in other places.

Mr. BENNET. Well, I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from New York withdraws the pro forma amendment, and the Clerk will read.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. ASHBROOK having taken the chair as Speaker pro tempore, a message in writing from the President of the United States, by Mr. Sharkey, announced that the President had approved and signed bills and a joint resolution of the following titles:

On March 1, 1917:

H. R. 14777. An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes.

On March 2, 1917:

H. R. 9533. An act to provide a civil government for Porto Rico, and for other purposes;

H. R. 18453. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918;

H. R. 8229. An act to establish a national park at the battle field of Guilford Courthouse;

H. R. 12195. An act to amend section 17 of the United States bankruptcy law of July 1, 1898, and amendments thereto of February 5, 1903;

H. R. 18181. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 19037. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

S. 7601. An act for the relief of Caleb T. Holland;

S. J. Res. 201. Joint resolution requesting the President of the United States to designate and appoint a day on which funds may be raised for the relief of the Ruthenians (Ukrainians);

S. 784. An act to authorize the sale of certain lands at or near Belton, Mont., for hotel purposes;

S. 5612. An act providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont.;

S. 6654. An act to validate a patent to certain lands heretofore issued to the State of Florida, to allow the said State to claim certain other lands, and for other purposes;

S. 6692. An act to amend section 6 of an act to expedite the settlement of title to lands in the State of California;

S. 8227. An act granting the consent of Congress to the city of Fort Atkinson, in Jefferson County, Wis., for the construction of a bridge across the Rock River; and

S. 8113. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Second Pan American Scientific Congress: The amount which may be expended for salaries from the appropriation of $42,000 for preparation and printing of the reports, proceedings, and papers of the Second Pan American Scientific Congress, contained in the general deficiency appropriation act approved September 8, 1916, is increased from $3,300 to $5,000.

Mr. WINGO. Mr. Chairman, I move to strike out the last word.

I have read this bill with great care, and I do not find any provision for what I understood would be made for an additional appropriation for the so-called Newlands subcommission.

Mr. FITZGERALD. The what?

Mr. WINGO. The Newlands subcommission, or whatever you call it—the joint commission.

Mr. FITZGERALD. Who had this understanding?

Mr. WINGO. I will try to enlighten the gentleman, as I want to get some enlightenment in return. Keeping track as best I can of the Senate, I have discovered that already an amendment has been prepared and offered and printed that is intended to be put on this bill when it gets to the Senate, appropriating $20,000, I believe it is, to be immediately available by the Newlands subcommittee. I would like to ask the chairman of the committee if that matter has been considered by his committee, and if it contemplated to carry in this bill the item when it finally becomes a law?

Mr. FITZGERALD. There has been made no suggestion of that character, and my understanding was that the Newlands Railway Commission was continued on the understanding that they could get along without any more.

Mr. WINGO. That, Mr. Chairman, was the statement made on this floor when the resolution was under consideration to extend its time. It was stated then explicitly that they did not ask for an additional appropriation. They simply asked for the continuation of the commission, and one statement was made that it was simply for the purpose of having additional time for making a report.

Mr. FITZGERALD. They will have to have a very persuasive argument to get any money in this bill.

Mr. WINGO. I have gotten the information I desired from the gentleman from New York.

Mr. SIMS. With the permission of the gentleman from New York [Mr. FITZGERALD], I wish to say that the resolution brought in first was brought in by the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Georgia [Mr. ADAMSON], and it provided for the sum of $16,000 to be added to the original $24,000, or so much of same as remained unexpended.

Mr. WINGO. The gentleman can not give me any information on that. It is a fact that it was stated, and that resolution went through this House on the positive assurance that no appropriation was asked, and the implication was that no appropriation would be asked.

Mr. SIMS. Mr. Chairman, I started to state the situation, if the gentleman will let me finish it.

Mr. WINGO. I do not want the gentleman—and I say it with all kindness—to state the situation in my time.

Mr. SIMS. I want to state the facts, and then, if I am mistaken, the gentleman can correct me; but do not anticipate my statement.

Mr. WINGO. I can not yield further. I anticipate the gentleman's statement.

Mr. SIMS. I have the floor.

Mr. WINGO. I beg the gentleman's pardon. I have the floor.

Mr. SIMS. I asked the gentleman from New York [Mr. FITZGERALD].

Mr. WINGO. He did not have the floor. I had it, and I gladly yielded to my friend. I anticipated his statement, having known him ever since I was a boy by having read of him in the CONGRESSIONAL RECORD, and I could anticipate what his statement was going to be. I stated what the facts were and the assurances that were given to this House. And I am sure the gentleman from Tennessee [Mr. SIMS] can not state any facts that are contrary to the facts stated by me.

Now I yield with pleasure to the gentleman from Tennessee.

Mr. SIMS. I will take the floor in my own right, if I can be recognized.

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. WINGO] has not yet expired.

Mr. SIMS. I thought it had.

Mr. WINGO. I yield with pleasure to the gentleman from Tennessee whatever time I have.

Mr. SIMS. In order that the situation may be understood just as it was and as it is, it was estimated by the members of the joint subcommittee that it would be necessary to have $16,000 more than was left of the original $24,000, because part of the original $24,000 had been expended, and the resolution was reported to this House, adding that much to it, and also providing that Mr. CULLOP, who is a member of the committee now, and who is going out, should continue to serve.

Now, that resolution was defeated in that form, or, rather, the rule. Much of the opposition, or what seemed to be much of it, was due to the fact that Members of the House thought it was not a good practice to continue on a subcommittee of the two Houses a man who would no longer be a Member of the House. Afterwards that objection was eliminated; that is, when the rule for the resolution was modified so as to appoint another member of the committee who was reelected to the next Congress. Even after this was done, it appeared that it would still be difficult to get the resolution through, because some gentlemen were opposed to going further with this investigation provided for; so the committee brought in the resolution, so as not to increase the appropriation. But it has never been admitted by me, and it is not so admitted now, because it is not a fact, that the subcommittee can do the work that was mapped out for it to do by the original resolution in so thorough a manner as it ought to do it with the remaining unexpended part of the original appropriation.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. WINGO. It is a fact, as was stated on the floor of this House more than once during the month of January, that they were not asking for another appropriation, is it not?

Mr. SIMS. I do not think any member of the committee stated that. Some one else may have stated it, some one not on the committee. There is no use in deceiving ourselves. If you look at the breadth and depth of that resolution you will find that the investigation provided for by it can not be made with the amount that has been appropriated.

Mr. WINGO. That is our experience with such commissions.

Mr. SIMS. We are going to do the best we can with what is left, but it is not right to leave the impression that it is the judgment of the committee—that is, of the entire committee—that the amount that has been appropriated and remains unexpended is sufficient to do the work that ought to be done.

Mr. WINGO. Mr. Chairman, will the gentleman yield for a further question?

Mr. SIMS. Certainly.

Mr. WINGO. How many days has this joint committee sat since it was organized?

Mr. SIMS. I do not remember.

Mr. WINGO. As many as 15 days?

Mr. SIMS. I do not know whether it was that much or not.

Mr. WINGO. As a matter of fact, has it been in session hardly at all?

Mr. SIMS. Compared with the time necessary to make the investigation as it should be made, and so that it will be worth anything to the House or the country after it is made, the time that has been used is but a small part of what will be necessary.

Mr. WINGO. What, in the gentleman's judgment as a member of that committee, is the amount of the additional appropriation that would be necessary, and how much will the commission ask the House to give them?

Mr. SIMS. I do not know. I do not know that we will ask for anything more. But I do not want the impression to go out that the balance of the appropriation that has already been made is sufficient to do the work as it ought to be done.

Mr. WINGO. I will say to the gentleman that I was not deceived by the statement made in January, and I am not deceived now. They can go along now and proceed and investigate almost anything named in the Constitution of the United States. The scope of the investigation is almost without limit.

Mr. ESCH. Mr. Chairman, if the gentleman will permit, I wish to state, in answer to the question of the gentleman from Arkansas [Mr. WINGO] that the joint committee sat in session for 10 days and took something like 700 pages of testimony, which is now in print.

Mr. WINGO. Can the gentleman tell me how I can get a copy of that testimony?

Mr. ESCH. I think the gentleman can get it by asking the clerk of the joint committee for a copy. We have had an edition printed large enough to supply each Member of the House and Senate with a copy.

Mr. WINGO. Does the gentleman know how much money has been spent altogether?

Mr. ESCH. I do not know, but the main expense has been paid out to reporters and other help.

Mr. SIMS. There has been a firm belief in my mind since the beginning that it will be impossible to make that investigation as it ought to be made with a little penurious appropriation.

Mr. WINGO. Then you do not think the $24,000 appropriated is even a good starter?

Mr. SIMS. I am talking about what is left of the $24,000.

Mr. MANN. Mr. Chairman, when we passed the original resolution in the former session of Congress in reference to the matter now pending before the committee it was stated that $40,000 would be enough to make the investigation and make the report on January 1 or 15, or somewhere along there. At this session of Congress the gentleman from Georgia [Mr. ADAMSON] introduced a resolution for an extension of the time in which to make the report, for some extension, I believe, of power, and for an additional appropriation. The Committee on Rules reported a rule for the consideration of that resolution, and on a vote of the House the rule was defeated.

Mr. SIMS. That is correct. I said "bill" when I meant "rule."

Mr. MANN. Subsequently the Committee on Rules reported a rule for the consideration of a new resolution, I believe, on the same subject, and it was explicitly stated on the floor of the House for the purpose of getting votes that there would be no increase of the appropriation asked for. I venture to say, while the gentleman from Arkansas [Mr. WINGO] says he was not deceived, that that is an afterthought; that the whole House was led to believe there would be no increase in the appropriation over that already provided. And to offer now a proposition for an increased appropriation is a gross breach of good faith.

Mr. ESCH. Mr. Chairman, will the gentleman yield there?

Mr. SIMS. I want to say to the gentleman from Illinois that I never made such a statement.

Mr. ESCH. Let me say that I believe I voice the sentiment of the gentleman from Tennessee [Mr. SIMS] and other members of the committee that no member of the House subcommittee initiated the suggestion of an increase or sought to increase the appropriation. The initiative, if it exists anywhere, exists in the other Chamber.

Mr. WINGO. Let me say that I made the statement that the move had started in the Senate; that a Member of the Senate had already printed a proposed amendment to this bill, to which my attention was called a moment ago, and intended to put an item on this bill for $20,000 additional.

Mr. MANN. After all, this is a joint committee, and the members of the joint committee of both Houses were in consultation concerning the action to be taken by the House.

Mr. ESCH. No conference was had with reference to this increased appropriation.

Mr. MANN. There should have been, before the statement was made on the floor of the House that there would be no increase of appropriation asked for. Of course I know perfectly well that there were conferences and conversations, or whatever you call them, between the Members, or between some of the members of the committee representing the House and the members, or some of the members, of the committee representing the Senate on that resolution, and after the House had defeated the proposition the first time there were further conversations. I do not believe that the members of the committee from the House will ask any increased appropriation—certainly not at this time—nor support it.

Mr. SIMS. Will the gentleman permit me?

Mr. MANN. In a moment. It is in this House often recognized that statements are made on the floor affecting the votes of Members and the action of the House, and it should be, and I believe is, the policy of every Member of the House end of the commission to preserve absolute good faith toward the House. When they have been defeated on a proposition carrying an appropriation and then come in with a proposition stating that there would be no increased appropriation, good faith would demand that they did not get it.

Mr. SIMS. I want to say to the gentleman from Illinois, and he will readily concede, that we never would have asked for the additional $16,000 which was asked for unless we believed that it was necessary to the proper work of the subcommittee.

Mr. MANN. The gentleman does not know any more about it now than he did when the House acted on the House resolution.

Mr. SIMS. The gentleman understands that I did not ask for an additional appropriation, but before that investigation can be made and the printing done and furnish copies to those people who ought to have them, to do justice to the subject that we have to consider——

Mr. MANN. That commission does not pay for the printing; that is out of the appropriation for the printing for the House of Representatives.

Mr. SIMS. I understood that the committee had to pay for the printing out of the increased appropriation.

Mr. MANN. If the gentleman will permit me in my time. Of course if the gentleman's commission is attempting to settle all the problems that are referred to in that resolution, the commission will be in existence after the grandson of the gentleman from Tennessee has come and departed.

Mr. SIMS. I know that the gentleman does not mean to exaggerate.

Mr. MANN. I do not.

Mr. SIMS. It is as much of an exaggeration to minimize as it is to magnify. I know it was stated on the floor of the House at the time by some Members that it would take 30 or 40 days actual work to finish the investigation. It was so estimated, and it was only a matter of judgment or guesswork.

Mr. MANN. I think it was stated that it would take 30 or 40 days to finish the one witness that was before the commission.

Mr. WINGO. Did the gentleman say days or years?

Mr. SIMS. Days. We are in this situation: It was decided by the subcommittee to take up the railroad side of this question first. The proposed legislation put forth by the railroads as being necessary in order to develop the commerce of the country by increasing the railroad facilities, and if we examine that side of the case thoroughly and then stop for lack of an appropriation to investigate the other side, we have been in effect simply a subcommittee in the interest of the railroads, in spite of ourselves. I want to say that I am not deceived; that it is impossible to give consideration to the subject that is embraced in that resolution, even a reasonable or modest consideration, and get through with it in 30 or 40 days of actual work. I do not believe we will be able to do what the committee was ordered to do. We have to consider railroad transportation, telegraph transportation, telephone transportation, and all such things as are practical, in connection with all these questions. We have a great car shortage all over the country at this time that is disturbing and absolutely preventing interstate commerce by railroads. Then, there is the question of Government ownership of these facilities, which can not be considered until the railroad side is through. The State commissions all over the country want to be heard, because there is a proposition to abolish all State regulation that in any way affects interstate service. I say, if we are

going to do nothing more than to spend the rest of the appropriation originally made and never ask for any more, we might as well not spend it at all. While I am not going to ask Congress to increase the appropriation, the failure to make an additional appropriation may force us to make an incomplete, indefinite, and one-sided report.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

The Commissioner of Internal Revenue, subject to regulation prescribed by the Secretary of the Treasury, may make allowance for or redeem stamps, issued under authority of the act approved October 22, 1914, entitled "An act to increase the internal revenue, and for other purposes," and the joint resolution approved December 17, 1915, entitled "Joint resolution extending the provisions of the act entitled 'An act to increase the internal revenue, and for other purposes,' approved October 22, 1914, to December 31, 1916," to denote the payment of internal-revenue tax, and which have not been used, if presented prior to January 1, 1918.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman whether internal revenue is a compound word or a typographical error. The gentleman will find it in lines 12 and 13, page 5. There seems to be a new method of indicating internal revenue as a compound word—I hesitate to say hyphen.

Mr. SISSON. That is a mere matter of punctuation.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that the hyphen be omitted.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BENNET. Mr. Chairman, I move to strike out the last two words in connection with another matter. I want to ask the acting chairman of the committee what were the total collections under the stamp tax during the time they were in operation? There are two of them.

Mr. SISSON. I can not give the gentleman that information. The commissioner's report was sent in, but I did not investigate it, nor was the matter asked about by the committee.

Mr. BENNET. This not being the committee that considers sources of revenue, they noted the fact that the stamp tax had gone out of business and passed it by.

Mr. SISSON. The demand made on us was to increase the force necessary to carry out the duties devolving upon them by this law.

Mr. MANN. This is not one of the duties devolving upon the committee by law.

Mr. SISSON. Not upon the committee, but upon the revenue officers.

Mr. MANN. It is a pure matter of legislation which the Committee on Appropriations has butted in on. How many times have we extended the time to present revenue stamps for redemption?

Mr. SISSON. If the gentleman will examine the hearings he will find that heretofore there has been no limit placed on it.

Mr. MANN. I have not had time to examine the hearings because they have just been completed.

Mr. SISSON. Under the present law two years are allowed for the redemption of unused internal-revenue stamps. This provision was inserted here for the purpose of fixing a definite time, and making it more certain as to the date within which these stamps might be redeemed.

Mr. MANN. I can tell more about it than that. How many of these stamps remain out, in the hands of purchasers?

Mr. SISSON. I can not give the gentleman that information. I do not know. As a matter of fact it is a very difficult matter to determine just exactly the status of the outstanding stamps anyway. A great many of them may have been lost.

Mr. BENNET. Does not the gentleman think it is more or less dangerous for the committee to report a proposition as to which it has complete ignorance?

Mr. SISSON. I do not think the committee has complete ignorance. The gentleman is simply talking to one member of the committee. I am not attempting to speak for the information of the full committee.

Mr. BENNET. The gentleman is one of the hardest-working and best-informed members of the committee.

Mr. MANN. We are seeking information. I understood that the Commissioner of Internal Revenue desired a little change in the law. We have once or twice extended the time within which to redeem revenue stamps, which means in the main stamp taxes under the so-called war-revenue act. But under the law, when anyone applies for the redemption of stamps he must give the date of their purchase. Of course where large concerns are buying stamps under the war-revenue act they may buy stamps to-day and they may buy more stamps to-morrow, of different denominations, and they may buy stamps the next day, and they are absolutely unable to give the dates of the purchases of stamps. I understood that the desire was to have the time extended within which to present these stamps for cancellation, and to remove the requirement that they must give the date of purchase of the stamps. I think those stamps which can be redeemed under existing law have in the main been redeemed, but here is somebody who has a lot of these stamps. They may have been purchased on 40 different occasions. They are of all sizes and denominations, and the purchaser is not able to file a claim for redemption which would comply with the law, because of inability to give the date of purchase. I do not see how this helps that any.

Mr. SISSON. Of course it is very difficult for a bank or person buying revenue stamps to tell the date of any particular purchase.

Mr. MANN. I do not see how you remedy it by this provision.

Mr. SISSON. We fix a specific date before which these stamps must be redeemed, or they will not be redeemed after that date. It simply extends the time, so that no advantage will be taken by fixing the date too early. I understand it simply gives them until January 1, 1918.

Mr. MANN. I understand this changes the date, but does it change the law?

Mr. SISSON. It does to that extent. Heretofore the law was that you have to redeem stamps within two years from the date of sale.

Mr. MANN. We have extended the time, but we fixed a limit. That part of the law was not applicable. But, as I understand it, the law required that anyone filing an application for redemption of stamps had to state when the stamps were purchased. They are not able to do that.

Mr. SISSON. That is my understanding—that they are not able to do that thing in many cases.

Mr. MANN. How does this change that requirement? That is what I want to know.

Mr. SISSON. This gives them additional time, and fixes the date absolutely before which these stamps must be redeemed, instead of making it two years from the date of the purchase, so that it is not necessary to state the date of purchase under the committee amendment, because the stamps can be presented on or before that date.

Mr. MANN. The present date is a fixed date—December 31, 1916. We have provided heretofore that those stamps may be redeemed on or before December 31, 1916. Before that we have provided that they might be redeemed on or before an earlier date. We had a fixed date. Now you extend the time by making another fixed date. Perhaps you have overcome the difficulty. I suppose this provision may have been prepared by the Internal-Revenue Office, but I do not see how anybody can read it and tell that it overcomes the difficulty.

Mr. SISSON. It was prepared by the department, and they stated to us that this was for the purpose of curing that defect; that it is utterly impossible for a man to determine the date on which he bought the stamps. This language, fixing the absolute date before which the stamps must be presented for redemption—after which date there will be no redemption—simply gives the business world that additional notice without taking any advantage of anyone. That is the intention of the department and that is the intention of the law.

Mr. BENNET. I would like to have the gentleman from Mississippi [Mr. SISSON] study this language, because I have been studying it, and it seems to me that it means nothing. Let me read it, omitting the recital of the titles of the acts, which are not important in construing it. The language is:

The Commissioner of Internal Revenue, subject to regulation prescribed by the Secretary of the Treasury, may make allowance for or redeem stamps * * * to denote the payment of internal-revenue tax, and which have not been used, if presented prior to January 1, 1918.

It seems to me that is senseless.

Mr. ANDERSON. It is a perfect sentence.

Mr. BENNET. No.

Mr. SISSON. I see no trouble about that language.

Mr. MOORE of Pennsylvania. I should like to ask the gentleman why this matter should not have gone to the Committee on Ways and Means? It is clearly legislation.

Mr. SISSON. Yes.

Mr. MOORE of Pennsylvania. Why should it not have been referred to the Committee on Ways and Means? Why should it have gone to the Appropriations Committee at all?

Mr. SISSON. The remedy is purely a matter of administration dealing with the Treasury rather than with revenue, anyway.

Mr. MOORE of Pennsylvania. Is there any confusion in the matter of the redemption of these stamps?

Mr. SISSON. There has been this confusion, that a man would have to make an affidavit stating the date upon which he purchased the stamps, and within two years from that date he would have to present them for redemption. Now, the utter impossibility of many gentlemen making any affidavit as to the date of purchase of stamps made it necessary to fix a specific date before which stamps might be redeemed.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. SISSON. I yield to the gentleman from Wyoming.

Mr. MONDELL. This provision seems to me very simple, and I want to know of the gentleman if it means what it says. It says, stripped of all of the language denoting the particular character of stamps, that the Commissioner of Internal Revenue may make allowance or redeem stamps which have not been used and have been presented prior to January 1, 1918. That is a very simple statement.

Mr. SISSON. I think that is exactly what it means.

Mr. BENNET. It might mean that if it were not for the words "to denote the payment of internal-revenue tax."

Mr. MONDELL. That is descriptive of a certain class of stamps.

Mr. BENNET. These are canceled stamps. This opens the door for anyone who has a canceled revenue stamp to take it around to the Treasury and get the face value of it.

Mr. MONDELL. Does the gentleman think the Treasury would be guilty of that?

Mr. FORDNEY. There is a condition to-day that is existing under the law. Less than 30 days ago I looked this matter up and found that there had been stamps returned to the Treasury Department for redemption in sums ranging from 2 cents to $15,000 for each claimant, none of which had been paid, and the correspondence in respect to it has not been answered since October last.

Mr. SISSON. Mr. Chairman, I can give no information about that condition except what was represented to us. It was necessary before these stamps could be redeemed under the law that an affidavit be made as to the date of purchase, and the affidavit must affirmatively show they were presented to the Treasury for redemption within two years after the date of purchase.

Mr. DAVIS of Minnesota. Mr. Chairman, while I am a member of the Committee on Appropriations, I am not a member of the subcommittee that has this matter in charge. I wish to confirm to a certain extent what the gentleman from Michigan [Mr. FORDNEY] has said. About a month ago a constituent of mine informed me that he had about $700 of revenue stamps unredeemed, and that he had forwarded them to the department, but could get no satisfaction whatever. I therefore took the matter up with the department, and from the correspondence had with them this seems to be the condition of affairs. They informed me in substance, first, that there was no money to redeem them; and, second, the law was in such shape that there would have to be some legislation before satisfaction could be given to the purchasers of the stamps. They also informed me that that legislation would be enacted very soon. I presume that this is the attempt of the Appropriations Committee to make that legislation.

Mr. MOORE of Pennsylvania. But the gentleman observes that there is no appropriation?

Mr. DAVIS of Minnesota. There is an appropriation herein of $75,000.

Mr. MOORE of Pennsylvania. Not under this paragraph.

Mr. DAVIS of Minnesota. The preceding paragraph carries an appropriation of $75,000.

Mr. FORDNEY. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. FORDNEY. I was informed by an official in the Department of the Treasury that there were stamps there now for redemption amounting to somewhere between two and five million dollars, none of which had been paid, and the correspondence in regard to which has not been answered since October last.

Mr. DAVIS of Minnesota. The department answered me very quickly, and my impression is that there are not sufficient funds on hand, and also there has to be some other legislation before they can redeem them.

Mr. FITZGERALD. Mr. Chairman, the situation is this. Under the law these stamps can be redeemed at any time within two years from their purchase.

Mr. MOORE of Pennsylvania. Why, if there are $5,000,000 worth of these stamps outstanding, do we appropriate only $75,000 in this bill? The gentleman from Michigan [Mr. FORDNEY] informs me that there are $5,000,000 worth of these stamps.

Mr. FITZGERALD. I have no information as to that. This is for the balance of this fiscal year.

Mr. SISSON. The gentleman from Michigan said from two to five million dollars.

Mr. FITZGERALD. Nobody knows about that. The situation is this. These stamps can under the law be redeemed within two years after the date of their purchase. When a person wishes to have the stamps redeemed he must furnish proof as to when they were purchased, where they were purchased, and a number of other things in order to show whether he comes within the two-year limitation. The bureau suggests that a fixed date be established by law.

Mr. DAVIS of Minnesota. Which is attempted to be done in this provision.

Mr. FITZGERALD. Within which, if the stamps are presented, they may be redeemed, and it very much simplifies it.

Mr. TILSON. That is, they will be redeemed without any questions asked?

Mr. FITZGERALD. Without any questions asked. All they do is to present the stamps, and it obviates so much trouble and red tape that everyone thought it was a very desirable thing to do.

Mr. HAUGEN. But $75,000 will not redeem $5,000,000 worth of stamps.

Mr. FITZGERALD. I do not know that there are $5,000,000 outstanding, but the $75,000 is for the balance of this fiscal year, and with what has been appropriated it is expected that it will be sufficient to meet the demands between now and the 30th of June.

Mr. TILSON. Then, stripped of all surplus language it simply says that the Secretary of the Treasury may redeem all of these stamps that may be brought in before the date mentioned?

Mr. FITZGERALD. Yes.

Mr. MOORE of Pennsylvania. They are closed out after January 1, 1918?

Mr. FITZGERALD. Yes.

Mr. BENNET. This is the language sent in by the Commissioner of Internal Revenue.

Mr. FITZGERALD. Yes.

Mr. BENNET. And if it does not do what he wants to do it is his fault.

The Clerk read as follows:

Income tax, excess profits tax, etc.: For expenses of the assessment and collection of the taxes provided by the act approved March —, 1917, entitled "An act to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes," and by the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, including the employment of agents, inspectors, attorneys, deputy collectors, experts, clerks, messengers, and janitors, to be appointed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, and for supplies, equipment, mechanical devices, telegraph and telephone service, and rent of quarters in the District of Columbia, and the several collection districts, fiscal year 1918, $1,500,000: *Provided*, That not more than $125,000 of this sum may be used for personal services, supplies, equipment, and mechanical devices in the District of Columbia: *Provided further*, That not to exceed $10,000 (which shall be available immediately) may be used for rent of quarters in the District of Columbia for such bureaus or divisions of the Treasury Department as the Secretary may determine to move out of the Treasury Building to accommodate the Bureau of Internal Revenue.

Mr. BENNET. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. MILLER of Delaware. Mr. Chairman, at the opening of the present session of Congress one of the live issues confronting us was the increase in the salaries of Government employees in the departmental and field service, a matter that has not received legislative attention for several decades.

There are seven of the annual appropriation bills which deal with the wages and salaries of the Government employees affected by the salary-increase proposition. The so-called House salary increase proposition provides for an increase of 10 per cent for those who have salaries up to $1,200 per annum and an increase of 5 per cent for those whose salaries range from $1,200 per annum to $1,800 per annum. The Senate proposition provides for an increase of 15 per cent up to salaries of $480 per annum and an increase of 10 per cent for salaries between $480 and up to $1,000 per annum. It stops at the $1,000 salary.

Of the seven appropriation bills referred to heretofore, the following ones were sent to the Senate with the original House proposition embodied: The Indian appropriation bill, the legislative, executive, and judicial appropriation bill, the Army appropriation bill, and the sundry civil appropriation bill.

The Post Office appropriation bill as reported to the House contained the House provision, but it was knocked out on a point of order, being put in later when the bill was sent to conference by the House after it had passed the Senate. The District of

Columbia appropriation bill contained no provision as first passed by the House, but when the bill was sent to conference it contained as an amendment the House provision. The Agricultural appropriation bill contained the House provision as the bill passed the House.

Without taking the time now to further outline the initial steps in the matter as the various appropriation bills passed the House I want to take up the question at the beginning of the controversies between the House and the Senate. On January 8, 1917, the House had the opportunity on a roll call for the first time to express its attitude on this matter. The Agricultural appropriation bill was before the House at the time, and by a vote of 282 to 61 this so-called House provision was inserted in the bill. On the roll call there were 133 Republicans who voted in favor of the House provision and 145 Democrats. Against the proposition there were 32 Democrats and 1 Republican. Later on, on the 12th of February, when the District of Columbia appropriation bill came back to the House to be sent to conference, the gentleman from North Carolina [Mr. PAGE], in charge of the bill, made a motion which in effect was to strike out the Senate salary proposition and insert in lieu thereof the House salary proposition. That was carried on a viva voce vote, no division being demanded. On the 15th of February the Indian appropriation bill was sent to conference, and there was afforded the first real test by a roll call upon the differences between the House and the Senate on the question of the increase of salaries of Government employees.

The gentleman from Texas [Mr. STEPHENS], as chairman of the House Committee on Indian Affairs, moved that the House recede from its disagreement to the Senate amendment No. 111 and agree to the same. If this motion had been carried, there would have been written into the Indian appropriation bill the Senate proposition. It is well to remember at this point that the Indian appropriation bill, when it passed the House on the 12th of December last, contained the original House proposition. Fortunately, the motion of the gentleman from Texas was not carried, it being defeated on a roll call by 215 to 131. On this vote 159 Republicans and 56 Democrats voted in favor of the House proposition and 128 Democrats and 3 Republicans voted against the House proposition. Immediately following this vote the gentleman from Iowa [Mr. GOOD] offered a preferential amendment, namely, to recede from the disagreement to Senate amendment No. 111 and agree to the same with an amendment, which amendment was the original House proposition of a 5 and 10 per cent increase. This was carried on a roll-call vote by 281 to 59. On this vote 119 Democrats and 162 Republicans joined in upholding the House proposition and 58 Democrats and 1 Republican voted against it. The bill therefore went back to conference with the House provision voted into it in no uncertain terms.

On February 21, when the Post Office appropriation bill was sent to conference, the House salary increase proposition was voted into the bill under the same procedure as outlined above for the Indian appropriation bill, but there was not even a roll call, not even a division, but merely a viva voce vote. I myself was rising to get recognition in order to offer the amendment, but, as was proper, the Speaker recognized a member of the committee ahead of me to do so.

On February 23 the legislative, executive, and judicial appropriation bill conference report was again before the House, and, on a test vote to concur in the Senate amendment salary increase, the motion was overwhelmingly defeated on a roll call by a vote of 282 to 61. On this vote 161 Republicans and 121 Democrats voted to uphold the House proposition and 59 Democrats and 2 Republicans voted against the House proposition.

The very next day, not 24 hours later, February 24, 1917, when the Agricultural appropriation bill conference report was before the House, the gentleman in charge of the bill on the Democratic side made the motion to adopt the conference report, which motion, had it carried, would have adopted the meagerly Senate salary-increase proposition, which the House had refused to concur in a number of times before. The remarkable circumstance in connection with the motion just referred to, and which, by the way, was defeated by a vote of 190 to 174, was that the Democratic side of the House voted almost solidly against the House increase proposition. On this vote 166 Republicans voted to uphold the House proposition, and 24 Democrats voted with them; 173 Democrats voted against it and 1 Republican. The Republican Members of the House are found voting solidly and consistently each time for the House 5 per cent and 10 per cent increase proposition throughout five roll calls, on divisions, and vive voce votes. We will remember at that time that those of us who voted against the Agricultural conference report were accused of being enemies of the farmer and unmindful of the agricultural interests in that great bill if we did not vote to sustain the conference report, yet notwithstanding we did, and the bill went through because the House conferees went to the Senate backed by that vote and made the Senate recede.

Now, let us refer to the roll calls in the Senate. The first test in the Senate was on January 23, 1917, when the amendment of the Senate was written in the legislative, executive, and judicial appropriation bill. On this vote it was carried by 33 to 29. On the 26th of February, when the Indian appropriation bill was before the Senate and the Senate was forced to back down, the House provision was carried by a vote of 33 to 22. On that roll call 15 Democrats and 18 Republicans voted to concur in the House salary-increase proposition. Twenty Democrats and two Republicans voted against it.

THE VOTE IN DETAIL.

The vote as cast was as follows:

Yeas: Democrats, ASHURST, CHAMBERLAIN, HOLLIS, HUSTING, LEA of Tennessee, MARTINE of New Jersey, MYERS, OWEN, PHELAN, PITTMAN, POMERENE, RANSDELL, SHEPPARD, THOMPSON, and WALSH—15. Republicans, BRADY, BRANDEGEE, CATRON, CLAPP, CLARK, CUMMINS, CURTIS, FALL, GRONNA, JONES, LA FOLLETTE, MCLEAN, NORRIS, PAGE, PENROSE, SMITH of Michigan, STERLING, and WARREN—19. Total, 33.

Nays: Democrats, BRYAN, FLETCHER, HITCHCOCK, HUGHES, JAMES, JOHNSON of South Dakota, LANE, MARTIN of Virginia, OVERMAN, REED, ROBINSON, SAULSBURY, SHAFROTH, SHIELDS, SIMMONS, STONE, SWANSON, THOMAS, UNDERWOOD, and VARDAMAN—20. Republicans, KENYON and WEEKS—2. Total, 22.

Last night, March 1, 1917, there was brought into the House the Post Office appropriation bill conference report, and we all know what happened. The great Post Office Department and its employees will be the only department in the Government in which this 5 and 10 per cent increase did not take place, although in fairness it should be stated there are other increases in other provisions of the bill. I desire to insert in my remarks at this point the colloquy that took place between the gentleman from Tennessee [Mr. MOON] and the gentleman from Illinois [Mr. MANN] and the gentleman from North Carolina [Mr. KITCHIN] and the gentleman from Iowa [Mr. GOOD] when this point was under discussion on the conference report, because it brings out the situation of the Post Office Department employees more clearly than I may have been able to bring it before the committee.

[From the CONGRESSIONAL RECORD, Mar. 1, 1917.]

Mr. MANN. Has the gentleman finished as to compensation of employees?

Mr. MOON. I was going to say that the House accepted the proposition of the Senate.

Mr. MANN. Will the gentleman yield for a question?

Mr. MOON. Yes.

Mr. MANN. In connection with the compensation proposed, the House has placed itself on record several times in another bill and the Senate has finally placed itself on record in the Indian bill in favor of the House proposition. Did the conferees attempt to differentiate the Post Office bill from the other appropriation bills or attempt to have the House reverse its position already taken heretofore?

Mr. MOON. The House conferees, mindful of the fact that the House had passed the Ayres amendment to the bill, insisted upon it and the Senate refused to agree to it, and would accept nothing but the proposition in the Senate bill. We felt it necessary as a matter of compromise to accept that for reasons stated.

Mr. MANN. There is no compromise about what the conferees did.

Mr. KITCHIN. If the gentleman from Tennessee will yield, my understanding is that on all the other bills the House increase will be accepted; that the conferees on the part of the House will stand for the House increase and not for the Smoot amendment. But on the Post Office bill, where the employees have the automatic promotion, that differentiates it from other employees.

Mr. MOON. I have explained all that.

Mr. MANN. All I wanted to know was whether the House conferees yielded to the Senate on the matter, because there was a difference in the case of the Post Office appropriation bill from other appropriation bills.

Mr. MOON. That was the main reason for it, because of the classified service and the automatic promotion.

Mr. GOOD. Will the gentleman yield?

Mr. MOON. Yes.

Mr. GOOD. There is one matter I do not understand. I understand the automatic promotion is for clerks under $1,200?

Mr. MOON. Yes; that is right.

Mr. GOOD. The House provision applies to all of the other employees of the service who receive compensation from $1,200 to $1,800—that they shall have an increase of 5 per cent because of the increased cost of living. It seems to me that the managers on the part of the House have overlooked that provision, because those postal clerks do not receive any automatic promotion. They receive no promotion at all. As I understand it, there are about 37,000 rural carriers and something over 20,000 city carriers. Most of these have salaries of $1,200 or thereabout. It does seem to me that some consideration, in view of the high prices, ought to have been given to this class of postal employees.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Delaware. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Delaware asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

In the House, by going over these various roll calls, we see that whenever there was a roll-call vote on the proposition to

sustain the House salary-increase proposition, which is, at least, a fair proposition and is doing justice to the employees, never at any time were there more than 3 Republican votes, or 3 votes on the Republican side, cast against this House proposition, but the greatest number of Democratic votes against it was 173, and they wavered back and forth, the greatest reversal being on the vote of February 23 and 24. I think that when the Republican Party, through its representatives in the most popular branch of the National Legislature, voted consistently to uphold a proposition to give a living wage at this time, when the high cost of living is bearing on Government employees tenfold more than on any of us, I think, when the Republicans of this House have a record like that, it should be called to the attention of Congress and of those interested.

Mr. Chairman, I ask leave to extend my remarks by printing one short editorial. And I thank the committee for its consideration.

Mr. STEPHENS of Texas. Will the gentleman yield at that point?

The CHAIRMAN. The gentleman from Delaware [Mr. MILLER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MILLER of Delaware. Yes; I yield.

Mr. STEPHENS of Texas. Is it not a fact that the Smoot amendment was first adopted by the Senate, and that Mr. SMOOT is one of the leading Republican Senators?

Mr. MILLER of Delaware. I will say to the gentleman from Texas that the 199 Republicans of this House, the largest representative body of their party, are not accountable to any one United States Senator, no matter whether he be a Democrat or a Republican. And I further call the gentleman's attention to the fact that on his own bill last week there were 18 Republicans and 15 Democrats that voted in the Senate to sustain the House proposition, and only two Republicans voted against it, but there were 20 Democratic Senators with them.

Mr. STEPHENS of Texas. Is it not a fact that we were trying to get the two Houses together and agree upon some amendment rather than to let all these bills fail?

Mr. MILLER of Delaware. The House has gone on record by all kinds of votes, viva voce votes and roll calls, strongly in favor of their proposition. I do not stand here to cast any personal aspersion against any House conferees, for it has not been my privilege to know what it is to be a House conferee, but I can imagine their difficulties.

Mr. HAUGEN. Will the gentleman yield?

Mr. MILLER of Delaware. I will.

Mr. HAUGEN. Is it not also true that the Republican Senator referred to, Senator SMOOT, was contending for increase in salaries all along the line, and that he succeeded in getting in the amendment increasing the salaries of $480 and under 15 per cent, and 5 per cent in excess of the increase granted by the House, after he failed in his other efforts to increase the salaries above that amount?

Mr. MILLER of Delaware. The gentleman is correct, and it is a proper answer to the gentleman from Texas.

[From the Washington Star of Feb. 27, 1917.]

THE HOUSE PROMOTION SCALE WINS.

Senator LA FOLLETTE'S championship in the Senate of the principle of liberal increase in the pay of Government clerks has resulted directly in the acceptance of the more generous House provision instead of that heretofore insisted upon by the Senate, and will probably cause a following of this standard in all the pending appropriation bills. The Government is to be congratulated upon this course, and Senator LA FOLLETTE and Representative MANN, who prevented the House from surrendering on this issue, are to be thanked in the name of all the employees of the United States for their vigorous and effective work for its adoption.

Plain truths were uttered by the Wisconsin Senator in his statement yesterday in the upper House, truths that were timely to present for consideration. During recent years the legislators have voted liberal advances in pay for most of the higher officers in the Government, including themselves, in recognition of the fact that it costs more to live in these times than in the days when the salary scale of the Government was fixed. Yet until the present session no move had been made for 50 years to raise the pay of the men and women in the ranks of the service. Every suggestion of pay increase has been received coldly. Senator LA FOLLETTE stated the case with refreshing frankness, in terms that admitted of but one answer, and that answer was given by a vote of three to two.

The contest between the two Houses in this matter has been merely one of degrees. Strangely enough, the Senate has been standing for the less liberal and the House for the more liberal provision. Usually the positions are reversed. The House enactment was by no means as generous as conditions warrant, but compared with the Senate's proposition it was decidedly liberal. The Senate promotion scale would have brought relief to a very small body of the Government employees, leaving unaffected practically the entire classified service, those who do the actual clerical work of the Government. Those whom the Senate provision omitted and whom the House provision reaches are in fact the most seriously in need of promotion. They are the men with families, or women with others dependent upon them, upon whom the present cost of living bears with a crushing burden.

There should be no doubt now as to the uniform adoption of the House scale of promotion to all branches of the public service. The Government can not with decency stop to count the dollars in an account like this when conditions are compelling the Government's workers to count their pennies with painful care.

The CHAIRMAN. A point of order has been reserved.

Mr. BENNET. I would like to ask a question or two about this paragraph, and it is possible I will not make the point of order. First, I will say, as to the paragraph on page 6, lines 3 and 4:

And rent of quarters in the District of Columbia, and the several collection districts, fiscal year 1918—

that that is not a deficiency because it is an appropriation for the next fiscal year.

Mr. SISSON. I will say to the gentleman that only a portion of it is a deficiency. I will state that this $1,500,000 is in anticipation of the passage, or a portion of it is in anticipation of the passage, of the revenue act now pending in the Senate.

Mr. BENNET. I understand that.

Mr. SISSON. Of course, if that were the law now and was on the statute books now, it would be a deficiency.

Mr. BENNET. Yes. My impression is that in the part which appropriates "for rents and quarters in the District of Columbia, and the several collection districts for the fiscal year 1918," that part which relates to the fiscal year 1918 really belongs in the sundry civil bill, which has not yet passed Congress. And in connection with that I want to ask the gentleman why in a deficiency bill the words "which shall be available immediately" appear in line 9, on page 6?

Mr. SISSON. Of course, the gentleman understands that all the expenses of the Internal-Revenue Office are carried in the legislative bill and not in the sundry civil bill. And the sundry civil bill had long since passed the House and had passed the Senate, and was in conference at the time this estimate was made up as to the amount of money necessary to collect the revenue.

Mr. TILSON. The gentleman has not yet given the reason why you should insert "which shall be available immediately" in a deficiency bill, all of the items in which are supposed to be available immediately. That is the question, as I understand it.

Mr. SISSON. That is for the $1,500,000 in reference to the collection of the tax when that other bill becomes a law.

Mr. BENNET. The gentleman did not answer one of my questions.

Mr. SISSON. The gentleman asks so many questions at once——

Mr. BENNET. I will ask them seriatim.

Mr. SISSON. All right.

Mr. BENNET. Why, in a deficiency bill, are the words "shall be available immediately" inserted?

Mr. SISSON. I was just saying to the gentleman from Connecticut that if the revenue bill becomes a law and goes into effect upon its passage it will become necessary that the Internal-Revenue Office have the money to collect the tax under that bill.

Mr. BENNET. The gentleman will correct my ignorance, if I am wrong, but under a deficiency bill, which is a bill appropriating for the fiscal year in which we are, is not every single appropriation available immediately? Is not that the purpose?

Mr. SISSON. Not necessarily, even in a deficiency bill. You might put in an item in a deficiency bill that would not become immediately available. As, for example, if a law should pass entailing upon the Treasury for the fiscal year ending June 30, 1918, the next fiscal year, certain charges, and it was passed at a time when it was absolutely essential, all the other appropriation bills having been enacted, it would be necessary then that it should go into a general deficiency bill. The general deficiency bill is the dumping ground, you know, for all matters of that kind. For instance, if a new activity should begin in the fiscal year 1918, beginning July 1, 1917, and not until that date, Congress would not be in session, and you would have to anticipate the operation of that law and have to account for that in the deficiency bill.

Mr. BENNET. Then I will ask the gentleman, under his interpretation, when does the appropriation on page 4, lines 23 to 26, become available? There are no words there to define it. The item is "To enable the Secretary of the Treasury to refund money covered into the Treasury as internal-revenue collections, under the provisions of the act approved May 27, 1908, $75,000."

Mr. SISSON. That is available as soon as this bill is signed, and expires on June 30, and does not become operative after July 1.

Mr. BENNET. Then does not the gentleman really think as a matter of uniformity in legislation that the words "which shall be available immediately," on line 9, page 6, should be stricken out? It seems to me it introduces discord.

Mr. SISSON. No; because otherwise he would not have the money to collect the revenue for the year 1918.

Mr. BENNET. Yes; but what makes that immediately available is that it is a deficiency, and it becomes available the moment this bill is signed.

Mr. TILSON. If the gentleman will permit me, I think I have found the milk in the coconut. The first part of the provision in this bill is restricted to the fiscal year 1918, but the proviso is that $10,000 of it may be immediately available during the current year. The exception having been made in the first part of the item, confining it to the fiscal year 1918, it was necessary to take the $10,000 out of that exception by using the words "immediately available."

Mr. BENNET. If the gentleman's explanation is correct, he has the Treasury Department pretty well sewed up.

Mr. SISSON. I do not think the gentleman need have any uneasiness about the Treasury Department being pretty well sewed up. The only trouble is that the Treasury Department complains now we have not given them enough money. My own judgment is that the million and a half dollars carried here is not enough. That is the only way that sews them up, because this appropriation will be available for the balance of the fiscal year, and on the 1st of July the million and a half dollars will become available. The $10,000 may become immediately available. But I will state, too, that in the organization of the force necessary to begin the collection of the revenue under the new revenue bill, it has to be taken care of immediately on the passage of the bill.

Mr. BENNET. The gentleman from Connecticut is a good colonel of a National Guard regiment. [Laughter.] He says the first branch of the paragraph is available during the fiscal year 1918, and the reason why they use the words "which shall be available immediately," on line 9, of page 6, is so that they can use that $10,000. So that out of this appropriation of $1,500,000, if the gentleman from Connecticut is correct, all that can be used for the purpose of these two great revenue-collecting acts from now until the 30th of June would be $10,000. I do not think the gentleman from Connecticut is correct. The gentleman from Mississippi [Mr. SISSON], however, does not throw any light on it.

Mr. SISSON. I do not see how the gentleman from New York can be in the dark if he can read the English language.

Mr. BENNET. I can do that.

Mr. SISSON. The million and a half is available for the year 1918, and the $10,000 is immediately available.

Mr. BENNET. What is the reason?

Mr. FITZGERALD. There is a reason why.

Mr. BENNET. Now we can get it.

Mr. FITZGERALD. The reason is that under this revenue act the services of these people will not be necessary until the 1st of July. The taxes will not be due until that time, and under this Democratic administration it is not proposed to put a number of people into the Government service until their services are required.

Mr. BENNET. When my colleague comes to the rescue he always illuminates the subject and bestows on the Members of the House wisdom and knowledge. [Laughter.] Now I understand the paragraph, and I withdraw the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

For payment to W. H. Baldwin for damages done to his automobile while it was being used by officers of the Internal-Revenue Service in raiding illicit distilleries, $500.

Mr. BENNET. Mr. Chairman, I reserve a point of order on that for an explanation.

The CHAIRMAN. The gentleman from New York reserves a point of order on the paragraph.

Mr. HOWARD. Mr. Chairman, I will make an explanation of this item for the information of the gentleman.

This is an item carried and recommended by the Treasury Department and the Internal-Revenue Bureau as a legitimate charge against the Treasury. It occurred in this way: We are doing all in our power to enforce the prohibition laws in Georgia. Immediately on the inauguration of the enforcement of the law illicit distilleries commenced to spring up all over that country, and it seems that about 45 miles from Atlanta, Ga., several desperate men who had been engaged in different sections got together, and they were located through what they call "deputy marshals in the field." This young man Baldwin was a young gentleman who had been carrying the revenue agents on these raids for several months, and at this particular place the gentlemen who went to make the arrests discovered that there were several men working at this distillery, and they had only four men with them. So they went back for about a mile and a half to where this young man's car was in waiting for the officers, and they deputized the young man to go with them to help to make that raid and arrest the men. Baldwin left his car, and when he got about a mile from where he had left it they saw a light blaze up where he had left his car, and when Baldwin got there two men ran off. They had saturated with some inflammable substance a brand-new Dodge automobile—it had been run only about 1,000 miles; this young man had bought it from his earnings—and they burned the car completely up, with the exception of the engine. Under the circumstances the Internal-Revenue Department and the Commissioner of Internal Revenue thought that this young man should be reimbursed.

Mr. BENNET. It is a claim, but in view of the lucid explanation of the gentleman from Georgia and the fact that the car was destroyed in the interest of morality and virtue I will withdraw my point of order.

Mr. HOWARD. I will say that there is a fund in the Department of Justice that has been in existence for years, and——

Mr. JOHNSON of Washington. That is in the public service?

Mr. HOWARD. Yes.

Mr. JOHNSON of Washington. Here was a man who had his automobile burned up when he was not there.

Mr. HOWARD. No; the gentleman is mistaken. He was there. This automobile was run up to the place, as near as they could get to it, off the road. It seems that the officers were out watching while these men were making this liquor, and Mr. Baldwin would have stayed by his automobile and protected it, as he had done on occasion after occasion, but the report from the marshal says they went back and deputized him and made him leave his automobile and go off with them to assist in making this arrest, and when he got away from it these men slipped in and burned his car and left him absolutely penniless by destroying his only means of support.

Mr. JOHNSON of Washington. What is the necessity for making an urgent-deficiency appropriation of this, as compared with a claim? When a revenue cutter on the Pacific coast knocks out the corner of a wharf and does a couple of thousand dollars worth of damage it takes from three to five years to get a bill through Congress to pay for it, and the same is true of other claims against the Government.

Mr. HOWARD. Let me explain to the gentleman in just a minute: In numerous cases horses have been killed by these men shooting at the officers.

Mr. JOHNSON of Washington. Certainly.

Mr. HOWARD. And the Government has a contingent fund out of which to pay for such losses, but this fund is exhausted. They have nothing with which to pay this claim. It is a perfectly legitimate claim, and they would have paid it if they had had any money in this fund, but there is no money with which to pay the claim. Now, if there is any mistake about this it has been made by two departments of the Government, one the Treasury Department and the other the Commissioner of Internal Revenue, and I do not believe they would recommend any claim that was not absolutely just and right.

Mr. JOHNSON of Washington. Does not the gentleman think this is subject to a point of order?

Mr. HOWARD. No; I do not.

Mr. JOHNSON of Washington. What becomes of all the claims here? Permit me to say that I have a claim here for damages done——

Mr. HOWARD. Heaven knows I will help the gentleman get it through if I can and it is a just claim against the Government.

Mr. JOHNSON of Washington. And it has been hung up in conference and is about to die.

Mr. HOWARD. I hope the gentleman will not raise any question about this. It is one of the most meritorious cases that has come to the attention of the committee.

Mr. JOHNSON of Washington. On the statement of the gentleman, I withdraw the point.

Mr. HOWARD. I thank the gentleman.

Mr. NORTH. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

For payment to John Brodie, of San Francisco, Cal., in accordance with private act No. 168, approved February 8, 1917, on account of personal injuries received by him while loading the United States Army transport *Sherman*, $1,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, for the purpose of obtaining an explanation.

Mr. FITZGERALD. Private act 168, approved February 8, 1917, authorized the payment of $1,000 to John Brodie for personal injuries. That act did not appropriate the money for it, and, following the custom, the committee has included in this bill the appropriation to carry out the terms of that private act.

Mr. BENNET. Does my colleague mean to say that there has been only one such private act passed since the last general deficiency bill? Is not the situation this——

Mr. FITZGERALD. The comptroller held as to some of these private acts that the language was not sufficient to make the appropriation. Some of them were passed in the last session and this one in this session.

Mr. BENNET. I hate to say, "I told you so"; but when these bills were going through the House I told the Members who introduced them that if they did not put in the proper appropriating language they would have to do exactly what they are doing now—go to my colleague's committee and get the appropriations for which they were merely passing authorizations. I have no doubt that the bill was a good bill and that the claim is a just one, and I withdraw the pro forma amendment.

The Clerk read as follows:

New Haven (Conn.) post office: For completion under limit of cost established in the act approved March 4, 1913, $200,000, or so much thereof, together with the sum of $100,000 appropriated in the act approved July 1, 1916, as may be realized from the sale of the old post-office and customhouse building and the site thereof.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. Inasmuch as the old post-office building and site at New Haven have been sold for $445,000 to a perfectly responsible bidder, would there be any objection to removing the latter part of the paragraph? The language referred to is—

Or so much thereof, together with the sum of $100,000 appropriated in the act approved July 1, 1916, as may be realized from the sale of the old post office and customhouse building and the site thereof.

Would there be any objection to striking that out?

Mr. FITZGERALD. There would.

Mr. TILSON. The gentleman knows that the authorization for the limit of this building was increased by $400,000, or so much thereof as this building might sell for? This appropriation added to what has gone before makes $300,000 under that authorization, which, I understand the Supervising Architect says, is sufficient to finish the building.

Mr. FITZGERALD. This item was put in the bill upon information that the gentleman from Connecticut himself said this would be sufficient.

Mr. TILSON. I filed with a member of the committee a letter from the Secretary of the Treasury stating those facts.

Mr. FITZGERALD. We do not wish to appropriate more money than they say they will need. Of course, they will spend it if they get it.

Mr. TILSON. I am not objecting at all to the appropriation, because the gentleman is giving exactly what the Treasury Department has said they need. Therefore there is no objection whatsoever to the appropriation. However, I wondered as to the language in the latter part of the paragraph, whether that is not a string tied to it, and whether it would not be necessary to go to the trouble to find out if the building had been sold for that amount. As a matter of fact, the Treasury Department has reported, through this letter, that the building has been sold for $445,000, which is $145,000 more than has been appropriated, including the present bill, and $45,000 more than the authorized limit of cost.

Mr. FITZGERALD. They had the bid, but I did not understand that the sale had been absolutely consummated.

Mr. TILSON. Yes; I filed a letter which showed that the building had been sold to the Union & New Haven Trust Co., as responsible a financial institution as there is in the country, for the sum of $445,000, and that the bid has been accepted. That is the information given me through the Treasury Department over the signature of Mr. Newton, the Assistant Secretary of the Treasury.

Mr. FITZGERALD. There will not be any trouble about it. It is all in one department of the Government.

Mr. BENNET. Mr. Chairman, I offer an amendment by way of a new paragraph.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report:

The Clerk read as follows:

Amendment offered by Mr. BENNET: At the end of page 7, insert as a new paragraph:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract, within the limit of cost hereinafter fixed, for the erection and completion on the site now owned by the United States at Binghamton, N. Y., of a suitable and commodious building, including fireproof vaults, heating, hoisting, and ventilating apparatus, and approaches, complete, for the use and accommodation of the post office, courts, and other governmental offices at Binghamton, N. Y., at a cost not to exceed $500,000.

"An open space of such width, including streets and alleys, as the Secretary of the Treasury may determine shall be maintained about said building for the protection thereof from fire in adjacent buildings.

"And the Secretary of the Treasury is further authorized and directed to sell, at such time and upon such terms as he may deem for the best interests of the United States, the present Federal building and the site thereof at Binghamton, N. Y., and convey the last-mentioned property to the purchaser thereof by the usual quitclaim deed, and to deposit the proceeds derived from such sale in the Treasury of the United States as a miscellaneous receipt, such sale to be made after the completion and occupancy of said new building."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BENNET. Mr. Chairman, this is another of these emergency matters, like the one for New Haven, Conn. Three years ago the post-office building at Binghamton burned. Within a short time after that—I think six months—the Government bought a new site. Every time there has been a public-building bill reported to the House since this provision has been in the bill. My colleague [Mr. FAIRCHILD] from the district is over in the Senate now to see if it can not be arranged that the bill be passed over there also. The city of Binghamton is one of the leading cities of New York, with a population of over 60,000, and actually carrying on postal facilities to-day in the partially burned building.

Mr. KELLEY. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. KELLEY. Has an appropriation been made for the building?

Mr. BENNET. There has been an appropriation made for the site, but not for the building. This is an appropriation for the building.

Mr. KELLEY. I will say to the gentleman that I have a case like that, too.

Mr. BENNET. In addition to the post office the headquarters of the United States court for the northern district of New York were located in that building, and they have been unable to hold any district court in the city of Binghamton for the northern district of New York now for three years because they had no building. They have had a perambulating court anywhere there were kind neighbors to take in the United States court.

Binghamton is one of the headquarters of the cigar interests, and there has been established there an office for internal-revenue stamps. That is wiped out. The purpose of this amendment is to give the United States a building on a proper site in this large and growing city upon which can be erected a building for all of these purposes. We would not have thought of bringing the matter before the House except that this morning the Public Building Committee reported the substance of the amendment favorably in the form of a special bill because of the real emergency of the situation. I am not sure that a point of order would lie to the item, but at any rate I hope my colleague from New York, who is familiar with Binghamton as he is with other parts of the State of New York, will not make the point, and will allow this measure to go through for our State. We do not get any more out of the Treasury of the United States than we ought, considering the amount of taxes our State pays, and I hope my colleague will be as kind to Binghamton as the Committee on Public Buildings and Grounds has been on their part. I see the gentleman from Tennessee [Mr. AUSTIN] here, and he is perfectly familiar with this case and knows that a bill was reported this morning from the Committee on Public Buildings and Grounds, as it has been reported every time it has been brought to the attention of the committee.

Mr. AUSTIN. Mr. Chairman I wish to approve and indorse everything the gentleman from New York [Mr. BENNET] has said about the Binghamton item. It is one of the meritorious cases and one of the emergency cases which has been pending before the Committee on Public Buildings and Grounds for several years.

A fire occurred in the Government building at Binghamton some time ago and Congress has never appropriated the money to repair the building. They have been compelled to use public buildings in other cities in which to hold United States courts. The Government activities of that city have been housed in outside buildings not suitable for the work. This is a very large

and important city, and as I now recollect its annual postal receipts amount to $175,000. The United States court was housed in that building, the internal-revenue collector's office, the postal facilities, and several other Government activities. It is unfair to the patrons of the office, unjust to the Government officials, not to give what the Committee on Public Buildings and Grounds recommended—a modern up-to-date building large enough to care for all the Government activities in a city the size of Binghamton.

The Secretary of the Treasury and the Postmaster General have submitted to the committee the strongest possible indorsement urging immediate action in this case, perhaps stronger than any other case submitted to the Committee on Public Buildings and Grounds, and I sincerely hope the gentleman from New York [Mr. FITZGERALD] will yield in this case, for it is absolutely in the interest of the public service. The Government facilities and business require it, and I trust in this case the chairman will make an exception. The bill has been favorably reported without a dissenting vote. Not to take action at this Congress means a delay until next winter. There is another emergency case in Paris, Tex., where the Government building was recently destroyed by fire, and both of these cases and also the case at Pittsburgh, Pa., ought to have action before the adjournment of this Congress.

Mr. FITZGERALD. Mr. Chairman, as the gentleman from Tennessee and my colleague know, I have no discretion in this matter. It is not a question of being kind or generous. The unbroken practice of the House is that Members in charge of bills must protect the bill from legislation. The reasons are so well known that I will not undertake to review them. I know this is an important matter, and I know it is a pressing matter. The fact is, if a Member in charge of a bill permits matter to go in that does not belong upon it and placed upon it because of urgent pleas in the matter, he has no defense against interposing objections to other equally meritorious and important matters.

While I should be very glad to exercise my own opinion and judgment in many of these matters, to facilitate the enactment of legislation, as a representative of the committee which reports this bill, I am required under the practice of the House to invoke the rules to protect the bill from extraneous matters. For these reasons I am compelled to insist upon the point of order that this appropriation is not authorized by law.

The CHAIRMAN. The point of order is sustained.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21069, the general deficiency appropriation bill, and had come to no resolution thereon.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, I call up the conference report on the bill H. R. 19119, to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, which I send to the desk and ask to have read.

The Clerk read follows:

CONFERENCE REPORT (NO. 1626).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 16, 87, and 88.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with amendments as follows: Omit the matter inserted by said Senate amendment and, on page 9 of the bill, in line 3, strike out the following: "Index clerk and typewriter, $900;" and, on page 9 of the bill, in line 14, strike out "$180,540" and insert in lieu thereof "$179,640"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its amendment to the amendment of the Senate numbered 76, and agree to the said Senate amendment.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with amendments as follows: Amend the matter inserted by said amendment as follows: In line 1 strike out "Sec. 10" and insert in lieu thereof "Sec. 9"; and in line 56, after the word "individuals," strike out all of the remainder of the said Senate amendment down to and including the word "session" in line 65; and the Senate agree to the same.

Amendment numbered 98: That the House recede from its amendment to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment of the House to the amendment of the Senate numbered 98, and in lieu of the matter inserted by said Senate amendment insert the following:

"SEC. 10. That to provide during the fiscal year 1918 for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate per annum less than $1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than $1,800 per annum and not less than $1,200 per annum, so much as may be necessary is hereby appropriated: *Provided*, That this section shall only apply to the employees who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein, and that the increased compensation of teachers of the public schools be computed on their basic salaries, and on the salaries of the employees of the police department below the grade of sergeants: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein."

And the Senate agree to the same.

ROBERT N. PAGE,
JAS. MCANDREWS,
C. R. DAVIS,
Managers on the part of the House.
JOHN WALTER SMITH,
JOS. T. ROBINSON,
WM. P. DILLINGHAM,
Managers on the part of the Senate.

The statement of the managers on the part of the House is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

On No. 8: Strikes out the appropriation of $2,400, inserted by the Senate, for two inspectors to enforce the "child-labor law" in lieu of two privates of the police force now detailed to that duty.

On No. 16: Strikes out the appropriation of $3,820, proposed by the Senate, for payment to Thomas W. and Alice N. Keller.

On No. 76: Appropriates $150,000, as proposed by the Senate, for the Gallinger municipal hospital, to be located on Reservation No. 13, in the District of Columbia.

On Nos. 87 and 88: Strikes out the appropriations of $87,000 and $2,000, proposed by the Senate, respectively, for the acquisition of a park in Klingle Valley, and for plans for a bridge across Klingle Valley on Connecticut Avenue.

On No. 97: Inserts the section relating to the tax on intangible personal property proposed by the Senate, modified so as to eliminate the provision for a joint committee of Congress to study the tax laws of the District of Columbia.

On No. 98: Provides for increased compensation to the employees who are appropriated for in the bill at the rate of 5 per cent per annum for employees receiving compensation at rates from $1,200 to $1,800 per annum, inclusive, and 10 per cent per annum to employees receiving less than $1,200 per annum, and provides that the increased compensation of school-teachers shall be computed on their basic salaries and increased compensation of employees of the police department on salaries below the grade of sergeant.

ROBERT N. PAGE,
JAS. MCANDREWS,
C. R. DAVIS,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. AUSTIN. Mr. Speaker, may I ask the gentleman a question?

Mr. PAGE of North Carolina. I yield to the gentleman.

Mr. AUSTIN. I did not hear the statement read. Does it carry the original House provision for an increase in compensation of the clerks?

Mr. PAGE of North Carolina. It carries the provision in this bill that was put on on the floor of the House.

Mr. AUSTIN. Not the Smoot amendment?

Mr. PAGE of North Carolina. No; the House provision.

Mr. MONTAGUE. Mr. Speaker, will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. MONTAGUE. Do I understand correctly that the House recedes on amendment No. 76, relative to the municipal hospital?

Mr. PAGE of North Carolina. The House receded and accepted the Senate amendment.

Mr. MONTAGUE. I congratulate the gentleman upon his salutary and wise recession and concurrence.

Mr. AUSTIN. Mr. Speaker, will the gentleman yield to me for two minutes?

Mr. PAGE of North Carolina. I yield to the gentleman for two minutes.

Mr. AUSTIN. Mr. Speaker, I wish to add my commendation, also, to the splendid work of the gentleman from North Carolina [Mr. PAGE] in respect to this legislation. I think the Government clerks who are benefited by the increase in compensation owe him a debt of gratitude for not only originating the proposition but for pressing it and carrying it to a successful termination. [Applause.] We will all miss the gentleman from North Carolina in the House very much, and the Government employees in the District of Columbia will suffer a loss as well as the citizens generally of Washington. They owe him many, many thanks for his long and valued service in behalf of the Capital City and its citizens. He has my kindest and best wishes for a long and successful career, and may he return to this city a Senator from the State of North Carolina. [Applause.]

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21069, the general deficiency appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the general deficiency appropriation bill.

Mr. VAN DYKE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of page 7 insert as a new paragraph the following:

"That the so-called Army building and the site thereof, at the corner of Robert and Second Streets, in St. Paul, Minn., are hereby transferred to the custody and control of the Treasury Department.

"That the Secretary of the Treasury is hereby authorized and directed to remodel, enlarge, rearrange, repair, and improve said property as may be necessary for the accommodation and convenience of the business of the United States, at a cost not exceeding $50,000; and the Secretary of the Treasury shall assign space in said building to such offices of the War Department and other branches of the public service as he deems requisite for the proper transaction of the public business."

Mr. FITZGERALD. Mr. Chairman, on that I reserve the point of order.

Mr. VAN DYKE. Mr. Chairman, may I ask the gentleman if he intends to press the point of order? I do not intend to take up the time of the House in discussing the proposition if he does.

Mr. FITZGERALD. I am compelled to make the point of order. I shall reserve it if the gentleman desires to make a statement. I have no discretion in these matters.

Mr. VAN DYKE. Mr. Chairman, the only statement I desire to make, which I would like to have in the RECORD, is the fact that this is a meritorious proposition. This Army building at the present time is not being used, and the different Federal buildings in the city of St. Paul are in a very congested state. It is necessary that we have at least 50,000 more square feet for the Post Office Department alone, besides 10,000 to 15,000 square feet for other Federal offices in the city of St. Paul. This measure has the recommendation of the Treasury Department and the War Department. The land on which the building is located primarily was granted to the War Department by the city of St. Paul so long as the War Department should use the building. They moved their headquarters from the city of St. Paul to Chicago and have left the building vacant. By this amendment we would transfer the title from the War Department to the Treasury Department, and the utilization of the building would grant us ample space for the Post Office Department and for other Federal offices in the city of St. Paul.

Mr. FITZGERALD. Mr. Chairman, I must insist upon the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. MONTAGUE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of page 7 insert as a new paragraph the following:

"For rearrangement of the present Federal building in the city of Richmond, Va., and connecting therewith buildings upon the present site recently acquired by the Government, $35,000."

Mr. FITZGERALD. On that I reserve the point of order.

Mr. MONTAGUE. Mr. Chairman, I will not detain the committee long. I wish to say that the item contained in this amendment is recommended by the Secretary of the Treasury. The adoption of this amendment would make for the efficiency and economy of the Postal Service in the city of Richmond. We are spending about $3,000 a year for rent. We have two buildings upon additional land recently acquired by the Government, which should be connected with the present Federal building, thereby giving ample room for the Parcel Post Service and other offices which are now rented for the Government. It is for economy, efficiency, and sound business reasons that I offer the amendment.

Mr. FITZGERALD. Mr. Chairman, I am compelled to make the point of order. I have no discretion in the matter.

The CHAIRMAN. The point of order is sustained.

Mr. MONTAGUE. May I inquire why the gentleman had no discretion in the matter?

Mr. FITZGERALD. Because I am compelled to protect the bill from all these amendments. I am acting as the agent of the committee; I am not acting in a personal capacity.

Mr. MONTAGUE. I understand that the gentleman is acting as the agent of the committee.

The Clerk read as follows:

ENGRAVING AND PRINTING.

The limitation in the sundry civil appropriation act for the fiscal year 1917 as to the number of delivered sheets of United States currency to be executed is increased from 90,000,000 to 98,000,000 and of internal-revenue stamps from 84,909,166 to 88,909,166.

Mr. MANN. Mr. Speaker, I move to strike out the last word. Was this increase in the printed sheets of United States currency all that was requested by the department?

Mr. FITZGERALD. That is all estimated by the department. We have given for this purpose all that the Bureau of Engraving and Printing has requested, and later on appropriations for the materials and compensation of employees and plate printers are carried in this bill, and they are now delivering them at a rate much in excess of what was anticipated by the bureau recently.

Mr. MANN. There has been, it is said, a shortage.

Mr. FITZGERALD. It was claimed there was a great shortage in the one and two dollar bills, and this is to permit them to furnish them.

The Clerk read as follows:

Hereafter the cost of fumigation and disinfection shall be charged vessels from foreign ports at rates to be fixed by the Secretary of the Treasury.

Mr. HARRISON of Mississippi. Mr. Chairman, I wish to offer an amendment, in line 8, on page 10, by striking out "$15,000" and making it "$20,000."

The CHAIRMAN. The paragraph can not be returned to except by unanimous consent.

Mr. HARRISON of Mississippi. Then, I ask unanimous consent.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to return to the paragraph indicated.

Mr. FITZGERALD. Mr. Chairman, I can not consent to an increased appropriation.

Mr. HARRISON of Mississippi. I was trying to follow the Clerk as much as I possibly could sitting here watching for the item, but the Clerk was reading rather rapidly, showing he is a very efficient clerk, and this is just over the line here, and I ask unanimous consent to return to it.

Mr. FITZGERALD. In view of the fact we have been very liberal with this service, I can not consent to going back in order to increase an item.

Mr. HARRISON of Mississippi. Well, I submit to the Chair that I got the floor just as quickly as I possibly could, and the Clerk had not gone two lines over the paragraph to which I desire to submit my amendment.

The CHAIRMAN. The Chair takes issue with the gentleman's statement that the Clerk had just gone two lines over, because the Clerk was in the middle of the item for mints and assay offices.

Mr. FITZGERALD. Mr. Chairman, I will not object if the gentleman desires to return.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HARRISON of Mississippi. Mr. Chairman, I move to strike out, in line 18, page 10, the amount "$15,000" and insert "$20,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 18, strike out "$15,000" and insert "$20,000."

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not be adopted.

Mr. HARRISON of Mississippi. Mr. Chairman, I would like to say a word, if the gentleman expresses that hope. I notice that the Public Health Service representatives appeared before the committee and they asked for $25,853 for this item, and they showed that the money is needed. It is due to the fact that gasoline has increased to an amount that it would cost $5,000 more this year than last year; that the price of sulphuric acid and cyanide elements that go into disinfectants has increased so as to make the cost about $4,000 more than last year. There was a storm on the coast that destroyed the fumigating machinery there, and the quarantine station in my own city has no disinfecting machinery. I have not asked for an increase to the full amount of $10,853 more than provided for in this bill, as requested in the estimate, but only $5,000 additional. It seems to me that the amount is necessary. Surely, I do not want to see the quarantine station at my place, where a storm has swept away the disinfecting machinery and damaged a launch there, suffer. These facts and the increased price of gasoline and the other reasons assigned by the Public Health Service make it necessary, it seems to me, to grant this increase. I submit to the gentleman that the amendment I have offered is reasonable and should be conceded and adopted.

Mr. FITZGERALD. If we gave everything that was asked in this bill we could not issue enough bonds to pay the money. The truth is, there are two appropriations, one of $125,000 and the other of $170,000, available for quarantine repair purposes. The committee, after listening to the statements of the quarantine service, reached the conclusion that $15,000 additional would cover the needs of the service. The gentleman need not be alarmed about the service being hampered in any way, because the committee has been, if anything, unduly liberal in providing for this service. The Public Health Service has been treated more liberally than any other service carried in the sundry civil appropriation bill, and I am sure, from my knowledge of the situation, that the $15,000 provided is ample, in addition to the other money that is available.

Mr. HARRISON of Mississippi. Well, the gentleman would not like to see the Gulf port station, for instance, with the disinfecting machinery wiped out so there will be nothing there. It is the only station we have——

Mr. FITZGERALD. The gentleman must remember that all of this money has been available ever since last July.

Mr. HARRISON of Mississippi. Well, they have been asking the committee to provide this money for them.

Mr. FITZGERALD. We have provided amply and $5,000 additional would not be of much benefit to them at all.

Mr. HARRISON of Mississippi. Would the gentleman prefer me to make it $10,853 additional?

Mr. FITZGERALD. The gentleman labors under the misapprehension that simply because the service recommends something it is needed.

Mr. HARRISON of Mississippi. I do not.

Mr. FITZGERALD. And the committee proceeds upon the theory that if the service needs money it will show it.

Mr. HARRISON of Mississippi. If they have not shown it in this hearing, then it is impossible for them to ever show they need an appropriation.

Mr. FITZGERALD. They have not shown it in this hearing.

Mr. HARRISON of Mississippi. Let me ask the gentleman for what purpose the $15,000 will be expended?

Mr. FITZGERALD. I can not tell you what they will expend it for, but I can tell you what they can not expend it for. My experience with officials who have the spending of money is such that I would not underwrite the way they have in view of spending the money, inasmuch as I have had so many examples pressed on me continuously of money expended in a manner in which it was never calculated to be expended.

Mr. HARRISON of Mississippi. I want to say that the hearings here disclose that gasoline has increased from 14 to 23 cents a gallon, and the estimate shows they will need $5,000 increase on that one item; that sulphuric acid and other chemicals that go into disinfecting machinery there is a $5,000 increase, and I think the increased cost applies to all the quarantine stations throughout the country.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. HARRISON of Mississippi. I yield.

Mr. JOHNSON of Washington. Is this appropriated by the deficiency bill?

Mr. HARRISON of Mississippi. This is a deficiency bill, and this appropriation is supposed to be incorporated in the deficiency bill.

Mr. JOHNSON of Washington. For future expenditures for gasoline?

Mr. HARRISON of Mississippi. No. It is to meet the increased cost of the appropriation for the balance of the fiscal year.

Mr. FITZGERALD. This request was made last December, and upon investigation it is apparent that they do not need more than $15,000.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word.

I notice in the hearings on this particular deficiency item for the quarantine service reference is made to the loss of numerous boats. Among others, the report states that damage was done to the quarantine launch *Argonaut* at San Francisco, which was damaged to the extent of $1,100. It says:

We have referred that to the Attorney General, and believe the Government will recover damages, but in the event it is recovered it will revert to the Treasury and not to the quarantine service. We had just before that time spent $2,000 in annual repairs on the *Argonaut*.

I quote this to again call attention to the fact that the damage done to private property on the Pacific Ocean by the *Goldsborough* has to come up in the form of a claims bill, after which it may be anywhere from two to four years, or even longer, in getting through the committees of Congress and reaching a point where, after passing both Senate and House, go into conference, and become liable to defeat for lack of time in the session's wind-up. That is what is happening. The same thing was done in the last Congress with a claim for damages done to a wharf by a revenue cutter. It does seem that when damage is done by vessels of the United States to wharves or other property the private owners should be entitled to collect just the same as in the case of the quarantine service—that is through a deficiency appropriation bill.

I withdraw the pro forma amendment.

The Clerk read as follows:

Public Utilities Commission: For incidental and all other general necessary expenses authorized by law, including the employment of expert services where necessary, $10,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What is the necessity for the incidental expenses for expert services for the Public Utilities Commission in the District of Columbia?

Mr. FITZGERALD. It is stated that proceedings will be brought in the court before the end of the fiscal year by the public utility companies in the District assailing the valuation, and this is primarily to pay the experts required on behalf of the commission in the litigation that is anticipated.

Mr. MANN. In order to increase the appropriation for the work which they were really authorized to do before? Of course, they have to defend a suit.

Mr. FITZGERALD. The work is finished, and when the commissioners were before the committee they stated that the valuation is expected to be announced in a very short time, and that it is expected the companies would immediately start litigation to offset the valuations fixed.

Mr. MANN. Then this is not for the payment of any past service?

Mr. FITZGERALD. No. This is to pay experts that may be required in the future litigation. The District bill carries money for this purpose in the belief that it will be required in the next fiscal year, but the commissioners were of the opinion that the litigation would have progressed to such an extent that it would be necessary to have this service before the next fiscal year.

The Clerk read as follows:

For purchase of enamel metal or other metal identification number tags for horse-drawn vehicles used for business purposes and motor vehicles in the District of Columbia, $775.

Mr. MANN. Mr. Chairman, I move to strike out the last word, just for the purpose of getting some information. Maybe

it is easier to get it this way than by any other, if anybody happens to know. What do we provide in the District bill just agreed to about automobile licenses?

Mr. FITZGERALD. It is dependent on the horsepower. The rates were fixed at $2, $3, $5, and $10.

Mr. MANN. That is, annually?

Mr. FITZGERALD. Annually; yes.

Mr. MANN. When will they have to be taken out?

Mr. FITZGERALD. I do not recall the details of that provision in the bill.

Mr. MANN. It is strange. Here is a body of 435 men——

Mr. FITZGERALD. Why did not the gentleman ask the gentleman from North Carolina [Mr. PAGE] when he had the conference report up? He has been keeping track of it. I have not.

Mr. MANN. I am not criticizing the gentleman from New York. That same criticism would apply to myself. I did know.

Mr. FITZGERALD. It does not apply to me. I am not interested in automobile tags. I do not have to get any.

Mr. MANN. If you have to take out new licenses before the end of the fiscal year, I think this appropriation should be increased.

Mr. CRAMTON. I may be wrong, but I think it is postponed for a little time.

Mr. FITZGERALD. I am informed that it goes into effect the 1st of January, 1918, and then the license must be renewed.

Mr. MANN. There will be no new licenses until next January?

Mr. FITZGERALD. Not until next January.

Mr. MANN. There will not be appropriations sufficient to provide metal tags by that time.

Mr. FITZGERALD. This is for tags for which there is demand now.

Mr. MANN. I understand. But they will have to provide metal tags in advance of January 1. Of course, if we are in special session here all summer, I suppose we could take care of it.

Mr. FITZGERALD. I will sympathize with the automobilists if they can not get the tags.

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Court fines: The sum of $24,300.76, representing fines in United States cases collected on judgments of the criminal division of the Supreme Court of the District of Columbia, during the period from July 1, 1878, to September 30, 1908, inclusive, and deposited in the Treasury of the United States to the credit of the District of Columbia, shall be transferred from the credit of the District of Columbia to the United States.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. MANN. Of course, if the gentleman prefers, I will make the point of order.

Mr. FITZGERALD. This is the result of a report made by William W. Spalding, acting for the House Committee on the District of Columbia, under a resolution of the House of Representatives, on the accounts between the United States and the District of Columbia relating to fines imposed and collected in the District of Columbia for violation of the laws of the United States. It is a very elaborate report, in which he shows that fines aggregating $235,750.88 were credited to the District of Columbia which, it is asserted, should have been credited to the United States.

Mr. MANN. Why should they be credited to the United States?

Mr. FITZGERALD. Well, it is a long proceeding to explain. I will ask the gentleman if he will object to passing this over for the present, and I will be glad to send for the gentleman from Kentucky [Mr. JOHNSON], the chairman of the Committee on the District of Columbia, who I shall be glad to have explain the matter to the membership of the House.

Mr. MONDELL. These are United States cases, are they not?

Mr. FITZGERALD. They are fines.

Mr. MONDELL. I mean fines collected in United States cases?

Mr. FITZGERALD. They are fines imposed in the Supreme Court of the District of Columbia for violations of the laws of the United States. The question was whether these fines inured to the District or inured to the benefit of the United States.

There have been a number of decisions by the various comptrollers, and this accountant reaches the conclusion that the United States should have received the benefit of these fines.

Mr. MONDELL. Is that in harmony with the decisions of the courts, or is it contrary to the decisions of the courts?

Mr. FITZGERALD. Well, there are conflicting views expressed by the comptrollers. The belief was expressed in one instance that the comptroller decided something really beyond what he intended. But this accountant, who made a very exhaustive investigation, believes that the fines should be credited to the United States. This matter was called to the attention of the District Commissioners. My letter was dated December 14, 1916, and this reply is dated February 23, 1917. I read:

EXECUTIVE OFFICE,
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 23, 1917.

Hon. JOHN J. FITZGERALD,
Chairman Committee on Appropriations,
House of Representatives,
Washington, D. C.

SIR: The Commissioners of the District of Columbia have the honor to make the following reply to your letter of December 14, 1916, concerning the report of Mr. William W. Spalding, acting for the Committee on the District of Columbia of the House of Representatives.

This report purports to show an indebtedness on the part of the District of Columbia to the United States of $235,750.88, made up of two total items, as follows:

1. Fines in United States cases, collected on judgments of the criminal branch of the Supreme Court of the District of Columbia, $24,300.76; and

2. Fines collected in United States cases in the police court of the District of Columbia, $211,450.12.

The finding that the item of $24,300.76 is due the United States from the District of Columbia grows out of the decision of the Comptroller of the Treasury of September 30, 1908, referred to in Mr. Spalding's report. Since the date of this decision moneys of this class have been deposited in the Treasury to the credit of the United States.

During the period between 1879 and 1908 these moneys were covered into the Treasury to the credit of the District of Columbia. It is the amount which the District received during this period that it is proposed by Mr. Spalding's report to charge back against the District of Columbia with the corresponding credit to the United States.

Whether the District of Columbia should be required to reimburse the United States for the amount of this item, namely, $24,300.76, is in the judgment of the commissioners a question which must rest with Congress for determination. The comptroller's decision clearly established the United States' title to funds of this kind, but whether on the basis of this decision it is now the equitable thing to do to go back through a period of 30 years and charge the District with these moneys which were credited to it in good faith and under an interpretation of the law which continued unquestioned during all that time the commissioners are not prepared to admit. And in this connection the fact should not be overlooked that the act in crediting these moneys to the District was the act of the United States itself and not the act of the District of Columbia.

Regarding the item of $211,450.12 the commissioners have not been able since the receipt of your letter to give to this matter the thorough and careful consideration that its importance deserves. But a cursory investigation leads them to the opinion that the District of Columbia is not indebted to the United States for the amount of this claim either on legal or equitable grounds.

The commissioners believe that the right and title of the District of Columbia to fines collected in United States cases in the police court is fixed by law and controlling decision. It is admitted that the act of Congress approved March 3, 1901 (31 Stats., 1199) clearly proves the District's ownership to the fines in question for the period subsequent to January 1, 1902. The controversy relates to the antecedent period for each year back to and including 1879. The claim for reimbursement to the United States, as set up in Mr. Spalding's report, is grounded on the assumption that the District, although it actually received credit for fines collected in United States cases in the police court, was not legally entitled to such credit.

The commissioners submit that this entire question was settled and determined by the first Comptroller of the Treasury, Judge Lawrence, in a decision rendered by him in 1882. The laws relied upon to support the contention of the District's liability in the premises were then upon the statute books, and it fairly must be assumed that Judge Lawrence gave to those laws the weight they were severally and collectively entitled to in their relation and application to the question before him.

Judge Lawrence, in this decision, held that fines imposed by the police court belonged to the District of Columbia, and this ruling was controlling upon the accounting officers of the United States and of the District of Columbia until superseded by law or overruled by subsequent decision.

In view of the conflict of opinion regarding the legal liability of the District of Columbia to the United States for the fines collected in United States cases in the police court between 1879 and 1902, the commissioners recommend that the entire question be referred to the Attorney General of the United States for an opinion.

Very respectfully,

THE BOARD OF COMMISSIONERS
OF THE DISTRICT OF COLUMBIA,
By OLIVER P. NEWMAN, *President.*

I conferred with the gentleman from Kentucky as to that suggestion. He informed me, I assume after some inquiry, that the Attorney General would not or could not take the matter under advisement, as this accountant has been engaged under authority of the House to make these investigations and has ascertained these facts, which seemed to indicate that the District had been credited with $235,000 which should have been credited to the United States, and as the result of that credit, the United States had appropriated, matching on the half-and-half principle that $235,000, it was only equitable that the District should pay at least the amount the accountant had ascertained it had unlawfully received and been credited with.

Mr. MANN. Now, may I ask the gentleman, is the claim made that these fines and judgments belong wholly to the Government of the United States?

Mr. FITZGERALD. Wholly to the Government.

Mr. MANN. That they were credited wholly to the District of Columbia?

Mr. FITZGERALD. Credited wholly to the District of Columbia.

Mr. MANN. Then why does the bill provide that the Government of the United States shall pay half the expense, transferring them from the credit of the District to the credit of the Government, if it does so provide?

Mr. FITZGERALD. I think the correct interpretation of the bill does not do that. This is not an appropriation. It is a transfer of a District credit to the United States.

Mr. MANN. It is not a deficiency appropriation?

Mr. FITZGERALD. It is not an appropriation at all. It is a mere transfer of a credit from the District to the United States.

Mr. MANN. Of course I do not pretend to determine——

Mr. FITZGERALD. I suggest that we ask the gentleman from Kentucky [Mr. JOHNSON], who is more familiar with this matter than anybody else, to make a statement in regard to it.

Mr. MANN. I am always glad to hear from the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. Mr. Chairman, in the District of Columbia the same court tries all offenses, whether those offenses be committed against the laws of the District of Columbia or against the laws of the United States in force in the District of Columbia.

The supreme court has six judges, paid on the half-and-half plan. Only one of these judges presides over the criminal division in which all these cases are tried. For a long while all fines, irrespective of whether they were imposed for breaches of District laws or of Federal laws, were paid to the District of Columbia. Finally the question as to the correctness to do so arose and was taken to Comptroller Tracewell for decision. He decided that the fines then in question were fines for a violation of Federal laws in force in the District of Columbia, and that they should be paid to the United States, and not to the District of Columbia. His decision was asked then only as to certain fines, and he made the ruling to which I have just referred. Then the Committee on the District of Columbia, investigating the matter, went into all the fines. Of the fines assessed in the court to which I have just referred, about two-thirds are for violations of District of Columbia laws and about one-third for violations of the Federal laws. The present comptroller has adhered to the decision of Comptroller Tracewell, and has rendered an opinion along the same lines, and has decided that these fines for violations of the Federal laws belong to the United States, and that the fines for violations of the laws of the District of Columbia belong to the District of Columbia. The District of Columbia has received all these fines, and has treated them as revenue against which the United States Government has put up on the half-and-half principle. Therefore, if the United States Government recovers the $235,000 provided for in this bill, it will be in the attitude of only having returned to it the amount which it has put up on the half-and-half plan against the fines illegally collected, to say nothing of accrued interest.

Something has been said about referring the question to the Attorney General. I feel that I can speak advisedly and say that the Attorney General will not hear the matter if it is sent to him, for upon a somewhat similar case last year the Attorney General declined positively to hear it, because it involved money, saying that the opinion of the Comptroller of the Treasury between the two departments was final, and that his opinion would not be superior to that of the Comptroller of the Treasury.

Mr. MANN. What is the character of these police court cases in which the United States is prosecutor?

Mr. JOHNSON of Kentucky. These fines come almost exclusively from the criminal division of the Supreme Court of the District of Columbia.

Mr. MANN. That is not what the bill says.

Mr. JOHNSON of Kentucky. I am talking about the two amounts put together.

Mr. MANN. But the bill gives $24,000 for judgments of the criminal division of the Supreme Court of the District of Columbia and $211,000 for judgments of the police court. I should say that the most of it under that was for fines collected in the police court. What is the character of the cases in which the United States is the prosecutor in the police court?

Mr. JOHNSON of Kentucky. I can only say to the gentleman from Illinois that I did not go to the court files, as the accountants did. I did not see these hundreds and perhaps thousands of cases, and I am not able to advise the gentleman.

Mr. MANN. I think, as far as the equity is concerned, it might be well to know whether these cases are of a character that usually would be purely local police court cases or whether where we provide one law for the District of Columbia and then provide another law under which the United States may be the prosecutor we are really trying police court cases in the name of the United States.

Mr. JOHNSON of Kentucky. I can say to the gentleman that the committee accountant went to the Municipal Building to see the auditor of the District of Columbia relative to it, and one of the assistant auditors, Mr. Roach, was assigned by the auditor to work with our accountant, and that they agreed upon these measures and separated them to their mutual satisfaction as to which were District fines and which were United States court fines.

Mr. MANN. I suppose that is not a difficult matter. Wherever the United States was named as the prosecutor they called it a United States case. In other words, for instance, they enforce the pure-food laws in the District of Columbia. A case may be prosecuted by the health officer of the District of Columbia or it may be prosecuted in the name of the United States, the facts being one and the same.

I will say to the gentleman from Kentucky that I have no intention of even forming a definite opinion on this; but I do not think it would hurt any to let it go over, in order that everybody may become better informed in reference to the matter. It is for fines and judgments collected, I believe, prior to 1902 and 1908—ever since 1878. I do not think it will hurt to let it go over. Therefore I make the point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, this matter is not subject to a point of order. I think I can show that to the Chair conclusively, and perhaps to the gentleman from Illinois [Mr. MANN] also.

Mr. MANN. The gentleman from New York [Mr. FITZGERALD] has already declared that this is not an appropriation, and anything in this bill that is not an appropriation is subject to a point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, when interrupted I was about to say that I have gone into the subject carefully, and I have reached a conviction that it is not subject to a point of order, as I think I can clearly demonstrate to the Chair, or to anybody else.

My argument against the point of order is this: By an act of Congress approved June 20, 1874, the District of Columbia was created a municipal corporation, with the right to sue and be sued, to contract and be contracted with, and so forth, just as a person would be. By the act of June 11, 1878, that creation of the District of Columbia into a municipal corporation was reaffirmed and is now the law. Therefore the District of Columbia can sue and be sued. It can make contracts and be contracted with, and it can incur legal obligations. If it can incur an obligation, it can be compelled to comply with the terms of the obligation.

Now, as between these two departments there is but one court. I wish the Chair to impress the distinction that I am making as between these two parties, as compared to either of them and a private citizen or an outside concern. Between these two departments there is but one tribunal—the Comptroller of the Treasury—and his ruling is final between them. Wherever a proposition has been submitted to the Comptroller of the Treasury by the proper authorities—and this has been submitted to him by the Secretary of the Treasury—his opinion is as binding as is a final judgment of a court upon a question of property rights between two individuals. There is no appeal from that judgment by either of these departments. When a similar question was properly submitted to Comptroller Tracewell he decided that the money did not belong to the District of Columbia.

Now, we have in this case an opinion written by the present comptroller only a few days ago, saying that this money does not belong to the District of Columbia but to the United States. He went further and said that it was within the power of Congress to have it paid. That is the law of the case, and such is the authority for it. The District of Columbia, according to this final opinion rendered by the Comptroller of the Treasury a few days ago, is not entitled to the money, but that the United States Government is; and, to repeat, Congress has the power to have it paid from one account to the other.

As this municipal corporation—the District of Columbia—can incur obligations or debts there is an ever-existing law that it must pay those debts. Nobody will dispute that when the District of Columbia is an unsuccessful defendant in a suit for damages or other cause which may lie against it that that judgment of the court is binding against the District of Columbia, and

that the point of order does not lie in this body in an appropriation bill. It has been finally and judicially settled that the District of Columbia owes this money to the United States. It is an obligation, a judicial obligation, upon the part of the District of Columbia to pay its debt, and it comes to this House in this appropriation bill just as though it were a judgment of a court and no more subject to a point of order than it would be to a judgment of court when it came in in any other appropriation bill.

Now, to resume, this is a corporation and it owes this money. Its indebtedness has been judicially ascertained by a court, the Comptroller of the Treasury of the United States, from which there is no appeal.

Now, suppose that a contract concerning the purchase of hose for the fire department, or any supplies for the District of Columbia, were to go into a court of competent jurisdiction and get judgment against the District of Columbia for these supplies, does anybody mean to tell me that that would not properly belong on an appropriation bill and that it would be subject to a point of order?

When the municipal corporation of the District of Columbia was created by the two acts which I have cited, it was expressly stated in those acts that this corporation had the right to contract and be contracted with, and so forth. Without any provision to compel them to pay? Of course not. That is the question before the Chairman of the committee in this case.

Mr. MANN. Mr. Chairman, this bill is a privileged bill before the House from the Committee on Appropriations. The only jurisdiction it has is to report a bill making appropriations for deficiencies. Any other item in the bill is subject to a point of order, because the only jurisdiction of the committee to report a privileged bill is to carry items for deficiencies under the rules of the House.

As was explained by the gentleman from New York in charge of the bill, this is not an appropriation at all, and therefore it is subject to a point of order. The question of what the rights of the Government may be have nothing to do with the question. If the District of Columbia owes the Government, it is perfectly proper by legislation to provide that the credit may be made and the amount may be required to be paid, but this does not pretend to make an appropriation of any sum at all.

Mr. JOHNSON of Kentucky. Mr. Chairman, I would be glad to have the attention of the Chair for one minute more. The gentleman from Illinois has just stated that the gentleman from New York has said that this was not an appropriation. This money is in the Treasury of the United States. Does anybody know how money can be taken from the Treasury of the United States without an appropriation? There is only one other way, and that is to blast open the doors and take it out. It matters not who says it is not an appropriation, it must of necessity be an appropriation, no matter what the language, and long ago it was established that any appropriation bill could carry a District of Columbia appropriation. I hope I have made my position clear that this item is authorized by law.

Mr. MANN. Mr. Chairman, the funny thing about this is that if, according to the contention of the gentleman from Kentucky, this is an appropriation, only one-half of it would be returned to the United States, for on page 19, line 31, is this provision:

One-half of the foregoing amounts to meet deficiencies in the appropriations on account of the District of Columbia shall be paid from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated.

So, if this is an appropriation instead of a credit, they would only be crediting one-half, and that shows that it is not an appropriation. It does not purport to be an appropriation.

Mr. JOHNSON of Kentucky. Mr. Chairman, there are paragraphs under this caption to which the half-and-half does refer, but the language of this is such that the half-and-half does not relate.

Mr. MANN. But the clause refers to appropriations for deficiencies. It says so.

Mr. JOHNSON of Kentucky. Let us not lose sight of the fact that this is a judgment of the tribunal having exclusive jurisdiction of the matter, and here before us now is the opinion of that tribunal, which says that it is a debt the District of Columbia owed to the United States, and this provision has been put in the bill to pay this judgment in favor of the United States. To me nothing can be plainer.

Mr. BORLAND. Mr. Chairman, if the position taken by the gentleman from Kentucky [Mr. JOHNSON] is not sound and complete, it would be very difficult for the best parliamentarian in this House to point out how and where Congress could exercise its undoubted power to correct these accounts. The point of order made against this item is not that it is not authorized by law, for that point of order would not be good. The item is in strict accordance with the law and the account has been stated in accordance with the law, and this amount found due from the District of Columbia to the United States. So that no point could possibly lie against it that it was not authorized by law. The only point that is made is the somewhat narrow point that it does not belong in this particular bill, because this bill provides for deficiency appropriations.

Mr. JOHNSON of Kentucky. And they never made any estimate to pay this deficiency with.

Mr. BORLAND. It has been the custom and is the custom, and the proper custom, to carry appropriations for the payment of judgments against either the District of Columbia or the United States which must be paid, in the deficiency appropriation bill. This, as the gentleman from Kentucky points out, is virtually a judgment, and in contemplation of Congress it amounts to a judgment. The accounts of the two departments, the Treasury of the United States and the District of Columbia, have been kept separate and separate charges made against each account and the expenses for which that account should be burdened. If it were true that the District of Columbia had an account with an outsider, a running account extending over a number of years, and under a proper legal procedure an account was stated so that it was found that the District of Columbia had failed to pay over to the third person the amount owing to that third person, that decision, however rendered, would amount to a judgment against the District of Columbia which must be paid or satisfied by the necessary appropriation in this bill. It is not possible to enforce that judgment as other judgments would be enforced, but it must be enforced by an appropriation, so that this transfer of the account charging the account of the District of Columbia with $24,300 for these fines collected and crediting the same to the Treasury of the United States is the only payment or collection of that particular judgment which is possible. It amounts to an appropriation, because there is no way of taking that money out of the account of the District of Columbia, which is virtually an agency of the United States, except by an appropriation. Therefore, this is an appropriation not subject to the half-and-half provision carried later in the bill, but in accordance with the half-and-half provision as established by existing law, and the point of order should be overruled.

The CHAIRMAN (Mr. SHACKLEFORD). With a good deal of reluctance, the Chair will overrule the point of order.

The Clerk read as follows:

The sum of $211,450.12, representing fines in United States cases collected on judgments of the police court of the District of Columbia, during the period from July 1, 1878, to January 1, 1902, inclusive, and deposited in the Treasury of the United States to the credit of the District of Columbia, shall be transferred from the credit of the District of Columbia to the United States.

Mr. MANN. Mr. Chairman, I make the same point of order against that item.

Mr. JOHNSON of Kentucky. Mr. Chairman, this provision is exactly like the other. There is not a particle of difference between the two except that one amount is larger than the other.

The CHAIRMAN. Is the same point involved?

Mr. MANN. The same point is involved. I had hoped the Chair would follow the rules of the House in making the decision upon the point of order, but, of course, if personal feeling is going to govern in place of the rules, I have nothing further to say.

The CHAIRMAN. If the gentleman desires to be heard, the Chair will hear him.

Mr. MANN. I was heard, and it was so plainly subject to the point of order——

Mr. JOHNSON of Kentucky. I think I made it so plain, Mr. Chairman, that it was not subject to the point of order that there was no getting away from it.

Mr. MANN. The gentleman did not argue the point of order.

The CHAIRMAN. The point of order is overruled.

The Clerk read as follows:

Home for Aged and Infirm: For provisions, fuel, forage, harness and vehicles, and repairs to same, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, and other necessary items, including maintenance of motor truck, $2,000.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to extend my remarks in the RECORD upon the Postal Service.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The Clerk read as follows:

Small parks: For the condemnation of small park areas at the intersection of streets outside the limits of the original city of Washington, fiscal year 1914, $8,60.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, although I do not do so for the purpose of asking about this particular item. Do these items along here have any reference at all to the municipal hospital carried in the District appropriation bill? Will that be affected in any way by this bill?

Mr. FITZGERALD. Oh, no; that item has been agreed to; but it will take considerable time to construct that hospital, and the belief is that there is necessity for those additional facilities in addition to the facilities now provided either by the municipality or by private institutions.

Mr. BENNET. So that nothing in this bill would affect the municipal hospital?

Mr. FITZGERALD. These items are for the balance of this fiscal year.

Mr. BENNET. All of them?

Mr. FITZGERALD. Yes.

Mr. BENNET. I withdraw the pro forma amendment.

The Clerk read as follows:

Judgments: For payment of judgments, including costs, against the District of Columbia, set forth in House Document No. 2029 of this session, except the judgments with interest and costs in favor of Samuel T. Kalbfus and Edward S. Wood, $6,877.95, together with a further sum to pay the interest at not exceeding 4 per cent on said judgments, as provided by law, from the date the same became due until the date of payment.

Mr. MONDELL. Mr. Chairman, I would like to ask the chairman in regard to an item at the top of the page. This is a deficiency in the appropriation for the condemnation of small park areas, and so forth. Up on the corner of Sixteenth Street and Park Road there is a small triangle that for quite a number of years was occupied by a one-story structure. For a time it was the business house of a tailor with the very proper name of M. Y. Needle. Later it became the place of business for a seller of light-weight automobiles, and that was its use until recently. Alas, it is no more. I passed this triangle a few days ago, looking for the small and familiar building that used to house my friend, M. Y. Needle, and the dispenser of small and uncertain automobiles, and I found that it had been razed to the ground, nothing left of it, and a placard, a signboard, planted on the leveled foundation of this former place of business, bearing the legend, "United States reservation." Now, it has occurred to me frequently in passing there that that was not a very valuable piece of property, not in an advantageous location for a business house, and not just the sort of place where one would want to build a home. I can readily understand that the owner of that property might be looking for some one on whom he might unload it, and I wondered if, under this appropriation for the purchase of small parks, somebody had unloaded that piece of property at a properly lucrative figure on our friend, Uncle Sam?

Mr. BORLAND. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. BORLAND. I was going to ask the gentleman if it had occurred to him, perhaps the owner had gotten tired of paying taxes on an unprofitable piece of property and decided——

Mr. MONDELL. To give it to the Government?

Mr. BORLAND. Decided that the Government ought to buy it as a great public enterprise.

Mr. MONDELL. I wondered if the gentleman had any information in regard to the modus operandi whereby such a piece of property passed from private to public ownership.

Mr. FITZGERALD. I have no information. I have neither desirable nor undesirable property in the District of Columbia, so I have never ascertained how to rid myself of either kind of property here.

Mr. MONDELL. Well, the transfer seems to have occurred.

The Clerk read as follows:

One-half of the foregoing amounts to meet deficiencies in the appropriations on account of the District of Columbia shall be paid from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Of course the gentleman who was in the Chair a moment ago held that those District items were appropriations and hence in order. Well, I apprehend that even with the decision of the learned gentleman from Missouri [Mr. SHACKLEFORD] who was in the Chair, who has great learning about the rules of the House, the comptroller will not follow his opinion and pay one-half of these out of the revenues of the United States, though that is what it says. The item was not in order unless it was an appropriation, a deficiency. This item here says that it shall be paid one-half out of the revenues of the United States. We have a decision one way one minute and the other way the next minute.

Mr. FITZGERALD. This is not an appropriation.

Mr. MANN. Oh, but I noticed when we were arguing the point of order the gentleman from New York, who knew it was not an appropriation, was conveniently absent from the Chamber, or I should have asked him if it was subject to the point of order, and, being an honorable and honest man, he would have been required to say it was subject to the point of order.

Mr. FITZGERALD. Well, I was required to go out of the Chamber on important matters——

Mr. MANN. I understand the gentleman was required to go out.

Mr. FITZGERALD. I did not assert it was an appropriation.

Mr. MANN. No; I know the gentleman denied it was an appropriation, but the Chair ruled that it was.

Mr. FITZGERALD. I am responsible for many things, but I am not responsible for everything that every Chairman does.

Mr. MONDELL. Mr. Chairman, I move to strike out the last two words. My understanding is that these items were sustained on the ground that they were appropriations. Am I correct in that, I ask the gentleman from Illinois?

Mr. MANN. There is no other ground they could be sustained on. The only thing this bill can carry is a deficiency appropriation. I do not know what the grounds are; the grounds were not stated by the Chair properly, and I think the Chair was wise not to state them.

Mr. MONDELL. The Chairman undoubtedly had some reason for his decision. Then, that being the only ground on which he decided, this is the situation in which we find ourselves: It is claimed that the District of Columbia has acquired certain sums which belong to the Federal Government. We have items here which must be appropriation items, and if they are appropriation items, then the Federal Government must pay half of these sums. That, I think, is the logical conclusion; we are trying to recover certain sums back from the District of Columbia and we have put them on this bill as appropriations, so, as a matter of fact, the Federal Treasury will have to pay half of this sum that is to be taken from the District of Columbia and credited to the United States. Therefore, as a matter of fact, we have only moved, assuming that the point of order was properly sustained on the ground that these are appropriations, we have only moved halfway in the direction of having these sums turned over to the Federal Treasury.

The Clerk read as follows:

For extinguishing adverse private claims of title in and to squares 612 and 613, so called, in the city of Washington, D. C., $6,060, one-half to be paid out of the revenues of the District of Columbia and one-half out of the United States Treasury: *Provided*, That the amount paid for any one lot shall not exceed the proportion of the whole amount that the area of said lot bears to the whole area of said squares: *Provided further*, That the lands acquired hereunder shall become a part of the park system of the District of Columbia and be under the control of the Chief of Engineers of the United States Army.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Where are squares 612 and 613?

Mr. FITZGERALD. They are along the Anacostia River. The Government is bringing suits to eject.

Mr. MANN. Is this the case that was decided recently by the Supreme Court?

Mr. FITZGERALD. No.

Mr. MANN. There was a case decided recently, certified to us by the Supreme Court, where the Government had a suit of some sort that it was to pay for the value of certain improvements.

Mr. FITZGERALD. That was the case of Littlefield, Alvord & Co., C. Heurich, and the Cranford Paving Co.

Mr. MANN. Is that provided for in this bill?

Mr. FITZGERALD. No; we did not put that in. This matter is as follows: The Government has a suit to eject the occupants of land along the Anacostia River up to the navy yard. The Government claims title to a portion of both of these squares. The persons asserting an adverse claim to the Government have title to the remaining portions of the squares, and they have offered to relinquish all their rights, not only in the portion contested but in the portion to which the Government admits they have complete title, for $6,060. And the Attorney General has very strongly urged that that ought to be accepted, in the belief that it is an advantageous proposition for the Government.

Mr. MANN. Then we are buying more land for the park that is to run along the Anacostia River—to get down to brass tacks?

Mr. FITZGERALD. Yes; it amounts to that.

Mr. MANN. I hardly ever kick at buying land for a park, so I will not kick about this.

Mr. FITZGERALD. As long as there is any vacant land that somebody does not want.

The Clerk read as follows:

RIVER AND HARBOR WORK.

To pay the claims adjusted and settled under section 4 of the river and harbor appropriation act approved June 25, 1910, and certified to Congress in House Document No. 2040 at the present session, $363.70.

Mr. FITZGERALD. Mr. Speaker, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21069 making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1917, and prior fiscal years, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT—ALASKAN ENGINEERING COMMISSION—(S. DOC. NO. 741).

The SPEAKER laid before the House the following message from the President of the United States, which was referred to the Committee on the Territories and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress the Annual Report of the Alaskan Engineering Commission for the year ending December 31, 1916.

WOODROW WILSON.

THE WHITE HOUSE, *March 2, 1917.*

QUESTION OF PRIVILEGE—THE RECORD.

Mr. DIXON. Mr. Speaker, I want to file a privileged report on House resolution 473 from a special committee heretofore appointed, and ask that the same may be printed in the RECORD and be called up later.

Mr. MANN. Why not dispose of it?

Mr. DIXON. I suppose the Members wanted to read the report in the RECORD.

Mr. MANN. Let it be read. It will not take more than five minutes, will it?

The SPEAKER. What is the request of the gentleman from Indiana [Mr. DIXON]?

Mr. DIXON. We ask that the report be printed in the RECORD.

Mr. MANN. Reserving the right to object, possibly, then, it will never come up again.

Mr. DIXON. The members of the committee talked about that and suggested this method.

Mr. MANN. It seems to me that that report, involving the question of printing in the CONGRESSIONAL RECORD, ought to be disposed of during this session of Congress.

Mr. DIXON. If I get an opportunity——

Mr. MANN. If we let it go over, it will never come up again. I do not know what the report is.

Mr. DIXON. It is a unanimous report.

Mr. MONDELL. As a member of the committee, I said I had no objection to its being printed in the RECORD.

Mr. FITZGERALD. Will the gentleman withdraw his request?

Mr. DIXON. I will withdraw it. I told the gentleman from New York that I would simply have the matter printed.

The SPEAKER. The gentleman withdraws the report and the gentleman from New York [Mr. FITZGERALD] is recognized.

LATE REPRESENTATIVE MICHAEL F. CONRY.

Mr. FITZGERALD. Mr. Speaker, it becomes my sad duty to announce the death of Hon. MICHAEL F. CONRY, a Representative from the State of New York. Because of the unusual condition of the public business at this time it is impossible to ask the House to adjourn out of respect to his memory. But it is proposed that recess be taken for a brief time as a mark of our esteem.

Mr. CONRY was just finishing his eighth year of service in this House. He had won the respect and the admiration of all the Members for his diligence, his industry, and for the manly qualities that characterized him. Taken ill but a few days ago, much to the sorrow of his many friends, he rapidly grew worse, and died but a brief while ago.

It will not be possible, Mr. Speaker, to ask that a time be set aside during this session of Congress to afford Members an opportunity to pay tribute to his memory. So that Members may have an opportunity to pay suitable tribute to his public services I ask unanimous consent that all who desire may extend remarks in the RECORD to the memory of the deceased for 15 calendar days.

The SPEAKER. The gentleman from New York asks unanimous consent that all Members have the privilege of printing remarks on the life, character, and public services of Mr. CONRY in the RECORD for 15 calendar days. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, Mr. CONRY's loss is keenly felt by his colleagues from the State of New York and by many other Members who were closely associated with him in the House. Laboring, as he did, under severe physical disability, everyone admired the courage with which he attended so faithfully to his duties. All, I am sure, entertain the deepest sympathy for his widow and children, who have lost so devoted and faithful a husband and father. Our country has lost a devoted and faithful servant; we have lost a loyal friend.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. MANN. As it is not likely, as the gentleman has stated, that there will be any opportunity for Members, except by printing in the RECORD, to express their opinion respecting Mr. CONRY and his public services, I desire to say now that Mr. CONRY had earned and had received the respect and the affectionate regard of all the Republicans in the House. Of course it goes without saying that he had the same in reference to the Democratic Members of the House.

I think there were few men in the House for whom the Members entertained a higher personal regard than for this man, who, overcoming physical disabilities, always had a smiling way about him which endeared him to everybody who met him.

Mr. BENNET. Mr. Speaker, will my colleague yield to me for just a sentence?

Mr. FITZGERALD. Yes.

Mr. BENNET. What has been said by my colleague [Mr. FITZGERALD] and by the gentleman from Illinois [Mr. MANN] expresses so fittingly the feelings on both sides of the aisle that I have no desire or intention of attempting to add anything to it, except to say that it voices the feelings of the entire delegation from the State and county from which our colleague came.

Mr. FITZGERALD. Mr. Speaker, I offer the following resolutions.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 549.

Resolved, That the House has heard with profound sorrow of the death of the Hon. MICHAEL F. CONRY, a Representative from the State of New York.

Resolved, That a committee of Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. FITZGERALD. Mr. Speaker, I ask for a vote on the resolutions.

The SPEAKER. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to.

RECESS.

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect, this House do now stand in recess until 8 o'clock p. m.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was unanimously agreed to; accordingly (at 7 o'clock and 7 minutes p. m.) the House stood in recess until 8 o'clock p. m.

AFTER RECESS.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate announced that it had insisted upon its amendments to the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes, had asked a conference with the House of Representatives on said bill and amendments thereto, and had appointed Mr. TILLMAN, Mr. SWANSON, Mr. BRYAN, Mr. PENROSE, and Mr. LODGE as the conferees on the part of the Senate.

NATIONAL PROHIBITION.

Mr. MAYS. Mr. Speaker, I ask leave to extend my remarks in the RECORD on the subject of national prohibition.

The SPEAKER. The gentleman from Utah asks unanimous consent to extend his remarks in the RECORD on national prohibition. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. SISSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill, H. R. 21069.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. As I understand it, the Speaker has announced that he prefers not to recognize Members for bridge bills and other uncontested matters until after the appropriation bills are disposed of?

The SPEAKER. Appropriation bills and conference reports.

Mr. WINGO. I am exceedingly anxious to get one bridge bill passed.

The SPEAKER. The Chair will state that at any time when there is opportunity, between the consideration of appropriation bills and conference reports, he will recognize gentlemen for these other bills. The gentleman from Mississippi [Mr. SISSON] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill.

Mr. FLOOD. Will the gentleman withhold that motion for a few moments? I want to get a conference report acted upon. That was the understanding I had with the chairman of the Committee on Appropriations.

Mr. SISSON. Mr. Chairman, I have no objection to that, if it is for the purpose of getting a conference report considered.

The SPEAKER. Does the gentleman withhold his motion?

Mr. SISSON. I do.

DANISH WEST INDIES.

Mr. FLOOD. Mr. Speaker, I call up the conference report on the bill (H. R. 20755) to provide a temporary government for the Danish West Indian Islands, and I ask unanimous consent that the statement be read in lieu of the report.

Mr. MANN. The report is not very long. As it presents an entirely new substitute I think it should be read.

The SPEAKER. The gentleman from Illinois objects. The Clerk will read the conference report.

The Clerk read as follows:

CONFERENCE REPORT (NO. 1556).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20755) "to provide a temporary government for the West Indian Islands, acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

In lieu of the matter proposed by the Senate insert the following:

"That, except as hereinafter provided, all military, civil, and judicial powers necessary to govern the West Indian Islands acquired from Denmark shall be vested in a governor and in such person or persons as the President may appoint and shall be exercised in such manner as the President shall direct until Congress shall provide for the government of said islands: *Provided*, That the President may assign an officer of the Army or Navy to serve as such governor and perform the duties appertaining to said office: *And provided further*, That the governor of the said islands shall be appointed by and with the advice and consent of the Senate: *And provided further*, That the compensation of all persons appointed under this act shall be fixed by the President.

"SEC. 2. That until Congress shall otherwise provide, in so far as compatible with the changed sovereignty and not in conflict with the provisions of this act, the laws regulating elections and the electoral franchise as set forth in the code of laws published at Amalienborg the 6th day of April, 1906, and the other local laws, in force and effect in said islands on the 17th day of January, 1917, shall remain in force and effect in said islands, and the same shall be administered by the civil officials and through the local judicial tribunals established in said islands, respectively; and the orders, judgments, and decrees of said judicial tribunals shall be duly enforced. With the approval of the President, or under such rules and regulations as the President may prescribe, any of said laws may be repealed, altered, or amended by the colonial council having jurisdiction. The jurisdiction of the judicial tribunals of said islands shall extend to all judicial proceedings and controversies in said islands to which the United States or any citizen thereof may be a party. In all cases arising in the said West Indian Islands and now reviewable by the courts of Denmark, writs of error and appeals shall be to the circuit court of appeals for the third circuit, and, except as provided in sections 239 and 240 of the Judicial Code, the judgments, orders, and decrees of such court shall be final in all such cases.

"SEC. 3. That on and after the passage of this act there shall be levied, collected, and paid upon all articles coming into the United States or its possessions, from the West Indian Islands ceded to the United States by Denmark, the rates of duty and internal revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles, the growth or product of, or manufactured in such islands from materials the growth or product of such islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per cent of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from such islands shall hereafter be admitted free of duty.

"SEC. 4. That until Congress shall otherwise provide all laws now imposing taxes in the said West Indian Islands, including the customs laws and regulations, shall, in so far as compatible with the changed sovereignty and not otherwise herein provided, continue in force and effect, except that articles the growth, product, or manufacture of the United States shall be admitted there free of duty: *Provided*, That upon exportation of sugar to any foreign country, or the shipment thereof to the United States or any of its possessions, there shall be levied, collected, and paid thereon an export duty of $8 per ton of 2,000 pounds irrespective of polariscope test, in lieu of any export tax now required by law.

"SEC. 5. That the duties and taxes collected in pursuance of this act shall not be covered into the general fund of the Treasury of the United States, but shall be used and expended for the government and benefit of said islands under such rules and regulations as the President may prescribe.

"SEC. 6. That for the purpose of taking over and occupying said islands and of carrying this act into effect and to meet any deficit in the revenues of the said islands resulting from the provisions of this act the sum of $100,000 is hereby appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, and to be applied under the direction of the President of the United States.

"SEC. 7. That the sum of $25,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid in the city of Washington to the diplomatic representative or other agent of His Majesty the King of Denmark duly authorized to receive said money, in full consideration of the cession of the Danish West Indian Islands to the United States made by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916.

"SEC. 8. That this act, with the exception of section 7, shall be in force and effect and become operative immediately upon the payment by the United States of said sum of $25,000,000. The fact and date of such payment shall thereupon be made public by a proclamation issued by the President and published in the said Danish West Indian Islands and in the United States. Section 7 shall become immediately effective and the appropriation thereby provided for shall be immediately available."

And the Senate agree to the same.

H. D. FLOOD,
PAT HARRISON,
HENRY ALLEN COOPER,
Managers on the part of the House.

WM. J. STONE,
G. M. HITCHCOCK,
H. C. LODGE,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

PRIVILEGES OF THE HOUSE—NAVAL APPROPRIATION BILL.

Mr. KITCHIN. Mr. Speaker, I send to the Clerk's desk a resolution and ask for its immediate consideration.

The SPEAKER. The gentleman from North Carolina sends to the desk a privileged resolution and asks for its present consideration. The Clerk will report it.

The Clerk read as follows:

House resolution 550.

Resolved, That the amendments providing for the issuance of bonds added by the Senate to the House bill (H. R. 20632) in the opinion of this House contravene the first clause of the seventh section of the first article of the Constitution of the United States and are an infringement of the privileges of this House, and that the said bill with the amendments be respectfully returned to the Senate with a message communicating this resolution.

Mr. BUTLER. Mr. Speaker, has the bill been sent over?

Mr. KITCHIN. It has been returned to the House.

Mr. BUTLER. I have nothing at all to say. I hope what is done may be done expeditiously.

Mr. KITCHIN. Mr. Speaker, this amendment to the naval appropriation bill provides for $150,000,000 of bonds. As I contend, the Senate has no original jurisdiction in matters relating to the revenues of the Government. The jurisdiction to issue bonds has always been regarded as exclusively in the House of Representatives, and whenever heretofore by an amendment to an appropriation bill the Senate has initiated any provision for revenue or for the issuing of bonds the House has taken this step.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. I do.

Mr. MOORE of Pennsylvania. The purpose of this resolution is simply to assert the prerogatives of the House?

Mr. KITCHIN. To assert the prerogatives of the House. That is correct.

Mr. MOORE of Pennsylvania. As they have been observed from the beginning of this Federal Government?

Mr. KITCHIN. Yes. This is a prerogative guaranteed to us by the Constitution, and I trust that the House will agree to the resolution unanimously. [Applause.]

The gentleman from New York [Mr. FITZGERALD] asks for three minutes, which I yield to him.

Mr. FITZGERALD. Mr. Speaker, ever since the beginning of the Republic the House has asserted its prerogative under the Constitution to originate revenue bills. In my experience in the House, upon several occasions the Senate has attempted to incorporate into various bills items providing for the raising of revenue either by taxation or by the issuance of bonds. The one great prerogative of the House of Representatives is the right to originate revenue bills, and however lowly this House has ever descended it has never yet yielded a single iota of that privilege. [Applause.] I hope in this instance the vote will be unanimous. It ought to be unanimous, Mr. Speaker, because this action has not been taken by the Senate without warning. Notice was given to those in charge of this bill to-day that this proposed amendment was an infringement of the prerogatives of the House, that it should not be incorporated in the bill, that if incorporated it should be eliminated, and that if it were incorporated in the bill the House would assert its prerogative and return the bill with such a message as is now proposed. In spite of that warning, and regardless of the constitutional provision, the Senate has sent this bill here in defiance of the warning given, and in derogation of the rights of the House. There is nothing for us to do except to insist upon our constitutional prerogative and to follow the unbroken precedents of the Republic by sending this bill back to the Senate, so that they may eliminate the provision which infringes upon our privileges.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken.

The SPEAKER. The ayes have it. The vote is unanimous.

Accordingly the resolution was unanimously agreed to.

[The announcement of the result was received with applause.]

GENERAL DEFICIENCY APPROPRIATIONS.

On motion of Mr. FITZGERALD the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21069) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1917, and prior fiscal years, and for other purposes, with Mr. JOHNSON of Kentucky in the chair.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SMITH of New York having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes, had asked a conference with the House of Representatives on said bill and amendments thereto, and had appointed Mr. TILLMAN, Mr. SWANSON, Mr. BRYAN, Mr. PENROSE, and Mr. LODGE as the conferees on the part of the Senate.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

MILITARY ESTABLISHMENT.

QUARTERMASTER CORPS.

For pay of the Army, including the same objects, except mileage, specified under this head in the Army appropriation act for the fiscal year 1917, $647,833.33.

Mr. SHALLENBERGER. Mr. Chairman, I move to strike out the last word in order to ask the chairman a question. The military deficiency item amounts to something over $38,000,000. I would like to ask the chairman what is the cause of such a large deficiency.

Mr. FITZGERALD. This is principally all due to the retention of the National Guard on the border after the 1st of January, 1917. The appropriation provided in the Army bill did not make provision for the National Guard on the border beyond that date.

Mr. SHALLENBERGER. The hearings show that if the guard had not been on the border the appropriation in the Army bill would have been sufficient.

Mr. FITZGERALD. It would have been ample for the Military Establishment.

Mr. SHALLENBERGER. The largest item is for the Quartermaster's Department, and I observe on page 157 there is an item for almost a million pair of shoes. How could there be that number of shoes as a deficiency?

Mr. FITZGERALD. It was stated before the committee that the Army shoe is quite light, and the service on the border is so very severe that in many instances a pair of shoes did not last over five days. The result was that a very large number of shoes had to be issued.

Mr. SHALLENBERGER. Does the gentleman understand that a million pairs of shoes were used on the border?

Mr. FITZGERALD. Yes; the necessity of additional shoes was due to the severe character of the country on the border. The country is very rough and the shoes are light. Our men object to heavy shoes and the shoes did not last any length of time. There is another thing that added to it and that was that there were no facilities for repairing shoes. If there had been they might have been sewed and shoes would have lasted a considerable length of time. The inability to repair made it necessary to condemn the large number of shoes.

Mr. SHALLENBERGER. I observe that the cost of the shoes figured up something like $4 a pair. Does that show economy and efficiency in the purchase of shoes? Can not an American shoemaker make a shoe for $4 that will last more than five days?

Mr. FITZGERALD. Gen. Sharpe stated that he had been trying to have adopted a heavier type of shoe, one that would better withstand the service. It was stated that the uppers were perfectly good, but the soles had worn out so rapidly, on account of the rough character of the country and the inability to repair them, that it was necessary to condemn them.

Mr. SHALLENBERGER. Does not the testimony indicate that the hard service on the shoes was by the men that went into Mexico and not the men on the border so much?

Mr. FITZGERALD. The men on the border had an equally hard service. The most of them were compelled as a part of their training to take marches of various lengths which meant heavy wear upon the footgear.

Mr. SHALLENBERGER. Does the Chairman think that the service which was received from these shoes was adequate service for shoes of that sort?

Mr. FITZGERALD. My opinion would be that for that kind of service a shoe of a different type, a heavier shoe, should more properly be adopted. But these were the shoes that the Army had. They were issued, and did not last any length of time. And the necessity of the issuance of the shoes in quantity had not been anticipated.

Mr. SHALLENBERGER. There is another item which shows 4,000,000 tent pegs. Has the chairman any knowledge of what kind of tent pegs those were?

Mr. FITZGERALD. No; I have not.

Mr. SHALLENBERGER. In the hearings before the Military Committee the testimony of the Army officers who were sent to Mexico to get information—the testimony was that our troops were furnished an aluminum tent peg which proved to be worthless. In dry weather they bent, and in wet weather they would not hold. They said that a 60-penny nail was of more value as a tent peg than one of these aluminum pegs. I wanted to get the information from the gentleman whether

these tent pegs were of that character. The hearings show that $86,000 was paid for them.

Mr. FITZGERALD. No; we asked the department to furnish detailed information so that the information might be available for future investigation. The fact is that this money was necessary for the remainder of the fiscal year because of conditions that existed. If the committee could, it hoped to do so, and obtain information that could be utilized hereafter in determining the advisability of certain character of supplies.

Mr. SHALLENBERGER. The gentleman does not know whether these tent pegs were the useless ones I have referred to or not?

Mr. FITZGERALD. I do not know.

Mr. SHALLENBERGER. Does not the gentleman think that somebody connected with the department might have driven one of these pegs into the ground and learned whether it was valuable before we purchased 4,000,000 of them to send to the border, costing $87,000?

Mr. FITZGERALD. Yes; before a tent peg different from what the Army was using was adopted I should suppose some practical test would be made to demonstrate its usefulness.

Mr. SHALLENBERGER. The practical test of it was in Mexico, but the information I wanted was whether these particular pegs were aluminum tent pegs.

Mr. CARTER of Oklahoma. I would like to inquire of the gentleman what there is about that part of the country that makes it harder on leather?

Mr. FITZGERALD. Well, the gentleman ought to know, it is about as bad as it is in Oklahoma.

Mr. CARTER of Oklahoma. I do know that it is a dry climate, but I do not see why it should be hard on leather.

Mr. FITZGERALD. It is dry and hard and somewhat rocky.

Mr. SLAYDEN. Not all of it.

Mr. FITZGERALD. Not all of it. It seems that some of it is fertile, but our troops have been spending time upon the barren and worthless part.

Mr. SLAYDEN. Not all of the dry part is rocky. They have given no good reason there except the absence of cobblers to repair the shoes, because leather keeps longer and better there than in any other part of the country. I have been so told by Quartermaster officers.

Mr. FITZGERALD. I have no information other than what is stated, that the surface was of such character that the shoes did not last any length of time—five days on an average—and in the absence of people to make repairs.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. COOPER of Ohio. I would like to bear out the statement the gentleman has made. One of my sons was down on the border last summer, and he wrote me letter after letter telling me that it was a hard thing to keep shoes on their feet for some reason or other because of the sand or the cactus that destroyed the leather in the shoes very quickly.

Mr. SLAYDEN. I want to say that all soldiers learn in half a day to avoid cactus. If they do not, they get punished. There is a great deal of that border along the Rio Grande that I have been over, from the mouth up into Colorado. Part of it is rocky and stony and it will cut shoes; but there are vast stretches of it where some of these troops were that are not so, and I know that leather does not mold there, and I think they must have purchased a very inferior shoe at an extravagant price. The people who live there and who walk about in that country do not have that trouble at all.

Mr. SHALLENBERGER. The quartermaster testified that they practically had no shoes at all when they took them to the border, and so they took any shoes they could get. I simply wanted to call the attention of the committee to the fact that we have spent this enormous sum of money for these shoes which, on the testimony of the War Department itself, in actual service last about five days, and $86,000 for tent pegs which, upon the testimony of the Army officers, are worthless. These are illustrations of the fact that while we have the most expensive Army in the world in time of peace, when we put them into service they are about the poorest served so far as accouterment and equipment is concerned.

Mr. SLAYDEN. Which is probably due to the fact that a blunder was made. I read recently where harness and paraphernalia for horse-drawn gun carriages was sent to Hawaii, and when they got there they found it was intended for batteries and things to be drawn by motor power, and it had to be brought back to San Francisco.

Mr. SHALLENBERGER. I want to say further that Congress has furnished the money, and it is not the fault of Congress that equipment of the character I mention has been furnished to the Army.

The Clerk read as follows:

Water and sewers at military posts: For water and sewers at military posts, including the same objects specified under this head in the Army appropriation act for the fiscal year 1917, $107,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word in order to challenge the attention of the committee for a moment to the items that we have just read, totaling, as I run them over, somewhere about $18,000,000 for military expenditures in addition to the regular expenditures—money expended in our pursuit of one Pancho Villa in Mexico. My understanding that the total expenditure in the pursuit of this cheerful bandit up to this time has been in the neighborhood of $150,000,000. He seems to be still living and well. When last heard of he sent an official invitation, as I recall it, to our military commanders to kindly give him an audience. I think it is the first case in history where a man against whom an organized expedition was sent not only, like Davy Crockett's coon, gave notice that he would come down but asked to be invited into a parley to discuss the question of whether or not he should be taken into camp. I think whatever we may have said heretofore with regard to the character of this amiable bushwhacker, we must admit that at least he has a sense of humor, and as much can not be said for some of the people who started the pursuit of Villa. However, all things have their compensations. A lot of our boys have had an expedition down upon the border and have had an opportunity to enjoy the delightful and salubrious climate of Texas and parts of Mexico.

Mr. SLAYDEN. That in itself is an education.

Mr. MONDELL. All of which my friend from Texas says is an education, and I have no doubt that is true. Our boys have gotten some good training down there, and some of them still linger there. The troops from my State are still down upon the Mexican border, and up to date they have made no complaint of being retained there other than that they are not allowed to make the acquaintance of Villa and his men upon this pursuit. The only suggestions I have had from them have been along the line of hopes of some time or other they may be given the opportunity of actually getting action upon the alleged object of their search and adventure. We are a great, a rich, and a powerful people. I suppose $150,000,000 more or less does not make much difference to us, and we can afford to indulge in these little expenditures of the people's money in pursuit of people who annoy us. In the meanwhile the situation in Mexico remains as it has been—chaos, anarchy, Government broken down, no law, American rights defied, American citizens driven from that territory, and this great area, this fair and fertile territory to the south of us, given over, temporarily at least, to a reign of barbarism. God grant that before we spend another $150,000,000 down there that condition may be somewhat remedied.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the necessary words to get recognition. I would like to ask my friend from Wyoming [Mr. MONDELL] if he did not see in the afternoon papers the encouraging statement that his friend Pancho Villa's health is very bad at this time due to an old wound, and it is hoped that he will be put out of commission permanently and give an opportunity for the reestablishment of order in that country.

Mr. MONDELL. Well, I should not be so hard-hearted as to cherish that hope, and my good friend from Texas is too chivalrous a gentleman to harbor that hope himself, because, after all, with all of his bad qualities, Pancho has proven himself a foeman so thoroughly worthy of our steel that he should not find it in his heart to wish that he should die miserably in the desert from his wounds.

Mr. SLAYDEN. Mr. Chairman, I shall not disturb myself long by selecting the mode of his demise if he will accommodate us by doing it. Perhaps when he goes, as they say he is now shortly to do because of his wounds, we may be able to establish peace and protect the Americans in Mexico.

Mr. KENT. Are not all of these questions relative and does the gentleman from Texas believe that our friend Pancho is better or worse than the gentleman who is reforming the divorce laws of Mexico while the country is being overrun?

Mr. SLAYDEN. Mr. Chairman, I decline to express an opinion on the relative demerits of these various patriots of varying shades of patriotism. I think this much may be said for Pancho Villa. He has been occasionally, momentarily, exceedingly courteous. He has advised us of his campaign in advance and, curiously enough, he has conducted his campaign as he said he would.

Mr. MONDELL. Is this also true, if the gentleman will yield, that on one occasion Pancho Villa informed the military authorities that he proposed a raid on our territory and the

military authorities sent that information to the War College for consideration and study and they were still considering it and studying it when Pancho struck at Columbus?

Mr. SLAYDEN. Mr. Chairman, I can not answer that question from personal knowledge. The gentleman from California [Mr. KAHN], who unfortunately is not present, has qualified himself to testify as an expert in those matters. That has been alleged, and the gentleman saw, as I saw, the communication inserted in the RECORD the other day by Mr. KAHN, who made that charge.

Mr. WATSON of Pennsylvania. Mr. Chairman, I move to strike out the necessary words for recognition. I want to ask the chairman of the committee, if he will give me his attention, how many military posts are there? Upon what facts does he establish one in order to arrive at the $107.000 necessary for sewers?

Mr. FITZGERALD. Mr. Chairman, I am unable to state how many military posts there are, but this matter is intended for a specific purpose. It is expected to station at Fort Bliss, Tex., just outside of El Paso, just adjacent to Fort Bliss, for an indefinite period, about 6,000 troops. Fort Bliss has sewer and water facilities. Where these 6,000 troops are to be stationed the ground is somewhat lower than the location of the present fort, and so for sanitary reasons it is desired to install a sewer system and a water system for the accommodation of these 6,000 additional men.

Mr. WATSON of Pennsylvania. Then I understand this $107,000 is for these 6,000 men for this one particular post?

Mr. FITZGERALD. For one particular post, because the condition on the border is such it is believed desirable or essential to keep them assembled at the locality of Fort Bliss.

The Clerk read as follows:

For the support of dependent families of enlisted men, including the same objects and under the same limitations specified in the appropriation for this purpose in the Army appropriation act for the fiscal year 1917 as amended by section 901 of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, $2,000,000: *Provided*, That the provision in the act of August 29, 1916, as amended by section 901 of the act of September 8, 1916, for the Federal support of families of enlisted men shall, with respect to enlisted men belonging to organizations of the Organized Militia or National Guard which entered the service of the United States under the calls of the President of May 9, 1916, and June 18, 1916, and enlisted men of the Regular Army who by the provisions of acts above cited are beneficiaries thereof only during the time the Organized Militia or National Guard continue in the service of the United States under said calls, apply only to applications stated in the form prescribed by the Secretary of War which are received in the office of the Depot Quartermaster, Washington, District of Columbia, on or before June 30, 1917.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. This provision in a different form was in the Army bill and I struck it out on a point of order. I am not sure but this may be perfectly satisfactory as it stands, but I would like to have a statement about it.

Mr. FITZGERALD. This provision was drafted to meet the objection of the gentleman from Illinois to the provision in the Army bill. As I recollect, the gentleman from Illinois objected to the provision in the Army bill for the reason that if the National Guard were called out again by the President the provision of the family-dependent act would not be operative after the 30th of June. This provision is so drafted that it limits the time within which claims may be filed to the members of the National Guard called out under the two calls issued by the President because of the Mexican situation and the enlisted men of the Army serving there at the same time.

Mr. MANN. Now, when they refer to claims being filed, some of the National Guard are still on the border and may be there after the 30th of June. A claim filed before the 30th of June under such circumstances, would that carry the payment of money after the 30th of June for the men remaining in the service?

Mr. FITZGERALD. Yes. The Quartermaster General stated that the expectation is that all of the guard will not only be brought back from the border, but will be mustered out of the service of the United States by the middle of April.

Mr. MANN. Well, the Quartermaster General may make a correct guess, but I think that last year when they went down there I heard gentlemen guess they would be back right away. But they are not back yet.

Mr. FITZGERALD. But orders have been issued for the return of them all.

Mr. MANN. If they have been issued, why do they not return?

Mr. FITZGERALD. They are coming back now.

Mr. MANN. They have been coming back for a long time. Do you have to issue an order several months ahead before it goes into effect? However, I am not going to quibble about that.

Mr. FITZGERALD. After the gentleman had called attention to the reason for objecting to the provision in the Army bill the committee took that matter up, and to obviate that objection had this provision drafted, the belief being that the purpose intended by the department was a good one and that we should not foreclose the members of the guard if they were called into the service hereafter. And if anything should occur to retain the guard on the border any length of time I have no doubt Congress will be given an opportunity to correct the situation.

Mr. MANN. Mr. Chairman, I withdraw the point of order and move to strike out the last word.

Regardless of the merits of the proposition, which I am not intending to discuss, it looks to me like a reasonable one. I regret very much that a great committee like the Committee on Appropriations, when they want to use the language "shall apply" put the "shall" on line 5 and the word "apply" on line 14, with a lot of language inserted in between. That is abominable grammar, I will say to the gentleman from New York.

Mr. FITZGERALD. It was drawn by an officer of the Army, and you can not expect anything better.

Mr. MANN. I do not know. They are educated at the expense of the Government. Besides, it passed the critical eye of the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. If I attempted to reconstruct all these provisions, I would be kept too busy. When I draw them myself they escape even the critical eye of the gentleman from Illinois.

Mr. MANN. I had the impression that the gentleman from New York, with a blue pencil, usually reconstructed all the provisions that were sent down from the department.

Mr. FITZGERALD. The gentleman can set it down as a fact that when any provision is free from criticism I drafted it; if it is subject to criticism I did not. [Laughter.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To provide for the compensation of competent help for the care of matériel, animals, and equipment thereof, under such regulations as the Secretary of War may prescribe: *Provided*, That the men to be compensated, not to exceed five for each battery, troop, or company, shall be duly enlisted therein and shall be detailed by the battery, troop, or company commander under such regulations as the Secretary of War may prescribe, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia, $306,790.

Mr. BENNET. Mr. Chairman, I move to strike out the last word in order to ask my colleague, the chairman of the committee, a question, if I can. This apparently is something in the nature of extra-duty pay.

Mr. FITZGERALD. No; it is not.

Mr. BENNET. It seems so. It says, "That the men to be compensated," and above it says, "To provide for the compensation of competent help for the care of matériel, animals, and equipment thereof under such regulations as the Secretary of War may prescribe."

Mr. FITZGERALD. Under the law the United States furnishes to the National Guard certain animals and equipment and pays for the care of the animals and equipment. Now, that the guard is returning from the border and is stationed at home in the armories, it requires an additional number of men to take care of the animals and equipment, and this is to enable the department to pay for the additional men.

Mr. BENNET. Let us see if I get that right. First, these animals come back, and this matériel, and so forth. The animals are stabled, and the matériel is stored, and these men that are called competent help are, in the one case, the stablemen for the horses and, in the other case, guards over the matériel? Is that it?

Mr. FITZGERALD. Why, the men who take care of the horses, and matériel in the nature of field guns and equipment of that character, are provided by the War Department and paid for out of the Federal Treasury, and when the guard is mustered out of the United States service and retains the status of the National Guard, the United States furnishes this assistance to them.

Mr. BENNET. Are these men enlisted men of the National Guard?

Mr. FITZGERALD. I understand they are not. They are caretakers; men employed. My understanding is they are not enlisted men.

Mr. BENNET. It says "that the men be compensated, not to exceed five for each battery, troop, or company, shall be duly enlisted therein."

Mr. FITZGERALD. They are enlisted men and paid special compensation for this work. I was mistaken.

Mr. BENNET. Is this sort of passed around among a number of men in the battery? For instance, in my district I have

an Artillery battalion, a very good one. Evidently the men who take care of the United States matériel in the armory of that battalion are enlisted men of that battalion. Are they the same men right along, or is this in the nature of extra compensation that is rather divided around amongst the battery?

Mr. FITZGERALD. Well, I do not know. It is under a regulation prescribed by the Secretary of War. I am uncertain whether they detail the same men or whether they rotate.

Mr. BENNET. I would like to ask my colleague a rather disconnected question concerning this paragraph. I understand in the last three years there have been over 1,000,000 horses from this country exported abroad. Does he know whether or not this has made the supply of horses in this country short for the Regular Army or National Guard?

Mr. FITZGERALD. I am unable to answer.

Mr. SHALLENBERGER. The hearing shows that they have 65,000 more horses and mules than they know what to do with, and they are going to pasture them down in Texas next spring if they can get good grass for them.

Mr. FITZGERALD. The explanation of that is that at one time there was a belief that we might be engaged in active service in Mexico. And in anticipation of such a possibility the War Department purchased a large number of animals for which there was no immediate use, but which, if we were engaged in hostilities with Mexico, would be very essential to any movement that might be undertaken. The change in the situation on the border resulted in a large number of animals being left in the possession of the War Department in excess of its requirements, so that we now, as the gentleman from Nebraska states, have about 25,000 animals for which we have no immediate use.

Mr. BENNET. I understood the gentleman to say we had 65,000.

Mr. SHALLENBERGER. Sixty-five thousand we bought, and 25,000 remain.

Mr. BENNET. As I understand, under the statute—and the gentleman from Nebraska will correct me if I am wrong—we have no way of selling those horses unless they are unfit?

Mr. SHALLENBERGER. Yes. The Secretary of War applied for authority to sell those.

Mr. BENNET. That was good business judgment. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The gentleman withdraws his pro forma amendment. The Clerk will read.

The Clerk read as follows:

For travel of inspector instructors in making visits of instruction to armories, $20,000: *Provided*, That said inspector instructors traveling shall not receive more than their actual expenses out of these appropriations.

Mr. BENNET. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. BENNET. I do so for the purpose of asking what is the total appropriation this year for this item and the two preceding items?

Mr. FITZGERALD. What is the gentleman's question?

Mr. BENNET. On the item between lines 14 and 17, on page 26, I asked my colleague what the total appropriation was this year for this item and the two preceding items for this fiscal year—of course, including the Army appropriation and this appropriation and any special appropriation that may have been made?

Mr. FITZGERALD. Seventy-five hundred dollars. This service is a new service under the national-defense act.

Mr. BENNET. My colleague certainly does not mean that the annual appropriation was $7,500 and the deficiency $20,000?

Mr. FITZGERALD. Yes; the Army bill, as it passed the House, carried $15,000.

Mr. BENNET. That would be for next year.

Mr. FITZGERALD. Maybe I have the wrong item.

Mr. BENNET. I think so, because the deficiency certainly would not be three times as much as the appropriation.

Mr. FITZGERALD. Thirty thousand dollars for the current year, and for the next year the Army bill as it passed the House carried $130,000. That also was for service provided, as I recall, and greatly enlarged in the national-defense act.

Mr. BENNET. What is "an inspector instructor"?

Mr. FITZGERALD. He is an officer of the Army who visits the armories and inspects them, and instructs the officers of the National Guard in the numerous duties they have to perform.

Mr. SHALLENBERGER. If the gentleman will permit, an inspector instructor is a man who instructs the National Guard in addition to the ordinary inspector.

Mr. BENNET. As I recall the national-defense act, the Organized Militia of the various States, known as the National Guard, must be organized up to a standard before they can get certain appropriations.

Mr. SHALLENBERGER. They must be up to certain enlistments.

Mr. BENNET. Yes. Do the inspectors have anything to do with the certifying as to the National Guard of the United States?

Mr. SHALLENBERGER. The inspector instructor's duty is to instruct the men in the duties of a soldier. It is an additional instructor or inspector provided for in the national-defense act to increase the efficiency of the National Guard.

Mr. BENNET. The gentleman from Nebraska is very scholarly on this subject. Would it embarrass him if I were to ask him if he thought that was a wise provision, and if these are useful officers?

Mr. SHALLENBERGER. I think it is a wise provision, essential to the improvement of the National Guard.

Mr. BENNET. And it will tend rather to put the Regular Army and the National Guard on an equality of training?

Mr. SHALLENBERGER. Yes; and it also produces an efficiency that we secure with very little additional expense. These inspector instructors do not draw additional pay from the Government, and the only expense we are subject to on their account is for their transportation and allowances while they are with the National Guard. Furthermore, it has been determined that where Regular Army officers are associated directly with the National Guard it brings about a friendship and a feeling of comradeship that are beneficial to both divisions of the service.

Mr. BENNET. And when Regular Army officers are taken away from their Regular troops, where their duties have become somewhat perfunctory, they may get new light on their duties from handling different material from a new angle?

Mr. SHALLENBERGER. Yes. Reports have been made as to the efficiency of the troops on the border; and from the Regular Army officers with the troops of the National Guard the reports were favorable to the troops of the National Guard, whereas some of the officers not assigned with the National Guard made reports unfavorable to the National Guard.

Mr. BENNET. Did the gentleman read the interesting speech made by the gentleman from Massachusetts [Mr. GARDNER] on his trip to the border and his interviews with the interested men?

Mr. SHALLENBERGER. Yes; I heard that.

Mr. BENNET. That rather brought out the same idea from a little different angle?

Mr. SHALLENBERGER. Yes. That was the testimony received from officials of the department.

Mr. BENNET. Mr. Chairman, I ask unnaimous consent to extend my remarks by inserting a letter from the Secretary of Commerce in relation to the supply of horses and mules under date of January 17.

The CHAIRMAN. Is there objection?

There was no objection.

The matter inserted is as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY
Washington, February 24, 1917.

MY DEAR CONGRESSMAN: I have your letter of February 19, inclosing a letter from the Horse Aid Society of New York, with various clippings relating to the exportations of horses to Europe since the beginning of the European war, and claiming a resultant shortage of horses in the United States on account of such exportations. According to the records of the Bureau of Foreign and Domestic Commerce of this department the exportations of horses and mules from the United States have been as follows during the 29 months from August 1, 1914, to December 31, 1916, inclusive:

To—	Number.	Dollars.
France	425,368	100,757,087
United Kingdom	342,580	71,526,766
Canada	131,801	18,644,553
Italy	93,279	20,193,302
Other countries	78,450	15,031,924
Total	1,071,478	226,153,632

I inclose a report issued by the United States Department of Agriculture on January 16, 1917, containing an estimate of the number of animales on farms and ranges of the United States on January 1, 1917, and on the same date of previous years. According to this report the number of horses on farms on January 1 of this year was only 33,000 less than a year ago, while the number of mules increased by 46,000. It does not appear therefore that our exportations have seriously depleted our supply of horses and mules.

Regarding the statement in the clipping that the fire departments of several cities are unable to obtain an adequate supply of horses suitable for fire-department purposes, it is a matter of common knowledge that motor apparatus is largely taking the place of horses for this purpose. The same is true regarding the use of horses and mules for transport purposes of the Army.

Regarding the statement that Canada has placed an embargo on the exportation of horses to Europe for war purposes, this prohibition does not apply to exportations to Great Britain or her allies. The official published statistics of Canada show only 26,811 head of horses exported from Canada during the 12 months ended March 31, 1916. This, however, does not include all exportations to Great Britain or her allies, for the reason that war supplies purchased in Canada by Government agents when shipped to Europe are taken on board Government transports, which are not required to furnish export entries to customs officials, and such supplies do not therefore enter into the Canadian statistics of exports. Neither do war supplies bought by the British Government enter into the import statistics of Great Britain. It is not possible, therefore, to ascertain how many horses and mules have in fact been furnished by Canada for war purposes.

The letter from the Horse Aid Society, with the clippings, is returned to you as requested.

Very truly, yours,

WILLIAM C. REDFIELD,
Secretary.

Hon. WILLIAM S. BENNET,
House of Representatives.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CROP ESTIMATES,
Washington, D. C., January 16, 1917.

The Crop Reporting Board of the Bureau of Crop Estimates of the United States Department of Agriculture, from reports of its correspondents and agents, makes the following estimates of live stock on farm and ranges of the United States (1916 figures revised):

Farm animals.	Number.		Values.	
	Per cent of preceding year.	Total number.	Per head.	Aggregate.
HORSES.				
Jan. 1, 1917	99.8	21,126,000	$102.94	$2,174,629,000
Jan. 1, 1916	99.8	21,159,000	101.60	2,149,786,000
Jan. 1, 1915	101.1	21,195,000	103.33	2,190,102,000
Jan. 1, 1914	101.9	20,962,000	109.32	2,291,638,000
Jan. 1, 1913	100.3	20,567,000	110.77	2,278,222,000
Jan. 1, 1912	101.1	20,509,000	105.94	2,172,694,000
Jan. 1, 1911	102.2	20,277,000	111.46	2,259,981,000
Jan. 1, 1910	.....	[1]19,833,000	108.03	2,142,524,000
MULES.				
Jan. 1, 1917	101.0	4,639,000	118.32	548,864,000
Jan. 1, 1916	102.5	4,593,000	113.83	522,834,000
Jan. 1, 1915	100.7	4,479,000	112.36	503,271,000
Jan. 1, 1914	101.4	4,449,000	123.85	551,017,000
Jan. 1, 1913	100.6	4,386,000	124.31	545,245,000
Jan. 1, 1912	100.9	4,362,000	120.51	525,657,000
Jan. 1, 1911	102.7	4,323,000	125.92	544,359,000
1910	.....	[1]4,210,000	120.20	506,049,000
MILCH COWS.				
Jan. 1, 1917	103.0	22,768,000	59.66	1,358,435,000
Jan. 1, 1916	104.0	22,108,000	53.92	1,191,955,000
Jan. 1, 1915	102.5	21,262,000	55.33	1,176,338,000
Jan. 1, 1914	101.2	20,737,000	53.94	1,118,487,000
Jan. 1, 1913	99.0	20,497,000	45.02	922,783,000
Jan. 1, 1912	99.4	20,699,000	39.39	815,414,000
Jan. 1, 1911	100.9	20,823,000	39.97	832,209,000
Jan. 1, 1910	.....	[1]20,625,000	35.29	727,802,000
OTHER CATTLE.				
Jan. 1, 1917	102.6	40,849,000	35.88	1,465,786,000
Jan. 1, 1916	107.4	39,812,000	33.53	1,334,928,000
Jan. 1, 1915	103.4	37,067,000	33.38	1,237,376,000
Jan. 1, 1914	99.5	35,855,000	31.13	1,116,333,000
Jan. 1, 1913	96.7	36,030,000	26.36	949,645,000
Jan. 1, 1912	93.9	37,260,000	21.20	790,064,000
Jan. 1, 1911	96.4	39,679,000	20.54	815,184,000
Jan. 1, 1910	.....	[1]41,178,000	19.07	785,261,000
SHEEP.				
Jan. 1, 1917	99.7	48,483,000	7.14	346,064,000
Jan. 1, 1916	97.3	48,625,000	5.17	251,594,000
Jan. 1, 1915	100.5	49,956,000	4.50	224,687,000
Jan. 1, 1914	96.6	49,719,000	4.02	200,045,000
Jan. 1, 1913	98.3	51,482,000	3.94	202,779,000
Jan. 1, 1912	97.6	52,362,000	3.46	181,170,000
Jan. 1, 1911	102.3	53,633,000	3.91	209,535,000
Jan. 1, 1910	.....	[1]52,448,000	4.12	216,030,000
SWINE.				
Jan. 1, 1917	99.5	67,453,000	11.73	701,242,000
Jan. 1, 1916	104.9	67,766,000	8.40	569,573,000
Jan. 1, 1915	109.6	64,618,000	9.87	637,479,000
Jan. 1, 1914	96.3	58,933,000	10.40	612,951,000
Jan. 1, 1913	93.5	61,178,000	9.86	603,109,000
Jan. 1, 1912	99.7	65,410,000	8.00	523,328,000
Jan. 1, 1911	112.8	65,620,000	9.37	615,170,000
Jan. 1, 1910	.....	[1]58,186,000	9.17	533,309,000

[1] Census report of numbers Apr. 15, 1910.

N. B. The number not on farms, i. e., in cities and villages, is not estimated yearly, but their number in 1910 as reported by the census was: Horses, 3,183,000; mules, 270,000; cattle, 1,879,000; sheep, 391,000; swine, 1,288,000. The census of 1910 also reported 106,000 asses and burros on farms and 17,000 not on farms; 2,915,000 goats on farms and 115,000 not on farms.

Following changes in farm animals compared with January 1, 1916, are indicated:

In numbers, horses have decreased 33,000; mules increased 46,000; milch cows increased 660,000; other cattle increased 1,037,000; sheep decreased 142,000; swine decreased 313,000.

In average value per head, horses increased $1.34; mules increased $4.49; milch cows increased $5.74; other cattle increased $2.35; sheep increased $1.97; swine increased $3.33.

In total value, horses increased $24,843,000; mules increased $26,030,000; milch cows increased $166,480,000; other cattle increased $130,858,000; sheep increased $94,470,000; and swine increased $221,669,000.

The total value on January 1, 1917, of all animals enumerated above was $6,685,020,000, as compared with $6,020,670,000 on January 1, 1916, an increase of $664,350,000, or 11 per cent.

LEON M. ESTABROOK,
Chief of Bureau, Chairman.
NAT C. MURRAY,
S. A. JONES,
FRANK ANDREWS,
G. K. HOLMES,
V. H. OLMSTED,
Crop Reporting Board.

Approved:

CARL VROOMAN,
Acting Secretary.

Mr. BENNET. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from New York withdraws the pro forma amendment. The Clerk will read.

The Clerk read as follows:

For transportation of supplies (including transportation of animals bought for the use of Cavalry, Field Artillery, Signal companies, Engineer companies, ambulance companies, and other mounted units) of the National Guard, $50,000.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri moves to strike out the last word.

Mr. BORLAND. Mr. Chairman, the deficiency here provided for is for transportation. I have called the attention of the House several times to a proposition which, it seems to me, can very well be taken up by the Committee on Military Affairs. It can not be embodied very well in these deficiency bills, but it is a problem of economy and efficiency that I think this House should give serious attention to.

This Government some years ago subsidized a number of land-grant railroads, and by the charters by which those land-grant railroads were created they are bound to give the Federal Government a transportation rate not exceeding 50 per cent of the rate now given on commercial shipments. In other words, we are in a position to get back from the land-grant railroads part of the $400,000,000 we gave them in the way of a saving of freight on shipments of supplies. It has always seemed to me that in the transportation of supplies for the Army we ought to make the most liberal use of that provision.

The United States is the only shipper that can demand a special rate under the insterstate-commerce act, and in order that the United States may demand a special rate under the interstate-commerce act in the shipment of supplies it must own the supplies at the time of shipment.

No contractor who is selling supplies to the Government is entitled to demand any such rate. Therefore it is necessary that the supplies be delivered to the Government, inspected, and accepted by it before they are offered for shipment. It has always seemed to me that inasmuch as we have at many of the terminals of these land-grant railroads, in the larger cities of the West, Government inspectors and depot quartermasters, it would be a very simple matter to provide, in all or most of the great contracts for supplies, particularly oats, hay, and bulky supplies of that kind, that they be delivered at the nearest point on a land-grant railroad from which they can be shipped at Government rates to the point of consumption.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. KAHN. I believe that is the practice in the War Department now.

Mr. BORLAND. I want to say to my friend from California that I have brought this matter up several times, once particularly, a year ago, and thereafter the quartermaster general issued a statement in the press stating that he was doing this thing, and claiming some credit for it. Whether he did it incidentally in a few cases or not, I am not aware; but I do know that it is not the general practice. I do know that the practice is and has been to compel the contractor to ship the goods to the point of consumption, which has this

effect, as I want to explain to my friend from California: Suppose the supplies are to be used at Fort Huachuca, Ariz. The contractor is compelled to ship down there a large amount of oats to fill a Government contract according to certain specifications. When the oats get down there, possibly they are condemned. The contractor did not own the oats at the time he accepted the contract. He goes out and buys the oats, taking them as he needs them to fill his contract. Perhaps the conditions are such that he does not get exactly the oats that the Government asks for. He gets the oats down there and they are rejected. There is no market for a large quantity of oats there. Consequently they are almost a dead loss to him. If those oats were tendered to the Government at Chicago, St. Louis, Omaha, or Kansas City, where there are large markets, if not accepted by the Government, they are worth their cash market value instantly in the commercial trade. As a matter of business economy it works both ways. The Government contractor will give a closer figure to the Government if he is entitled to send his oats at a central market where he can dispose of rejected supplies, and the Government will gain, on the other hand, by owning the oats and transporting them at land-grant rates. As a matter of fact the contractor usually buys his oats at some central market and ships them at commercial rates to the point where he must tender them to the Government.

Mr. FITZGERALD. Will the gentleman yield?

Mr. BORLAND. I yield to the gentleman from New York.

Mr. FITZGERALD. In the last two or three years the Navy Department has been doing just what the gentleman states, and has made a very great saving.

Mr. BORLAND. I understand so. I understand that the Navy Department buys such things as packed meats and supplies of that kind, accepting them at the point where the contract is made, and shipping them as its own goods.

Mr. NORTON. What is the practice now in the Army?

Mr. BORLAND. The practice now in the Army, except in isolated cases, is to take a contract to deliver a certain quantity of oats at a given point, say at Fort Huachuca or Camp Douglas, or wherever they are to be delivered, and the contractor ships the oats there under the specifications. If they do not comply with the specifications and are rejected, of course he has no recourse.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent for two minutes. Is there objection?

There was no objection.

Mr. BORLAND. The contractor must either ship the oats back or sell them at whatever he can get for them at that place.

Mr. NORTON. Does not that indicate a deplorable lack of efficiency on the part of Army officers?

Mr. MANN. No.

Mr. BORLAND. No; not a deplorable lack of efficiency. It indicates a lack of business system which, it seems to me, would present itself readily to the mind of a business man. At nearly all the large points where heavy supplies are bought, especially forage and foodstuffs, there are now depot quartermasters, and these depot quartermasters could inspect all classes of supplies and receipt for them at those points. As I say, that would give wider competition and a closer price from the contractor, because business conditions would permit him to give a closer price, and it would give the Government the power then to ship at land-grant rates. In most cases now the Government does not enjoy those land-grant rates, because it pays the contractor on the basis of the commercial rate that he must pay to put the goods down at the point of consumption.

I yield to the gentleman from California [Mr. KAHN].

Mr. KAHN. The invariable practice has been for many years to call for the delivery of goods at some central point in the West, so that the goods can be carried over the land-grant railroads at the land-grant rates. In that way men who otherwise would be precluded from bidding on Government contracts altogether are enabled to get contracts. The price of the contractor plus the land-grant rate is lower than the price of contractors in other parts of the country.

Mr. BORLAND. Unquestionably the gentleman's ideas are all right, but they do not conform to the usual practice.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. KAHN. Mr. Chairman, the gentleman from Missouri [Mr. BORLAND] is altogether in error in his contention. I have had this question of the land-grant railroads up with the department time and again. The people in the West are anxious to bid on Government contracts. By reason of the higher cost of labor in the West they would ordinarily be excluded from getting any of the Government contracts. But as a matter of fact they bid on delivery in the West—delivery at San Francisco, for instance. Then the Government adds to the price of the bidder the land-grant rate to other sections of the country where these commodities are to be used. If the bid of the contractor plus the land-grant rate is lower than the bids offered by other bidders the western bidder gets the contract. I have had that matter up with the department many times, and it has been my experience that they have invariably followed that custom.

Mr. BORLAND. Let me say to my friend from California that no doubt when he has called it to their attention they have in that case done so, because I have had exactly the same experience. Originally the hay shipped to the Philippine Islands was all bought on the Pacific coast, in Washington or Oregon or California. It was impossible for us to sell Missouri or Kansas upland prairie hay to the Government for use in the Philippines. Although our hay was cheaper and, we thought, better, the rates made it prohibitive.

Mr. JOHNSON of Washington. How cheap was it?

Mr. BORLAND. It varied. It is pretty high now.

Mr. JOHNSON of Washington. How cheap was it at that time?

Mr. BORLAND. At that time it was about $8. We finally got the Government to provide an alternative specification for a bid either on the Missouri River or on the Pacific coast. Then the bids could be compared; those on the Missouri River plus the land-grant rates cost could be compared with those on the coast. Our hay was cheaper on the Missouri River; with the land grants added, it made it cheaper than that of the Pacific coast hay. Under that, I think, two-thirds of the hay going to the Philippine Islands for about four years has been Kansas or Missouri hay. In 1915 there was a drought, which cut off the supply of Mississippi Valley hay, and then the hay went from Washington and Oregon; but this was only one year—1915.

Mr. NORTON. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. NORTON. If the Quartermaster Department does take into consideration the cost of transportation over the land-grant railroads in accepting bids, is not that all that should have been done as a business proposition?

Mr. BORLAND. The gentleman did not get the basis of my contention. The basis of my contention is that they must accept the goods at the initial point, so that the Government can command the land-grant rates.

Mr. NORTON. So that if you could buy hay in San Francisco for $20 a ton and the rate from Kansas City over the land-grant road to San Francisco is $8 a ton, you can afford to pay $12 a ton for hay in Kansas City.

Mr. BORLAND. And if you could buy it for $10, you could save money.

Mr. KAHN. But the gentleman is in error. It is not only in the matter of hay; it is in the matter of clothing and supplies of that kind. Now, the contracts for Army gloves used to be given to eastern bidders. They were made in Gloversville, a great glove-manufacturing point in this country. But in recent years glove factories have been established in the West, and the bids, when opened, show that the western bidders have been able to quote such a low price on San Francisco delivery that when the land-grant railroad rate is added to the price submitted by the western bidder it makes the price for the commodity so low that the West has invariably secured all the contracts for that line of goods.

Mr. BORLAND. Then why is it not well to provide by general law that that shall be done?

Mr. KAHN. My information is—and I have had it up with the department time and time again—that they always do it.

Mr. BORLAND. Yes; they always do it when you call their attention to it, but they do not do it in cases that are not insisted upon.

Mr. MONDELL. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. MONDELL. I have understood that in the War Department there was a small corps of men whose duty it was in this matter of contract of buying supplies to figure out the manner of purchasing supplies under which the Government would get the largest benefit from the land-grant roads.

Mr. KAHN. Yes; they do that.

Mr. MONDELL. I do not pretend to know much about it or how far they go into these matters, but my understanding has

been that there has been a small corps of men whose duties are along that line.

Mr. BORLAND. I called the attention of the War Department last summer to a shipment made from San Antonio to Fort Huachuca, and there was a difference of several thousand dollars if the goods had gone from San Antonio over the land-grant roads at the time.

Mr. KAHN. If the prices of the western bidder were added to the commercial rate of the railroad, the West would never get any Government contracts. It is only through the application of the reduced rates over the land-grant roads that we have been able to get any Government business.

Mr. FOSTER. I will say to the gentleman from California—I do not know this in all cases, but in most of the cases of shipments of fuel by the War Department they have been buying it delivered at the post. So they have not been able to utilize the land-grant railroads in buying these supplies for the Army.

Mr. MONDELL. I would suggest to the gentleman that there is a difference in the shipment of fuel. It would be more difficult to receive it at some central point than would be the case in other classes of supplies.

Mr. FOSTER. That may be true, but in many cases they can do it as easy as not.

Mr. MONDELL. It might be very difficult for the receiving of coal as it passes through Chicago, but it would not be so difficult in the case of other supplies; and this discussion brings up in that connection a question of propriety of storehouses and depots at these points, where you can assemble the supplies and take advantage of the land-grant rates.

Mr. FOSTER. Yes; but the War Department does not do that.

Mr. KAHN. The War Department has difficulty in getting appropriations for warehouses.

Mr. BENNET. Mr. Chairman, I rise in opposition to the pro forma amendment, to make a remark or two on the Christian spirit that is shown in relation to the land-grant roads. I do not know much about the roads, but as a citizen of the United States I realize that if it had not been for them we would not have developed the great West as we did. As I understand it, the few instances in which we guaranteed the bonds, they paid at least the face of the bonds and some of the interest.

Mr. MONDELL. Nearly all of the interest.

Mr. BENNET. In connection with the rates, here is what we are now proposing to do without one word of defense on the part of anybody: Nobody asks whether this is fair to the land-grant railways. Here are these roads, crowded and jammed with freight at good, lucrative prices, making money, and the gentleman from Missouri [Mr. BORLAND] and other gentlemen say that regardless of all that, regardless of the convenience of the people alongside the roads, regardless of the conditions of prosperity throughout the country, we ought to so route all of our freight that even if it went a few hundred miles out of the way it could go over these land-grant roads so that we could get the advantage of the rates.

Mr. FOSTER. Does the gentleman realize how much the Government has given these railroads?

Mr. BENNET. In what?

Mr. FOSTER. Money and land—over $400,000,000.

Mr. BENNET. Why, when the Government gave them that land, if it had not been for the construction of the railroad the land would not have been worth 15 cents a square State.

Mr. MANN. And wherever they gave an acre of land they doubled the price of the acre they did not give.

Mr. BENNET. Of course they did, and I do not suppose there is a year that every State through which a land-grant railroad runs does not get back on account of increased valuation a sum greater than the total value of the land to the railroad at the time the land was given to the railroad.

Mr. KAHN. I think that is true.

Mr. BENNET. And yet here is this bountiful idea of ours that because we can get a reduction we should discommode all of our own people and route our freight over these roads, just to get the reduction.

Mr. KAHN. The railroads do not object to carrying Government supplies whenever they are offered. There is no difficulty about that. Of course the Government has not freight to offer every day in the week over the land-grant railroads.

Mr. BENNET. That is what the gentleman from Missouri [Mr. BORLAND] is complaining about. He thinks they ought to have some every day and on Sunday, because of the kind-heartedness and generosity of the Government—for it is not an individual matter on the part of the gentleman from Missouri, but that is the way we look at these things.

Mr. BORLAND. The gentleman would not urge us to pay commercial rates when we have the right to demand land-grant rates?

Mr. BENNET. No; I admit that, as business men, when we have a contract, when it comes to the ordinary course of trade, we ought to take advantage of it; but the idea of going out and seeing to it that freight that does not legitimately belong upon those roads should nevertheless be routed over those roads does not strike me as an evidence of the highest character of civilization.

Mr. KAHN. I think the gentleman from Missouri stated that the Government was entitled to a 50 per cent reduction. My understanding is that they get about one-third reduction.

Mr. BENNET. I think the rates differ on each of the roads.

Mr. KAHN. It is an average of one-third on all of them.

Mr. BENNET. On some of them it is as little as 20 per cent. The whole situation reminds me of a story that John F. Lacey, whom many of us remember, used to tell about the man who sold the horse. He said to his brother, "I have sold that gray horse." "What," said the brother, "that old wind-broken, spavined scarecrow of a gray horse?" "Yes, I have sold that horse." "What did you get for it?" "I got $75." "Who was fool enough to give you $75 for that horse? Who did you sell it to?" "Oh, I sold it to mother." [Laughter.] I think that is the same kindly Christian spirit of toleration and good fellowship and generosity that we are exhibiting toward these land-grant railroads. Crowd it onto them, no matter whether they can handle more profitable freight, no matter whether the people along the roads have a prior right really than that of the Government, no matter whose rights are infringed.

Mr. BORLAND. It might surprise the gentleman to know that some of the land-grant railroads carry the freight anyway, and the only question is whether the Government is to get the advantage of the land-grant rates or pay the commercial rights.

Mr. BENNET. Oh, I am with the gentleman on that.

The Clerk read as follows:

Arms, uniforms, equipment, etc., National Guard: To procure by purchase or manufacture and issue from time to time to the National Guard upon requisition of the governors of the several States and Territories, or the commanding general, National Guard of the District of Columbia, such number of United States service arms with all accessories, Field Artillery and Coast Artillery material, engineer, signal, and sanitary material, accouterments, field uniforms, clothing, equipage, publications, and military stores of all kinds, including public animals, as are necessary to arm, uniform, and equip for field service the National Guard in the several States, Territories, and the District of Columbia, $1,000,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking my colleague what kind of publications are purchased out of this million dollars for the National Guard?

Mr. FITZGERALD. The manual of arms, drill manuals, gun manuals—all sorts of military manuals necessary for the proper instruction of a properly informed and educated military organization.

Mr. MONDELL. Will the gentleman from New York inform me whether such a military journal, for instance, as the War Cry would be purchased under this appropriation?

Mr. FITZGERALD. It may be. If that comes within the description of the publications that I have already given, I have no doubt it might be, but I am inclined to think, however, it would be excluded upon the ground, perhaps, that it is too martial a publication.

Mr. BENNET. I am glad, indeed, that the National Guard in its various arms that are mentioned in this paragraph are better treated than the immigrants. When the sundry civil appropriation bill was before the House the other day my colleague, Mr. SIEGEL, a member of the Committee on Immigration, suggested a trivial appropriation of $250 to subscribe for newspapers for the detained aliens at San Francisco, Philadelphia, New Orleans, Galveston, and New York—only about $50 per year per port.

And I regret to say that the Committee on Appropriations refused to permit the expenditure of that small sum. I never could understand why. I understand that in another body last night, in the consideration of the naval appropriation bill, they added one item of $39,000,000 without debate and they added another item of a new navy yard at a place where there is already an existing navy yard also without debate. Now, the immigrant has not only built up this country but out of the head tax—raised from 50 cents in the first instance until now it is $4 and after the 1st of May will be $8—he has contributed to this country at the ports of entry somewhere between $9,000,000 and $10,000,000 more than the cost of maintaining the entire immigrant service, including the Chinese exclusion law and the building of all the buildings for all the immigrant sta-

tions at all the ports of the United States. Now, there are these poor people detained at these stations by the exigencies of war, confined on Ellis Island, more or less imprisoned, and this great, munificent Government of the United States, that spends somewhere like $2,000,000,000 a year in various ways, will not spend $250 out of their own money to pay for just a few newspapers to each of the five principal ports of the United States where most of the immigrants are. I am glad we treat our soldiers better. I do not know whether we treat our National Guard as well as we ought—I do not know much about it—but I do know that the little, trifling item of $250 ought not to have been denied to those poor people.

Mr. MANN. Will the gentleman yield for a question?

Mr. BENNET. Certainly.

Mr. MANN. If newspapers were furnished over at Ellis Island, I suppose it would be natural to purchase some of the New York papers?

Mr. BENNET. Oh, not necessarily.

Mr. MANN. Does the gentleman seriously contend anybody is really deprived of anything by not being permitted to read the New York papers? [Laughter.]

Mr. BENNET. Well, as an answer to that I am very frank to say that, to relieve the privation and deprivation of these poor people on Ellis Island, I would be perfectly willing that they should read even the Chicago papers.

Mr. MILLER of Delaware. Will the gentleman yield?

Mr. BENNET. I will.

Mr. MILLER of Delaware. Does the insignificant sum of $250 take into account what it might cost for translators to be supplied to the people who read the newspapers? I would like to hear what the gentleman has to say on that point.

Mr. BENNET. I am frank to say you can subscribe in New York City for papers published——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. Two minutes, in order to enable me to answer this question.

The CHAIRMAN. Is there objection to the gentleman continuing for two minutes? [After a pause.] The Chair hears none.

Mr. BENNET. You may subscribe for newspapers published in every language you can read or play on the flute, or even that resembles a written language. I think the foreign-language newspapers in New York City are published in something like 54 different languages, so that there will not be any difficulty in supplying them to any kind of immigrant who comes in.

Mr. FITZGERALD. Why do they not send copies of their papers there?

Mr. BENNET. I will yield to my colleague.

Mr. GALLIVAN. Do I understand the gentleman reads 35 or 40 different languages?

Mr. BENNET. No; but I can recognize the language when I see it in print.

Mr. MADDEN. I judge the gentleman thoroughly understands all languages, from his handwriting.

Mr. MANN. The gentleman ought to be able to read hieroglyphics in any kind of language.

Mr. GALLIVAN. He surely talks them.

Mr. BENNET. The compliments of these gentlemen overwhelm me and rather divert me from the question of my colleague; but I see he is busy with something else, so possibly it is no loss. I withdraw the pro forma amendment.

The Clerk read as follows:

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Central Branch, Dayton, Ohio: For subsistence, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1917, $40,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, there are a number of items here for different branches of the soldiers' home providing deficiency appropriations for subsistence at those homes. I do not now recall the number of inmates of the Central Branch or the Northern Branch, or the Southern Branch, or the Danville Branch, but I suppose they are somewhere near the same, although I may be incorrect. I notice that the additional subsistence at Dayton, Ohio, is $45,000, while that at Milwaukee is only to cost $8,000 more; and that the subsistence at Hampton has gone up in price so that we are asked to provide $35,000, while at Danville, Ill., it only requires $5,000. Now, that shows the desirability of locating these branches of the home in a country where they raise good crops. Here is Danville, Ill., in the very center—the garden spot of America—there the increase of subsistence has not been very great. But down here in Virginia, with a small soldiers' home, they have run it up seven hundred fold over Danville. At Dayton it is eight hundred fold over Danville. Anybody can see the moral of that.

Mr. FITZGERALD. The moral of that is that no soldier goes to Danville if he can go any place else, and therefore there has not been the same demand for additional appropriations.

Mr. MANN. The moral of that is that there at Danville they have good management and the prices have not gone up to such an extent. What is the reason? The gentleman does not give any yet.

Mr. FITZGERALD. There are two reasons, namely, the increased numbers and the increased cost. The estimate for subsistence at these homes, of course, is always problematical. There is no way of determining how many persons will be at a home, and the soldiers seem to fluctuate in their choice. One season they seem to prefer one home and another season they seem to have some special reason for desiring to go to another, and it keeps the board of managers somewhat busy to outguess those entitled to admission, in order to determine just how much will be required at any particular home.

Mr. MANN. Well, I am afraid that is not a very valid explanation.

Mr. FITZGERALD. Well, it is the best I can do.

Mr. MANN. Here is a soldiers' home, the Mountain Branch, at Johnson City, Tenn., where naturally people would gravitate in the winter time. They only want $4,000 for increase of subsistence there. Or, if they wanted to go farther north, here is the Battle Mountain Sanitarium at Hot Springs, S. Dak., which is a regular health resort, and there is only $4,000 additional for subsistence there, while right down here at Hampton, Va., close by, it is $35,000. It is not caused by any increase in subsistence.

Mr. GARD. I think the Central Branch has the greater number of members and the Hampton Home the second.

Mr. MANN. Which is the first?

Mr. GARD. The Central Branch at Dayton.

Mr. MANN. Which is the third, then?

Mr. GARD. I do not know.

Mr. MANN. I do not think the gentleman is correct.

Mr. FITZGERALD. Mr. Chairman, I decline to furnish information if these gentlemen do not know, because it will only prolong the discussion.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For household, including the same objects specified under this head for the Central Branch in the sundry civil appropriation act for the fiscal year 1917, $4,000.

Mr. BENNET. Mr. Chairman, just one brief observation. It may be the subsistence for the Danville Branch is a small item, but I would like to call the attention of the committee to the fact that when it came to overhead—that is, household—that Danville got $4,000 as against the Central Branch $2,000. When it came to looking after the men that had the jobs Danville was on the job to the extent of 200 per cent as compared with Central.

The Clerk read as follows:

BUREAU OF YARDS AND DOCKS.

The limitations specified in the legislative, executive, and judicial appropriation acts for the fiscal years 1917 and 1918 on expenditures for skilled draftsmen and other technical services from appropriations and allotments under the Bureau of Yards and Docks are increased by the sums of $70,000 and $75,000, respectively.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment, on page 31, after line 20, insert as a new paragraph the following:

"CLAIMS FOR DAMAGES.

"For payment of the claim adjusted and settled in accordance with the Navy appropriation act approved June 24, 1910 (36 Stat., p. 607), and certified to Congress at the present session in House Document No. 2104, $128.18."

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

Mr. ELSTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ELSTON: Page 31, line 20, after the word "respectively," insert the following paragraph:

"Commissions on additional navy yards and stations: For the expenses of the commission on additional navy yards and stations, and including the same objects specified under this head in the naval appropriation act for the fiscal year 1917, to be available until June 30, 1918, $50,000."

Mr. FITZGERALD. Mr. Chairman, I make a point of order on that amendment.

The CHAIRMAN. The point of order is sustained.

Mr. ELSTON. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. ELSTON. Mr. Chairman, this is in the nature of a deficiency appropriation. This Commission on Navy Yards and Naval Stations is a commission created by law and an appropriation of $10,000 was made for its work. That appropriation has been exhausted and $28,000 additional has been expended from special funds in the hands of the Bureau of Yards and Docks. This amendment is intended to make up that deficiency of $28,000 and to supply an extra amount of $22,000 to continue the uncompleted work of the commission. This appropriation is for continuation of existing work and existing objects now in progress, and is strictly within the rule as laid down by subdivision 2 of Rule XXI. It is similar to many deficiency appropriations in the present bill.

The CHAIRMAN. If the gentleman will make a point of order against any paragraph in the bill containing legislation, the Chair will sustain it. The amendment which he offered contains legislation making an appropriation available at some other time.

Mr. ELSTON. I am willing to eliminate the time clause and make the appropriation available immediately.

The CHAIRMAN. The point of order is sustained.

Mr. ELSTON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. Making it available immediately makes it subject to a point of order.

Mr. ELSTON. This is to follow the other amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment by Mr. ELSTON: Page 31, line 20, after the word "respectively," insert the following:

"Commission on Additional Navy Yards and Stations: For expenses of the Commission on Additional Navy Yards and Stations, including the same objects specified under this head in the naval appropriation act for the fiscal year 1917, $50,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the amendment. In the first place, we have passed the point to which the gentleman is offering his amendment by just adopting a paragraph.

The CHAIRMAN. The Chair just suggested that if the gentleman insisted on offering his amendment at this particular place it could be prepared.

Mr. ELSTON. I directed that the amendment follow the paragraph which has just been added to the bill on motion of the chairman of the Appropriations Committee.

The CHAIRMAN. The Chair suggested to the gentleman to make a change, and the gentleman did not make the change.

Mr. ELSTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ELSTON. Can the chairman advise what would be the proper place to offer this amendment, and what the exact parliamentary objection is to the amendment which I have just offered?

The CHAIRMAN. The Chair will say to the gentleman that it is not in order at this place.

Mr. ELSTON. Another parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. ELSTON. Will this amendment be in order at the end of the next paragraph?

The CHAIRMAN. The Chair will not rule on that until the exigency arises. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

BUREAU OF ORDNANCE.

For ordnance and ordnance stores, including the same objects specified under this head in the naval appropriation act for the fiscal year 1917, $315,000; and the limitation specified in said act on expenditures from the appropriation "Ordnance and ordnance stores" for pay of chemists, clerical, drafting, inspection, watchmen, and messenger service in navy yards, naval stations, and naval magazines is increased by the sum of $25,000.

Mr. FITZGERALD. Mr. Chairman, that ought to be "$25,000." It is a clerical error. A cipher dropped out.

The CHAIRMAN. Without objection, the Clerk will be authorized to make it read "$25,000."

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF YARDS AND DOCKS.

Maintenance: For general maintenance of yards and docks, including the same objects specified under this head in the naval appropriation act for the fiscal year 1917, $432,000.

Mr. ELSTON. Mr. Chairman, at the end of line 20, page 32, I offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ELSTON: At the end of line 20, page 32, insert the following as a new paragraph:

"Commission on Additional Navy Yards and Stations: For the expenses of the Commission on Additional Navy Yards and Stations, including the same objects specified under this head in the naval appropriation act for the fiscal year 1917, $50,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that under the law that commission had to report by this session of Congress, and it did report.

Mr. ELSTON. Mr. Chairman, this commission reported that its work was not completed, and that its investigations, so far as the money allowed it, were in progress, and that it absolutely needed this extra $50,000 to reimburse the Bureau of Yards and Docks the $28,000 advanced and to supply the extra $22,000 required to complete its work.

Mr. Chairman, it is against the interests of economy and efficiency for the chairman of the committee to raise this point of order. Here is a commission appointed by Congress to make investigation of the most important nature. If this item of $50,000 is appropriated, it may save the Government from $1,000,000 to $2,000,000, depending on the eventual site selected. If this commission is not permitted to pursue its work, it may be forced to select one of the four tentative sites on San Francisco Bay at a cost of nearly $2,000,000. If it is permitted to make the test borings and other investigations recommended in its preliminary report, it might result in the selection of one of three other available sites, where the whole or a large portion of the land will be deeded to the Government by way of gift, thus saving a very large sum of money to the Government.

The CHAIRMAN. The question is on the point of order. What has the gentleman from California to say in regard to the statement of the gentleman from New York [Mr. FITZGERALD] that the time in which the commission had to report has expired?

Mr. ELSTON. The present session of Congress is not ended, and the law creating the commission does not direct that the commission shall expire at the end of this session of Congress, Mr. Chairman.

The CHAIRMAN. The Chair would like to be enlightened upon the question of the point of order, not on the merits of the amendment.

Mr. MONDELL. Mr. Chairman, I shall not vote for this amendment, and I hope it will not be adopted, but the amendment is not subject to a point of order.

The CHAIRMAN. The point of order is made.

Mr. MONDELL. I want to argue the point of order, if the Chair will permit.

The CHAIRMAN. The Chair is anxious to hear from the gentleman on the point of order, but not on the merits.

Mr. MONDELL. It is rather important to the Committee on Appropriations that points of order shall not be sustained against deficiencies that are clearly in order on the bill. This commission was provided for. They have spent their appropriation. They are asking for more money. It is clearly a deficiency. It is in this bill at the point at which it occurs in the tentative draft of this bill, and if it is not in order, then none of the items are in order. It is estimated for regularly.

The CHAIRMAN. It is incumbent upon the proponent of the amendment to show the authorization for it.

Mr. ELSTON. Mr. Chairman, I refer to the clause in the naval appropriation bill of the last session which creates this commission and directs it to make certain investigations.

The CHAIRMAN. Is it made permanent law, or is it carried just for one year? Has the time expired?

Mr. ELSTON. It has not expired. The chairman of the Committee on Appropriations has indicated that he has a very definite knowledge as to the exact contents of the clause creating the commission. I would like to have the chairman of the committee inform me as to the particular part of law which sustains his point. I contend that there is no such provision. The commission is in existence now. It has not gone out of existence, and it has not completed its work.

Mr. STAFFORD. Mr. Chairman, I do not know whether the chairman has the naval appropriation act of last year before him. If he has, I direct his attention to page 287 of the compilation of appropriation acts, containing that act in which this commission is created and the authority for it is found. I direct the attention of the Chair to the wording of that act:

The President is hereby authorized to appoint a commission of five officers of the Navy, not below the rank of commander, to investigate and report at the beginning of the next regular sesssion if practicable, and if not, as soon thereafter as practicable, as to the necessity, desirability, and advisability of establishing additional navy yards or naval stations on the Pacific coast of the United States.

The CHAIRMAN. The Chair is ready to rule. The Chair overrules the point of order. The question is on the adoption of the amendment.

Mr. ELSTON. Mr. Chairman, this commission was authorized, in the last naval act, to perform a very important work. Contrary to the habit of most commissions, it went at its work very expeditiously. It has within a few months prepared a report comprising over 200 pages. It has made an elaborate and detailed report. It has selected four tentative sites on San Francisco Bay for the final location of a naval base and navy yard. The commission states that the naval facilities on the Pacific coast are grossly inadequate, and should be trebled at once. It presents the very gravest considerations for speedy action on the part of Congress to supply this menacing deficiency.

Last night the Senate passed an appropriation of $1,500,000 for the purchase of a site for the location of a new naval station on San Francisco Bay. Here we are in the situation of having appropriated, in one branch of Congress, $1,500,000 to locate a new navy yard and naval base on San Francisco Bay, and of having created the machinery to make the selection of a site in a scientific manner; and now, when that commission is about to complete its work and needs only $22,000 to complete its work in the way of necessary tests of tentative sites which may be purchased for next to nothing, as against an alternative of being compelled to select a particular site for upward of $2,000,000, gentlemen here desire to deprive the commission the small sum which is the necessary means for this possible saving. I say it is bad policy; it is waste; it is not good economy to block this appropriation at this time. This commission is headed by Admiral Helm, one of the ablest men in the naval service, and his fellow members are notable experts in their particular specialties. They have done an enormous amount of careful and thorough work in a very short space of time. What is proposed here is to waste $38,000 worth of work of a highly technical and scientific character and throw the choice of a site into the hands of a Congress that knows nothing about it. That will be the result if you block this proposed legislation. I have heard the chairman of the Appropriations Committee repeatedly condemn such a policy. Now he is trying to block the very thing he has repeatedly expressed himself as being in favor of—the performance of a technical work by men who are properly trained to do it.

Mr. BUTLER. Will the gentleman yield for a question?

Mr. ELSTON. I will.

Mr. BUTLER. Do I understand the gentleman to say that this commission recommended any particular place at San Francisco?

Mr. ELSTON. They recommended four tentative sites for further investigation, with the idea of making a final selection after thorough tests, which have not yet been completed.

Mr. BUTLER. Will the gentleman yield again?

Mr. ELSTON. I will.

Mr. BUTLER. Did I understand the gentleman to say Congress had made an appropriation of $1,500,000——

Mr. ELSTON. Not Congress. I said the branch of Congress at the other end of the Capitol.

Mr. BUTLER. Let me suggest to the gentleman that that proposition has to go through conference.

Mr. ELSTON. I understand that, and I am not trying at this time to commit the House to any action on that matter. I may urge it later.

Mr. BUTLER. I hope the gentleman will not.

Mr. FITZGERALD. The gentleman from California [Mr. ELSTON] states that this commission needs $12,000. His amendment asks an appropriation of $50,000. It is difficult to understand the mental operations of anybody who thinks $12,000 is necessary to complete a work but desires $50,000 in order to permit it to be done. The truth is that this commission has expended about $28,000 in violation of the law. Congress appropriated $10,000 for them. They made an investigation and selected a site for a navy yard in San Francisco Bay. The Revised Statutes provide that money appropriated for a specific purpose shall be utilized for that purpose, and for none other. After expending the $10,000 appropriated for this commission they then diverted from the contingent fund of the Bureau of Yards and Docks $28,000 additional, which action was prohibited under the law. I believe the Congress does not desire to spend upward of $100,000 in an attempt to establish additional navy yards. In the last 10 or 12 years Congress has been informed that there are in existence in the United States a number of useless navy yards that ought to be abolished. Before we start to establish additional yards which are not required we ought to take some action to discontinue some that are not now needed. So far as the gentleman's interest in this matter is concerned, the board has made a report upon the necessity of the yard on the Pacific coast, and as to its location. That is all the gentleman should be concerned in. So far as I am concerned, I am not willing to give these gentlemen a roving commission and $50,000 to go where they will in attempting to establish numerous yards when the Government is already burdened with those it has, and I hope the amendment will not be agreed to.

Mr. ELSTON. Will the gentleman yield just a moment?

Mr. FITZGERALD. I yield to the gentleman.

Mr. ELSTON. But if the gentleman has read the testimony of Admiral Harris before his committee he will see that they have spent the original appropriation of $10,000 and an additional $28,000, making a total of $38,000. He says that the work has not yet been completed, and recommends this deficiency appropriation of $50,000.

Mr. FITZGERALD. And never will be, if the commission has its way.

Mr. ELSTON. I will ask the gentleman whether it is not good, sound sense to expend $22,000 to make a possible saving of perhaps a million dollars or more, in case the eventual selection is made of a site the whole or a large part of which may be obtained by gift?

Mr. FITZGERALD. No; I think the most unfortunate thing is to put a Government establishment on land that is given to the Government. It is usually more for the interest of the parties making the gift than it is needed by the Government.

Mr. ELSTON. The gentleman does not mean to say that every deficiency appropriation approved by his committee covers expenditures that have been made under authority of law. I imagine that many of the appropriations made in this bill apply to outlays made without precedent or lawful authority.

I understand that the Secretary of the Navy has approved this proposed appropriation of $50,000. I am informed that the chairman of the Committee on Naval Affairs in the Senate is favorable to it. It is favored by the chairman of the Naval Affairs Committee of the House. So far as expert opinion is concerned, it is all in favor of this proposition. It is good policy and good business to continue the work of the commission at this small expense of $22,000.

Mr. FITZGERALD. Does the gentleman from California say that the most of the items in this deficiency bill were unauthorized?

Mr. ELSTON. I said a good many of the items are made by officers, commissions, or officials who have spent the money contrary to law.

Mr. FITZGERALD. Well, the gentleman may be well informed on some matters, but as for this matter he is grossly ignorant. His impression is without any justification whatever. These deficiencies are not made to supply deficiencies in appropriations where officers or commissions have expended money without the authority of law. That is one occasion when a commission or an officer does not get the money in a deficiency bill reported from the Committee on Appropriations. If they violate the law in expending money, they are never given relief in these bills.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and on a division (demanded by Mr. ELSTON) there were 57 ayes and 59 noes.

Mr. NOLAN. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from New York, Mr. FITZGERALD, and the gentleman from California, Mr. ELSTON.

The committee again divided, and tellers reported that there were 64 ayes and 77 noes.

So the amendment was lost.

The Clerk read as follows:

Freight, Bureau of Supplies and Accounts: For freight, including the same objects specified under this head in the naval appropriation act for the fiscal year 1916, $264,908.37.

Mr. WATSON of Pennsylvania. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee a question, whether they have special rates for transportation of freight?

Mr. FITZGERALD. Only on the land-grant railroads.

Mr. WATSON of Pennsylvania. Are those rates on the land-grant roads filed with the Interstate Commerce Commission?

Mr. FITZGERALD. The law provides that on the land-grant roads the Government gets 50 per cent of the regular rate.

Mr. WATSON of Pennsylvania. But not on the other roads?

Mr. FITZGERALD. On the other roads we pay the regular rates.

Mr. WATSON of Pennsylvania. As filed with the Interstate Commerce Commission?

Mr. FITZGERALD. Yes; as filed with the Interstate Commerce Commission.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Contingent expenses of land offices: For clerk hire, rent, and other incidental expenses of the district land offices, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1917, $25,000.

Mr. MONDELL. Mr. Chairman, I offer the following amendment to come in after the paragraph just read.

The Clerk read as follows:

On page 41, after line 12, insert a new paragraph, as follows:
"For an amount supplemental and additional to the amount heretofore appropriated to pay the certified claims on account of labor, supplies, and material furnished and used in the construction of the Corbett tunnel and spillway, $3,556.96."

Mr. FITZGERALD. Is this the sum necessary to pay the claims certified?

Mr. MONDELL. It is.

Mr. FITZGERALD. I have no objection to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

TERRITORY OF ALASKA.

Not to exceed 50 per cent of the moneys received from the sale of lots or tracts within any town site or town sites heretofore or hereafter sold pursuant to the provisions of the act of March 12, 1914, entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," may, in the discretion of the Secretary of the Interior, be set apart and expended within the respective town sites in which such lots or tracts are sold, for the purpose of preparing the land for occupancy, the construction, installation, and maintenance of public utilities and improvements, and the construction of public school buildings, under such terms and conditions as the Secretary of the Interior may prescribe, and the moneys so set apart and designated are appropriated for the purpose of carrying these provisions into effect: *Provided*, That such moneys as may have been heretofore or may hereafter be expended for such purposes under and by authority of the Alaskan Engineering Commission from the funds at its disposal shall be reimbursed from the amount designated for the purposes herein provided: *Provided further*, That a report of the expenditures hereunder shall be made to Congress at the beginning of each regular session.

Mr. ANDERSON. Mr. Chairman, on that paragraph I reserve the point of order.

Mr. FITZGERALD. Mr. Chairman, this is to enable the Secretary of the Interior to utilize one-half of the proceeds from the sale of town sites in Alaska to provide municipal improvements. The gentleman is aware that town sites have been laid out along the line of the Alaska Railroad. Under the peculiar conditions that exist in Alaska it is impossible to obtain money to provide the necessary improvements at once. The town of Anchorage, for instance, has a population of over 5,000 people at the present time. When they moved up there with their expedition to start the work there was no town, there was no community there. It is necessary for the Alaska Railroad Commission to take some of the funds appropriated for the construction of the railroad to provide some of the facilities absolutely essential in the community. Then the commission, instead of selling the lots outright, has sold them on time. That has been done to prevent the incorporation of the town, so that the commission might regulate conditions in the community.

Mr. ANDERSON. Mr. Chairman, I have no objection to the provision so far as it applies to sales that have already been made or if it is only for the fiscal year, but I do not think it ought to be made permanent legislation.

Mr. FITZGERALD. If the gentleman desires, I have no objection to inserting at the beginning of the paragraph the words "that until June 30, 1918." That would give an opportunity to have any needed legislation passed.

Mr. ANDERSON. That is satisfactory to me. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. FITZGERALD. Mr. Chairman, I move to amend by inserting, on page 41, in line 14, before the word "not," the words "that until June 30, 1918."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 41, line 14, before the word "not," insert the words "that until June 30, 1918."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Authority is granted for the payment of the sum of $38 from the appropriation for the investigation of pension cases, Pension Office, fiscal year 1917, to Isaac R. Hitt, a United States commissioner in the District of Columbia, for services rendered by him in taking a deposition for use in a pension case in a proceeding under section 184 of the Revised Statutes of the United States.

Mr. MANN. Mr. Chairman, I make the point of order against the paragraph.

Mr. FITZGERALD. Mr. Chairman, it is subject to the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For postmarking, rating, money-order stamps, and electrotype plates and repairs to same, metal, rubber, and combination type, dates and figures, type holders, ink, and pads for canceling and stamping purposes, $20,000.

Mr. AUSTIN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert, on page 50, at the end of line 5, the following:
"That there is hereby appropriated a sufficient sum to pay postal employees the same increase in compensation as is provided for the employees carried in section 7 of the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918."

Mr. FITZGERALD. Mr. Chairman, I make the point of order. It is not authorized by law.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read, as follows:

Ellis Island, New York, Immigration Station: For completion of repairs to the immigration station at Ellis Island, rendered necessary by explosions on July 30, 1916, to continue available during the fiscal year 1918, $246,995.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. Has the new immigration act made necessary any additional expenditures, or is this merely a usual form of words?

Mr. FITZGERALD. This is $400,000 on account of the act passed here a few days ago.

Mr. BENNET. Would it not have been necessary if the act had not been passed?

Mr. FITZGERALD. No; it would not. That act provides for double inspection and interpreters, for positions and a number of matters for which provision has not been made.

Mr. BENNET. I am rather surprised that it costs so much in addition.

Mr. SABATH. That is only a portion of what it will cost.

Mr. FITZGERALD. That is true.

Mr. SABATH. I would like to inquire, in respect to the item of $246,000 appropriated for the completion of repairs to the immigration station rendered necessary by an explosion, Is the Government to lose this entire amount, in view of the fact that it was due to recklessness?

Mr. FITZGERALD. I do not know. The damage done to the immigration station at Ellis Island was so extensive that it will cost about $400,000 to repair it. The buildings there are worth about $10,000,000.

Mr. SABATH. Is there any evidence tending to show who was responsible for this explosion?

Mr. FITZGERALD. No; we did not inquire into that phase of it at all. That phase of the question was not material.

Mr. SABATH. And the repairs are required and necessary.

Mr. FITZGERALD. The buildings at Ellis Island were the buildings nearest to the explosion, and I personally visited the station, and the extent of the damage was very extraordinary. This is the money that will be actually required to make the repairs which are absolutely essential.

Mr. SABATH. Will any effort be made to try to recover from those who may have been responsible for this explosion?

Mr. FITZGERALD. I do not know. I do not know that we will ever ascertain who was responsible.

The Clerk read as follows:

CHILDREN'S BUREAU.

Child labor division: To enable the Secretary of Labor to carry into effect the provisions of the act of September 1, 1916, entitled "An act to prevent interstate commerce in the products of child labor, and for other purposes," in the District of Columbia and elsewhere, including a preliminary survey, for which purpose the sum of $50,000 shall be made immediately available, traveling expenses, per diem in lieu of subsistence at not exceeding $4, telegraph and telephone service, express and freight charges, contingent and miscellaneous expenses, and personal services in the District of Columbia and elsewhere, fiscal year 1918, $150,000: *Provided*, That no salary shall be paid hereunder at a rate exceeding $3,000 per annum.

Mr. KEATING. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 53, line 14, after the word "salary," insert a comma and the words "except that of the chief of the child labor division," so that the line as amended will read:
"*Provided*, That no salary, except that of the chief of the child labor division, shall be paid hereunder at a rate exceeding $3,000 per annum."

Mr. KEATING. Mr. Chairman, this is the first appropriation made by Congress to enforce the Federal child-labor law, which

was signed by the President on the 1st of September, 1916, and which becomes effective on September 1, 1917. I want to call the attention of the committee to the method in which this law will be enforced. The bill provides that the Secretary of Labor, the Secretary of Commerce, and the Attorney General shall draft rules and regulations for the enforcement of the law. Secretary Wilson, of the Department of Labor, in his testimony before the committee which reported this bill, made this statement:

Secretary WILSON. What we have in mind is the preparation of a tentative plan of rules and regulations, and then after we have prepared the tentative plan to secure a conference, if possible, with the State officials having the administration of the child-labor laws, because the law requires that we shall accept the certificates provided by State law when the conditions under which those certificates are issued are satisfactory to us. That requires a consultation with the State officials. My own belief is that we can do that more effectively by having a general consultation with the State officials at one time and at one place, by which we can get not only a knowledge of the difficulties that each State has to meet with in the administration of its laws under its laws, but also get the benefit of the experience of each State and the effect on the other States in the general draft of the ultimate rules and regulations that are to be adopted. Then there must be an opportunity given to the business interests of the country that will be affected by the regulation of this law to express, either by communication or by consultation, their viewpoint relative to the regulations that are proposed. That, in a general way, is what we have in mind, which means the gathering of a great deal of information in the meantime before the law goes into effect. We are anxious, when these regulations do go into effect, that they will be as nearly perfect as possible and obstruct interstate commerce as little as may be and still enforce the law.

In other words, it is the policy of the department to enforce this law through the cooperation of the Federal officials, the State officials, and the others interested with just as little friction as possible, and I am sure that Congress wants to sustain the Secretary of Labor in his very laudable desire to so enforce the law. After a number of consultations between the officials of the Labor Department and other Government officials who have had to do with the enforcement of similar laws, a plan was decided upon and submitted to the Committee on Appropriations. It was the belief of the Secretary of Labor that $200,000 would be required to carry out that plan, but the committee has seen fit to cut that amount to $150,000. I wish the committee had not made that reduction. When the bill was before this House it had no more ardent champion than the chairman of this committee, and I had hoped he and his colleagues would give the department the money it requested. In addition to asking for this appropriation the Secretary laid great emphasis upon the fact that he must have at the head of the division a person of unusual capacity, and he pointed out that it was exceedingly difficult to secure such a man or such a woman for the salary of $3,000, and he urged that he should be permitted to pay the chief of the division $4,500. The committee has placed a limitation in this bill which will prevent the Secretary from paying the chief of the division more than $3,000 a year. Now, I want to submit to the committee that it is very important at this time that the right kind of a man or woman should be chosen to direct this work, and in these days marked by the high cost of living $3,000 is a small salary.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEATING. Mr. Chairman, I would ask for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado? [After a pause.] The Chair hears none.

Mr. KEATING. Miss Lathrop, under whose jurisdiction the Child Labor Division has been placed, stated in the hearings that the Children's Bureau was losing some of its most efficient employees because of the small salaries paid by the bureau. After going over the situation thoroughly, she stated that it would be out of the question for her to secure the kind of chief she wanted at $3,000 a year, and I ask the committee to adopt the amendment and, in so far as the chief of division is concerned, to waive the limitation of $3,000 a year, which was placed in the bill by the Committee on Appropriations.

Mr. FITZGERALD. Mr. Chairman, the committee put a limitation of $3,000 upon any salary that may be paid in this division. This is a division in the Children's Bureau. The Chief of the Children's Bureau receives a compensation of $5,000 a year. The assistant chief of the bureau receives $2,400 a year. It appears in the testimony that it was proposed to pay to the chief of this division $4,500 a year. The Chief of the Customs Division of the Treasury Department, who handles an appropriation of $10,000,000 and has charge of the collection of $300,000,000 in revenue, receives only $4,500 a year. The Chief of the Division of Bookkeeping and Warrants receives only $4,500 a year.

The committee felt that $3,000 was a liberal salary to pay to the head of this division, which was to expend $150,000 a year. I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

House Office Building: For maintenance, including miscellaneous items, and for all necessary services, $3,000.

Mr. FESS. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee what protection the House Office Building has against peddlers and canvassers and book agents?

Mr. FITZGERALD. It has its police officers over there, and the regulations are very stringent against permitting any such persons going into the building.

Mr. FESS. They get in.

Mr. FITZGERALD. That is a mattter to take up with the Sergeant at Arms, who has control of the police.

Mr. MADDEN. Will the gentleman from New York, who is a member of the House Office Commission, be kind enough to say whether any protection is taken against stealing the things that are left in the rooms by Members of the House? I say this because nearly every time I go away nearly half of the things of value that I leave are gone when I come back.

Mr. FESS. That has occurred.

Mr. MANN. The gentleman must understand he can not leave things around unprotected, where mail carriers can go in and scrub women can go in. There is no way of running the House Office Building so that they can not get master keys to go into rooms any more than there is in a hotel.

Mr. MADDEN. Even when you lock things up, they get them.

Mr. MANN. We have been very careful about the people who had master keys. We recently determined to give somebody in connection with the House post office a master key, although it had not been done before, so that the mail—and I suppose it is being done now, for we gave the authority—might be left in the rooms instead of outside of the door, or carried back; and in order to do that they have a master key. Now it was understood that the master key was not to be passed around, but somebody has to have a master key. There is one for all the rooms. At one time a man over there lost a master key. We had to have the locks changed. Every care is taken consonant with any sort of service.

Mr. MADDEN. Everything is taken, too.

Mr. KEATING. Will the gentleman yield for a moment? I think under the circumstances that those of us who have perhaps been careful and who during four years have not lost as much as a match should testify to the fact that some of the employees are very honest. I have not even lost a match.

Mr. MADDEN. All I know is that every time I leave anything there it is gone when I come back.

Mr. BARNHART. Will the gentleman yield to me?

Mr. FESS. I will.

Mr. BARNHART. I have had a different experience from the gentleman from Illinois. I had an office in the building for six or seven years, and when I first went there I was advised I would have to be very careful with everything. But the longer I stayed the more I found people were honest, and I do not recall that I ever lost a thing. One time I left some postage stamps on the top part of a roll-top desk when I went away in the spring, and in the fall when I opened up the desk I found the postage stamps lying there. My experience is entirely different from that of the gentleman from Illinois, because I do not recall that I ever lost anything out of my office. It may be that custodians take things out when we go away. I have had Members of Congress tell me their offices were stripped of everything, even to stationery. I never missed anything myself.

Mr. MADDEN. Maybe the gentleman did not have anything to lose in his office when he went away.

Mr. BARNHART. Well, I left inkstands and things of that sort.

Mr. MADDEN. I am not talking about personal effects.

Mr. FESS. I was not referring so much to taking of things, although that has occurred in my own room. I had been told it was wise to close the door every time I left the office, unless there was some one in the office. And I have followed that rule. But I have been invaded at different times by canvassers, people who wanted to sell things, and I think there ought to be some protection to the Members, so that they will not be compelled to order people out of their offices, because it is not a pleasant thing to have to do. And it seems to me that there ought to be some very rigid regulation about who goes in there to take up the time of people in selling articles.

Mr. MANN. Will the gentleman yield for a question?

Mr. FESS. I will.

Mr. MANN. If the House Commission should make a request that if a stranger walks into the House Office Building to see the gentleman from Ohio [Mr. FESS], he is to be stopped at the door and asked if he is a peddler or a canvasser, or that sort of thing, would not the gentleman take umbrage at that at once? I would.

Mr. FESS. I do not think I would.

Mr. MANN. Well, the gentleman who went in would take umbrage. Suppose every time a man came into the Capitol Building a police officer down here would say to him, "Stop here. Are you a canvasser, a peddler, or what is your business, anyhow?" He would stay a police officer about 15 minutes.

Mr. FESS. I admit the gentleman from Illinois could dismiss a person from his office easier than some of the rest of us.

Mr. MANN. All the gentleman has to do is to telephone to the officers in the building, and they will put him out.

Mr. FESS. There is a regulation there that if anyone gets too forward they will be cared for.

Mr. MANN. There is a regulation up there all the time against peddlers or canvassers in the building.

Mr. STAFFORD. I would suggest to the gentleman that he move up on the fifth floor, where we are free from peddlers and mendicants of all kinds.

The Clerk read as follows:

The unexpended balance of the appropriation for the Capitol power plant for the fiscal year 1916 is reappropriated and made available during the fiscal year 1917.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 54, after line 16, insert: "To pay the widow of Michael F. Conry, late a Representative from the State of New York, $7,500."

The CHAIRMAN. The question is on agreeing to the agreement.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

C. William Beales, $1,055.07.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 55, line 1, after the word "Beales," strike out the figures "$1,055.07" and insert the figures "$2,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order on the amendment.

Mr. MOORE of Pennsylvania. I would like the gentleman to state his point of order.

Mr. FITZGERALD. I will reserve it.

Mr. MOORE of Pennsylvania. I am not sure it is subject to a point of order. I would like to know what the gentleman says.

Mr. FITZGERALD. It is subject to a point of order because under the law not more than $2,000 is allowed in any contested-election case, and the only sum that can be allowed is the sum certified by the Committee on Elections after vouchers have been filed with the committee.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have here the law in relation to contested-election expenses, and while it provides in part as stated by the gentleman from New York, he has not stated the whole situation. Election expenses may be allowed under the law to the amount of $2,000, and they may be allowed according to vouchers filed with the Committee on Elections. In this instance vouchers were filed for an amount in excess of the amount that was allowed. They are not only filed but they were sworn to in due form, so that the point made by the gentleman from New York is not well taken.

I would like to read for the benefit of the Chair. I hope I have the attention of the Chair, because I do not think this point of order is well taken. The Chair understands that the gentleman from New York contends that the point of order is well taken because election expenses are not to be allowed beyond $2,000.

The CHAIRMAN (Mr. FOSTER). The Chair understands that the gentleman from New York contends that it is not in order.

Mr. MOORE of Pennsylvania. I admit that that is the law, but the law reads, further: That—

He shall file with the clerk of the Committee on Elections—

That is, the contestee—

a full and detailed account of his expenses, accompanied by the vouchers and receipts for each item, which account and vouchers shall be sworn to by the party presenting the same, and no charges for witness fees shall be allowed in said accounts unless made in strict conformity to section 128, Revised Statutes of the United States.

That has been done, Mr. Chairman, by the contestee. He has filed vouchers showing that his expenses were in excess of $2,000 and that his vouchers were in proper form.

Now, as an allowance less than $2,000 is made in this bill and more than $2,000 was expended and accounted for, I contend that the Committee of the Whole has the right to vote on the question whether the amount shall be raised to $2,000, the maximum amount fixed by law.

Mr. FITZGERALD. Let me say, Mr. Chairman, that the certificate filed with the Committee on Appropriations shows that there was presented to the committee duly verified vouchers showing "an expenditure of $1,055.07 by the said C. William Beales, the contestee, in the contested-election case of Andrew R. Brodbeck against C. William Beales in the twentieth district of Pennsylvania, and said expenditure is reasonable and necessary."

That is the only certificate necessary. That is the certificate as to what is on file before the Committee on Elections.

Mr. MOORE of Pennsylvania. I have been informed, Mr. Chairman——

Mr. FITZGERALD. I can not help what the gentleman has been informed.

Mr. MOORE of Pennsylvania. I have been informed by a gentleman in this House that he duly presented himself before the Committee on Elections; that he filed his statement as to what his expenses were; that he swore to that statement, and that the statement shows that his expenses were in excess of $2,000. Now every other contestee here, with one exception, has been allowed the $2,000 which the law allows, and this one Representative, Mr. BEALES, of the twentieth Pennsylvania district, has been cut down to $1,055.07. His expenses, as he presents them to me, were——

Mr. OGLESBY. Mr. Chairman, will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. OGLESBY. Does the gentleman know that this contest was withdrawn?

Mr. MOORE of Pennsylvania. Yes; I know that this contest was withdrawn.

Mr. OGLESBY. I want to say this to the gentleman: That the committee allowed every cent of expenses that he asked for, except that he employed four or five different firms of attorneys. One firm was the best firm of attorneys in his district, and he paid them $600, and the committee considered that was enough and that the other firms of attorneys were unnecessary.

Mr. MOORE of Pennsylvania. Did not Mr. Beales inform the committee that he had employed other attorneys?

Mr. OGLESBY. He brought some bills there.

Mr. MOORE of Pennsylvania. Was not his word considered good?

Mr. OGLESBY. The committee decided that he could employ one good attorney, and that one was enough.

Mr. MOORE of Pennsylvania. The gentleman took advice, and the best piece of advice a man can get is to employ the best attorney he can get, and this was done.

Mr. BEALES. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to my colleague.

Mr. BEALES. I should like to ask if other contestants have ever been allowed to employ more than one attorney?

Mr. OGLESBY. Two years ago, when the seat of the gentleman from New York [Mr. LOFT] was contested, and the contest was withdrawn, the attorneys came down here and made their arguments and filed their briefs just the same, and the total allowances, expenses and all, which they gave to that contestee were $500, to cover all expenses. He put in bills for $1,500, which he claimed had been paid, but the committee only allowed him $500 to cover attorney fees and everything else.

Mr. BEALES. Have you held all your contestants and contestees down to only one attorney each?

Mr. OGLESBY. Where the contests have been withdrawn I do not know of anything in excess of $1,000 having been allowed, and I think that was a great deal too much.

Mr. MOORE of Pennsylvania. I should like to ask the gentleman from New York [Mr. OGLESBY] if he will be good enough to state, before the Chair rules on this point of order, whether or not it is the fact that every one of the 10 claimants except two have been allowed the full $2,000? One is a perpetual claimant, who has been before the committee so often that I do not wonder they have cut him down. But leaving him out, I want to ask if it is not a fact that every other one of the 9 claimants was allowed the full $2,000, with the single exception of the gentleman from Pennsylvania [Mr. BEALES]?

Mr. OGLESBY. Only three of these cases came before my committee.

Mr. MOORE of Pennsylvania. Will the gentleman answer that question?

Mr. OGLESBY. I can not say.

Mr. MOORE of Pennsylvania. The printed items in the general deficiency bill itself show that all the others were allowed the full $2,000 each.

Mr. OGLESBY. They did not come before our committee.

Mr. MOORE of Pennsylvania. Is it not true that Mr. Beales did come before your committee, did present his claim, and did state that he had spent the money?

Mr. OGLESBY. And he got the largest allowance of any contestee that I have ever known of, in a case where the contest was withdrawn.

Mr. MOORE of Pennsylvania. Did the committee allow him what he claimed?

Mr. OGLESBY. The contest did not actually come before the committee. All that happened was that Mr. Beales came down there and brought some bills.

Mr. MOORE of Pennsylvania. Mr. Beales, the contestee in this instance, and the claimant for whom I am presenting this amendment, who was allowed less than every other one of the claimants, spent for attorneys' fees, as follows: To Hon. Jere S. Black, grandson of the famous Jeremiah S. Black, formerly Attorney General of the United States, $600; to J. D. Swope, $400; to Hon. D. P. McPherson, $250; to Lewis & Ryder, $350; for mileage, subpœnas, hotel, traveling, and clerical expenses, and notary and stenographic services, which ran up his actual expenses to $2,021. As to these four attorneys, there were different towns to be visited and hearings were actually held in two cities, one in the city of York and the other in the city of Gettysburg.

Mr. Jeremiah S. Black was a prominent Democratic lawyer in the city of New York, and Mr. Beales employed him, believing he had gone to the best talent he could get, and Mr. Black would not take the case unless he got $600. That was specified by him, and that amount was paid by Mr. Beales. These other attorneys represented Mr. Beales in other sections. The district is a large one, and covers different towns, and the hearings were held at different places. From my knowledge of these contests, and the difficulties that confront the sitting Member in order to hold his place and perform his duties here while the contestant is running about the country dragging him hither and yon, is that a contestee must get the best attorneys he can get, and get them as quickly as possible; and where the law fixes the limit at $2,000, and he has expended more than that amount, it seems to me only fair not only that the Chair should overrule this point of order but that the committee should grant this allowance up to the maximum amount allowed by the law.

Mr. AUSTIN. Will the gentleman from Pennsylvania yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Tennessee.

Mr. AUSTIN. Is it not true that this indebtedness was incurred prior to the time of the withdrawal of the contest?

Mr. MOORE of Pennsylvania. It was incurred prior to the time of the abatement of the contest, while the contestant was doing the best he could to unseat the contestee.

The CHAIRMAN (Mr. FOSTER). The gentleman from Pennsylvania calls the Chair's attention to the statute fixing the amount that can be paid to a contestee at $2,000, and that it further provides that he must make an itemized account, swearing to the items in his bill of expenses. The Chair finds on examination that there was placed in the sundry civil act in the Forty-fifth Congress, third session, a provision limiting the amount that can be paid a contestee in the House of Representatives. In this case there appears as evidence of the amount expended by the contestee [Mr. Beales] a certified account from the Committee on Elections No. 2 for $1,055.70. The Chair is not advised by the committee that there has been a greater amount expended than this, which could legitimately be allowed; and having the certificate of the chairman of the Committee on Elections, which is the auditor in these cases, before which this contest came, he feels constrained to sustain the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, this is such a vital matter to every Member of the House, and affects his rights to such an extent, that I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Pennsylvania appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee? Those who are in favor of the decision of the Chair standing as the judgment of the committee will rise and stand until they are counted. [The affirmative vote was taken.] Those opposed will rise and stand until they are counted. The Chair will ask the gentleman from Indiana [Mr. MORRISON] to take the chair and make the count.

The CHAIRMAN (Mr. MORRISON). On this vote the ayes are 64 and the noes 24; and the decision of the Chair stands as the judgment of the committee.

The Clerk read as follows:

Richard S. Whaley, $536.

Mr. MOORE of Pennsylvania. I would like to know from some member of the committee whether an account was presented or a certificate was presented on which this appropriation of $536 was based in favor of Mr. Whaley, of South Carolina?

Mr. FITZGERALD. Every one of these allowances for election contests is based upon a certificate from the elections committee having charge of the case, certifying the account and vouchers sworn to by the claimant having been filed, and that the allowance is reasonable and approved by the committee.

Mr. MOORE of Pennsylvania. Was there any allowance in that instance for attorney fees?

Mr. FITZGERALD. I did not examine the accounts, and I do not know. It is the amount certified by the Election Committee. The law requires that, and that is all the Committee on Appropriations inquired into. The certificate from the committee shows that the account was filed in accordance with law, and it was found that the amount recommended by the committee is reasonable and proper. On that certificate the Committee on Appropriations, following the unbroken practice of the committee, has put this amount in the bill.

Mr. MOORE of Pennsylvania. Does the gentleman recollect anything in the law as read that indicates that there may be some discretion in this matter up to $2,000?

Mr. FITZGERALD. There is no discretion whatever unless the committee exercises discretion in disallowing items of expense which the claimant desires to have allowed and which the Committee on Elections does not think proper.

Mr. SWIFT. If the gentleman from Pennsylvania will allow me——

Mr. MOORE of Pennsylvania. I yield to the gentleman.

Mr. SWIFT. I will state that this contestant filed vouchers showing that $36 was paid for printing and $500 for attorney fees.

Mr. MOORE of Pennsylvania. There you have it. A member of the committee states that in this expense Mr. Whaley—and I am not questioning the allowance here—there was $36 for printing and one lump sum of $500 for attorney's fees. In the case of Mr. Beales there were 40 days of hearings, four different sets of lawyers, and a disallowance of that claim was ordered by the committee, in spite of the fact that in the case of Mr. Whaley the committee allowed $500, a case in which the only expense, with no stenographic expense, no hearings, was for printing. I want to say this, and every Member who has ever experienced a contest will bear it in mind, and those who have not had a contest will also bear it in mind, that a candidate may file a contest against anyone of you who obtains a certificate of election, and can harass you from the beginning to the end of your term and force you to spend money out of your pocket until you have used up your salary, and plague the sitting Member to the end of his term. Such contestant can employ lawyers to assist him, and then come here and be allowed reimbursement to the extent of $2,000.

In this case of Mr. Beales these tactics were pursued until the contest abated, and up to that time the contestee was given as much fight as he gave, and as good lawyers as he employed were employed against him; and they were paid because they had to be paid. Gentlemen who may have contests in the future have—unwittingly, I believe—discredited a man who fought for his rights to sit in the House, when he should not have been called upon to do so at all in view of the fact that contestant actually conceded the contestee's right to the seat by allowing the case to abate.

The Committee on Appropriations feels bound by the certificate of the election committee, but it is admitted that the claimant appeared and presented his claim in excess of $2,000 and showed where he spent that amount of money.

In my judgment, the committee should have accepted Mr. Beales's presentation of the facts, supported by the vouchers, and I think the committee would have been justified in allowing him the maximum sum permitted by law. In allowing but $1,000 the committee, without intending to do so, perhaps, impeached the statement of a Member of this House, thereby doing him an injustice. Like treatment may be the experience of any of us, and I venture to say that any man in this or a

subsequent House would consider that he had a just claim under like circumstances.

Mr. MANN. Mr. Chairman, I served 12 years on one of the election committees of the House—I think likely that is longer than any other member of the committee has ever served on an election committee from the beginning of the Government to the present time. Six years of that time I was chairman of an election committee.

The gentleman from Pennsylvania ought to have made his argument before the Election Committee. The law explicitly provides that the allowance for contested-election expenses shall not exceed $2,000 in any one case. That law was passed many years ago, for prior to that time it rested in the discretion of the House as to how much expense should be paid, and in some cases ten, fifteen, twenty thousand dollars was paid, and it was believed that contests were brought solely for the purpose of getting contested-election expenses allowed. That is true in some cases now, even with the limit of $2,000. However, the law expressly provides that the vouchers and affidavits in regard to their payment and the necessary papers shall be presented to the Election Committee, and makes the Election Committee the absolute auditing committee. The Election Committee transfers its certificate to the Committee on Appropriations. The Committee on Appropriations has no jurisdiction to add to the amount. Of course, it can refuse to insert the item, but if it adds anything to the amount certified by the Election Committee it is contrary to law and subject to a point of order.

Whether the Election Committee erred or not I do not know, but the Committee on Appropriations can not do anything additional to what the committee did do.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. The gentleman from Illinois says the gentleman from Pennsylvania should have made his argument before the Election Committee. The gentleman from Pennsylvania [Mr. BEALES] did make his argument before the Election Committee. He appeared and presented his vouchers properly sworn to. Now, if he had employed a lawyer, then he would have had another bill to pay. It is a transaction between the Election Committee and the Member of Congress; and a Member of Congress before the Election Committee ought to have his word in such matters accepted without question.

Here was a Member who is not a lawyer who did the best he could under the law, who followed it literally and obediently up to the point when the contest was withdrawn, and then he took the next step by appearing before the Elections Committee; and, bear in mind, nine other Members of Congress did the same thing, and every one of those nine Members of Congress apparently claimed up to $2,000, and every one was allowed his claim, but for some reason or other the Elections Committee, either desiring that an attorney be employed, as suggested by the gentleman from Illinois [Mr. MANN], or that some other Member of Congress should go in and vouch for the gentleman from Pennsylvania [Mr. BEALES], insisted that Mr. Beales's statements and vouchers were either excessive or incorrect, and therefore they ought as to every one of the other nine Members allow $2,000 each, but as to Mr. Beales they ought to cut him down. I repeat, notwithstanding the fine distinctions and technicalities raised by some gentlemen that we can not go behind the committee's certificate, that this is not altogether the kind of treatment that should be accorded a fellow Member or that we should like to receive were any one of us in the unfortunate position of being a contestee.

Mr. FITZGERALD. Mr. Chairman, that most indefensible remark of the gentleman from Pennsylvania [Mr. MOORE] should not be permitted to pass unnoticed. There are three committees on elections in this House. They all had some of these contests. Knowing the members of the committees, I know that they are just as honorable men, men with just as sound integrity, and just as earnest Members of Congress as is the gentleman from Pennsylvania. I am not prepared to permit to go unchallenged the statement of the gentleman from Pennsylvania that members of this committee disregarded their obligations and certified allowances for nine Members of Congress or nine contestants, regardless of the facts, merely to please them, and that they singled out one Member of Congress and deprived him of something to which he was entitled. My opinion is based on the information given to me from the cursory examination I have made, that in every one of these cases the committees have been justified in their action.

Mr. GARLAND. Mr. Chairman, as I look at this matter it is this.

Mr. FITZGERALD. What does the gentleman know about it?

Mr. GARLAND. I know this, that here is a gentleman who comes here and attempts to get his due——

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GARLAND. Yes.

Mr. MOORE of Pennsylvania. The gentleman from New York just admitted to me that he knew nothing about it, and that his information comes from the Elections Committee.

Mr. GARLAND. Then I know as much as he does about it, and I presume that settles it. I look at the matter in this way: Here is a gentleman who comes here to contest an election. He has not got any too much money to contest with, and as a consequence he comes here and goes the limit out of the necessities of the case. He puts in his own money, and this man has expended $2,000 for the purpose of getting fair treatment before this House, and now, then, just because he does not happen to be in the paragraph or in the place where he should be preferred, he is not permitted the same funds as others in return for his expenditures. What hope is there for a poor man to get into Congress under the circumstances? If you do not pay this money back to him that he has expended, then no man can afford to contest or appeal for fair treatment before Congress. You can contest every election and defeat people because they can not afford to spend the money to get in, and never can get the money back again.

Mr. FOCHT. Mr. Chairman, I happen to reside very near the district where this contest took place. I know that this man was trailed up there by a millionaire, who had abundant funds to prosecute this contest. When he got along and found there was nothing in it he dropped it. Now, I would like to know, in the presence of this controversy between the gentleman from Pennsylvania [Mr MOORE] and the committee, what the fact is? The gentleman from Pennsylvania has said that it is not a square deal. It does not look like one to me, if they give it to all of the others and not to Mr. Beales as against his millionaire contestant. I would like to have some gentleman on the other side, in order to satisfy everybody about it, say why they will not give it to him.

Mr. OGLESBY. Mr. Chairman, I will say, in answer to the gentleman's question, that the committee took this matter up. The committee wanted to be entirely fair to this gentleman, as it did to all of the others. He appeared before the committee. It appeared that there was a contest started. There was some testimony taken. The gentleman appeared there and presented a bill showing traveling expenses, hotel bills, commissioner's fees, stenographers' fees, and every cent of that was allowed to him, although as to some of it we doubted whether we ought to allow it. The lawyer's fees that he had put in we went over very carefully.

Mr. FOCHT. Pardon me, but you do not deny that he paid all of that?

Mr. OGLESBY. Oh——

Mr. FOCHT. Why did not you allow it to him under the law? You allowed it to the others.

Mr. OGLESBY. Suppose a reasonable fee for the work done was $100, do you think the members of the committee should say that notwithstanding he did not spend $2,000 he ought to be allowed that much? We allowed him what we thought was reasonable and fair. If he used bad judgment in paying out more than ought to be paid out for those services, there is no reason why we should rob the United States Treasury to reimburse him.

Mr. FOCHT. Does the gentleman for a minute expect a man to employ a cheap-skate lawyer to defend himself against a millionaire?

Mr. OGLESBY. He said he hired the best firm of lawyers in his district and paid $600.

Mr. FOCHT. That is not a large fee in a contest against a millionaire.

Mr. OGLESBY. We agreed it was reasonable.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOCHT. We do not think so.

The Clerk read as follows:

William R. Gaylor, $2,000.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 55, line 10, between lines 10 and 11 insert: "Aaron P. Prioleau, $1,000 (Contested Election case, 62d Cong.)."

Mr. FITZGERALD. I make the point of order against the amendment.

Mr. BENNET. Mr. Chairman, I send to the desk a copy of the certificate.

Mr. FITZGERALD. There is no certificate before the Committee on Appropriations, Mr. Chairman.

Mr. BENNET. If I am not mistaken—and if I am mistaken the Clerk can correct me—I have seen the original certificate. This was in the Sixty-second Congress.

Mr. FITZGERALD. Yes; the Sixty-second Congress, and this is the Sixty-fourth Congress.

Mr. BENNET. I know; but this is a bill for the fiscal year ending June 30, 1917, and "prior" fiscal years.

Mr. BYRNES of South Carolina. When Prioleau filed his contest, was that the time that he was serving a term in the penitentiary?

Mr. BENNET. I do not know. I will ask to have the certificate read.

The CHAIRMAN. The Clerk will read the certificate in the time of the gentleman.

The Clerk read as follows:

Aaron P. Prioleau, contestant, *v.* George S. Legare, contestee. First congressional district of the State of South Carolina.

EXPENDITURES OF AARON P. PRIOLEAU.

I certify that duly verified vouchers have been presented to the committee showing the expenditure of $1,000 by Aaron P. Prioleau, the contestant, in the contested-election case of Aaron P. Prioleau *v.* George S. Legare, from the first congressional district of the State of South Carolina, and proof that such expenditures were reasonable and necessary.

I further certify that the conclusion that Aaron P. Prioleau has spent such an amount of money was determined at a meeting of the Committee on Elections No. 2, held Thursday morning, January 30, 1913.

JAMES A. HAMILL,
Chairman Committee on Elections No. 2,
House of Representatives.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. FITZGERALD. Mr. Chairman, I have no knowledge who was chairman of the Committee on Elections No. 2 in the Sixty-second Congress. This is a copy, I understand, and not the original certificate.

Mr. BENNET. Well, does my colleague deny there was such a certificate?

Mr. FITZGERALD. I do not know anything about it. The gentleman has not the certificate.

Mr. BENNET. I could not have the certificate because that would be in the room of the Committee on Appropriations.

Mr. HULBERT. Will the gentleman yield?

Mr. BENNET. I will.

Mr. HULBERT. I can say, for the information of the gentleman, I was informed by the gentleman from New Jersey [Mr. HAMILL] that the certificate was issued and I have in my possession a copy of the certificate which, as near as I recall, is in the language of that read, and I was told by the gentleman from New Jersey that the copy I had was a true copy of the certificate issued by his committee.

Mr. FITZGERALD. That does not help out anything. Go and get the original certificate.

Mr. BENNET. The original certificate, if it exists, and I assume it does, is in the room of my colleague, the chairman of the committee, and I have not any access to his private papers.

Mr. FITZGERALD. Mr. Chairman, this is a claim to pay election-contest expenses of the Sixty-second Congress, a prior Congress, which Congress refused to pay. And now it becomes a claim which requires legislation to authorize it to be in order upon a deficiency bill.

Mr. BENNET. Mr. Chairman, in answer to that, the title of the bill is "Making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1917, and prior fiscal years."

Mr. FITZGERALD. But that Congress rejected that claim.

Mr. BENNET. There is no proof of it.

Mr. FITZGERALD. I will furnish it.

Mr. BENNET. It seems to me my colleague is taking diametrically opposite positions. First he says there is no such certificate——

Mr. FITZGERALD. I did not say there was no such certificate; I did not admit there was such a certificate.

Mr. BENNET. He says he did not admit there is such a certificate and yet he said a prior Congress rejected the claim.

Mr. FITZGERALD. It did.

Mr. BENNET. And a moment ago he said the only way to get a claim like this before Congress is on the certificate. Therefore, there was a certificate, according to his reasoning.

Mr. SMITH of New York. Will the gentleman yield?

Mr. BENNET. If my colleague will unlock his committee room door and consult the records of the Sixty-second Congress, he will produce the certificate.

Mr. FITZGERALD. The door is open; it is always open; and the gentleman can go in there and get anything he likes.

The CHAIRMAN. The burden is on the gentleman from New York to establish the existence of the certificate and to establish everything concerning it. Now, there is a way to establish the fact, which is to produce the original of which this purports to be a copy.

Mr. BENNET. I can not get into my colleague's desk.

Mr. FITZGERALD. It is not in my desk; I do not keep proof of a rotten claim against the Government locked up in my desk, I will say to the gentleman.

Mr. BENNET. Well, I can not go into my colleague's file case.

The CHAIRMAN. Does the gentleman from New York [Mr. BENNET] admit his inability to establish the existence of the original of which this purports to be a copy?

Mr. BENNET. No. I assert my ability, and I request my colleague——

The CHAIRMAN. The Chair will not only assert his ability, but produce the papers.

Mr. BENNET. I ask my colleague to produce the original certificate.

Mr. FITZGERALD. I decline——

Mr. BENNET. I offer this as secondary evidence.

Mr. FITZGERALD (continuing). Because I have not got it.

Mr. BENNET. Yes; it is in the room.

Mr. FITZGERALD. The gentleman does not know that.

Mr. BENNET. I submit that I have made proper and diligent search, and I offer the document I send to the Clerk's desk as secondary evidence under the rule.

The CHAIRMAN. The Chair is still of the opinion that the burden is on the gentleman from New York [Mr. BENNET].

Mr. BENNET. If the Chair will bear with me for a moment, and just see what a position this ruling of the Chair would leave any contestant in. Here is the chairman of the Committee on Appropriations, to which committee under the statute those certificates go.

Mr. FITZGERALD. The gentleman has not any proof that I have any certificates. Prove that before you pin it on me.

Mr. BENNET. To which every certificate goes.

Mr. FITZGERALD. How do you know whether there was any certificate in this case?

Mr. BENNET. My colleague admitted the claim was rejected in the Sixty-second Congress.

Mr. SWITZER. Will the gentleman yield?

Mr. BENNET. I yield.

Mr. SWITZER. I believe I was a member of the Election Committee. I can only state my recollection, and my recollection is that there was such a certificate issued, for $1,000. I do not think I am mistaken.

Mr. BENNET. Was the gentleman on the committee in the Sixty-second Congress?

Mr. SWITZER. The gentleman from Minnesota [Mr. ANDERSON] was also on it.

Mr. BENNET. Here are two gentlemen that were on the Committee on Elections No. 2 in the Sixty-second Congress, and who certify from their recollection that there was such a contest and such a certificate.

The CHAIRMAN. If that is true, the Chair calls on the gentleman to produce it.

Mr. BENNET. It might have been destroyed, or anything of that kind.

Mr. HULBERT. Will my colleague yield?

Mr. BENNET. Yes.

Mr. HULBERT. I suggest that my colleague ask the gentleman from New York [Mr. FITZGERALD] to state who the chairman of the Committee on Appropriations was in the Sixty-second Congress.

Mr. FITZGERALD. I will admit that. [Laughter.]

Mr. BENNET. I would not have to be required to prove who was the chairman of the Committee on Appropriations in the Sixty-second Congress.

The CHAIRMAN. The Chair does not feel entirely certain of his position, but is inclined to the belief that the point of order should be sustained, and therefore sustains it.

Mr. BENNET. I think the Chair is wrong.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Contingent expenses: For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $75,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 56, after line 6, insert as a new paragraph the following:

"For wrapping paper, pasteboard, paste, twine, newspaper wrappers, and other necessary materials for folding, for use of Members, the Clerk's office, and folding room, not including envelopes, writing paper, and other paper and materials to be printed and furnished by the Public Printer, upon requisitions from the Clerk of the House, under provisions of the act approved January 12, 1895, $1,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken and the amendment was agreed to.

The Clerk read as follows:

For Indian schools, support, $1,234.86.

Mr. CARTER of Oklahoma. Mr. Chairman, I make a point of order against that. I want to get the attention of the chairman of the committee. I wanted to ask the chairman if he could cite me to the law authorizing the insertion of this amount in the bill, on line 12, page 64. That is an audited claim of the Interior Department.

Mr. FITZGERALD. It is an audited claim, and an audited claim is authorized by Congress. The act of June 14, 1878, provides as follows:

That so much of section 5 of the act approved June 20, 1874, as directs the Secretary of the Treasury at the beginning of each session to report to Congress with his annual estimates any balances of appropriations for specific objects affected by said section that may need to be reappropriated, be, and hereby is, repealed.

That is the covering-in act.

And it shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of said section that may be brought before them within a period of five years. And the Secretary of the Treasury shall report the amount due each claimant, at the commencement of each session, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration.

Mr. CARTER of Oklahoma. Mr. Chairman, every year, as the committee knows, we have presented to us estimates, and then the Indian Bureau comes before the House Committee on Indian Affairs to justify the amount carried in those estimates. There was estimated for this year particularly here $1,550,000, and that amount was appropriated by Congress. This fall, when the Assistant Commissioner of Indian Affairs came before the committee he reported to us at that time a balance of $63,298 unspent. Now we have here an audited claim of $1,234.86.

Mr. FITZGERALD. That does not necessarily mean for last year.

Mr. CARTER of Oklahoma. I will say, Mr. Chairman, that the same thing applies to the item for school and agency buildings on lines 14 and 15, and the item for purchase and transportation of Indian supplies on line 17. It seems to me this is a very loose way to provide appropriations.

Mr. FITZGERALD. As to the Indian schools, one of them is for the fiscal year 1911, $1,254.46. Then there is one for the fiscal year 1914 of 40 cents. Those appropriations have been covered into the Treasury under the covering-in act. These claims are presented later, and the auditor audits them and certifies them to Congress because the money is no longer available.

Most of these are cases where the claim is not presented within the two years within which the appropriation is available. Under the covering-in act a balance of appropriation unexpended two years from the expiration of the fiscal year for which made is covered into the general fund of the Treasury.

Now, in the adjustment of accounts a number of these items do not come in for payment at all after the money is covered in. Then frequently there is another class of claims covered in where a department is authorized to perform the service, regardless of the amount of the appropriation. If the appropriation is exhausted the auditor audits and certifies the claim. These claims, the two I have examined, are claims in which the money was covered in under the covering-in act.

Of course the committee does not examine each specific item in these claims. Very frequently they are very small amounts. They are certified by the auditor after careful investigation, and Congress always accepts the certificate.

Mr. CARTER of Oklahoma. There is appropriated under this item something like $170,000. What I want to know is, is there any Member of Congress or committee that goes into these claims and finds out whether the money has been expended judiciously or not?

Mr. FITZGERALD. No; because this is the report of the official who is charged with the duty of auditing the claims. It is a claim for an authorized expenditure, and either represents the balance of an insufficient appropriation for the service performed, regardless of the amount of the appropriation, or supplies the deficiency where the appropriation was sufficient and the available balance was covered into the Treasury before this claim was presented.

Mr. CARTER of Oklahoma. Then, it is an authorization which no committee specifically authorizes, and which no committee specifically passes upon? They are forced, in the nature of things to take the word of the auditor for it, and he, in turn, takes the word of the Indian Bureau?

Mr. FITZGERALD. No; he does not take the word of the Indian Bureau. When the claim comes before him he examines the law under which the proposed expenditure is made. If it is an expenditure for which there must be an appropriation, they ascertain the status of the account and ascertain if there was an available balance which had been covered into the Treasury, which, if the claim had been presented in time, would have been paid. Then it is certified. No committee of Congress checks up the auditor to see if his audit is correct. That is not a legislative function.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CARTER of Oklahoma. Mr. Chairman, I reserve a point of order. I understand it is a legal matter. We are forced by this method to place in an appropriation bill a matter upon which no committee of Congress passes judgment.

Mr. FITZGERALD. You have passed judgment upon it in advance.

Mr. CARTER of Oklahoma. Judgment has been passed upon it in advance by giving general authority to spend the money?

Mr. FITZGERALD. The gentleman does not realize that here is a service that is performed during a fiscal year. If the voucher is presented within two years after the expiration of the fiscal year it is audited and paid. If it is not presented, after the two years it is audited, but must be certified to Congress for an appropriation in order to be paid.

Mr. CARTER of Oklahoma. Maybe I can get what I want to find out by stating a specific case. For Indian schools, for example, we appropriate $1,550,000 for a year. Now, does this sum come out of the $1,550,000 or is it in excess of that?

Mr. FITZGERALD. If this service was performed and there was a balance sufficient to pay this claim, if it had been presented within the two years, but because of the lapse of two years it has been covered into the Treasury, then it is sent down here if it is audited. But if this service was in excess of the appropriation it is not audited and certified.

Mr. CARTER of Oklahoma. Then it is a deficiency.

Mr. MANN. Mr. Chairman, I ask for the regular order. This conversation has been going on for 20 minutes.

The CHAIRMAN. Does the gentleman from Oklahoma make the point of order?

Mr. CARTER of Oklahoma. No; I move to strike out the last word.

The CHAIRMAN. The point of order is withdrawn. The gentleman moves to strike out the last word.

Mr. CARTER of Oklahoma. Now, does the same thing apply to other items in the bill?

Mr. FITZGERALD. It does all through the Government. If these items do not come in on time, and under the law the money is not available to meet these claims in the two years after the expiration of the fiscal year, if the available balance is sufficient to cover the claim, the claim is audited and certified to Congress. If the claim was in excess of the appropriation, it could not be audited and would not be certified.

Mr. CARTER of Oklahoma. Then some committee did pass upon the appropriation of the specific amount to begin with?

Mr. FITZGERALD. Yes; your Committee on Indian Affairs passed upon it.

Mr. CARTER of Oklahoma. That is what I wanted to get at.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For support of Sioux of diffrent tribes, subsistence and civilization, South Dakota, $3,981.91.

The CHAIRMAN. Without objection, the spelling of the word "different," in line 17, page 65, will be corrected by the insertion of the letter "e."

There was no objection.

Mr. KEATING. Mr. Chairman, I move to strike out the last word. I make this motion for the purpose of calling the attention of the chairman of the committee to the fact that appropriations are made in this bill for the Ordnance Department of the War Department and for supplies for the Navy Department, but the provision concerning the "stop-watch" and bonus and premium systems have been omitted from the bill. I want to get the opinion of the chairman as to whether the "stop-watch" provisions in the naval bill and the military bill would govern the expenditures made under this bill?

Mr. TILSON. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. TILSON. Does not the gentleman realize that simply because there is a small appropriation in a deficiency bill which does not contain that limitation, that fact can not affect the whole plan at all?

Mr. KEATING. I will say to the gentleman that under ordinary circumstances that consideration would govern; but in the Sixty-third Congress we attached a "stop-watch" limitation to the naval bill and the military bill, and then Gen. Crozier in some way secured funds from the fortifications bill, which did not carry that limitation, to defray the expense of the "stop-watch" and bonus and premium systems in the workshops of the War Department. What I am anxious to do is to prevent Gen. Crozier—who seems determined, despite the action of Congress, to enforce the "stop-watch" system—evading the law.

Mr. TILSON. This appropriation is not susceptible of being separated in its expenditures——

Mr. KEATING. Probably it would not be capable of being separated by any man in the world except Gen. Crozier. I want to know if the limitations in the Army and Navy bills will prevent Gen. Crozier violating the clear intent of the Congress of the United States.

Mr. FITZGERALD. Mr. Chairman, I believe they will. I have do doubt they will, although I would not underwrite anybody in an executive department of the Government. I have all I can do to guarantee my own conduct, and I am not always even certain about that. [Laughter.] But I am of the opinion that this will be binding upon the department, because these appropriations are only available for work during the balance of this fiscal year, and it would hardly be practicable to establish a different system for the comparatively small appropriations carried in this bill, considering the volume carried in the other bills. I think there will not be any trouble, and I will communicate to the Ordnance Department the statement that the opinion of the House was that these appropriations should be controlled by the same limitations.

Mr. KEATING. That statement by the chairman of the committee is satisfactory to me.

Mr. SNYDER. The gentleman from Colorado has just said that he wanted to put restrictions upon Gen. Crozier to such an extent that he could not use the stop watch. I have had some experience in manufacturing in my day, and I know that the men of this country who work in factories where time watches are used want them continued to be used, and I think the last thing that ought to be done is to take away from Gen. Crozier the right to continue the system that he is now operating under.

Mr. KEATING. But Congress has taken away that right.

Mr. SNYDER. I appreciate that, and they made a great mistake, in my judgment, in doing it.

Mr. KEATING. But the gentleman will agree with me that Gen. Crozier ought to obey the law.

The Clerk, completing the reading of the bill, read as follows:

For miscellaneous items, first and second class post offices, services and purchases, $61.16.

Mr. LLOYD. Mr. Chairman, I offer the following amendment as a new paragraph.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of the bill insert as a new paragraph the following:
That after March 4, 1917, the members of the Committee on the District of Columbia who are members-elect of the Sixty-fifth Congress, or a subcommittee thereof appointed by the present chairman of said committee, be and are hereby authorized to continue the investigation directed by House resolution No. 229 of the Sixty-fourth Congress, and to expend for that purpose, and as provided in House resolution No. 256 of the Sixty-fourth Congress, out of the contingent fund of the House, a sum not exceeding $7,500 in addition to the unexpended balance of the amount heretofore authorized.

Mr. MANN. I reserve a point of order upon the amendment. Certainly the gentleman does not want it to come in at the end of the bill.

Mr. LLOYD. I do not care where it comes in.

Mr. FITZGERALD. If there be no objection to the amendment, I shall ask that it be inserted in the proper place.

Mr. MANN. Then let the gentleman ask unanimous consent to recur to page 56.

Mr. FITZGERALD. I ask unanimous consent to recur to page 56 for the purpose of enabling the gentleman from Missouri to offer the amendment.

Mr. MILLER of Delaware. Reserving the right to object, Mr. Chairman, will the gentleman permit a return to the fourth paragraph on page 56?

Mr. FITZGERALD. What for?

Mr. MILLER of Delaware. To offer as an amendment to that paragraph House resolution 490, reported by the Committee on Accounts, and which is of the same nature as the provision in this paragraph here.

Mr. FITZGERALD. No; it is in a different position.

Mr. MILLER of De'aware. Why so?

Mr. FITZGERALD. The gentleman from Kentucky [Mr. JOHNSON] has a report from the Committee on Rules that will be presented to make this other amendment in order.

Mr. MANN. The Committee on Rules is not here, and neither is any quorum here, so this is all done by unanimous consent.

Mr. MILLER of Delaware. This could have been offered when the paragraph was reached. That paragraph is also subject to a point of order.

Mr. FITZGERALD. Then the gentleman should have exercised his right.

Mr. MILLER of Delaware. Will not the gentleman permit it now?

Mr. FITZGERALD. No; I can not. I would be delighted to do so, but I can not.

Mr. MILLER of Delaware. Mr. Speaker, I will not object, because I do not want to endanger the amendment that has been offered.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to return to page 56, so that the gentleman from Missouri may offer his amendment.

Mr. MANN. It ought to come in on page 56, after line 17.

The CHAIRMAN. Is there objection to returning to page 56, line 17?

There was no objection.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Missouri, which has been read, to come in after line 17, page 56.

The amendment was agreed to.

Mr. FITZGERALD. I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 21069) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1917, and prior fiscal years, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The motion was agreed to.

The SPEAKER. Is there a separate vote demanded on any amendment?

There was no demand for a separate vote.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD a motion to reconsider the vote by which the bill was passed was laid on the table.

COMMITTEE TO ATTEND FUNERAL OF THE LATE REPRESENTATIVE CONRY.

The SPEAKER. The Chair announces the following committee to attend the funeral of the late Representative CONRY.

The Clerk read as follows:

Mr. FITZGERALD, Mr. CALDWELL, Mr. FLYNN, Mr. EAGAN, Mr. DALE of New York, Mr. MAHER, Mr. GRIFFIN, Mr. RIORDAN, Mr. LOFT, Mr. FARLEY, Mr. DOOLING, Mr. CAREW, Mr. PATTEN, Mr. HULBERT, Mr. BRUCKNER, Mr. OGLESBY, Mr. SMITH of New York, Mr. DRISCOLL, Mr. GALLIVAN, Mr. TAGUE, Mr. GALLAGHER, Mr. TAGGART, Mr. O'SHAUGHNESSY, Mr. LONDON, Mr. HICKS, Mr. ROWE, Mr. SWIFT, Mr. HASKELL, Mr. CHANDLER of New York, Mr. SIEGEL, Mr. BENNET, Mr. FAIRCHILD, Mr. DUNN, Mr. TREADWAY, Mr. DANFORTH, Mr. MOTT, Mr. PARK, Mr. PLATT, Mr. SANFORD, and Mr. HUSTED.

THE NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the naval appropriation bill (H. R. 20632), with Senate amendments, disagree to all of the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table the naval appropriation bill, with Senate amendments, disagree to all of the Senate amendments, and agree to the conference asked for. Is there objection?

Mr. FITZGERALD. Reserving the right to object, I desire to ask the gentleman from Tennessee if he knows what action the Senate took relative to the message sent to it by the House about the bond amendment?

Mr. PADGETT. The Senate reconsidered the bill, struck it out, and repassed the bill.

Mr. KEATING. Mr. Speaker, reserving the right to object, I want to ask the gentleman if the House conferees are prepared to accept the amendment put on by the Senate in relation to the increase of salary at the rate of 5 and 10 per cent?

Mr. PADGETT. Speaking for myself, I am friendly to it.

Mr. KEATING. I have no desire, Mr. Speaker, to cause any delay.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. MANN. Mr. Speaker, on that subject of compensation I did suggest to the gentleman from Tennessee that the House might properly concur in the Senate amendment on the compensation question, so that it would be absolutely settled.

Mr. FITZGERALD. Let us concur in it.

Mr. MANN. But the gentleman from Tennessee stated that there might be some question in reference to the increase where we had just materially increased a salary in the bill itself. There might be a question of whether there ought to be a further increase. I think it is a proper matter for consideration as long as the principle laid down by the House is adhered to.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Chair appointed as conferees on the part of the House Mr. PADGETT, Mr. TALBOTT, Mr. ESTOPINAL, Mr. BUTLER, and Mr. ROBERTS of Massachusetts.

MEDAWAKANTON AND WAHPAKOOTA (SANTEE) SIOUX.

Mr. CARTER of Oklahoma. Mr. Speaker, I call up conference report on the bill (S. 135) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the statement be read instead of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement follow:

CONFERENCE REPORT (NO. 1593).

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 135) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians declared forfeited by the act of February 16, 1863, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the bill S. 135, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That jurisdiction be, and hereby is, conferred upon the Court of Claims to hear, determine, and render final judgment for any balance that may be found due the Medawakanton and Wahpakoota Bands of Sioux Indians, otherwise known as Santee Sioux Indians, with right of appeal as in other cases, for any annuities that may be ascertained to be due to the said bands of Indians under and by virtue of the treaties between said bands and the United States, dated September 29, 1837 (7 Stat. L., 538), and August 5, 1851 (10 Stat. L. 954), as if the forfeiture of the annuities of said bands approved February 16, 1863, had not been passed: *Provided*, That the court in rendering judgment shall ascertain and include therein the amount of accrued annuities under the treaty of September 29, 1837, up to the date of rendition of judgment, and shall determine and include the present value of the same, not including interest, and the capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty; and to ascertain and set off against any amount found due under said treaties all moneys paid to said Indians or expended on their account by the Government of the United States since the treaties were abrogated by the act of February 16, 1863: *Provided*, That the treaty of April 28, 1868, shall not be a bar to recovery, but all equities and benefits received thereunder by the Santee Sioux Indians shall be taken into consideration in the determination of the amount of recovery. Upon the rendition of such judgment and in conformity therewith the Secretary of the Interior is hereby directed to ascertain and determine which of said Indians now living took part in said outbreak and to prepare a roll of the persons entitled to share in said judgment by placing thereon the names of all living members of said bands residing in the United States at the time of the passage of this act, excluding therefrom only the names of those found to have personally participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita, to the persons borne on the said roll.

Proceedings shall be commenced by petition verified by or under authority of one of the attorneys who have been heretofore employed by said bands of Indians to prosecute their claims under a contract which has been heretofore approved by the Commissioner of Indian Affairs and the Secretary of the Interior as provided by law, upon information and belief as to the existence of the facts stated in said petition, and no other verification shall be necessary. Upon final determination of the cause the Court of Claims shall decree such fees as the court shall find to be reasonable upon a quantum meruit for services performed or to be performed, to be paid to the attorney or attorneys so employed by the said band of Indians and their associates, and the same shall be paid by the Secretary of the Treasury out of the proceeds of the fund arising from said judgment in favor of said bands of Indians when an appropriation therefor shall have been made by Congress: *Provided*, That in no case shall the fees decreed by the court amount in the aggregate to more than 10 per cent of the amount of the judgment recovered, and in no event shall the aggregate amount exceed $50,000.

And the House agree to the same.

C. D. CARTER,
CARL HAYDEN,
P. D. NORTON,
Managers on the part of the House.

HENRY F. ASHURST,
H. L. MYERS,
MOSES E. CLAPP,
Managers on the part of the Senate.

STATEMENT.

The effect of the action of the conferees on the bill S. 135 is to reinstate and perfect the language of the bill as it passed the House and to amend the limit of fees of the attorneys employed in the case to not exceeding in the aggregate more than 10 per cent of the amount of the judgment recovered, and in no event to exceed the sum of $50,000.

C. D. CARTER,
CARL HAYDEN,
P. D. NORTON,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. CARTER of Oklahoma. Mr. Speaker, it is necessary to pass Senate concurrent resolution 34 in order to correct the bill, as there were two words left out.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Concurrent resolution 34.

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill the Secretary of the Senate be, and he is hereby, authorized and directed to insert the words "act of" after the word "the" where it first occurs in line 12 of the matter inserted by the committee of conference of the two Houses on the bill S. 135, entitled "An act for the restoration of the annuities of the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863."

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, what is the effect of that?

Mr. CARTER of Oklahoma. The words "act of" were left out by the Clerk in preparing the conference report.

Mr. SHERLEY. It does not make any change in substance?

Mr. CARTER of Oklahoma. No.

The SPEAKER. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of South Carolina, Mr. SMITH of

Georgia, and Mr. WARREN as the conferees on the part of the Senate.

SURVIVORS OF CERTAIN INDIAN WARS.

Mr. KEATING. Mr. Speaker, I call up the conference report on the bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 1627).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, and agree to the same.

The committee of conference have been unable to agree on the amendment of the Senate numbered 9.

JOHN A. KEY,
EDWARD KEATING,
Managers on the part of the House.
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. KEATING. Mr. Speaker, there is one item in dispute in this bill between the Senate and the House, and that is Senate amendment No. 9. I move that the House do further insist upon its disagreement to Senate amendment No. 9.

Mr. MAYS. Mr. Speaker, I have a preferential motion that I desire to make, that the House recede and concur in Senate amendment No. 9.

The SPEAKER. The gentleman from Colorado moves that the House insist upon its disagreement to Senate amendment No. 9, and the gentleman from Utah makes a preferential motion that the House recede and concur. The Clerk will report Senate amendment No. 9.

The Clerk read as follows:

Page 4, line 12, after the word "service," insert:
"*Provided*, That when there is no record of service or payment for same in the War Department or Treasury Department, the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives: *And provided further*, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this act."

The SPEAKER. The question is on the motion of the gentleman from Utah that the House recede and concur.

Mr. SHERLEY. Mr. Speaker, I think the House is entitled to know something about this. The gentleman in charge of the bill should make a statement.

Mr. KEATING. Mr. Speaker, this bill passed——

Mr. JAMES. Mr. Speaker, I wish to say this: That I am going to make the point of no quorum if this is insisted upon.

Mr. KEATING. Under the circumstances, Mr. Speaker, the reason that I did not want to make any statement at this time was because the gentleman from Alabama [Mr. DENT] is withholding his motion for the consideration of the Military Academy appropriation bill for a few minutes, and if the gentleman from Michigan is going to make the point of no quorum, I shall ask to withdraw the matter.

Mr. NORTON. This is a matter of several million dollars.

Mr. KEATING. Mr. Speaker, I ask unanimous consent that this matter go over until after the reading of the Journal to-morrow morning.

The SPEAKER. The gentleman from Colorado asks unanimous consent that this matter go over until after the reading of the Journal to-morrow morning. Is there objection?

There was no objection.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 20872) making appropriations for the Military Academy, and, pending that motion, I ask unanimous consent that general debate be limited to 25 minutes, 20 minutes to be controlled by the gentleman from California [Mr. KAHN] and 5 minutes by myself.

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20872, the Military Academy appropriation bill, and, pending that, asks unanimous consent that the general debate be limited to 25 minutes; that the gentleman from California [Mr. KAHN] control 20 minutes of that time and the gentleman from Alabama 5 minutes. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, I will ask the gentleman whether he will not yield a moment to give the gentleman from Delaware [Mr. MILLER] an opportunity to report a privileged resolution? It will take only a minute.

Mr. DENT. If I had any assurance that it would take only a minute, I would yield.

Mr. SABATH. Mr. Speaker, I feel that there will be no opposition, and if there should be it will be withdrawn.

The SPEAKER. Does the gentleman from Alabama yield?

Mr. DENT. Mr. Speaker, I shall withhold the motion, with the understanding that if any opposition develops it will be withdrawn.

TELEPHONE OPERATORS.

Mr. MILLER of Delaware. Mr. Speaker, I present a privileged resolution from the Committee on Accounts, which I send to the desk and ask to have read:

The Clerk read as follows:

House resolution 490 (H. Rept. No. 1623).

Resolved, That the three telephone operators now authorized to be employed from December 1, 1916, to March 31, 1917, continue to be employed during the period between March 31 and December 31, 1917, and be paid out of the contingent fund of the House, at the rate of $75 per month.

With the following committee amendment:

"Line 5, strike out the words 'December thirty-one' and insert in lieu thereof the words 'November thirtieth.'"

Mr. SISSON. Now, Mr. Speaker, I do not want to delay the proceedings, but that resolution ought not to pass.

The SPEAKER. Now, if there is going to be any controversy about it, the Chair will recognize the gentleman from Alabama to move to go into the Committee of the Whole House on the state of the Union.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. DENT. Mr. Speaker, I insist on my motion that the House resolve itself into the Committee of the Whole House on the state of the Union.

Mr. MANN. What becomes of this?

The SPEAKER. This goes back where it came from. It was let in under condition.

Mr. GALLAGHER. There was no objection.

Mr. MILLER of Delaware. I will temporarily withhold the resolution, Mr. Speaker.

The SPEAKER. The gentleman from Alabama asks unanimous consent that general debate be limited to 25 minutes——

Mr. SABATH. Mr. Speaker, I object.

The SPEAKER. The question is on the motion of the gentleman from Alabama to go into the Committee of the Whole House on the state of the Union.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20872, the Military Academy appropriation bill, with Mr. PAGE of North Carolina in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20872, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20872) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes.

Mr. DENT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. DENT. Mr. Chairman, this bill is for the support of the Military Academy for the next fiscal year and appropriates the sum of $1,348,496.18, which is a reduction of $710,000, in round numbers, from the estimates, and an increase of $123,452.61 above the appropriations for the last fiscal year. There was a proposition submitted to the committee for new construction at the academy. There was such a diversity of opinion upon that subject among officers of the Army, including quartermasters who have been in office at West Point, that the committee found itself unable to agree upon the different opinions expressed upon this subject, and recommend that a commission be appointed, without compensation, to be composed of three members of the Senate Military Committee, three members of

the House Military Committee, and three Army officers, to report to the next Congress as to what is advisable on this matter. Now, Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20872, and had come to no resolution thereon.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20872, and I again ask unanimous consent that general debate be limited to 25 minutes, 20 of which to be controlled by the gentleman from California [Mr. KAHN] and 5 minutes by myself.

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20872, and pending that asks unanimous consent that general debate be limited to 25 minutes, 20 of it to be controlled by the gentleman from California [Mr. KAHN] and 5 minutes by himself. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, when the Military Academy bill is out of the way, does anyone know whether there is any conference report likely to come in then, and what we are likely to do at that time after this bill is out of the way?

Mr. DENT. I can not answer the gentleman.

Mr. FOSTER. I will say to my colleague we have a little Senate bill——

Mr. MANN. There are a lot of those.

Mr. FOSTER (continuing). Which we are anxious to get through.

Mr. MANN. Anything of that sort goes through by unanimous consent if it goes through at all. Is there any business liable to come up, does anyone know? Very well, I shall not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20872) with Mr. PAGE of North Carolina, in the Chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20872) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes.

Mr. DENT. I would ask the gentleman from California to use some time.

Mr. KAHN. Mr. Chairman, the hour is exceedingly late and I do not desire to detain the committee unnecessarily, so I shall be as brief as possible. The United States Military Academy is considered to be the best institution of its character in the world. And yet, in my opinion, the time has come when the course of study in the academy should be materially changed. At the present time four years are expended in the education of a cadet. The superintendent of the academy appeared before the committee about a month ago and testified that 50 of the students had been dropped this year on account of deficiency in the academic studies.

None of them were dropped on account of deficiency in military tactics or science.

Mr. FIELDS. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. FIELDS. Was not 49 the number that failed in the academic course and 1 in military tactics?

Mr. KAHN. The superintendent so stated before our committee, but he subsequently changed his testimony, and the printed hearings disclosed the fact that the entire 50 were dropped for deficiency in academic studies.

It costs, according to various authorities, from $2,200 to $3,000 a year for the education of each cadet. Col. Biddle testified that the cost per year is $2,206, exclusive of an allowance for interest on the plant, which is valued at many millions of dollars. Therefore these 50 cadets who were dropped for deficiency in the academic studies cost the people of the United States between $110,000 and $150,000, for which the Government gets practically no return. To my mind the time has come when the young men appointed to the academy should have acquired their academic education without cost to the Government.

At the time West Point was founded there were about 25 colleges or universities in this country. West Point, as you know, was established in 1803. At that time most of the universities then in existence educated the young men in the classical courses. They taught Greek and Latin and those studies which were intended to prepare a man to take his station as a gentleman in society. The higher mathematics, the exact sciences, were not taught. At the present time there are, according to the report of the Bureau of Education for 1915, nearly 600 universities, colleges, and technical schools in this country. A great many young men, ambitious, energetic, capable, and desirous of improving their condition in life, work their way through those institutions of learning. There is no reason why the Government of the United States, under present-day conditions for getting an education, should pay for the academic education of the students at West Point. The cadets ought to acquire their academic education before they are admitted to West Point. The course of study at West Point should be given over largely to the study of military tactics and science. A two-year course would be ample if that plan were followed. That would double the number of graduates, and we would save the country considerable expense.

Mr. SMITH of New York. Let me ask you there, would not that system tend to restrict the number of boys in poor circumstances?

Mr. KAHN. Not at all. As I said a moment ago, an ambitious boy, a boy desiring to improve his condition in life will work his way through the university. All over this country thousands of poor young men are doing that very thing. They can be appointed to the academy just as poor boys are appointed now.

Mr. PHELAN. Would you raise the entrance requirements?

Mr. KAHN. Yes; very materially. The young man would have to secure his academic education. Therefore I would also raise the age limit for admission to the academy. At the present time the law requires that the candidate must be at least 17 years of age to enter. He is ineligible for admission after he attains the age of 22. That probably would have to be raised so that he could enter at 19 and be ineligible at, probably, 24.

Mr. GALLAGHER. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. GALLAGHER. Can you give us any particular reason why such a large number fail?

Mr. KAHN. They are deficient in the academic studies. In mathematics principally, and in history, in grammar, in English, and all those studies which they ought to learn thoroughly before they enter the academy.

Mr. GALLAGHER. What I want to know is the cause of it.

Mr. KAHN. Well, probably they have not had the proper foundation in the academic studies at the time they go into the academy.

Mr. GALLAGHER. And there could not be any blame put upon the instructors?

Mr. KAHN. Oh, no; I do not think so. Of course, the instruction there is quite difficult, but I think a young man who has the proper foundation ought to be able to get through.

Mr. GALLAGHER. There might be such a thing as the failure of the instructors, too.

Mr. KAHN. Well, that may have something to do with it.

Mr. GALLAGHER. We had the same condition at Annapolis.

Mr. FIELDS. As I understand my colleague, you would raise the maximum age limit two years?

Mr. KAHN. Yes; at least two years.

Mr. FIELDS. Would you not work a hardship upon the young men by raising that only two years, and then expect him to work his way through college and get in two years what the academy gives him in the same length of time?

Mr. KAHN. A young man could undoubtedly work his way through the university and attain a standard that the academy would require by the time he was 24 years of age. I would fix the age limit at that or possibly 25.

Mr. CARTER of Oklahoma. Will the gentleman yield to me?

Mr. KAHN. Yes.

Mr. CARTER of Oklahoma. The plan of the gentleman, as I understand it, would restrict the applicants to enter this West Point Academy to university graduates?

Mr. KAHN. Not necessarily.

Mr. CARTER of Oklahoma. Or college graduates?

Mr. KAHN. Not necessarily graduates, but men who shall have acquired a certain standard in the academic course.

Mr. DOWELL. Will the gentleman yield?

Mr. KAHN. I should like to finish this statement.

Mr. DOWELL. I would like to know what understanding the gentleman has as to the length of time that would be required to secure instruction in military tactics?

Mr. KAHN. Two years at the outside.

Mr. DOWELL. That is under the system of fitting them as college graduates?

Mr. KAHN. Yes. Or that shall have fitted them to pass an entrance examination such as would be equivalent to the education in the academic course now a part of the curriculum at the academy.

Mr. OVERMYER. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. OVERMYER. At the last session I introduced a bill for the creation of a united service, first-year school somewhere in the Central West, and it was referred to the Committee on Military Affairs. Has any consideration been given to that?

Mr. KAHN. I do not recall that any action was taken. Now, I must go on. I have only a few minutes left.

Up to the present time about one-third of the officers of the United States Army, during the period from 1803 to 1915, have been graduates from West Point. The other two-thirds came from the ranks or from the civilian population of the country. All history shows that it is not absolutely necessary to have an academic education to become a successful soldier. Napoleon Bonaparte only attended the French military school, in Paris, for 10 months. Of the 26 marshals of the Empire under him only 3—Davout, Marmont, and St. Cyr—were graduates of military schools. The great cavalry leader of the Confederacy, Forrest, was notoriously deficient in academic education. It is said of him that he once remarked in effect that the victory would be "his'n" who made the assault against the enemy "firstest" with the "mostest" men.

To my mind, the best results could be attained and the academy would be fulfilling its true mission if military science and tactics, with possibly the instruction of advanced mathematics, should constitute the course of instruction at West Point. The academic studies should be acquired by the cadet at his own expense and before he enters the academy. [Applause.]

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. DYER. The gentleman has not told us yet how his plan or suggestion can be carried into effect. Will the gentleman tell us that?

Mr. KAHN. By changing the law.

Mr. DYER. Can it be done in this bill or this year?

Mr. KAHN. No. I have just thrown out the suggestion as a possible plan to be worked out in the future, and I believe it can be worked out with advantage to the country and to the academy. [Applause.]

Mr. DENT. I was going to state to the gentleman from California that I have five minutes that I can yield to him.

Mr. KAHN. No; I thank the gentleman. Mr. Chairman, I desire to have printed as a part of my remarks a very able and instructive article on this very subject by Maj. Gen. J. P. Sanger, as follows:

THE WEST POINT MILITARY ACADEMY—SHALL ITS CURRICULUM BE CHANGED AS A NECESSARY PREPARATION FOR WAR?

(By Maj. Gen. J. P. Sanger.)

The Military Academy was established by an act of Congress dated March 16, 1802. Its origin and history are stated in the "Centennial of the Academy," published by the Government Printer, Washington, D. C., in 1904, and can be found, probably, in all public and many private libraries throughout the country, and so is accessible to anyone interested in the subject. It is sufficient to state that the necessity of instructing our officers in their military duties, more especially of Engineers and Artillery, became apparent to Washington and others long before the establishment of the academy, and various plans were tried, culminating in a separate military school.

West Point, as the headquarters of the Corps of Artillerists and Engineers, was the place chosen for the school, and the instruction, which was mainly practical, was given by the officers of the corps.

From this simple beginning the Military Academy has gradually become a scientific civil and military college in which mathematics and other exact sciences are given a higher academic rating, and count for more among the cadets in their estimate of each other's capacity than the studies and exercises in the department of tactics. This might be considered an anomaly detrimental to the objects of the academy as a military school.

At the outset there was ample reason for some special instruction in mathematics and the other sciences, as the schools and colleges of that period were few, and the instruction given was mostly limited to Latin, Greek, and the subjects of what was called a classical education. In a few there was instruction in grammar, writing, and arithmetic to and including the rule of three, for which a special teacher was usually employed. Hence, young men entering the Army were not prepared to take up the study of civil and military engineering and the science of artillery.

Toward the end of the century academies made their appearance. They were the predecessors of the high schools, and gave a more extended course of instruction in elementary mathematics. At Exeter Academy, which was probably as good as any, the course in 1774 included Latin, Greek, geography, arithmetic, algebra, geometry, and trigonometry. As the grammar schools were the feeders of the colleges, their instruction was naturally based on college requirements, and these, as before stated, were chiefly Latin and Greek. Between the year 1800 and the Civil War five new subjects were added to the list of requirements, viz, geography in 1807, English grammar in 1814, algebra in 1820, geometry in 1844, and ancient history in 1847. It is said that these additions were first made by Harvard and afterwards by other institutions.

With the establishment of new settlements the need of exploration and surveys, and the expansion of the commercial interests of the country, some instruction was given in bookkeeping, navigation, and surveying, but the higher branches of mathematics and the natural sciences were not taught. "They smacked of commercialism and were not considered necessary or appropriate to the education of gentlemen." Up to the year 1800 the number of colleges was 25. Between 1800 and 1850, 123 colleges were established, of which 102 were for males, and from that date to 1915, 470 more, of which 561 are graded by the Bureau of Education as universities, colleges, and technological schools, exclusive of the Military and Naval Academies. The number of males attending these institutions was 150,758. In addition to the foregoing, there were 11,674 public high schools and 2,248 private high schools, with a total male registration of 674,449. Of this number 561,573 of the public high schools were in the four years' course. (Report of Bureau of Education for 1915.) The high schools are the feeders of the colleges, as the grammar schools once were, but many boys enter college who have not attended such schools.

On account of our limited educational facilities during the first half of its existence, conditions for entrance to the Military Academy (1802 to 1866) were confined to the physical examination, reading, writing, spelling, and arithmetic. In 1866 English grammar, geography, and history were added, and in 1901 the list was further extended to include algebra through quadratic equations, geometry, English composition and literature, which are the present requirements.

Until the year 1870 the examinations were oral and conducted at West Point. Since then they have been in writing, and are now conducted at convenient points throughout the country by Army boards, thus saving candidates who fail to pass the physical examination from the expense of a fruitless journey to West Point. In 1901 "certificates of examination" were authorized by the Secretary of War in lieu of the written examinations, and are of two kinds:

First, the properly attested examination papers of a candidate who receives his appointment through a public competitive written examination covering the range of subjects prescribed for admission.

Second, the properly attested "certificate of graduation" from a public high school, or a State normal school in which the course of study, together with the requirements for entrance, shall cover the subjects necessary for admission to the academy. This was a radical and sensible change from the critical oral and written examinations which prevailed for so many years and under which so many candidates were rejected. Comment on the value of examinations in general and those for admission to the academy in particular might be introduced here did time and space permit.

For the information of those not connected with the Army it may be said that young men appointed to the academy are officially known as "candidates" until after they are admitted, when they become "cadets." The conditions under which they enter will be found in a circular of the War Department published in 1914 and in the register of the academy for 1915. It is sufficient to say here that candidates must be between 17 and 22 years of age, of good moral character, and able to pass the required physical and mental examinations. For each vacancy, three candidates are appointed, to wit, the principal, and the first and second alternates who are substituted for the principal in the event of failure. The number of cadets is prescribed by law and they are apportioned as follows: To each congressional district and Territory and to Porto Rico, 1; to each State and the District of Columbia, 2; to the United States at large, 40. The appointments from congressional districts are made on the recommendation of the Representatives in Congress; those from Territories on the recommendation of the Delegates in Congress; those from a State on the recommendation of the Senators; those from the District of Columbia on the recommendation of the District Commissioners; those from the United States at large are selected by the President; and the candidates from Porto Rico on the recommendation of the Resident Commissioner. The Secretary of War is authorized to permit not to exceed four Filipinos, to be designated by the Philippine Commission, provided that on graduation they are eligible to appointment to the Philippine Scouts only. All graduates now agree to serve eight years. All appointments to the academy are made by the President one year in advance of the date of admission, except appointments to fill casual vacancies, which are made in time for the next examination.

Except in matters of detail, the academy has been conducted practically as it now is for many years. There has been a growing tendency toward the concentration of greater authority in the academic board, a greater increase in the number of cadets, and greater liberality in their management; a large increase in the number of officers there on duty, and in the expenditures for maintenance. It is organized as follows:

A superintendent, who is the commandant of the academy and post of West Point, with an academic and military staff numbering at present 120 officers, a battalion of cadets (the number of cadets authorized for the present year is 834, which number will be increased by 166 each year for the next three years. The cost of maintenance will be increased as a consequence), and several detachments from the Army for guard duty and for use in the course of practical instruction.

The academic staff: This is composed of the professors, assistant professors, and instructors, who regulate and teach the curriculum as assigned to the various departments of instruction, as follows:

The department of tactics, at the head of which is the "commandant of cadets," and in which is given instruction in drill regulations of Infantry, Cavalry, and Artillery, target practice with rifles, revolvers, and field guns, field work, seacoast artillery, and the submarine defenses at fortifications, minor tactics, practice marches, and practical field work; writing orders and solving problems involving the disposition of small forces; gymnastics, including boxing, wrestling, riding, dancing, swimming, fencing, and hippology. There is also an annual encampment of about 10 weeks for all cadets, and usually a practice march of one week.

The department of civil and military engineering, first class: In addition to the subjects naturally embraced in this department, it comprises the study of the organization of armies, grand tactics, strategy, and military campaigns.

The department of natural and experimental philosophy, second class: This course embraces analytical mechanics and astronomy.

The department of mathematics for third and fourth classes: This course completes algebra, plane, solid and descriptive geometry, and differential and integral calculus. Descriptive geometry includes, in

addition to the usual projections of lines, planes, surfaces, etc., shades shadows, perspective, isometric, and spherical projections.

The department of chemistry, mineralogy, and geology, for second class.

The department of drawing for second and third classes embraces free-hand and mechanical drawing and topographical sketching.

The department of modern languages, for first, second, and third classes includes French and Spanish.

The department of law for first class: Elements of constitutional and international law.

The department of practical military engineering, for first, third, and fourth classes: This course embraces surveying, military field engineering, military reconnoissance, map making, building bridges and their demolition, locating, tracing, and profiling fieldworks, military signaling, telegraphy, etc.

The department of ordnance and gunnery, for first class: This embraces the action of explosives, ballistics, the theory of gun and carriage construction, projectiles, etc.

The department of military hygiene, for third class, covers all the essentials in the care of troops, clothing, and equipment, water supply, food and their preparation, disposal of waste and sanitation of camps, marches, battle field, etc.

The department of English and history, for fourth class.

The relative academic values of the several departments of instruction is as follows, the maximum being 300:

Department of engineering, 300.
Department of mathematics, 175.
Department of natural philosophy, 300.
Department of drawing, 75.
Department of languages: French, third class 175; Spanish, first class 90, second class 60.
Department of chemistry, mineralogy, and geology, 125.
Department of law, 150.
Department of ordnance and gunnery, 150.
Department of practical military engineering, signaling, and telegraphy, 10.
Department of English and history, 75.
Department of tactics, Infantry, Cavalry, and Artillery: Drill regulations, first class 15, second class 40, third class 20, fourth class 25. Conduct determined by demerit.

The time devoted to the various recitations and the hours of attendance will also be found in the register before referred to. This curriculum is carried on according to the regulations of the academy and the cadets are under strict supervision and control at all times. Infractions of the regulations and misconduct of any kind are adequately dealt with by court-martial, demerits, etc., and any cadet receiving more than a fixed number of demerits in one term is liable to dismissal. (For full particulars concerning the course of instruction the reader is referred to the Annual Register of the Academy for 1915, that for 1916 not being available.)

The military staff is chiefly engaged in the service of the post of West Point, as distinguished from the Military Academy.

With this brief outline of the academy, let us look at the output.

As the cadets registers from 1802 to 1838 were destroyed by a fire which occurred at West Point, the statistics concerning candidates prior to that year can not be given. But from 1838 to 1915 there were appointed 17,949, of whom 8,352 were admitted and 4,536 were graduated; a period of 77 years with an average of 233 appointed annually, 108 admitted, and 58 graduated. The average of annual vacancies in the grade of second lieutenant from 1838 to 1901 was, approximately, 106. Since the reorganization of the Army in that year they have averaged 154, so as a rule the academy has not been able to fill existing vacancies. When this has happened, appointments have been made from among the enlisted men of the Army or from candidates in civil life. (The appointment of enlisted men and civilians is prescribed in War Department General Orders No. 26, of 1916.)

The records show that from the establishment of the academy to 1915 there have been 5,476 graduates, an average of 48.5 officers per annum, and that, including grounds and buildings, the academy has cost up to date approximately $115,000,000.

For the same period there have been 27,500 officers in the Regular Army, of whom, as before stated, 5,476 were graduates of the academy, or a little over 0.199 per cent. In the wars we have waged we have the following proportion of graduates to the total number of officers in service, regular and volunteer:

Wars.	Regular.	Volunteers.	Graduates.	Per cent.
Mexican	1,400	3,126	590	0.13
Civil War	2,400	120,000	750	.006
Spanish	2,260	10,600	1,390	.108
	6,060	133,726	2,730	.0195

The total number of general officers, regular and volunteer, since 1802, exclusive of those promoted for retirement, is 920; of these, 320 were graduates, or a little over one-third, which will no doubt occasion some surprise. (By the national-defense act of June 3, 1916, the number of general officers has been increased.)

From these statistics it is apparent that for many years the academy has furnished less than one-third of our regular officers.

It is not the purpose to discuss these figures beyond pointing out the great disparity between the number of candidates appointed, the number admitted, and the number of cadets graduated. For this failure to realize the full capabilities of the academy in graduates two causes have been conspicuous, viz, the method of appointing candidates and the failures in the academic department.

Under the system of appointment now observed the academy may be likened to a close corporation, membership in which depends on the favor of certain officials. This adds nothing to the qualifications of the candidates or the usefulness and popularity of the academy, and should be changed for something not only more democratic but entirely free from every kind of influence except the morals, manners, and mental and physical traits of the candidates who may present themselves.

In pursuance of this idea let the academy be open to all young men who wish to adopt the military profession and can satisfy the prescribed examination, and have no ulterior object in entering the academy. This will not only result in a higher grade of candidates, but will make the academy a national school in fact, which it is not now, and will remedy the most glaring defect of the present system under which so many young men are appointed to the academy, who either can not or will not enter. (Under the plan proposed, the candidates would be proportioned to States and Territories according to the male population. The annual entrance examinations would be competitive, the candidates ranking highest in order of merit filling the vacancies. The appointments would no longer be made on the recommendation of Senators, Representatives, and other officials.)

During the period under consideration, 159 candidates declined their appointments and 2,316 failed to report, from which it may be fairly inferred that they cared very little about the academy or the Army and should never have been appointed.

Of the 3,816 candidates admitted who did not graduate, about 3,000 failed in the academic department and approximately 600 more were turned back, the records showing but comparatively few failures in the department of tactics, in which the cadets receive nearly all their military training. Two years of this training as carried on at the academy will prepare a young man of intelligence, a good general education, and military aptitude for the duties of second lieutenant, and even those of a higher grade, without respect to the academic department.

It will not qualify him for appointment as colonel or brigadier general, as is erroneously believed by many persons, any more than will the present four-year course, as something more than mere schooling is necessary for that, but it will give him the necessary elementary training and teach him how to organize and command soldiers and to investigate military questions intelligently, or, in other words, will lay the foundation on which, if he has ability, perseverance, aptitude, experience, and good luck, he may eventually reach those grades and fill them meritoriously, which is as much as should be expected. If, in addition, he has military genius he may even become justly renowned, like Grant and other graduates; but if he does it will not be due to his schooling alone but to certain God-given qualities which are vouchsafed to but few men and which schools alone can never give. In truth, there have been many soldiers, from Joshua to Joffre, as history shows, who with but little if any schooling, civil or military, have rendered inestimable services and have achieved greatness.

But to return to the academic department. Who can conscientiously claim that its maintenance is necessary to the success of the academy as a military school? On the other hand, as it is and has always been, autocratic and inflexible in its demands on cadets, rejecting those who fail in the academic course, no matter how proficient in the department of tactics, it has been a positive drawback to the academy, even in time of war. Nor is there the slightest excuse for its continuance, no matter how perfect the system of instruction may be.

The curriculum of our universities, colleges, and technical schools covers all subjects considered necessary to prepare young men for professional or commercial life, and the high standing of our scientists, engineers, lawyers, financiers, and literary men, of whom there are thousands, sufficiently proves that it is ample for the general education of Army officers, those of the Artillery and Engineers not excepted.

It may be said that there are hundreds of young men with this kind of education scattered throughout the country who would be glad to enter the academy, provided it were a professional and not a mixed school and they were not dependent for admittance on any outside influence whatever. The experience of our summer camps gives some indication of what may be expected once the academy is thrown open to the whole country and young men can enter for the sole purpose of receiving instruction in military science and tactics.

In this connection it may be said that it is not the education in the civil branches given at the academy which makes its graduates valuable as a military asset, but their military training. Without that they would be no more entitled to the public confidence, as military men, than the graduates in good standing of any other respectable scientific school or college in the country, and it is time this fact was recognized by the academic authorities and the academy devoted exclusively to military purposes.

To accomplish this we have only to change its curriculum by abolishing as much of the academic course as pertains to the exact sciences, languages, history, English, etc., transferring the department of civil and military engineering to the Engineer School at Washington, D. C., and the Department of Ordnance and Gunnery to the Coast Artillery School at Fort Monroe, where they properly belong and where such scientific studies can be pursued to any extent considered necessary without interfering with the general military training at the academy. The course of instruction would then embrace the department of tactics, the department of field fortifications and the art of war, the department of law, the department of hygiene, and the department of military engineering, signaling, and telegraphy, to which could be added a more extended account of all appliances in the hands of troops pertaining to modern warfare, their practical and expert manipulation, and the principles involved in their use.

The course of instruction would then provide only the general military training needed by all second lieutenants of the Army without respect to arm or corps, leaving to army colleges and service schools such further special instruction as may be considered necessary.

These colleges and schools are:

1. The War College course, 1 year.
2. The Staff College course, 10 months.
3. The School of the Line course, 1 year.
4. The Coast Artillery School, 1 year.
5. Mounted Service School, 2 years.
6. Engineer School, 1 year.
7. Army Signal School, 1 year.

The course and duration of instruction of these schools is regulated by the War Department.

These changes would reduce the four-year course at the academy to two years, ample for the purpose, and the number of graduates thus doubled (enough for an army of 300,000), without adding another cadet to the number now authorized or increasing the cost of maintenance of the academy. In fact, by this rearrangement of the academic department the cost should be largely reduced, as many of the officers now assigned to the academic department would be relieved for duty elsewhere.

Having changed the curriculum as well as the method of appointing candidates, let the proper authorities determine the general education necessary for entrance to the academy or to the Army when the course at the academy is impracticable.

If all the subjects now taught at the academy are considered absolutely essential for all second lieutenants, let them be included in the examinations, bearing in mind, however, that all cadets do not now take the full course at the academy and that there is nothing in the whole domain of military science and tactics, outside the technicalities

of the Artillery and Engineers, if properly taught, beyond the comprehension of any young man of intelligence and good general education, and let the latter be determined, as at present, by a written examination or by a certificate of proficiency properly authenticated. The accuracy of such certification can be easily determined during the course of military instruction, which can be conducted so as to test a cadet's educational proficiency as well as his fitness for the different arms of service on graduation. (The great mortality among young officers in modern wars should modify to some extent the scope and severity of their civil examinations. In other words, while food for gunpowder should be of good quality, it should also be plentiful, easily digested, and not too costly.)

It would be a mistake, however, in doing this to reject a cadet of unusual military aptitude and promise because he may not come up to the high standard of examinations maintained at the academy, where the cadets are fresh from their studies, more especially if he can show that he has at any time received proper instruction or passed a creditable examination in the subjects required.

Boys are sent to school to discipline their minds and teach them how to study, and this can be done in many different ways. What they actually learn and remember, even for a short time, is comparatively of but little consequence. When they take up professional studies, however, their proficiency becomes of very great importance, and they should be critically examined, not only as a safeguard to society in general, but to the reputation and honor of their chosen professions, and this is the rule.

There need be no fear that the academy will fail of its purpose should its curriculum be changed as proposed, or that its graduates would have less military efficiency than heretofore. As a matter of fact, they should have more. Entering the academy from choice, prepared to take up professional study, and freed from the demands of the academic department, which are so absorbing and consume so much time, the cadets will give their undivided attention to the course of military science and tactics rendered more comprehensive than is now practicable and will make professional excellence in those subjects the goal of their ambition rather than high class standing in the other civil departments of instruction. (Whether the rigidity of body, the mental strain and the constant surveillance imposed on cadets during the four-year course reacts on the mind, restraining its natural expansion, are questions which have been much discussed. One thing, however, is certain, that putting military and civil instruction in the same course and expecting all the cadets to do full credit to both has resulted in many failures, chiefly in the academic department, as already explained, and deprived the Army of many excellent officers, as the writer has good reason to know.)

To the academy as thus administered should be sent in time of peace all candidates for a commission to the Regular Army, no matter what their origin or influence may be. Those from other military schools, from the National Guard, and from the ranks, if found proficient in any part of the course, should be advanced, and in this way their time at the academy shortened. This would not only increase the number of graduates each year but would act as an incentive to all other young men who contemplate entering the Army, inciting them to greater effort in the way of preparation.

Compare this with our absurd and haphazard way of providing second lieutenants for the Regular Army even in time of peace. About one-third from the academy and two-thirds from anywhere, as a last resort, after the yearly graduates have been taken care of.

As already stated, War Department General Orders, 26, of 1915, prescribe the rules under which such candidates are to be appointed, but as these rules are not sanctioned by law candidates may be commissioned even if they fail in their examinations, and without, as far as known, a single necessary qualification for the military service. Fortunately such instances are rare, and all candidates usually stand their examinations. Among them are many college graduates and other well educated men who, in this respect, compare favorably with the graduates of the academy after a few years in service. Of course, as a rule, they lack proper military training, and the proposition is therefore to send them all to the Military Academy where they will be thoroughly disciplined and instructed and their proficiency tested before they are commissioned, thus doing away with the absurd practice of appointing second lieutenants to the Army and then trying to educate them. (In this connection it may be said that the military profession is the only one in this country to which young men are admitted without previous and suitable preparation, and yet the demands of the military profession are greater than any other, as the existence of a nation may depend absolutely on the professional excellence of its army.)

Apart from the great benefit which would result to them from this change, there will be established what our Regular Army has never had yet, a common professional standard for all second lieutenants, and in a few years as a result a homogeneous corps of officers, with practically the same esprit de corps, the same professional acquirements, and with equal chances at the outset for professional usefulness and distinction, a matter of vast importance in any army, and especially in our own, where there should be no discrimination between officers not due to the officers themselves.

Hence, the practice by the Government of educating and training one-third of our second lieutenants and starting them on their course in the Army prepared for their profession while starting the other two-thirds without such preparation should be discontinued as an archaic and absurd illustration of defective military administration.

It is frequently stated that it is not considered necessary to send all candidates for appointment in the Army to the academy, but the writer has never been able to fathom the reason for this, unless it be that a certain number of vacancies are reserved for patronage. Certainly many vacancies have been filled, apparently, in this way, to the great injury of the service.

The Army should not be used for such purposes. All second lieutenants entering the Regular Army in time of peace, as before remarked, should receive the same military training and should undergo the same tests. They have practically the same responsibilities and are exposed to the same risks, and should be prepared accordingly. Of course these remarks are intended to apply to the Regular Army only to which officers are appointed for life, and which, as the nucleus of the larger mobile war Army, should always be maintained in the highest state of efficiency.

Of all the military needs of the country, the most imperative, in view of our small national Army, is a sufficient number of trained officers to command and instruct the raw levies of which our war armies are mostly composed. The militia will continue to be officered as heretofore, by the governors of the States, on the vote of its various units, a most unmilitary and demoralizing practice, and subversive of military discipline but over which the Government has no lawful control, but no regiment should be taken into the service of the United States unless the field officers and captains at least are sufficiently well trained, as should be also the commanders of batteries, brigades, divisions, and Army Corps, and this should be carefully ascertained by the War Department in every case.

To risk the success of military operations, no matter how insignificant, and to entrust the lives of the troops to green officers, as has been done repeatedly heretofore, should be regarded as a disgrace to the country and a crime against our soldiers, without extenuation, because wholly unnecessary if our military resources be used generously and with good judgment.

Among them the Military Academy has been preeminent for years, although rarely, if ever, equal to the need of the Army in second lieutenants. That it can be made so there is no reason to doubt, provided it is converted into a national school composed of officers and cadets pursuing a single course, and actuated by a single motive, viz, an expert practical knowledge of the military profession. If to this be added a sympathetic and helpful attitude by the academy toward all other institutions in which military science and tactics are taught, correlating and conserving the whole by precept and example, the academy will enter upon a career of military usefulness heretofore unknown in its history.

Whatever impressions these reflections may make on the lay reader is, of course, problematical. By many graduates of the academy, however, they will no doubt receive emphatic disapproval, at least as far as concerns the suggested change in the academic department, as it will seem like a blow to the prestige of the academy, protected for so many years from any suggestions of change not originating within its sacred walls. When, however, the great benefit to the Army and to the military efficiency of the country becomes known, a broader and more generous method of selecting the candidates, a more extended course of military instruction, and a sufficient number of graduates to fill all vacancies in the grade of second lieutenant, in time of peace, this impression, it is believed would give way to a feeling that the academy is more useful, and stands higher in public estimation than ever before.

Such at least is the hope of the writer who for more than 50 years has fully appreciated the value of its military training while deeply regretting its limited application.

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] is recognized for 10 minutes.

Mr. FESS. Mr. Chairman, I am not going to speak on the Military Academy bill now before us, but I would like to say, before entering upon the item that I want to consume the time in discussing, that I think I agree with the plan of the gentleman from California [Mr. KAHN] for extending into the curriculum or rather extending the time for the pure military science in the academy, and allowing much of the work that is done there now to be done in the schools throughout the country that are not military. I do not know how that can be worked out, but I think that that would be a splendid thing to do, and I hope careful consideration will be given to it in the near future.

Mr. Chairman, it is now within 36 hours of the adjournment of the Sixty-fourth Congress. In a short time the last of the 15 supply bills will have passed the House. But not half of them are yet considered by the Senate. A few days ago I was looking over these appropriation bills that would have to be finished by noon of the 4th of this March, and it looked to me as if we might not be able to get through by that time. These bills include the national-defense appropriations, and they must be completed within the constitutional limit to avoid embarrassment. My thought was intensified by the President coming to the Congress and speaking on a very important and, to me, sensitive constitutional question, of delegating considerable authority, which I thought was a blanket authority, to him for the interim when this Congress ceases and the next one comes together. My views of the dangers to come from the surprising tendency of the times to relegate unlimited authority to the Executive are well known, as I have frequently addressed the House on this tendency.

I introduced within a few hours after he left this Chamber a resolution to the effect that this, the Sixty-fourth Congress, fix the first meeting of the Sixty-fifth Congress on the first Monday of April, in order that this next Congress might share with the President the responsibility of maintaining the rights of our country at this critical juncture of our Nation.

Many Members have spoken to me personally, stating that we could not do that, and I asked the privilege of time in order to discuss the constitutionality of that resolution.

The meeting of Congress is fixed by the Constitution. Section 4 of Article I says that—

> The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

In this section we have a specific time fixed by the Constitution, which will stand as the meeting time if not modified by law.

So that the power of the Sixty-fourth Congress to fix the first meeting of the Sixty-fifth Congress at a different day than the first Monday in December, 1917, is not an inference; it is a direction. It is not implied; it is expressed in the Constitution itself.

The constitutional time of meeting specified is the first Monday in December, and Congress would meet at least once a year

on this date if it did not meet by direction of the Congress at a different time. In addition to that provision there is another, section 3 of Article II, that is familiar to every Member, as follows:

The President * * * may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment he may adjourn them until such time as he shall think proper.

So that our first meetings of Congress are either fixed by the Constitution itself or by the Congress by law or by the President in calling special sessions.

Mr. PHELAN. Mr. Chairman, will the gentleman permit an interruption there?

Mr. FESS. Yes; I yield.

Mr. PHELAN. From the language there the gentleman says one Congress can determine when the next Congress shall meet. Does it not mean that one Congress can determine when that Congress shall meet? For example, if the Sixty-fifth Congress came in in December, they might determine when they would meet again.

Mr. FESS. No; I will say to the gentleman from Massachusetts that the last statement he made, that the one Congress could determine when the same Congress should meet again is true, but that is not all the truth. Its power is not limited to that. It can extend to fixing the meeting of the succeeding Congress. That is, the long session can fix the time of meeting of the short session. The short session, or last session, can also fix the time of meeting of the first session of the next Congress. To be specific, this present session of the Sixty-fourth Congress can fix the time of the meeting of the Sixty-fifth Congress other than the constitutional date, first Monday of December, 1917. That has been done many times. The first three or four Congresses were fixed by law instead of by the Constitution.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. HASTINGS. Has that ever been questioned by anyone? Has it ever been questioned that Congress could not by law fix a different day for the convening of Congress?

Mr. FESS. It has been questioned by many Members within the last few days.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. SLOAN. Has not the question been as to the practicability of working it out at this very late date, assuming that the Executive himself would not sign the bill if passed, or allow it to lapse with the passage of time rather than deny the constitutionality of your proposition?

Mr. FESS. I will say to my friend from Nebraska that I am not entering the speculative field. I am speaking of the constitutionality of this Sixty-fourth Congress fixing the time of the meeting of the Sixty-fifth Congress. As I said, most of the early Congresses met in accordance with preceding legislative action rather than by the Constitution itself, and when the first session would set the first meeting of the second session the day of meeting would frequently be set before the constitutional time, the first Monday in December. I have gone over the precedents quite carefully, and in order to clear up the minds of Members upon the question of the constitutionality of our right to fix the date of meeting of the Congress to succeed this one, I will indicate here what has been done in the exercise of this power. In these precedents we note one session fixing the day of meeting of a succeeding session. We find cases where one Congress fixed the time of meeting of a succeeding Congress.

The First Congress met on March 4, 1789, in accordance with the terms of a resolution of the Continental Congress. This session continued until September 29, 1789. Before adjourning the following law was enacted, being approved September 29, 1789:

That after the adjournment of the present session the next meeting of Congress shall be on the first Monday in January next.

At the last session of the First Congress the following law was enacted, being approved March 2, 1791:

That after the third day of March next the first annual meeting of Congress shall be on the fourth Monday of October next.

At the first session of the Second Congress this law was enacted, being approved May 5, 1792:

That after the adjournment of the present session the next annual meeting of Congress shall be on the first Monday in November next.

The second sessions of both the Tenth and Eleventh Congresses were convened by law; but in neither of these laws nor in any of the previous laws convening Congress was the hour of meeting specified in the law.

On May 22, 1809, the day appointed by law for the meeting of the session, the first session of the Eleventh Congress convened and remained in session until June 28, 1809. At this session the following law was passed:

That after the adjournment of the present session the next meeting of Congress shall be on the fourth Monday of November next.

These are instances wherein Congress has been convened by proclamation or by law.

At the second session of the Seventh Congress, by the act approved March 3, 1803, it was provided:

That after the adjournment of the present session the next meeting of Congress shall be on the first Monday of November next.

The first session of the Thirteenth Congress met, in accordance with law, on May 24, 1813, and ended August 2, 1813. At this session the following law was passed, being approveed on July 27, 1813:

That after the adjournment of the present session the next meeting of Congress shall be on the first Monday of December next.

In some cases the date fixed by Congress coincided with that fixed by the Constitution. When it was fixed on that exact date the RECORD has shown in certain instances that the Congress met on the first Monday in December by the authority of law rather than by the authority of the Constitution.

But, fellow Members, the most historic occasion in all our history was in 1867. The students of American history will recall that there was a very bitter contest between the executive department and the legislative department during the régime of Andrew Johnson. Mr. Johnson had had a part in carrying out Mr. Lincoln's reconstruction policy, having been the military governor of Tennessee; and when Mr. Johnson came into the Presidency as the successor of Mr. Lincoln, having been a participant in Lincoln's methods of reconstruction, he proceeded to reconstruct the States on the plan of Mr. Lincoln.

Members here will recall that Thaddeus Stevens had fought Mr. Lincoln's plan of reconstruction, as far back as 1862, when it was first announced, and when the Congress met in regular session and the roll of the States was begun by the Clerk, when the State of Alabama was called Mr. Stevens arose and declared that the State of Alabama was not represented in the Congress, because it had not been reconstructed; but it had been reconstructed on Mr. Lincoln's plan, carried out by Mr. Johnson. As I recall, nine States were so reconstructed by Johnson while Congress was not in session. Mr. Stevens fathered a motion to appoint a committee of investigation, and the Members from the States in dispute withdrew until that committee made its report. The truth is, they never came back into that Congress, for the committee did not make its report for two years. Then began the historic struggle between Congress and the Executive. Andrew Johnson having vetoed many bills and the Congress having passed over his veto at least 21 important bills, the fight continued into the succeeding Congress, which, recognizing that the Congress would adjourn on the 4th of March, 1867, and could not come into session for at least nine months after March 4 unless the President would call them, passed a law on the 22d of January, 1867, fixing the time for the meeting of the Fortieth Congress. That is, the Thirty-ninth Congress fixed the time for the meeting of the Fortieth Congress.

The Fortieth, Forty-first, and Forty-second Congresses were convened in accordance with the terms of the following law, approved January 22, 1867:

"That in addition to the present regular times of meeting of Congress, there shall be a meeting of the Fortieth Congress of the United States, and of each succeeding Congress thereafter, at 12 o'clock meridian, on the 4th day of March, the day on which the term begins for which the Congress is elected, except that when the 4th day of March occurs on Sunday, then the meeting shall take place at the same hour on the next succeeding day."

It will be noted here that the Thirty-ninth Congress fixed the time of the meeting of the Fortieth Congress as the 4th of March. The Fortieth Congress was in session from the 4th of March to the 30th of March, and then recessed to July 1, when it was in session until July 20, and then recessed until September. In pursuance of the same law the Forty-first Congress met on the 4th of March and remained in session until the 27th of July, and then recessed three times afterwards, but adjourned immediately after the recess meeting, having done nothing after July 27. After that the law became inoperative. Since that time the meeting has been on the constitutional day, the first Monday in December, and has so continued up to the present time, except when called in special session by the President.

Mr. FIELDS. Did the President approve that law passed by the Thirty-ninth Congress for the meeting of the Fortieth Congress on the 4th of March?

Mr. FESS. Yes; that law was approved by President Johnson. I want simply to say that the resolution I have introduced, while it will not be reported, is strictly constitutional. I introduced it in good faith, at a critical moment, when I felt convinced that we ought to provide for our presence in the Capital to perform our duties in case of an emergency of international consequence, rather than to delegate doubtful power to the President to be used in case the emergency arises.

To abrogate our prerogatives over war matters on behalf of the President in order that we may go to our homes will be a cowardly act in my opinion. That is the source of my resolution.

The CHAIRMAN. The gentleman from Alabama [Mr. DENT] has four minutes remaining.

Mr. DENT. I do not care to utilize that time.

Mr. SMITH of New York. I want to ask what the amount recommended by the War Department that was cut out by the committee was to be used for? Was that $700,000 for construction work, or was it to provide for an additional number of cadets?

Mr. DENT. It was for construction work.

Mr. SMITH of New York. It would not have provided for additional cadets?

Mr. DENT. No; there was no provision for additional cadets, other than the law passed last year.

Mr. CHAIRMAN. I ask that the Clerk read the bill under the five-minute rule.

The Clerk, proceeding with the reading of the bill, read as follows:

For extra pay of eight laborers (artillerymen), employed in keeping clean the equipment used by cadets, at 35 cents each per day, $876.40.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a question. It seems to me that this item relating to eight laborers is a good place to ask the chairman of the committee, for the benefit of my successor, how a man goes about it to get a private bill out of the Committee on Military Affairs?

Mr. DENT. I do not understand why that has anything to do with this item.

Mr. BENNET. I knew it was too much for one man to get a private bill out of the Military Affairs Committee, but I thought in connection with eight laborers a man might get some information. I will admit that my question is not strictly relevant to the paragraph just read.

Mr. DENT. I do not know how I can answer the gentleman, unless he will ask a relevant question.

Mr. BENNET. I had such hard luck with the Committee on Military Affairs in connection with private bills that I thought perhaps I might get some light on it for the benefit of my district to hand down to my successor.

Mr. FIELDS. I want to say to the gentleman that he has not been alone. We have all had hard luck.

Mr. MEEKER. Could not the chairman of the committee write a letter about it?

Mr. BENNET. He could.

Mr. DENT. I will say to the gentleman from New York that, so far as the chairman of the committee is concerned, he would be very glad to attend to any private bill that the gentleman or any other Member has, and I believe the gentleman knows that.

Mr. BENNET. I asked the chairman of the committee to get out one bill for a man 95 years old, and I have not got it out yet. I have one bill for a man in his ninety-fifth year, and I thought that ought to have a little more attention.

Mr. FIELDS. What is the nature of that case?

Mr. BENNET. That man performed an act of distinguished gallantry at the battle of Chapultepec 71 years ago, prior to the time when they had medals of honor. It was a very daring act that he performed in a very notable battle. Now they have medals of honor, and I introduced a bill to give this old man, for that distinguished service, the right to be put on the medal-of-honor roll. I think he ought to have had it, and I am sincerely disappointed that that bill has not been reported by the gentleman's committee.

Mr. DENT. I will state to the gentleman that I am sure the bill he introduced was a meritorious one, and I am only sorry that the committee have been so busy with appropriation matters and considering the national-defense act which we passed last year that we have not had time to give proper attention at this short session to private bills.

Mr. BENNET. That is a good answer. I withdraw the pro forma amendment.

The Clerk read, as follows:

For two civilian instructors in Spanish, at $2,000 per year each, to be employed under rules prescribed by the Secretary of War, $4,000.

Mr. PLATT. I move to strike out the last word, for the purpose of asking the chairman of the committee a question. I understand there is an instructor of Spanish who has been in the Military Academy for a long time without any increase of salary. Was any attention given to that man's case by the committee? I understand he has been there some time without an increase in pay—quite a number of years.

Mr. DENT. Yes; I think that is true.

Mr. BENNET. It seems to me that they pay much smaller salaries at the Military Academy to the civilian instructors than is paid for the same grade of men in colleges.

Mr. DENT. I will state to the gentleman that so far as the committee have been able to ascertain they have had no trouble in getting instructors at the academy.

Mr. PLATT. Of course, after you have had a man a certain length of time it is difficult for him to leave, but I think there have been men that have left West Point and gone to other places at better salaries.

Mr. DENT. The committee considered that, but if they start in with one there will be no end to it.

Mr. PLATT. I want to ask the gentleman if there is not a mistake in the bill on page 9, line 13, where it says "one clerk and stenographer at $5,500." Last year's bill shows that it was $1,200.

Mr. MANN. One clerk and stenographer at $1,200. $1,200 is left out.

Mr. DENT. Mr. Chairman, I move to amend.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 9, line 13, by inserting after the word "at" the amount "$1,200."

The amendment was agreed to.

Mr. DENT. Now, Mr. Chairman, I move to amend by striking out the total.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 13, strike out the total of $5,500.

The amendment was agreed to.

Mr. FESS. Mr. Chairman, I move to strike out the last word. Is there anything else in the way of perquisites for this salary, or is this salary a clear money salary?

Mr. DENT. A clear money salary with no perquisites.

Mr. FESS. No room or board?

Mr. DENT. No.

The Clerk read as follows:

For pay of one chief engineer of power plant, whose duties will include those of engineer of heating and ventilating apparatus, $2,400.

Mr. PLATT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 10, line 20, after the word "plant," strike out all of the paragraph to and including the word "apparatus," on line 20.

Mr. PLATT. Mr. Chairman, I want to say a few words. In case this amendment is agreed to I want to insert a new paragraph as follows: After line 22 insert a paragraph as follows:

For pay of assistant engineer of heat and ventilating, $1,800.

That simply restores the bill as it was last year and puts back the engineer of heating and ventilating apparatus. The committee, as any one will see from the hearings, have done this: Col. Biddle wanted to have the two offices of chief engineer of the power plant and the engineer of heating and ventilating apparatus, who has outside work away from the power plant, combined and wanted a proviso that the engineer of heating and ventilating should be appointed to the position and have his salary raised to $2,700. The committee cut out the proviso and left the salary as it was, but combined the two offices and cut out one man. I think it perfectly plain from the hearings that that is not what Col. Biddle wanted to have done, and it could not be done without harming the service. What they wanted to do was to get rid of the chief engineer and put the engineer of heating and ventilating apparatus in his place. The chief engineer is a civil-service man and could not be gotten out in that way. You have left the man they wanted to get out in and cut out the other man. I have no interest in either man, but I think the bill should be restored as it was last year.

Mr. DENT. I would state that the committee declined to adopt the recommendation of Col. Biddle, but he did say that he could get along with one man for that purpose, and we gave him one man but not the salary asked for.

Col. Biddle says in the hearings that—

Instead of having a chief engineer of the fire plant and an engineer of the heating and ventilating system we wish to combine them in one man, giving the man who takes the place a better salary than he is getting.

The CHAIRMAN. There does not seem to be any increase or decrease provided for. It seems to be the same as last year.

Mr. McKELLAR. Did you pay the $4,200 for two men last year?

Col. BIDDLE. Yes, sir.

Mr. McKELLAR. And you are going to give this amount to one man.

Col. BIDDLE. We leave out one man.

Mr. McKELLAR. You are going to discharge the chief engineer of the power plant?

Col. BIDDLE. And put in the heating and ventilating apparatus engineer.

Mr. McKELLAR. You have no use for the man you propose to discharge?

Col. BIDDLE. No; we can get along with one man.

Mr. SHALLENBERGER. Will he have to employ any assistance?

Col. BIDDLE. There is a certain amount of assistance naturally he would have to have to run the plant, but no additional assistance is asked for.

Mr. PLATT. The information I have from people in the neighborhood is that they can not get along without an assistant, and this is simply a plan to get rid of the present assistant engineer and then afterwards put back the assistant or raise the salary.

Mr. TILSON. The gentleman realizes that there is an assistant engineer in the very next item.

Mr. PLATT. He was there before, and is not a new assistant.

Mr. TILSON. Certainly.

Mr. PLATT. Somebody has to do this outside work in looking after the heating and ventilating apparatus in these buildings, all of which are large buildings.

Mr. TILSON. The gentleman will note that the number of firemen has been decreased from 11 last year to 8 this year, the fact being they have installed automatic stokers, which do away with a great deal of work, making it very much simpler. Col. Biddle represented to the committee that with one man he could do all of the work, and do it better, than he was doing it now by dividing the responsibility between those two men. What he wished was that he should take the cheaper-priced man, the man that was getting $1,800, and make him the chief and give him $2,700.

Mr. PLATT. Give him a higher salary than the chief was getting before?

Mr. TILSON. Yes; and that seemed to the committee a rather large raise for one year; and therefore, instead of giving this one man $2,700, we gave one man, whichever one he should choose to keep, or whichever he would keep under the law, and gave him $2,400, which was the higher salary paid the preceding year. In other words, we dispensed with that position of engineer of the heating and ventilating system.

Mr. PLATT. You have the thing in such shape now that the man whom they say is not as efficient as the heating and ventilating engineer has the place and you can not get him out. You are not providing at all for any engineer of heating and ventilating, as this man who has had charge of the power plant probably can not do much of that outside work, which is in the chapel and the academy building, the barracks, the library, and other buildings. You have the thing fixed so that it will not work.

Mr. MANN. Where did we carry two engineers last year in the current law?

Mr. PLATT. On page 6 of the current law near the top of the page there is this item:

For pay of engineer of heating and ventilating apparatus for the academy building, the cadet barracks and office building, cadet hospital, chapel, and library, $1,800.

Mr. MANN. That is this place.

Mr. PLATT. And near the bottom of the page:

For pay of one chief engineer of power plant, $2,400.

I have simply restored it as it was, only I have not got the items in the same order.

Mr. MANN. I see.

Mr. PLATT. This man is a civil-service man. I do not know whether he is capable of taking care of this heating and ventilating. The heating and ventilating man may be capable of taking care of the power plant.

Mr. FIELDS. The assistant was able to take care of both positions, but the headman was not.

Mr. PLATT. Possibly so, but you have got it fixed so that the headman is to be left in and the assistant is to go out.

Mr. GREENE of Vermont. Mr. Chairman, on page 30 of the hearings Col. Biddle explains that, and he makes particular reference to the matter of the civil service. He says, about the middle of the page:

I wish to add that I do not desire to recommend anything that would operate to destroy civil-service rules, in which I believe. It is simply the desire to economize by substituting one man for two, and putting in the place the man who is considered the more competent for the position. If it is a question of violation of civil-service rules, I should prefer the omission of that clause, as far as I am concerned.

That is the proviso you want put in.

Mr. DENT. We did that.

Mr. GREENE of Vermont. Certainly, and there is no question about the plan to make any substitution by indirection, because the names of the two men involved are given, and he expresses his preference on that same page 30.

Mr. PLATT. Yes; but the man who is the chief engineer of the power plant now is the man who gets this salary. It seems to me that under the civil-service law and the bill as you have drawn it he must be retained. I think the items should be restored as in the current law.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. PLATT) there were—ayes 11, noes 24.

So the amendment was rejected.

The Clerk read as follows:

For the repair and upkeep of quarters of the sergeant, first class, Hospital Corps, at soldiers' hospital: For miscellaneous minor repairs and general upkeep of quarters, etc., and putting on new tin roof, $50.

Mr. DENT. Mr. Chairman, on page 26, line 10, I move to strike out all the language beginning with the word "and," in line 9, down to the figures "$50," in line 10.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, lines 9 and 10, strike out the words "and so forth, and putting on new tin roof."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Provided, That a commission be, and is hereby, authorized to investigate and report upon the advisability of continuing the work of increasing the efficiency of the United States Military Academy at West Point, N. Y., in accordance with the general plan approved by the Secretary of War January 27, 1904, to provide for the enlargement, improvement, and extension of existing buildings, grounds, and roads, and in the supplementary plan submitted by the board of officers, approved by the Secretary of War November 4, 1915, and the best method to be pursued in the execution of the same; that said commission shall consist of three members of the Committee on Military Affairs of the Senate, to be appointed by the Vice President, three members of the Committee on Military Affairs of the House, to be appointed by the Speaker, and three Army officers, to be designated by the Secretary of War; that the ranking member of the Committee on Military Affairs of the Senate shall be chairman of said commission; that said commission shall have authority to sit at any time between the adjournment of the Sixty-fourth Congress and the reconvening of the Sixty-fifth Congress; that no member of said commission shall receive any compensation for his services, but shall receive his necessary traveling expenses and actual expenses while in attendance thereon; that said commission shall have authority to employ such clerical assistance as it may deem necessary: *Provided further*, That the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated for the purpose of defraying the actual and necessary expenses and clerical hire herein provided for.

Mr. MILLER of Delaware. Mr. Chairman, I move to strike out the last word.

Mr. ANDERSON. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. BENNET. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. MILLER of Delaware. Mr. Chairman, I hope if this paragraph is retained in the bill, and I hope that it will be retained, that the commission so created will look into the question or into the matter of the hotel at West Point. Now, as I understand it, the hotel at West Point now is run by the quartermaster's department of the United States Army. This hotel, I understand, is a very antiquated structure, and due to the fact that it is on a military reservation the Government must of necessity run it through its Quartermaster's Department.

Mr. TILSON. Will the gentleman yield?

Mr. MILLER of Delaware. I will.

Mr. TILSON. The gentleman does not understand that the hotel is actually run by the Quartermaster's Department?

Mr. MILLER of Delaware. I was seeking to get some information, and I was going to ask a member of the committee a little further just what the facts were about it. I mean no reflection on the Quartermaster's Department, but has not that department something to do with that?

Mr. TILSON. It has to do with the letting of the concession.

Mr. MILLER of Delaware. I would like to ask the gentleman further while he is on his feet: Can not the Quartermaster's Department require the people who have that concession to run the hotel differently, or is it due to the structure itself?

Mr. TILSON. It is due to the structure itself. Among the many things gentlemen perhaps complain against is the structure itself. Undoubtedly the Quartermaster's Department could make terms with the person running the hotel.

Mr. MILLER of Delaware. This structure perhaps receives a greater number of official guests, so to speak, than the ordinary hotel, and inasmuch as it is on a military reservation it is a Government institution, and the Quartermaster's Department has something to do with it, I hope that this commission, if it

is created, will look into the matter, and either build a new structure or make it possible for a hotel to be erected, so that the people who go there on official business, and there are a great number who have to go there, will have a place where they can be adequately housed. I spoke to several members of the Committee on Military Affairs informally, and one of them informed me they had received a great number of complaints about this matter.

Mr. FIELDS. I will say to the gentleman I think the hotel is a disgrace to the Government.

Mr. MILLER of Delaware. Well, there is what another member of the Committee on Military Affairs says about it.

Mr. TILSON. That is unanimous, I think.

Mr. MILLER of Delaware. The gentleman from Connecticut says it is unanimous, so there is no use talking about it any more.

Mr. DENT. I think we all agree on that proposition.

Mr. MILLER of Delaware. I hope the point of order will not be sustained.

Mr. ANDERSON. Mr. Chairman, the gentleman from Delaware has touched upon the matter I had in mind in reserving the point of order. I want to say I have had a bill before the Committee on Military Affairs for the construction of this hotel for the last four years. There has been no action, although the superintendents of the academy for the last 20 years have recommended the construction of a hotel in the control of the Government, but it has always been neglected, and certainly something ought to be done about it. I will not make the point of order if there can be some assurance that the question will be gone into and a suitable investigation made to determine in regard to the structure which ought to be erected.

Mr. DENT. I will state to the committee that this matter is something which it is intended this commission shall thoroughly investigate. The reason it has not been done is that there have been so many differences in the past as to what construction should be carried on that we have been unable to determine among the various things as to what would be the best thing to do. We think what we propose is the most sensible thing to do.

Mr. ANDERSON. I know there has been a good deal of difference of opinion, and I withdraw the reservation of the point of order.

Mr. BENNET. Mr. Chairman, my impression is this commission will further complicate the question and delay the construction at West Point still more, and I make the point of order.

The CHAIRMAN. The gentleman makes the point of order, and the Chair sustains the point of order.

Mr. DENT. Mr. Chairman, I move the committee do now rise and report the bill to the House, as amended, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to; and the Speaker having resumed the chair, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20872) and had directed him to report the same back to the House with the sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. DENT. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendments? If not, the Chair will put them in gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. GREGG, by unanimous consent, was granted leave of absence for one day, on account of illness.

WITHDRAWAL OF PAPERS.

Mr. ALEXANDER, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Anderson Creason, first session, Sixty-third Congress, no adverse report having been made thereon.

Mr. RAUCH, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Anna L. Yachman, H. R. 2214, Sixty-fourth Congress, no adverse report having been made thereon.

Also, papers in the case of Benjamin F. Long, H. R. 18879, Sixty-fourth Congress, no adverse report having been made thereon.

Also the papers in the case of Edward Johnson, H. R. 13317, Sixty-fourth Congress, no adverse report having been made thereon.

WILLIAM M'KINLEY COBB.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 441 (H. Rept. No. 1624).

Resolved, That there shall be paid out of the contingent fund of the House $1,200 to William McKinley Cobb for extra and expert services rendered to the Committee on Pensions during the second session of the Sixty-fourth Congress as assistant clerk to said committee by detail from the Bureau of Pensions, pursuant to law.

The following committee amendment was read:

Line 2, strike out "$1,200" and insert in lieu thereof "$800."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

WITHDRAWAL OF PAPERS.

Mr. POWERS, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, papers in the following cases, no adverse report having been made thereon:

John H. Alcern, H. R. 19335, Sixty-fourth Congress.
James H. Buckner, H. R. 17983, Sixty-fourth Congress.
Washington M. Brown, H. R. 14175, Sixty-fourth Congress.
John Dass, H. R. 18329, Sixty-fourth Congress.
Mary Davidson, H. R. 16653, Sixty-fourth Congress.
Elizabeth Davis, H. R. 17974, Sixty-fourth Congress.
Julia A. Cook, H. R. 11048, Sixty-fourth Congress.
Thomas F. Clutts, H. R. 17976, Sixty-fourth Congress.
Mary Burkhart, H. R. 15213, Sixty-fourth Congress.
Turner Bartley, H. R. 19163, Sixty-fourth Congress.
Green Elliott, H. R. 19104, Sixty-fourth Congress.
Jonas F. Fortney, H. R. 20440, Sixty-fourth Congress.
William Girdler, H. R. 14655, Sixty-fourth Congress.
Elizabeth J. Herrin, H. R. 19162, Sixty-fourth Congress.
Stephen House, H. R. 7332, Sixty-fourth Congress.
Thomas Hubbard, H. R. 19275, Sixty-fourth Congress.
Cloy Jackson, H. R. 15040, Sixty-fourth Congress.
Lucretia E. James, H. R. 19103, Sixty-fourth Congress.
John W. Johnson, H. R. 16651, Sixty-fourth Congress.
Nathan Lowson, H. R. 5625, Sixty-fourth Congress.
Fred Leick, H. R. 20399, Sixty-fourth Congress.
Mrs. Nan E. LeForce, H. R. 16652, Sixty-fourth Congress.
Columbus C. Logan, H. R. 15215, Sixty-fourth Congress.
George McDaniel, H. R. 17156, Sixty-fourth Congress.
Thomas G. Mitchel, H. R. 17977, Sixty-fourth Congress.
Henderson Morgan, H. R. 14017, Sixty-fourth Congress.
Gideon P. Myers, H. R. 17978, Sixty-fourth Congress.
John C. Oliver, H. R. 20439, Sixty-fourth Congress.
E. Ellen Peters and George V. Peters, H. R. 16963, Sixty-fourth Congress.
James F. Peters, H. R. 17977, Sixty-fourth Congress.
John R. Rice, H. R. 17981, Sixty-fourth Congress.
Jacob G. Robinson, H. R. 5523, Sixty-fourth Congress.
Francis M. Sexton, H. R. 9590, Sixty-fourth Congress.
Tevis C. Simmons, H. R. 18956, Sixty-fourth Congress.
Charles Smith, H. R. 17716, Sixty-fourth Congress.
Henderson Smith, H. R. 19274, Sixty-fourth Congress.
Pollie W. Smith, H. R. 13601, Sixty-fourth Congress.
Stephen Standolph, H. R. 15217, Sixty-fourth Congress.
James L. Strange, H. R. 19176, Sixty-fourth Congress.
Joseph D. Thach, H. R. 17982, Sixty-fourth Congress.
Joseph F. Turner, H. R. 19850, Sixty-fourth Congress.
Green Williams, H. R. 19044, Sixty-fourth Congress.
William C. Waddle, H. R. 20296, Sixty-fourth Congress.
Andrew York, H. R. 17788, Sixty-fourth Congress.
Walter G. Abner, H. R. 15216, Sixty-fourth Congress.
Elizabeth C. Archibold, H. R. 18431, Sixty-fourth Congress.
Bev. Baker, H. R. 9101, Sixty-fourth Congress.
Owen A. Black, H. R. 5512, Sixty-fourth Congress.
Nathaniel Blanton, H. R. 7958, Sixty-fourth Congress.
Eli Bowling, H. R. 17007, Sixty-fourth Congress.
George Brewer, H. R. 14176, Sixty-fourth Congress.
Emily Hughes Burch, H. R. 18502, Sixty-fourth Congress.
Leo V. Burchetts, H. R. 15901, Sixty-fourth Congress.
Mary Starues Elliott, H. R. 11846, Sixty-fourth Congress.
John Ferman, H. R. 14172, Sixty-fourth Congress.
Sam W. Faley, H. R. 20338, Sixty-fourth Congress.

William U. Frost, H. R. 5514, Sixty-fourth Congress.
Boscumb Hornsby, H. R. 16650, Sixty-fourth Congress.
James H. Hornsby, H. R. 17984, Sixty-fourth Congress.
Stephen House, H. R. 8177, Sixty-fourth Congress.
James M. Howard, H. R. 19848, Sixty-fourth Congress.
John C. Howard, H. R. 20795, Sixty-fourth Congress.
Foglos Hubbard, H. R. 11049, Sixty-fourth Congress.
James E. Jone, H. R. 17279, Sixty-fourth Congress.
Alexander Kelly, H. R. 16964, Sixty-fourth Congress.
Ewel King, H. R. 17986, Sixty-fourth Congress.
Edward Say, H. R. 7333, Sixty-fourth Congress.
Elijah Lundz, H. R. 19045, Sixty-fourth Congress.
Thomas W. McDonald, H. R. 17987, Sixty-fourth Congress.
Rebecca Martin, H. R. 17988, Sixty-fourth Congress.
Boscum M. Myers, H. R. 17989, Sixty-fourth Congress.
Gilson D. Moore, H. R. 19589, Sixty-fourth Congress.
Curt Morgan, H. R. 19588, Sixty-fourth Congress.
Susan Murphy, H. R. 17990, Sixty-fourth Congress.
William Pace, H. R. 5519, Sixty-fourth Congress.
Blain Pedago, H. R. 17717, Sixty-fourth Congress.
William G. Pennington, H. R. 5513, Sixty-fourth Congress.
George W. Peters, H. R. 5517, Sixty-fourth Congress.
George Poff, H. R. 17980, Sixty-fourth Congress.
Joseph Roach, H. R. 5522, Sixty-fourth Congress.
Lillie Roberts, H. R. 17718, Sixty-fourth Congress.
Sarah Scott, H. R. 8178, Sixty-fourth Congress.
Bertha Shackleford, H. R. 16202, Sixty-fourth Congress.
Dudley R. Sloan, H. R. 17067, Sixty-fourth Congress.
Daniel Smiley, H. R. 16985, Sixty-fourth Congress.
Samuel Smith, H. R. 20397, Sixty-fourth Congress.
Elijah Spurlock, H. R. 5515, Sixty-fourth Congress.
Raleigh J. Stansberry, H. R. 19849, Sixty-fourth Congress.
John Storms, H. R. 14101, Sixty-fourth Congress.
Robert Strong, H. R. 5518, Sixty-fourth Congress.
John Sullivan, H. R. 17991, Sixty-fourth Congress.
Gilbert Taylor, H. R. 17992, Sixty-fourth Congress.
Isaac Townsend, H. R. 17993, Sixty-fourth Congress.
Jacob C. Wright, H. R. 17591, Sixty-fourth Congress.
Leander Young, H. R. 19590, Sixty-fourth Congress.
John Asher, H. R. 13535, Sixty-fourth Congress.
James T. Ashinhurst, H. R. 13541, Sixty-fourth Congress.
Baptist Church (Somerset, Ky.), H. R. 13459, Sixty-fourth Congress.
Parks D. Brittain, H. R. 13532, Sixty-fourth Congress.
Susannah Cadle, H. R. 13533, Sixty-fourth Congress.
Thomas P. Colwell, H. R. 13457, Sixty-fourth Congress.
Lewis M. Davenport, H. R. 13539, Sixty-fourth Congress.
Dutton Davis, H. R. 13521, Sixty-fourth Congress.
John W Cook, H. R. 16984, Sixty-fourth Congress.
Wiley S. Cook, H. R. 5520, Sixty-fourth Congress.
Dillon Collett, H. R. 15214, Sixty-fourth Congress.
Buster Davis, H. R. 17633, Sixty-fourth Congress.
Malinda Davis, H. R. 13527, Sixty-fourth Congress.
Morgan Davidson, H. R. 17975, Sixty-fourth Congress.
U. S. Denny, H. R. 13455, Sixty-fourth Congress.
Jorah Ann Dobbs, H. R. 13454, Sixty-fourth Congress.
Green Fitzgerald, H. R. 13522, Sixty-fourth Congress.
Henry Frederick, H. R. 13519, Sixty-fourth Congress.
Hannah Gilbert, H. R. 13517, Sixty-fourth Congress.
Algeron S. Gray, H. R. 13528, Sixty-fourth Congress.
Joe Griffin, H. R. 13516, Sixty-fourth Congress.
Robert Hardwick, H. R. 13453, Sixty-fourth Congress.
George Humphreys, H. R. 13546, Sixty-fourth Congress.
G. W. Johnson, H. R. 13514, Sixty-fourth Congress.
Hiram J. Jones, H. R. 13537, Sixty-fourth Congress.
William B. Kelly, H. R. 13452, Sixty-fourth Congress.
Harriet U. Lair, H. R. 13451, Sixty-fourth Congress.
John Lee, H. R. 13515, Sixty-fourth Congress.
C. C. Logan, H. R. 13525, Sixty-fourth Congress.
William T. Long, H. R. 13528, Sixty-fourth Congress.
Mrs. A. M. Phelps, H. R. 13512, Sixty-fourth Congress.
Jesse Powers, H. R. 13536, Sixty-fourth Congress.
Presbyterian Church (Somerset, Ky.), H. R. 13458, Sixty-fourth Congress.
Enoch Rainwater, H. R. 13540, Sixty-fourth Congress.
John Ray, H. R. 13544, Sixty-fourth Congress.
Emanuel Sandusky, H. R. 13529, Sixty-fourth Congress.
George W. Saunders, H. R. 13542, Sixty-fourth Congress.
Charles Sewell, H. R. 13957, Sixty-fourth Congress.
Samuel Shodoan, H. R. 13534, Sixty-fourth Congress.
Thomas J. Smith, H. R. 13520, Sixty-fourth Congress.
Mary Speak, H. R. 13449, Sixty-fourth Congress.
John S. Spurlock, H. R. 13524, Sixty-fourth Congress.
William Taylor, H. R. 13513, Sixty-fourth Congress.
James W. Tucker, H. R. 13530, Sixty-fourth Congress.
G. B. Turner, H. R. 13526, Sixty-fourth Congress.
Wash Wells, H. R. 13543, Sixty-fourth Congress.
William Wells, H. R. 13518, Sixty-fourth Congress.
Amos Bennett, H. R. 5524, Sixty-fourth Congress.
James M. Cook, H. R. 16810, Sixty-fourth Congress.
J. W. Hardwick, H. R. 5526, Sixty-fourth Congress.
Porter Hill, H. R. 15480, Sixty-fourth Congress.
John Thacker, H. R. 19276, Sixty-fourth Congress.
Frank B. Lawson, H. R. 14992, Sixty-fourth Congress.
Emily J. Mullins, H. R. 15639, Sixty-fourth Congress.

NORMAN E. IVES.

Mr. LLOYD. Mr. Speaker, I also offer the following resolution, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

House resolution 489 (H. Rept. No. 1625).

Resolved, That there be paid out of the contingent fund of the House $1,400 to Norman E. Ives, for extra and expert services to the Committee on Invalid Pensions, from March 5, 1916, to March 4, 1917, each date inclusive, as assistant clerk to said committee by detail from the Bureau of Pensions, pursuant to law.

With a committee amendment, as follows:

Amend by striking out on line 2 the figures "$1,400" and inserting "$800," and by striking out on lines 4, 5, and 6 the words "from March 5, 1916, to March 4, 1917, each date inclusive," and inserting in lieu thereof "during the second session of the Sixty-fourth Congress," so that the resolution as amended will read:

"*Resolved*, That there be paid out of the contingent fund of the House $800 to Norman E. Ives for expert services to the Committee on Invalid Pensions during the second session of the Sixty-fourth Congress, as assistant clerk to said committee, by detail from the Bureau of Pensions, pursuant to law."

Mr. SISSON. Mr. Speaker, this is the second detail from the Pension Office to the Committee on Pensions?

Mr. LLOYD. No; the latter one goes to the Committee on Invalid Pensions.

Mr. SISSON. That is the usual amount?

Mr. LLOYD. Yes; that is the usual amount.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 19410. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes;

H. R. 19119. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes;

H. R. 20755. An act to provide a temporary government for the West Indian Islands acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916, and for other purposes;

H. R. 20082. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914;

H. R. 12030. An act to amend an act entitled "An act to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.," approved August 3, 1914; and

H. R. 19300. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 8317. An act to authorize the Legislature of Alaska to establish and maintain schools, and for other purposes; and

S. 8307. An act authorizing the granting of patent to certain lands adjacent to the agricultural experimental station at Scottsbluff, Nebr., to the regents of the University of the State of Nebraska for dry-land agricultural experimental purposes.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 5948. An act for the relief of Hays Gaskill;

H. R. 20748. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1918, and for other purposes;

H. R. 20573. An act to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes; and

H. J. Res. 335. Joint resolution for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 20 minutes a. m., Saturday, March 3, 1917) the House adjourned until Saturday, March 3, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War transmitting, with a letter from the Chief of Engineers, report on preliminary examination of harbor at Havre de Grace, Md. (H. Doc. No. 2105); to the Committee on Rivers and Harbors.

2. A letter from the Secretary of War transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Shinnecock Bay, N. Y. (H. Doc. No. 2106); to the Committee on Rivers and Harbors.

3. A letter from the Secretary of War transmitting, with a letter from the Chief of Engineers, report on preliminary examination of channel west of Swan Island, Kennebec River, Me., near the town of Richmond (H. Doc. No. 2107); to the Committee on Rivers and Harbors.

4. A letter from the Secretary of War transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Mystic River, Mass., from the mouth of Island End River to Woburn, or as far as practicable, and Mystic River, Mass., below the Island End River, with a view to widening the river (H. Doc. No. 2108); to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5270) for a public building at Paris, Tex., reported the same with amendment, accompanied by a report (No. 1618), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LLOYD, from the Committee on Accounts, to which was referred the resolution (H. Res. 518) to continue the investigation authorized by House resolution No. 229, reported the same without amendment, accompanied by a report (No. 1617), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 358) providing for the construction of a public building at Binghamton, N. Y., reported the same with amendment, accompanied by a report (No. 1619), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 6601) for the enlargement of the post-office building in Pittsburgh, Pa., reported the same without amendment, accompanied by a report (No. 1620), to which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 21074) to increase the limit of cost for the proposed new Federal building at Madison, Wis., and the site thereof, reported the same without amendment, accompanied by a report (No. 1621), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Kentucky, from the Subcommittee on the District of Columbia, submitted a report (No. 1622), under resolutions, House resolution 229 and House resolution 256, on the indebtedness of the District of Columbia to the United States on account of erroneous application of court fines in United States cases, District of Columbia, which said report was referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LEWIS: A bill (H. R. 21098) to secure to the United States a monopoly of electrical communication for hire; to provide for the acquisition by the Post Office Department of the telephone and telegraph networks; and to license certain telephone lines, radio and telegraph agencies; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of Kentucky: Resolution (H. Res. 548) providing for the consideration of H. R. 21069; to the Committee on Rules.

By Mr. MOON: Joint resolution (H. J. Res. 387) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes; to the Committee on Appropriations.

By Mr. KITCHIN: Joint resolution (H. J. Res. 390) to expedite the delivery of materials, equipment, and munitions, and to secure more expeditious construction of ships; to the Committee on Ways and Means.

By Mr. EMERSON: Joint resolution (H. J. Res. 388) granting permission to the people of the State of Ohio to place statues of William McKinley and ex-Senator Marcus A. Hanna in the Hall of Fame in the Capitol of the United States; to the Committee on the Library.

By Mr. MORIN: Joint resolution (H. J. Res. 389) to provide for the forming of a commission of representatives of the United States Senate and House of Representatives, the United States Army, the Organized Militia, and men representing the social, educational, and industrial life of the country to devise methods and plans for our national defense; to the Committee on Appropriations.

By Mr. HUMPHREY of Washington: Memorial of the Legislature of the State of Washington, favoring an appropriation by Congress for the purpose of making such improvements in Skokomish River as will effectively protect the lands in Skokomish Reservation; to the Committee on Indian Affairs.

Also, a memorial of the Legislature of Washington, urging the necessity of formulating some constructive policy relative to water-power development and the enactment of necessary legislation to carry on its development; to the Committee on Interstate and Foreign Commerce.

By Mr. DILL: Memorial of the Legislature of the State of Washington, favoring an appropriation by Congress for the purpose of making such improvements in Skokomish River as will effectively protect lands in Skokomish Reservation; to the Committee on Indian Affairs.

Also, a memorial of the Legislature of the State of Washington, urging the necessity of formulating some constructive policy relative to water-power development and the enactment of necessary legislation to carry on its development; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWE: Memorial of the Legislature of the State of Pennsylvania, favoring volunteer retired bill; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. LANGLEY: A bill (H. R. 21076) granting an increase of pension to Abraham Rhinehart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21077) granting an increase of pension to William Pemington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21078) granting an increase of pension to Isaac Montgomery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21079) granting an increase of pension to John McKinney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21080) granting an increase of pension to Peyton Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21081) granting an increase of pension to Alfred A. Gambill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21082) granting an increase of pension to J. R. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21083) granting an increase of pension to William King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21084) granting an increase of pension to Thomas Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21085) granting an increase of pension to Woolery Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21086) granting an increase of pension to Joseph Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21087) granting an increase of pension to Milton Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21088) granting an increase of pension to Daniel Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21089) granting an increase of pension to David Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21090) granting an increase of pension to Nathaniel Blockburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21091) granting an increase of pension to Martin V. Barker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21092) granting an increase of pension to William Billeter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21093) granting an increase of pension to George W. Adkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21094) granting an increase of pension to Solomon Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21095) granting an increase of pension to Barzell F. Elliott; to the Committee on Pensions.

Also, a bill (H. R. 21096) granting an increase of pension to Chas. L. Farmer; to the Committee on Pensions.

Also, a bill (H. R. 21097) granting a pension to Deloney Bowling; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of New Jersey Society of the Sons of the American Revolution, favoring Federal measure for training for national defense; to the Committee on Military Affairs.

Also (by request), memorial of members of George Washington Post, No. 103, Department of New York, Grand Army of the Republic, favoring preparedness; to the Committee on Military Affairs.

By Mr. ASHBROOK: Evidence in support of House bill 21065, Charles W. Sasser, for special relief; to the Committee on Pensions.

By Mr. BACHARACH: Petition of 259 people of the Woman's Christian Temperance Union, Moorestown, N. J.; 35 people of the Methodist Protestant Church, Moorestown, N. J.; and 90 people of the Young Men's Christian Association, Moorestown, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BURKE: Petition signed by Rev. Christian Meyer and 20 other citizens of Theresa, Wis., protesting against this country entering the present European war and against American citizens being permitted to travel on belligerent merchant ships; to the Committee on Foreign Affairs.

Also, petition signed by F. A. Scharfenberg and 30 other citizens of Fort Washington, Wis., protesting against this country going to war and against American citizens being permitted to travel on belligerent merchant ships; to the Committee on Foreign Affairs.

By Mr. BUTLER: Petition of members of West Chester Lodge, Loyal Order of Moose, opposed to the bill increasing pound postage for publications; to the Committee on the Post Office and Post Roads.

Also, memorial of Brandywine Grange, No. 60, opposing an embargo on wheat and all foods; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Brandywine Grange, No. 60, 230 members, indorsing national prohibition; to the Committee on the Judiciary.

Also, petition of 34 citizens of Delaware County, Pa., favoring a Christian amendment to the United States Constitution; to the Committee on the Judiciary.

Also, petition of Chester (Pa.) Lodge, No. 285, Loyal Order of Moose, opposed to increasing the cost of mailing magazines as second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of the seventh Pennsylvania district, relative to high cost of living; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry church organizations of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. COLEMAN: Petition of 70 people of Allegheny County, Pa., favoring a Christian amendment to the United States Constitution; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of Robert F. F. Wolf and other residents of Slades Corners, Wis., asking that the will of the people be ascertained by a referendum before a state of war is allowed; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of members of the German Methodist Episcopal Church, of La Crosse, Wis., opposing war; to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of the Friends of Irish Freedom, protesting against the enactment of Senate bill 8148, the "espionage bill"; to the Committee on the Judiciary.

Also, petition of D. Ross Fraser, Oglesby, Ill., favoring universal military training; to the Committee on Military Affairs.

Also, petition of the Illinois committee on social legislation asking an appropriation of $200,000 for the enforcement of the child-labor law; to the Committee on Appropriations.

Also, petition of Zion Evangelical Association, of Belvidere, Ill., in favor of settling all differences with foreign nations by arbitration and not by war; to the Committee on Foreign Affairs.

Also, petition of the executive committee, National Association of Life Underwriters, praying that life insurance premiums and funds be exempt from taxation; to the Committee on Ways and Means.

Also, petitions of citizens of Illinois, praying that the United States be kept out of war; to the Committee on Foreign Affairs.

By Mr. GALLIVAN. Petition of sundry citizens of Boston, Cambridge, and Somerville, Mass., opposing mail-exclusion bills and prohibition legislation; to the Committee on the Post Office and Post Roads.

Also, memorial passed by Central Labor Union, Washington, D. C., asking a referendum vote on the District dry bill; to the Committee on the District of Columbia.

Also, memorial of the Board of Aldermen of the city of Chelsea, Mass., favoring an embargo on all foodstuffs and necessaries of life; to the Committee on Interstate and Foreign Commerce.

Also, petition of Adelaide E. Wadsworth, Boston, Mass., member of the Massachusetts Branch of the League to Enforce Peace, relative to the adoption of the league's proposals by the United States; to the Committee on Foreign Affairs.

By Mr. KEISTER: Petition of 200 people, Methodist Church, West Newton, Pa., and 122 people Woman's Christian Temperance Union, West Newton, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MANN: Petition of Sixth Ward Civic League of Chicago, Ill., favoring House bill 5763, the Nolan bill; to the Committee on Labor.

Also, petition of executive board, Chicago (Ill.) section, Council of Jewish Women, favoring House bill 5763; to the Committee on Labor.

By Mr. MORIN: Petition of the Garfield Board of Trade, Mr. J. A. Bowers, president, and J. M. Modispacher, secretary, urging the early designation, construction, and maintenance of a system of national highways, to be built and maintained by the National Government; to the Committee on Roads.

Also, petition of 800 members of Branch No. 5, German Roman Catholic Knights of St. George, urging that everything possible be done to keep our country out of war; to the Committee on Foreign Affairs.

Also, petition of 20,000 members of the German Roman Catholic Knights of St. George, urging that everything possible be done to keep our country out of war with the European nations; to the Committee on Foreign Affairs.

Also, petition of Mr. Ludwig Hummel, of Pittsburgh, Pa., in opposition to President being granted full power to protect American rights, and protesting against war; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Pittsburgh, Pa., protesting against a declaration of war without a referendum vote of all the people; to the Committee on Foreign Affairs.

By Mr. PRATT: Petition of a mass meeting held in Corning, N. Y., of which H. O. Dorman was secretary and Rev. John R. Adams was president, favoring a constitutional amendment prohibiting polygamy in the United States; to the Committee on the Judiciary.

By Mr. ROWE: Petitions of Frederick C. Noble and J. C. Meeny, of New York, favoring bill for compulsory military training; to the Committee on Military Affairs.

Also, petition of R. W. Kuehne, of Brooklyn, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Federation of German-American Catholics, Brooklyn, N. Y., opposing war with Germany except by a referendum vote; to the Committee on Foreign Affairs.

Also, petition of R. J. Caldwell, New York, N. Y., favoring appropriation for the enforcement of the child-labor act; to the Committee on Appropriations.

Also, memorial of Chamber of Commerce of the State of New York, relative to protection of American lives and property at sea; to the Committee on Foreign Affairs.

Mr. SMITH of Michigan: Petition of C. S. Veeder and 83 citizens of Hillsdale, Mich., and vicinity, protesting against House bill 20357, Sunday-observance bill; to the Committee on the District of Columbia.

By Mr. STAFFORD: Petition of members of the Wisconsin Branch of the National Security League, favoring the enactment of legislation for universal military training; to the Committee on Military Affairs.

Also, petition indorsed by 20 citizens of the fifth Wisconsin district, urging the enactment of legislation for national military training; to the Committee on Military Affairs.

SENATE.

SATURDAY, *March 3, 1917.*

(Legislative day of Friday, March 2, 1917.)

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

ARMED MERCHANT SHIPS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McLean	Sherman
Borah	Hardwick	Martin, Va.	Smith, Ga.
Brady	Hitchcock	Myers	Smith, S. C.
Brandegee	Hollis	Nelson	Smoot
Bryan	Husting	Norris	Sterling
Chamberlain	James	Oliver	Stone
Culberson	Jones	Overman	Sutherland
Curtis	Kenyon	Page	Swanson
Dillingham	La Follette	Pomerene	Thomas
Fall	Lea, Tenn.	Reed	Wadsworth
Fernald	McCumber	Sheppard	

Mr. JAMES. I desire to announce that my colleague [Mr. BECKHAM] is detained from the Senate by reason of illness in his family.

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. KIRBY, Mr. THOMPSON, Mr. TILLMAN, Mr. WEEKS, and Mr. WILLIAMS answered to their names when called.

Mr. SHAFROTH, Mr. CLAPP, Mr. ROBINSON, Mr. MARTINE of New Jersey, and Mr. WORKS entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. There is a quorum present.

Mr. CHAMBERLAIN, Mr. THOMAS, and Mr. BRANDEGEE addressed the Chair.

The VICE PRESIDENT. The Senator from Connecticut [Mr. BRANDEGEE] had the floor when the recess was taken.

Mr. THOMAS. Will the Senator yield to me for a very important matter that will take only a moment?

Mr. BRANDEGEE. I will yield if I can do so without losing the floor.

The VICE PRESIDENT. If no Senator raises the question the Chair will not raise it.

Mr. BRANDEGEE. I could not yield on that condition, because some one may raise the question. I will be perfectly willing to yield the floor if I can do so without losing it.

Mr. THOMAS. I certainly would not under any circumstances have the Senator lose the floor.

The VICE PRESIDENT. The Chair will rule that the Senator from Connecticut has not lost the floor.

Mr. BRANDEGEE. I yield to the Senator on that basis.

GUY A. RICHARDS AND OTHERS.

Mr. THOMAS. The last number upon the calendar is Order of Business No. 1019, the bill (S. 7766) for the relief of Guy A. Richards, Jesse L. Robbins, Isaac M. C. Grimes, William L. Irvine, and David Cox. It is a bill for the relief of five homesteaders, two in Colorado and three living in Nebraska, located upon quarter sections on the border line between the two States. When they were ready to prove up and receive their patents a new survey practically wiped out their location by destroying the surveys which embraced this ground. It is the purpose of the bill to permit them to make selections in the same acreage elsewhere upon the unappropriated public domain. It is a case of great importance to them in the exigency with which they are confronted. I ask unanimous consent for the immediate consideration of the bill.

Mr. SMOOT. Let me ask the Senator a question. In selecting the land in lieu of that taken before are they allowed to locate anywhere in any State?

Mr. THOMAS. They are allowed to select lands where they can secure them and apply upon those lands the residence which they have heretofore had upon these quarter sections. It is one of the most meritorious cases that was ever presented to the consideration of the Senate for the relief of a private citizen.

Mr. SMOOT. I have no objection to the bill, but it does seem to me that we ought to limit them to entering lands within the States in which they originally located.

Mr. THOMAS. I will say to the Senator I am informed that they have already made selections in Colorado and in Nebraska. That information is second hand.

Mr. NORRIS. They ought not to be limited to the public lands in a single State. They made that entrance, and by reason of surveys they have not any land. They ought to be allowed to go anywhere where there are public lands.

Mr. THOMAS. I ask for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That Guy A. Richards, of Cambridge, Nebr.; Jesse L. Robbins, of Lamont, Nebr.; Isaac M. C. Grimes, of Lamont, Nebr.; William L. Irvine, of Witherbee, Colo.; and David Cox, of Holyoke, Colo., who made entries under the homestead laws in accordance with the official plat of survey approved November 23, 1881, of public lands shown by said plat to be a part of township 5 north, range 42 west of the sixth principal meridian, and prior to the resurvey of said township evidenced by plat approved January 30, 1915, which resurvey and plat thereof show the nonexistence of the land as entered and described by said parties, be, and they are hereby, authorized to make individual selections, within one year from the date of approval of this act, of unappropriated, surveyed, nonmineral public land, in area approximately equal to that entered by them and shown not to exist.

SEC. 2. That upon filing formal relinquishment of all right and claim asserted under said original homestead entries and making proof satisfactory to the Commissioner of the General Land Office of having so complied with the requirements of the homestead laws in connection with their original entries as would have entitled them to patents therefor, patent shall isue for the land selected: *Provided*, That if any of said parties is unable to show that he had earned title to the land formerly entered he shall perfect said selection as a homestead and receive credit for residence and improvements had in connection with such former entry.

SEC. 3. That the right of selection hereby granted shall not be assignable, but must be exercised by the said parties in person or, in case of death, by or in behalf of the decedent's heirs: *Provided*, That the land selected shall be of similar character to that actually claimed and occupied by the said parties under their original entries; but if selection is made of lands designated as subject to entry under the stock-raising homestead act approved December 29, 1916, double the area embraced by said original entries may be selected: *Provided further*, That the selections hereby authorized may be made subject to existing laws relating to surface entry, with reservation of minerals to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. THOMAS. I am very grateful, indeed, to the Senator from Connecticut.

LEGISLATIVE, ETC., APPROPRIATIONS.

Mr. OVERMAN. Will the Senator from Connecticut yield to me?

Mr. BRANDEGEE. On the same condition.

The VICE PRESIDENT. The Chair will not allow the Senator from Connecticut to lose the floor, unless the Senate overrules him.

Mr. OVERMAN. I ask for action on the conference report on the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes. There was only one item in dispute, and I ask for the adoption of the report.

Mr. NORRIS. I wish to inquire of the Senator if the item in dispute was that in regard to salaries?

Mr. OVERMAN. Yes, sir.

Mr. NORRIS. It is the same rate as in the Indian appropriation bill?

Mr. OVERMAN. Yes; the same provision that is contained in all the bills.

Mr. NORRIS. I understand that the Post Office appropriation bill, which has been passed, does not have the same provision.

Mr. OVERMAN. I do not know anything about that. I know that some of the others have it.

Mr. NORRIS. The reason in that case, I understand, was that the salary increases were not in conference. It was impossible to put them in.

Mr. SMOOT. I will say to the Senator from Nebraska that when the Post Office appropriation bill passed the House there was no provision whatever increasing the salary of Government employees provided for in that bill. It came to the Senate, and the Senate adopted the so-called Smoot amendment, increasing the salaries provided for in the bill. It went back to the House, and conferees were appointed, and in conference the amendment agreed to by the Senate was adopted by the House.

Mr. NORRIS. That means that there was only one item in dispute in conference, and that was the Smoot amendment.

Mr. SMOOT. Yes.

Mr. NORRIS. The conferees would have had power, of course, to cut that down, because the House had provided for no increase whatever, but the conferees were powerless to increase it. So in that case, unless we pass a joint resolution to exchange it, or something of the kind, it will be an impossibility for them to give to those clerks the increase in this bill, unless it should be claimed as to a certain class of them that, for instance, up to $480 under the Smoot amendment a greater amount was given than by the House amendment.

Mr. SMOOT. Mr. President, they could have done exactly the same as they did upon the Indian appropriation bill. There was no increase provided on the Indian appropriation bill as it passed the House, but the Smoot amendment was put upon that bill in the Senate, and the conferees went even so far as to adopt the House provision on the Indian bill, which, under the same rule, they could have adopted on the Post Office appropriation bill.

Mr. NORRIS. Yes; but that would have been subject to a point of order; and I suppose, in view of the opposition particularly to that bill, a point of order would have been made.

Mr. SMOOT. I understand, of course, that the point of order would not have lain; but I understand that objection would have been made to it. Of course, we could have taken a vote of the Senate upon it.

Mr. NORRIS. That only emphasizes, as it seems to me, what the condition now is in regard to these increases. The increases as provided for in the bill as it originally passed the House—I do not remember now what bill it was——

Mr. SMOOT. The Indian appropriation bill.

Mr. NORRIS. Well, what is known as the House provision went into the Indian appropriation bill; it went into the District appropriation bill; and it has gone into all the appropriation bills so far, except the Post Office appropriation bill. In the Post Office appropriation bill there is the so-called Smoot amendment, that has been agreed to. That means that employees of the Government in the Post Office Department doing the same work as employees of the Government in another and different department of the Government will get a different salary for the coming fiscal year.

Mr. OVERMAN. That is true, and the salaries ought to be the same.

Mr. NORRIS. They ought to be the same, it seems to me; and Congress ought to correct it. I should myself have objected to the consideration of the Post Office appropriation bill had I known at that time that that provision was not in it; but I assumed, in accordance with what I understood to be the universal understanding in both Houses of Congress, that when this matter of salaries was thrashed out and had been once agreed to by both Houses in one bill, all the conferees after that, by unanimous consent, would embody provisions in regard to the salaries in each bill such as were agreed to on that bill. The matter was explained to me by one of the conferees; and but for that explanation I should have made a motion to reconsider. From his explanation I reached the conclusion that the matter in the Post Office appropriation bill was really not in conference, and that if they brought in an amendment the same as we had adopted in the other appropriation bills, it would have been subject to a point of order, because the conferees would have exceeded their authority. That, however, does not do away with the fact that there is an injustice now among the employees. I do not know of any other way to change it now, unless we pass a joint resolution.

Mr. REED. Is it not true that there is a difference in the pay of the post-office employees and other employees of the Government in this, that post-office employees get increased pay through longevity, as it is called; that is, that there is an increased pay to at least certain of the post-office employees because of the length of time they have served; and that in some of the other departments that is not generally true, and that therefore they do not come within the same equity? Therefore, to state it better, the equity to which the Senator appeals does not apply to these other employees.

Mr. NORRIS. That may be; I am not well enough versed in the matter to know; but I think the Senator from Missouri will agree with me that there are at least a good many employees to whom that inequity will apply.

Mr. REED. I am not saying otherwise. I ask the Senator from Utah if I am correct in my statement?

Mr. SMOOT. The Senator from Missouri is correct, so far as certain employees of the Government are concerned, beginning with those who are receiving a salary of $800; then, for each additional year they serve in the department they are increased $100 per annum until they reach $1,200 per annum. But I was going to say to the Senator from Nebraska [Mr. NORRIS] that the amount of increased cost to the Government under the House provision, if it had applied to the Post Office appropriation bill, would have been one-half of all the cost to the Government if the salaries of all the employees of the Government had been increased. So we must remember that in accepting the Smoot amendment on the appropriation bill, with the amendment which was adopted to it—which was offered by the Senator from Florida [Mr. BRYAN], and which I was compelled to accept, or else my amendment would have gone out on a point of order—one-half of the expense to the Government was wiped out in that one department.

Mr. NORRIS. In the Post Office Department?

Mr. SMOOT. In the Post Office Department.

Mr. NORRIS. If that be true, it only demonstrates the fact that there must be somewhere in the departments a large number of employees who will not be provided for by this amendment.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

ARMED MERCHANT SHIPS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes.

The VICE PRESIDENT. The Senator from Connecticut has the floor.

Mr. HARDWICK. Will the Senator from Connecticut yield to me for just a moment?

Mr. BRANDEGEE. I yield to the Senator on condition that I do not lose the floor.

Mr. HARDWICK. I ask unanimous consent for the present consideration of Order of Business 850, being the bill (H. R. 14826) for the relief of F. M. Barfield. It is a small post-office claims bill, and I know that it is all right. My illness at an earlier stage of the session prevented an earlier consideration of it. It is a unanimous report both from the Senate committee and from the House committee.

Mr. SMOOT. That may be; but I ask the Senator from Georgia for what purpose is the claim?

Mr. HARDWICK. The post office was burglarized.

Mr. SMOOT. All of those claims have been objected to in the past because of the fact that they have gone to the Claims Committee, and the Claims Committee have held them up for years.

Mr. HARDWICK. That is not true as to this case.

Mr. SMOOT. Not this one; but I will say to the Senator that there have been at least 50 claims of exactly the same character.

Mr. HARDWICK. But the Senator does not want to object to this claim, surely?

Mr. SMOOT. I want all claims to be treated alike.

Mr. HARDWICK. I am perfectly willing for them all to be treated alike; but wherever they are just they ought to be paid, and I know all about this one. The Senator therefore ought not to give trouble in reference to its consideration.

Mr. SMOOT. I will ask the Senator to let it go over now. I will read the report, and then, if the claim is all right, I shall not object.

Mr. HARDWICK. I may not have another chance to get the bill up, as the Senator knows, at this stage of the session.

Mr. SMOOT. Oh, yes; the Senator will.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BRANDEGEE. Yes.

Mr. HITCHCOCK. I ask the Senator to yield that I may offer an amendment to the pending bill. The amendment consists of the text of the Senate bill with two merely verbal amendments. I suppose it ought to be read so as to be before the Senate.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks, and the President of the United States is hereby authorized and empowered to supply such vessels with defensive arms, and also with the necessary ammunition and means of making use of them; and that he be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States thereon in their lawful and peaceful pursuits on the high seas.

SEC. 2. That the sum of $100,000,000 is hereby appropriated, to be expended by the President of the United States for the purpose of carrying into effect the foregoing provisions, the said sum to be available until the first day of January, 1918.

SEC. 3. That for the purpose of meeting the expenditures herein authorized the Secretary of the Treasury, under the direction of the President, is hereby authorized to borrow on the credit of the United States and to issue therefor bonds of the United States not exceeding in the aggregate $100,000,000, said bonds to be in such form and subject to such terms and conditions as the Secretary of the Treasury may prescribe, and to bear interest at a rate not exceeding 3 per cent per annum: *Provided*, That such bonds shall be sold at not less than par, shall not carry the circulation privilege, and that all citizens of the United States shall be given an equal opportunity to subscribe therefor, but no commission shall be allowed or paid thereon; that both principal and interest shall be payable in United States gold coin of the present standard of value, and be exempt from all taxation and duties of the United States, as well as from taxation in any form of all State, municipal, or local authorities; that any bonds issued hereunder may, under such conditions as the Secretary of the Treasury may prescribe, be convertible into bonds bearing a higher rate of interest than 3 per cent per annum if any bonds shall be issued by the United States at a higher rate than 3 per cent per annum by virtue of any act passed on or before December 31, 1918.

SEC. 4. That in order to pay the necessary expenses connected with the said issue of bonds, or any conversions thereof, a sum not exceeding one-fifth of 1 per cent of the amount of bonds herein authorized to be issued, or which may be converted, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct.

SEC. 5. That the President is authorized to transfer so much of the amount herein appropriated as he may deem necessary, not exceeding $25,000,000, to the Bureau of War-Risk Insurance, created by act of Congress approved September 2, 1914, for the purpose of insuring vessels, their freight, passage moneys, and cargoes against loss or damage by the present risks of war.

Mr. SMOOT. Mr. President, may I ask the Senator from Nebraska a question?

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Utah?

Mr. BRANDEGEE. I yield to the Senator for a question.

Mr. SMOOT. I desire to ask a question in relation to this amendment which has been offered. Do I understand that the Senator from Nebraska offers this as an amendment to Senate bill 8322?

Mr. HITCHCOCK. No; it is offered as an amendment to the House bill which is now before the Senate. I am offering the text of the Senate bill as an amendment.

Mr. NELSON. Mr. President, may I ask——

Mr. BRANDEGEE. I yield to the Senator.

Mr. NELSON. May I ask the Senator from Nebraska if the substitute he has offered is identical with the Senate bill?

Mr. HITCHCOCK. It is, with two exceptions. The words "fore and aft," referred to by the Senator from Massachusetts [Mr. LODGE] yesterday, effecting a limitation, are stricken out and the word "thereon" has been inserted, so as to limit the protection of citizens of the United States to those upon American ships.

Mr. NELSON. Those are the only changes?

Mr. HITCHCOCK. Those are the only changes.

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Pennsylvania?

Mr. BRANDEGEE. I yield.

Mr. OLIVER. My purpose is to call for the regular order.

Mr. BRANDEGEE. I will yield if unanimous consent is given.

The VICE PRESIDENT. The Chair is going to protect the Senator during the morning hour.

Mr. BRANDEGEE. If any Senator objects to my yielding, I will not do so.

Mr. OLIVER. If the Chair is going to protect the Senator, I will not call for the regular order; but we are engaged in perhaps the most important legislation that has demanded the attention of the American Congress in years. I therefore think we ought to proceed with its consideration and prosecute it to a conclusion, and I do not think any other business ought to be allowed to interfere with it.

Mr. WEEKS. I ask unanimous consent that I may be permitted to have printed in the RECORD a telegram, written by C. C. Carstens and many others, relating to the international question which is now under discussion.

The VICE PRESIDENT. Without objection, it is so ordered. The telegram is as follows:

BOSTON, MASS., *March 1, 1917.*

Hon. JOHN W. WEEKS,
Senate Chamber, Washington, D. C.:

Because Germany, by its deliberate acts, is not only driving American commerce from the seas but is killing our fellow citizens, therefore we, the undersigned, with no love for war but with a sense of the Nation's duty, pledge our unswerving support to the Government in immediate and forcible measures of defense.

C. C. Carstens, Dorothy M. Bailey, Fannie E. Barnes, Edith M. H. Bayler, Mary Beard, Mattie L. Beattie, Florence W. Birchard, Meyer Bloomfield, Richard C. Cabot, M. D., Margaret Caswell, Jessie E. Catton, Ernst H. Cole, Emily T. Collins, Michael Davis, jr., Mary S. Doran, Helen B. Fenilon, Henry Copley Greene, R. S. Hardwick, Carrington Howard, Ray S. Hubbard, Charlotte M. Huntoon, Fred R. Johnson, Philip W. Carter, Jeffery R. Backett, Elanor L. Boutelle, Elizabeth L. Holbrook, Harriet A. Benton, Ida E. Ridgeway, Almeda F. Cree, Parker B. Field, Mattie J. Floyd, Jennie F. I. Dixon, Katharine P. Hewins, Amy Woods, Mabell B. Blake, Ruth V. Emerson, Edith M. Baker, Katharine S. Crothers, Alida Winklemann, Dorothy White, James W. Holland, Charles O. Currie, James R. Lowell, Frances Jefferson, Myrtle L. Noyes, Alfred F. Whitman, Elizabeth Piera, Magie B. Blake, Elizabeth Spring, H. G. Maxted, Sally E. Batchelder, Carrie E. White, Mary L. Birtwell, Jane E. Kemp, Fred H. Knight, Horatio A. Lamb, George S. Mansfield, Rina Mathewson, J. Prentiss Murphy, Grace O'Bryan, William H. Pear, Mabel H. Pratt, Clifford W. Reed, Bertha C. Reynolds, Mary Grant Skinner, Seymour H. Stone, Anna H. Strong, Helen P. Tafton, Marion S. Tewksbury, Evelyn Towne, Eleanor Woods, Robert A. Woods, Cornelia Wright, Lucy Wright, Walter E. Young, Annie F. Wilson, George M. Smith, Benjamin C. Weakley, Jessie L. Warner, Ada E. Sheffield, Edith R. Gale, F. Leslie Hayford, Thekla Andren, Edith M. Mason, Elizabeth W. Simpson, Agnes L. Johnson, E. Mabel Locke, Ida M. Cannon, Amy B. Edmond, Elizabeth Tyler, Hazel Thorpe, Edith Byrnes, E. S. Kavanagh, Harrison G. Wagner, N. S. Butler, Maria C. Butler, Mary T. Baker, Walter C. Bell, Helen E. Gilbert, Helen L. Marsters, Martha E. Lovell, M. D., Dorothea P. Coe, Marie H. Rockwood, Elizabeth F. Chase, Annie R. Walford, Charles W. Birtwell.

Mr. THOMPSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Kansas?

Mr. BRANDEGEE. Yes.

Mr. THOMPSON. I should like to present, in support of the question now before the Senate, a resolution from the Chamber of Commerce of Pittsburg, Kans., and to have it printed in the RECORD; also a letter from Mr. George B. Kinkead, dean of Salina, Kans.; and a letter from Mrs. H. E. Hembling, of Emporia, Kans.; and a letter from Hon. Frank Doster, former justice of the supreme court, of Topeka, Kans.

I think these letters and resolution fairly present the opinion of the patriotic American citizens of Kansas and the Nation on this vital international issue. I shall therefore support the bill as reported from the committee.

Mr. SIMMONS. Mr. President, I call for the regular order. I do not know whether the Senator from Kansas has unanimous consent or not. If he has, I can not enforce my demand; but otherwise I call for the regular order.

Mr. THOMPSON. I am not going to read the letters, but simply ask to have them printed in the RECORD, as largely expressing my views on the important question we are now discussing. Of course, if the Senator objects I shall read the letters as a part of my remarks on the subject.

Mr. SIMMONS. Very well; but after that I shall call for the regular order.

The VICE PRESIDENT. Without objection, the request of the Senator from Kansas is granted.

The matter referred to is as follows:

THE CHAMBER OF COMMERCE,
Pittsburg, Kans.

Resolutions.

Whereas the relations between the United States and the Imperial Government of Germany became such that President Wilson saw fit, in his judgment, to sever diplomatic relations with Germany; and

Whereas there is no room in this Nation for a divided allegiance, but all have one flag and one country, whenever and wherever the sovereignty of our Nation is challenged: Therefore be it

Resolved—

First. That we, the Chamber of Commerce of Pittsburg, Kans., in regular meeting assembled do hereby indorse and approve the action of President Wilson in severing diplomatic relations with Germany, and hereby pledge to him our unqualified support and fealty.

Second. That we hereby indorse and commend the action taken by the United States Senate in upholding and sustaining the President's action.

Third. That a copy of these resolutions be forwarded to President Wilson and to our Senators and our Representative in Congress.

Adopted February 13, 1917.

SALINA, KANS., *February 13, 1917.*

MY DEAR SENATOR THOMPSON: In a great crisis such as that which our country now faces, you naturally will desire to be informed of the state of mind of your constituency.

There are two states of mind, so far as I have been able to observe. The first, that of those of German extraction, who are in favor of peace at any price, who are very enthusiastic about the fatherland, and while, in their speeches and their letters, they proclaim themselves for "America first and last," they are in reality interested only in Germany. The rest of us, loyal Americans, are deeply chagrined at the humiliating way that Germany has played with us from first to last, and now finally has filled the cup to overflowing by giving us orders depriving us of the right to travel on the high seas. We not only feel that the President is justified in breaking relations with Germany, but we feel that Germany has again and again produced a "casus belli," and that we as consistently have run away.

We look to you, as our representative, to bring influence to bear to remove the disgrace and the shame that is being heaped upon our country by this policy of weakness and eternally seeking peace, regardless as to whether or not that peace is being bought at the price of shame and dishonor. It were infinitely better that we, as a nation, should die fighting than that we should die of moral inanition.

I think that this can fairly be said to represent the opinion of a very large number of the citizens, an opinion which has been slow in crystallizing, and which has not been held by many of them in times past. So far as I can see, however, those of us who are not of German birth are firmly of the opinion that the time is overripe to accept the declaration of war that Germany has made in fact if not in words.

I trust sincerely that you will hold above all else to the honor and dignity of this Nation, and that you will omit nothing in deed which will protect our nationals while they are traveling in accord with the rights of international law.

Faithfully, yours, GEORGE B. KINKEAD,
Dean of Salina.

—

BELLEVILLE, N. J., *March 1, 1917.*

Senator WILLIAM THOMPSON,
Washington, D. C.

MY DEAR SIR: As one of your constituents, I write to urge your aid of all measures of defense against the machinations of German militarism and world imperialism. Life is not so dear nor peace so sweet as to be purchased at such a price as democracy would have to pay later. We would suggest that Congress retain its right to declare war unless Congress is certain that the prerogatives will be exercised by our patient President at the right time should it become imperative. Immediate defensive action in behalf of human rights and democracy we plead.

Sincerely, yours, Mrs. H. E. HEMBLING,
(Emporia, Kans.)

—

PASADENA, CAL., *February 9, 1917.*

Hon. WILLIAM H. THOMPSON,
United States Senate, Washington, D. C.

DEAR SENATOR: Temporarily domiciled here in California, I am still a Kansan, and as such I am making bold to write to all our Representatives, both in the Senate and House, and asking them to be outspoken in support of the attitude the President is now taking toward the German conduct of the war.

There is much in England's political past to be reprobated, but notwithstanding this she is now, I think, engaged in a battle for what we Americans hold sacred—the right of self-government. This European conflict is a struggle between modern democracy and the theory of the divinity of kings. It is more than a contest for commercial supremacy, more than one for freedom of the seas or for international right; it is one between the medieval conception of man as the obedient vassal of rulers and man as a free political agent—sovereign himself. German philosophy, German militarism, German subserviency to autocratic power, German "kultur," in short, are utterly opposed to the democratic ideal, and in this war have challenged to the death the vital principles of popular government.

The governing authorities of this country should not hesitate to express as the sense of the American people that Germany's vast military organization; her sedulously inculcated military spirit; her world-wide system of espionage; her shameless flouting of treaty obligations; her brutal enslavement of the people of the countries her armies have overrun constitute a menace to the peace and liberty of the world and justify the employment against her of the armed power of this country.

These are not alone my own sentiments, but out here in California I believe them to be shared by an overwhelming majority. I shall hope the Kansas delegation in Congress will be of a mind to express the same feelings when the occasion comes.

Sincerely, yours, FRANK DOSTER,
(Topeka, Kans.)

GLACIER NATIONAL PARK.

The VICE PRESIDENT. The regular order has been called for.

Mr. MYERS. Mr. President, will the Senator from Connecticut yield to me for half a minute?

Mr. BRANDEGEE. I would be glad to do so, but the Senator from North Carolina——

Mr. MYERS. I do not want to ask anything for myself.

Mr. BRANDEGEE. I should be glad to yield, but the Senator from North Carolina has demanded the regular order. I have no control of that situation. If I can yield to the Senator, I cheerfully do so.

Mr. MYERS. Let me say that I have sat here while 30 other Senators were granted permission to transact business of more or less importance, and the Senator from North Carolina——

Mr. SIMMONS. I withdraw my objection, because I think the Senator was cut off unduly a day or two ago.

Mr. MYERS. I was cut off unduly this morning, right now.

Mr. BRANDEGEE. I did not cut the Senator off.

Mr. MYERS. No; the Senator from Connecticut did not.

Mr. BRANDEGEE. I am yielding to the Senator.

Mr. MYERS. The Senator from North Carolina did. I will ask the Senator from Connecticut if he will yield to me in a matter that will not take any time and about which there is no dispute?

Mr. BRANDEGEE. So far as I am concerned, I will yield, if I do not lose the floor.

Mr. MYERS. I ask that the amendments of the House to Senate bill 778 be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 778) to authorize an exchange of lands with owners of private holdings within the Glacier National Park, which will be read.

The SECRETARY. On page 1, line 10, after the word "park," insert "within townships 32 and 33 north, ranges 18 and 19 west of Montana principal meridian"; on page 2, line 3, after "Montana," strike out all down to and including "States," in line 7; on page 3, line 2, strike out all after "receipts" down to and including the word "State" in line 5; and on page 3, line 20, after "forests," insert "*Provided further*, That the Secretary of Agriculture and Secretary of the Interior shall jointly report to Congress in detail the factors upon which valuations were made."

Mr. SUTHERLAND. Mr. President, I want to ask the Senator from Montana whether or not this bill provides for a lease of these lands?

Mr. MYERS. It certainly does not. I will make a brief statement, if the Senator will give me an opportunity, about the nature of the bill. I desire to say that it is not my bill, and if Senators vote for the motion it will be no accommodation to me whatever. This is a bill of my colleague [Mr. WALSH] providing for the exchange of privately owned lands in the Glacier National Park for Government lands of equal value outside of the park. The House put on two or three little amendments, the principal one of which was to limit it to certain sections and not let it be so general. It also made two or three other amendments limiting the scope of the bill, so that it is not quite so general. I have no personal interest in this matter whatever. The Secretary of the Interior favors the changes, my colleague [Mr. WALSH] favors them, and I am simply making this motion on his behalf because I am chairman of the Committee on Public Lands. I move that the House amendments be concurred in.

The VICE PRESIDENT. The question is on that motion.

The motion was agreed to.

FLOOD CONTROL (S. DOC. NO. 740).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting estimate of appropriations required by the War Department for the service of the fiscal year ending June 30, 1918, for prosecuting the work of flood control on the Mississippi and Sacramento Rivers in accordance with the provisions of the flood-control act approved March 1, 1917, $4,500,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

GILA RIVER FLOOD CONTROL.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting pursuant to law a special report on the Gila River flood control in Graham County, Ariz., which, with the accompanying report, was referred to the Committee on Indian Affairs.

MOUNT M'KINLEY NATIONAL PARK (S. DOC. NO. 742).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting a supplemental estimate of appropriation in the sum of $10,000 for the protection and improvement of Mount McKinley National Park, created by the act of February 26, 1917, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PUBLIC UTILITIES COMMISSION.

The VICE PRESIDENT laid before the Senate a communication from the Public Utilities Commission of the District of Columbia, stating pursuant to law that the balance sheets for the year ended December 31, 1916, and other information required by the Public Utilities Commission of the various utilities under its jurisdiction which have been received since February 1, 1917, have been submitted to the Speaker of the House of Representatives, which was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing

votes of the two Houses on the amendments of the House to the bill (S. 135) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PADGETT, Mr. TALBOTT, Mr. ESTOPINAL, Mr. BUTLER, and Mr. ROBERTS of Massachusetts managers at the conference on the part of the House.

The message further announced that the House had agreed to the concurrent resolution of the Senate authorizing the Secretary of the Senate to insert the words "act of" after the word "the," where it first occurs in line 12 in the enrollment of the bill (S. 135), for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 20872. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes; and

H. R. 21069. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1917, and prior fiscal years, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 135. An act for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863;

S. 778. An act to authorize an exchange of lands with owners of private holdings within the Glacier National Park;

H. R. 20082. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914;

H. R. 20496. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 20755. An act to provide a temporary government for the West Indian Islands acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916, and for other purposes;

H. R. 20827. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. J. Res. 334. Joint resolution authorizing the President to appoint delegates to attend the Tenth International Congress of the World's Purity Federation, to be held in the city of Louisville, State of Kentucky, November 8 to 14, 1917.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a telegram, which will be inserted in the RECORD.

The telegram is as follows:

KANSAS CITY, *March 3, 1917.*

The UNITED STATES SENATE,
Care of Vice President MARSHALL, *Washington, D. C.:*

The following was adopted at mass meeting of citizens held at 612 Main Street to-night:

"*Resolved*, That we consider preposterous the idea of a foreign invasion of America and demand protection from the high cost of living and the exploitation of traitors at home."

INTERNATIONAL BROTHERHOOD WELFARE ASSN.,
ED RAY, *Acting Secretary.*

Mr. OLIVER presented petitions of sundry citizens of New Castle and Punxsutawney, in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 1046, United Mine Workers of America, of Tyre, Pa., praying for an investigation into the high cost of living, which was referred to the Committee on the Judiciary.

He also presented a petition of the Garfield Board of Trade, of Pittsburgh, Pa., praying for the construction of a national system of highways, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Allegheny County, Pa., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented a petition of Local Branch No. 94, Workmen's Circle, of Stamford, Conn., praying for the enactment of legislation to regulate the price of food, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Bridgeport, Milford, New Haven, New Britain, and Springdale, all in the State of Connecticut, praying for national prohibition, which were ordered to lie on the table.

Mr. McCUMBER. I present resolutions of the Legislature of North Dakota, praying for the setting aside of certain lands in the northwest part of the Fort Berthold Reservation as a national reserve and historical park, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows.

DEPARTMENT OF STATE,
STATE OF NORTH DAKOTA.

To all to whom these presents shall come:

I, Thomas Hall, secretary of state of the State of North Dakota, do hereby set forth and certify that the following is a true and complete copy of a certain concurrent resolution, adopted by the Fifteenth Legislative Assembly of the State of North Dakota, relating to the creation of a national reserve and historical park on the Fort Berthold Reservation adjoining the town of Sanish, Mountrail County, State of North Dakota.

[SEAL.] THOMAS HALL,
Secretary of State.

A concurrent resolution. (Introduced by Mr. O'Connor, of Grand Forks.)

Whereas the people of North Dakota desire to have a national reserve and historical park created on the Fort Berthold Reservation adjoining the town of Sanish, Mountrail County, State of North Dakota; and

Whereas the southeast quarter of section 14 and the fractional southwest quarter of section 14, township 152, north of range 93 west, comprising 253 acres, more or less, in the northwest part of Fort Berthold Reservation, would be a convenient and appropriate part of the said reservation for a national reserve and historical park: Therefore be it

Resolved by the house of representatives (the senate concurring), That we respectfully petition the Superintendent of National Parks and Monuments at Washington, D. C., to present this resolution to the Congress of the United States with his indorsement thereon to the end that the national reserve as hereinbefore set forth may be secured to the people of the State of North Dakota; be it further

Resolved, That we urge upon our Senators and Representatives in Congress to give their best efforts that a national reserve as hereinbefore set forth will be established and created by the Congress of the United States;

And that a copy of this resolution be sent to our Senators and Congressmen and to the President of the United States.

Mr. McCUMBER presented a petition of the Commercial Club, of Fargo, N. Dak., praying for the passage of the so-called Webb bill to promote export trade, which was ordered to lie on the table.

He also presented petitions of Lodge No. 260, Benevolent and Protective Order of Elks, of Fargo, and of sundry citizens of Grand Forks, in the State of North Dakota, indorsing the President's action in severing diplomatic relations with Germany, which were ordered to lie on the table.

Mr. TOWNSEND. I present a concurrent resolution adopted by the Legislature of the State of Michigan, which I ask to have printed in the RECORD and referred to the Committee on Education and Labor.

There being no objection, the concurrent resolution was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

LANSING, *March 1, 1917.*

Hon. CHARLES E. TOWNSEND,
Washington, D. C.

MY DEAR SENATOR: I have the honor to inform you that the two houses of the Michigan Legislature have concurred in the adoption of the following resolution:

Senate concurrent resolution 14, requesting Congress to pass the so-called daylight-saving bill.

"Whereas there is a world-wide movement at the present time for the adoption of the so-called daylight-saving plan; and

"Whereas a number of European countries of the first class have adopted said plan, and it is now under consideration before the Congress of the United States; and

"Whereas the adoption by the United States Government of said plan for use throughout the country would cause an immense saving of artificial lighting bills and would provide during the summer months of the year, from April to September, an added hour of recreation, open-air exercise, or rest for the masses during the latter part of the day; and

"Whereas said project is now indorsed by President Wilson, the American Federation of Labor, the United States Chamber of Commerce, and other leading commercial and labor organizations throughout the country: Therefore be it

"*Resolved by the senate (the house of representatives concurring)*, That the Legislature of the State of Michigan herewith indorses the so-called daylight-saving bill now before Congress and recommends to the Senators and Representatives from this State cordial support thereof, and that a copy of this resolution be sent to them and to Hon.

William P. Borland, Congressman from Missouri, and to Hon. Jacob H. Gallinger, United States Senator from New Hampshire, authors of daylight-saving bills in Congress."

Very respectfully,

D. E. ALWARD,
Secretary of the Senate.

Mr. JONES. I present a joint memorial of the Legislature of Washington, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the joint memorial was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

THE STATE OF WASHINGTON,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 2 of the fifteenth session of the Legislature of the State of Washington with the original copy of said memorial, as enrolled, now on file in this office, and find the same to be a full, true, and correct copy of said original and of the whole thereof, together with all official indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the capitol, at Olympia, this 24th day of February, A. D. 1917.

[SEAL.]

I. M. HOWELL,
Secretary of State.

House joint memorial 2.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Senate and House of Representatives of the State of Washington, respectfully represent that—

Whereas the development of water-power resources is a subject of vital interest to the Western States; and

Whereas the State of Washington is bountifully supplied with such resources, and their development has progressed rapidly in recent years, adding a great impetus to the industrial development of the State; and

Whereas further development is arrested for the reason that most of the remaining power sites are located upon public domain, and legislation by your honorable body is necessary to remove the bar against further development: Therefore,

We, your memorialists, the Senate and the House of Representatives of the State of Washington, in fifteenth biennial session convened, most respectfully urge upon you the necessity of formulating some constructive policy relative to this important subject, and the enactment of the necessary legislation to carry on its development.

Passed the house January 25, 1917.

GUY E. KELLY,
Speaker of the House.

Passed the senate February 21, 1917.

LOUIS F. HART,
President of the Senate.

[Indorsed.]

Filed in the office of the secretary of state February 24, 1917, at 1.35 p. m.

I. M. HOWELL,
Secretary of State.

Mr. JONES. I present a joint memorial of the Legislature of Washington, which I ask may be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the joint memorial was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

THE STATE OF WASHINGTON,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 1, of the fifteenth session of the Legislature of the State of Washington, with the original copy of said memorial as enrolled, now on file in this office, and find the same to be a full, true, and correct copy of said original, and of the whole thereof, together with all official indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the capitol at Olympia this 24th day of February, A. D. 1917.

I. M. HOWELL,
Secretary of State.

House joint memorial 1.

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, would most respectfully represent—

That the Skokomish Indian Reservation is located on the left bank of the Skokomish River in Mason County, State of Washington. That said Skokomish River is a mountain stream, subject to extreme freshets. That the land on said reservation is an alluvial deposit, subject to great erosion. That especially in sections 12, 13, and 14, of township 21 north, range 4 west of the Willamette meridian, which in part are included in said reservation, said stream has washed away a considerable quantity of land and that there is danger that a large part of the lands on said reservation will be washed away.

That the Indians owning said lands are unable, by reason of poverty, to make the necessary improvements in said stream to protect their lands.

Wherefore your memorialists would pray that an appropriation be made for the purpose of making such improvements in said stream as will effectually protect said lands.

The secretary of state is hereby directed to transmit a copy of this memorial to each of the Senators and Representatives in Congress from the State of Washington for presentation to the Congress of the United States.

Passed the house January 25, 1917.

GUY E. KELLY,
Speaker of the House.

Passed the senate February 21, 1917.

LOUIS F. HART,
President of the Senate.

[Indorsed.]

Filed in the office of the secretary of state February 24, 1917, at 1.35 p. m.

I. M. HOWELL,
Secretary of State.

Mr. STERLING. I present a joint memorial of the Legislature of South Dakota, which I ask may be printed in the RECORD.

There being no objection, the joint memorial was ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,
SECRETARY'S OFFICE.

I, Frank M. Rood, secretary of state, do hereby certify that the annexed senate joint resolution No. 1 was duly passed by the 1917 session of the Legislature of the State of South Dakota, and that the same is now in full force and effect.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota at the city of Pierre February 27, 1917.

[SEAL.]

FRANK M. ROOD,
Secretary of State.

A joint resolution memorializing Congress pertaining to allottees upon Indian lands.

Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring:

Whereas Congress has provided for the allotment of land in severalty to the Indians of South Dakota, said lands to be held in trust for a period of 25 years, or until such time as the Secretary of the Interior may grant a patent in fee to those Indians who in his opinion are competent to manage their own affairs; and

Whereas the work of allotting lands in severalty to the Indians of South Dakota has been practically completed; and

Whereas the Secretary of the Interior, through his representatives, has begun to grant patents in fee to Indians supposed to be competent to manage their own affairs; and

Whereas it having come to our knowledge that many Indians who have received patents in fee are disposing of such lands freely; and

Whereas it is very evident that if this practice continues a large majority of these people will lose their homes and be dependent on the State and county in which they reside: Therefore be it

Resolved, That we petition your honorable body to authorize the Secretary of the Interior to appoint as a member on the commission to pass on the qualifications of Indians making application for patents a resident of the State of South Dakota, who shall be satisfactory to the governor of said State, and that the commission be instructed to make no recommendation for a patent in fee that is not approved by the resident member of the State, and that no patent in fee be recommended which will reduce the amount of land held in trust for an Indian below 160 acres without the consent of the local resident of the commission: *Provided*, That nothing herein contained shall be construed to in any manner mean to discourage the issuance of patents to Indians for any or all lands they may own in excess of 160 acres.

W. H. MCMASTER,
President of the Senate.

Attest:
W. N. VAN CAMP,
Secretary of the Senate.

A. C. ROBERTS,
Speaker of the House.

Attest:
CHAS. M. GARDNER,
Chief Clerk.

I hereby certify that the within act originated in the senate and was known in the senate files as joint resolution No. 1.

W. N. VAN CAMP,
Secretary of the Senate.

STATE OF SOUTH DAKOTA,
Office of the Secretary of State, ss:

Filed February 26, 1917, at 1.50 o'clock p. m.

FRANK M. ROOD,
Secretary of State,
By GEO. F. SAYERS,
Assistant Secretary of State.

Mr. POINDEXTER presented a joint memorial of the Legislature of the State of Washington, praying for the enactment of legislation to provide for the development of water power on the public domain, which was referred to the Committee on Commerce.

He also presented a joint memorial of the Legislature of the State of Washington, praying for an appropriation for the improvement of the Skokomish River, in the State of Washington, which was referred to the Committee on Indian Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Spokane, Wash., and a petition of the Woman's Christian Temperance Union of Vancouver, Wash., praying for national prohibition, which were ordered to lie on the table.

MILITARY ACADEMY APPROPRIATIONS.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably, without amendment, the bill

(H. R. 20872) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes, and I submit a report (No. 1141) thereon. I hope we may be able to consider the bill at this session.

The VICE PRESIDENT. The bill will be placed on the calendar.

SALARY OF UNITED STATES MARSHAL.

Mr. REED, from the Committee on the Judiciary, to which was referred the bill (H. R. 19233) to increase the salary of the United States marshal for the western district of Michigan, reported it without amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHIELDS:

A bill (S. 8332) granting an increase of pension to Ruth S. Gleaves; and

A bill (S. 8333) granting an increase of pension to Loreta Blevins; to the Committee on Pensions.

WITHDRAWAL OF PAPERS.

Mr. REED. I ask unanimous consent to have withdrawn certain papers filed with Senate bill 4836, for the relief of Daniel O'Connell. The bill has been refused passage, and I simply want to have the papers returned.

The VICE PRESIDENT. Is there objection? The Chair hears none.

On motion of Mr. JONES, it was

Ordered, That the papers accompanying the bill (S. 5827, 64th Cong., 1st sess.) granting a pension to Eugene Symonds be withdrawn from the files of the Senate, no adverse report having been made thereon.

HOUSE BILLS REFERRED.

H. R. 20872. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs; and

H. R. 21069. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1917, and prior fiscal years, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

ARMED MERCHANT SHIPS.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 21052) authorizing the President of the United States to arm merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes.

Mr. BRANDEGEE. Mr. President, last evening when I started to speak upon this bill I asked to have inserted in the RECORD as part of my remarks section 4295 of the Revised Statutes, the first section of the Senate bill, and the first section of the House bill. Inasmuch as I have been interrupted so much, I should like to have permission to insert them again, as part of my remarks, at this point, so that it may be apparent to what I refer.

The VICE PRESIDENT. Without objection, it is so ordered.

Section 4295 of the Revised Statutes is as follows:

SEC. 4295. The commander and crew of any merchant vessel of the United States, owned wholly or in part by a citizen thereof, may oppose and defend against any aggression, search, restraint, depredation, or seizure which shall be attempted upon such vessel, or upon any other vessel so owned, by the commander or crew of any armed vessel whatsoever, not being a public armed vessel of some nation in amity with the United States, and may subdue and capture the same; and may also retake any vessel so owned which may have been captured by the commander or crew of any such armed vessel, and send the same into any port of the United States.

Section 1 of Senate bill 8322 is as follows:

Be it enacted, etc., That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks, and the President of the United States is hereby authorized and empowered to supply such vessels with defensive arms, and also with the necessary ammunition and means of making use of them; and that he be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States thereon in their lawful and peaceful pursuits on the high seas.

Section 1 of House bill 21052 is as follows:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized and empowered to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and also with the necessary ammunition and means of making use of them in defense against unlawful attack; and that he be, and is hereby, authorized and empowered to protect such ships and the citizens of the United States against unlawful attack while in their lawful and peaceful pursuits on the high seas.

Mr. BRANDEGEE. Mr. President, on last Monday, the 26th of February, the President of the United States appeared before the joint session of Congress and addressed us upon the international situation. Among other things he said:

Our own commerce has suffered, is suffering, rather in apprehension than in fact, rather because so many of our ships are timidly keeping to their home ports than because American ships have been sunk.

He further stated:

We can only say, therefore, that the overt act which I have ventured to hope the German commanders would in fact avoid has not occurred.

But he proceeds to state:

It would be foolish to deny that the situation is fraught with the gravest possibilities and dangers. No thoughtful man can fail to see that the necessity for definite action may come at any time, if we are in fact, and not in word merely, to defend our elementary rights as a neutral nation. It would be most imprudent to be unprepared.

Then he says:

No one doubts what it is our duty to do. We must defend our commerce and the lives of our people in the midst of the present trying circumstances with discretion but with clear and steadfast purpose.

He continued:

Since it has unhappily proved impossible to safeguard our neutral rights by diplomatic means against the unwarranted infringements they are suffering at the hands of Germany, there may be no recourse but to armed neutrality, which we shall know how to maintain and for which there is abundant American precedent.

Again:

It is devoutly to be hoped that it will not be necessary to put armed force anywhere into action.

And then he says, further along in his address:

I believe that the people will be willing to trust me to act with restraint, with prudence, and in the true spirit of amity and good faith that they have themselves displayed throughout these trying months; and it is in that belief that I request that you will authorize me to supply our merchant ships with defensive arms, should that become necessary.

Mr. President, the first form of a bill which appeared before the Committee on Foreign Relations was in the shape of what was called a "suggestion." It emanated from the executive branch of the Government. I have the print of it here in my hand, and I read from it:

That the President of the United States be, and he is hereby, authorized and empowered to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, should it, in his judgment, become necessary for him to do so—

And so forth.

Mr. President, the Committee on Foreign Relations, being aware of what had been happening to American commerce and what the central Teutonic powers had announced that they would do to all commerce and all vessels which appeared within the number of thousands of square miles which they had fenced off upon the high seas, did not like the language in the President's message and in the suggestion which came to the committee that he should be authorized to supply our merchant ships with defensive arms "should it in his judgment become necessary to do so." We all thought, and I think the American people think, that the time has long since passed when it became necessary for us to authorize our merchant ships to carry arms and to supply the arms to them if they were unable to get them. So we struck out that language from the "suggestion" that appeared before the committee, and have authorized the President directly to supply those arms. We did not like the implied suggestion that the time had not yet arrived when this great Government should do something to protect its citizens and its commerce in the exercise of their lawful rights upon the seas.

Mr. President, there are two bills here for our consideration—the House bill and the Senate bill. In my opinion there is very little difference, in the effect that those bills will have upon the situation, as to which one is preferred. In my opinion they are substantially alike, except that the Senate bill gives direct authority to the ships and their commanders to arm themselves and the House bill only gives authority to the President to arm them or to furnish them arms. The Senate bill starts with a broad assertion of a principle already well established and embedded in the United States statutes, to wit:

That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks.

Now, the statute which I have put into the RECORD, section 4295, was passed in 1819, and has been the law ever since. We there provided:

The commander and crew of any merchant vessel of the United States, owned wholly or in part by a citizen thereof, may oppose and defend against any aggression, search, restraint, depredation, or seizure which shall be attempted upon such vessel or upon any other vessel so owned by the commander or crew of any armed vessel whatsoever not being a public armed vessel of some nation in amity with the United States, and may subdue and capture the same—

And so forth.

It will be noted that while under the existing statute the commander and crew of any merchant vessel of the United States may defend against aggression against any such vessel, it is prohibited by the special exception in the statute from defending

itself against a public armed vessel of a nation in amity with the United States.

Mr. NORRIS. Mr. President, may I ask the Senator a question there?

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BRANDEGEE. Certainly.

Mr. NORRIS. I notice the distinction the Senator is trying to draw. It may be all right; but is not this a possible construction: That exception is only an exception to the enactment of the law. If, without the statute, these vessels would have the right to defend themselves against an unlawful attack of any vessel even though it did bear the flag of a nation with which we are at amity, then that would not be an exception.

I do not know whether I make myself clear or not.

Mr. BRANDEGEE. Perfectly, to me.

Mr. NORRIS. Now, is not that a possibility, just as we say about the President, "Why, he has this power, anyway"? Is it definite and certain that these ships would not have the power, anyway, regardless of any statute, to defend themselves against an unlawful attack contrary to international law?

Mr. BRANDEGEE. Mr. President, in my opinion—and it is merely an opinion, for I have not examined it—the Senator from Nebraska is right, that a vessel, like a citizen, would have the right to defend itself against an unlawful assault wherever committed. But, Mr. President, conceding that it had all those rights, here comes the United States statute and says, reaffirming those rights—for that is all it could do, if the vessels already have them—"You may do this, but you shall not do it against a public armed vessel of a foreign power with which we are at amity."

Mr. NORRIS. Does the statute say that?

Mr. BRANDEGEE. I will read it to the Senator.

Mr. NORRIS. I think it makes an exception about what you can do.

ADDITIONAL JUDGES.

Mr. OVERMAN. Mr. President, before the Senator begins to read, I desire to submit a report from the conferees on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5788) to create two additional associate justices of the Supreme Court of the District of Columbia.

The PRESIDING OFFICER. Does the Senator from Connecticut yield for that purpose?

Mr. BRANDEGEE. I do. The Senator has a right to present the conference report.

Mr. OVERMAN. Why, of course, I have a right to do so at any time, I think.

Mr. BRANDEGEE. The Senator has the right.

Mr. OVERMAN. Has the conference report been received?

The PRESIDING OFFICER. It has been received.

Mr. OVERMAN. I submitted the conference report this morning, but somebody said it had not been received. I submit it again in order that it may be received and lie on the table.

ARMED MERCHANT SHIPS.

Mr. BRANDEGEE. I will assure the Senator that it has now been received.

The statute says that the United States vessels shall have the right to defend themselves against any aggression, and so forth—

> which shall be attempted upon such vessel * * * by the commander or crew of any armed vessel whatsoever, not being a public armed vessel of some nation in amity with the United States.

That means, except some public vessel of some nation in amity with the United States.

Mr. NORRIS. Now, I should like to ask the Senator——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BRANDEGEE. Certainly.

Mr. NORRIS. If we assume—and I think we can, though I may be wrong about that—that, without any statute whatever, a merchant vessel has a right to defend itself against an unlawful attack of anybody, anywhere, no matter what kind of a flag it has, then the Congress passes a statute that reaffirms that right as to everything except vessels that fly flags of nations with which we are at peace. Now, that does not repeal the unwritten law, does it, when we have the right to defend? In other words, affirming it as to part would not say that we could not do it as to the balance that was clear before the statute was passed.

Mr. BRANDEGEE. Mr. President, I think it clearly does absolutely inhibit our merchant vessels from defending themselves against the sovereignty of a foreign nation, which is represented by their armed vessels; and I think the reason for it is very obvious and very wise.

Mr. NORRIS. While I believe my construction to be right, I want to say to the Senator that I do not want him to get the idea that I am opposed to the enactment of that kind of a law. I am willing now to vote for a law that will let anybody, any vessel, defend itself anywhere, at any time, against an unlawful attack no matter who makes it. I do not want to be misunderstood.

Mr. BRANDEGEE. I did not misunderstand the Senator.

Mr. NORRIS. No; I do not think the Senator did; but from what I have said, in reading the RECORD, I might be misunderstood. But it does seem to me that that law, under the proper construction, does not take away that right, if it existed before; and I am inclined to think, just on the broad principle of self-defense, that it did exist without that statute.

Mr. BRANDEGEE. Mr. President, the Senator may be right, though I do not think he is. To my mind it is as plain as it is that two and two make four that when a United States statute authorizes our vessels to defend themselves against all vessels except certain vessels, the vessels excepted are excepted.

Mr. NORRIS. They are excepted from that statute, and, of course, they would be excepted from that right if the right did not exist outside of the statute.

Mr. BRANDEGEE. I think they would be prohibited by the statute even if the right had existed before; but, as I say, that is merely my opinion. As the Senator says, it may not be particularly relevant, and yet it may.

Mr. FALL. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from New Mexico.

Mr. FALL. I simply wanted to make a suggestion to the Senator along this line. Would they have the right, without the statute, to defend against the national vessels or the soldiers of another country, even in time of war? For instance, in the case of Belgium, the claim of the right of Germany to execute Belgians who are not soldiers was that under the rules of law the citizen has no right whatsoever even to defend in his country as against the soldiers in uniform of the attacking country. If he does, he becomes a franctireur, as they were called in the first Prussian war, and subject to be immediately executed by military court-martial. It is on the same principle, is it not, I will ask the Senator, that the same law as to defense against stoppage or seizure or search does not apply as between individuals that applies betwen a uniformed policeman and an individual? The Senator can plead self-defense as against an assault committed by another citizen when he can not plead the same right to act as against stoppage or attempted interference here on the streets of Washington by an armed policeman.

Mr. NORRIS. Now, I should like to ask the Senator from Connecticut——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BRANDEGEE. Certainly.

The PRESIDING OFFICER. The Chair will ask the Senator from Nebraska to get permission to interrupt.

Mr. NORRIS. I beg the pardon of the Chair. I realize that the Chair is right, and that I fall into that habit because some Senators who have served here so long that the memory of man runneth not to the contrary are habitually doing that every day; and it would not be surprising if a young, bashful, modest, and inexperienced one like me should occasionally follow suit.

The PRESIDING OFFICER. The present occupant of the chair will say that he has been requested by other Senators to enforce that rule, and he simply calls it to the attention of the Senator from Nebraska.

Mr. NORRIS. I want to say to the Senator that the case mentioned by the Senator from New Mexico in regard to Belgium—that is, that Germany held that these people not in the army in Belgium had not the right to do things that soldiers might do under the same circumstances—can not be explained and is not explained, from my standpoint, entirely on the theory that in that case the Germans assumed that what they are doing is legal and according to international law. But my construction of this statute was based entirely upon the theory that the attacks of a submarine without notice on a merchant vessel were contray to international law, and therefore illegal, and not entitled to protection under the law of self-defense anywhere.

Mr. BRANDEGEE. What is the Senator's question?

Mr. NORRIS. I wanted to ask him if that did not differentiate the case from the Belgian case that the Senator from New Mexico gave?

Mr. BRANDEGEE. I do not think the Belgian case was particularly in point myself. I do not think Germany claims

there was any international law or that their own treaties were observed in invading Belgium. There was no pretense except military necessity for that.

Mr. FALL. Will the Senator yield to me?

Mr. BRANDEGEE. I will.

Mr. FALL. The Senator, of course, misunderstood the entire purport of my question. Germany is a belligerent nation. Germany is at war. The rules of war apply to Germany's action on the high seas or in Belgium, and the rules of war prohibit a citizen defending or committing any assault whatsoever upon the enemy under arms. The rules of war of all nations, the rules of war of this Nation prohibit it.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BRANDEGEE. If I may.

Mr. HITCHCOCK. I desire to say that I shall be compelled in the interest of expedition to ask for a strict enforcement of the Senate rule regarding debate.

The PRESIDING OFFICER. The Chair will then have no option except to enforce the rule.

Mr. BRANDEGEE. Then, of course, I can not yield except for a question.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. BRANDEGEE. Of course, I do not think it would be wise policy for any Government to allow a merchant vessel on the high seas with no control by the Government over it to shoot into the Government-owned vessels of foreign nations with which we are peace. It would be an endless source of danger and it would be an assault upon the sovereignty of the Nation, when any of our citizens on our merchant vessels or on our warships shot at foreign naval vessels or public vessels owned by a country with which we were at peace, and I think at present we are prohibited from doing so.

Now, of course, I know that many people will say, "Oh, we are not at amity with the German nation at present; we have severed diplomatic relations with them." I do not know whether under the technical language of this proposed statute and the construction that might be placed upon it we are at amity with the Teutonic powers to-day or not.

The President is recommending armed neutrality. We are passing a bill which Germany may consider to be an act of war. Whether they assert their rights or their intention makes little difference; they assert their intention of destroying any vessel of any kind of any nation irrespective of its cargo or its passengers or its crew, without warning and without inquiry, at midnight in midwinter on the high seas, to destroy any vessel of any nation neutral or otherwise on sight. They asserted it a day or two before the first day of February of this year, made open and world-wide proclamation of their intention, reaffirmed yesterday if the public prints can be believed, for I read in the Washington Times last night a dispatch stating that Mr. Zimmermann, their secretary of state for foreign affairs, if that be his title, their authorized spokesman, had stated in substance that while they regretted that it was necessary to torpedo without notice the vessels of neutrals they could not reconsider their decision, and there was no help for it. In other words, the central Teutonic powers and the Ottoman allies assert that, right or wrong, regardless of every nation on earth, regardless of humanity, of treaties, of any consideration except death and destruction, anybody who enters upon a certain number of thousands of square miles which they have fenced off by an edict shall suffer death if they can bring it about.

Gentlemen talk about our being neutral as between a British blockade in force and in effect and an ambush established, from behind which a great Government has announced its intention to hurl its darts of death and destruction against men, women, and children. If Senators see no distinction between those two methods I am sorry for them.

Our commerce is interrupted with Great Britain, to be sure. Great Britain's commerce was interrupted with the Southern Confederacy when we established a blockade during the Civil War, to be sure. Did they declare war on us? Did we declare war on Great Britain when she allowed the southern privateer *Alabama* to be fitted out in a British port and raid our commerce? We did not. Every vessel that Great Britain could hold up and every cargo they have taken which they construed to be contraband they have taken into Great Britain in prize courts. If we have any financial claim for the loss of cargoes, I think Great Britain will settle it after the war. Can Germany settle for those who lost their lives on the *Lusitania?* Can Germany settle for those who went down on the *Laconia* or the American ship *Lyman Law?* There is no compensation that can be made for those acts, Mr. President. Is there any defense against it? Shall we sit supinely and allow a mere ukase of a foreign potentate to clear the ocean of American shipping, to tie it up to our docks, blockade our domestic and foreign commerce, and then if an attempt is made to go upon that area of the sea to which we, under international law, have an undisputed claim the penalty is death. Are we obliged to wait for slaughter to be actually accomplished before we can defend ourselves? I trust that neither the Congress of the United States nor the American people have fallen to that abysmal depth of degradation where they are willing to furl the American flag and withdraw their commerce from the seas at the behest of any misguided band of pacifists or any foreign power.

Mr. President, this has gone beyond any question of the use of submarines. It is an open proclamation that Germany has made for the indiscriminate slaughter of mankind. There is no use of preaching moral homilies or issuing Salvation Army tracts or reading texts of the Scripture or repeating the Sermon on the Mount to a nation that has gone mad and is a raving maniac, or to a nation which, if it is not insane, acts through its ruling oligarchy and its military power just as a homicidal maniac would act.

The only thing for this country to do if it is not willing to withdraw its ships from the sea is to defend them. There is no use of accusing them of "timidity" for remaining in port. What owner or captain of a great ocean liner of 20,000 tons, carrying a thousand passengers and nearly 100 men in the crew, is going to sail from any American port for any port in the British Empire, whether she carries contraband or not, and expose those American citizens and the citizens of other nations to the threat openly hurled at us by the Teutonic powers? That is not timidity, Mr. President. It would be manslaughter to go, in my opinion. I think that two vessels of the American Line did sail to Bordeaux and luckily escaped, but they were almost criminally negligent in exposing their crews and passengers to this threat without being armed.

Shall we arm these vessels in accordance with the request of the President? I say yes. Some people are heard to say, Oh, no; do not put a gun on any ship; just get off the face of the earth; lie down and curl up; we are for peace.

Great God, Mr. President, I am for peace as much as any man can be; but I am for preserving the liberties of my country. George Washington was for peace, but he had to fight for his rights. If these pacifists had existed and had prevailed at the time we achieved our independence from Great Britain, we never would have been a country at all. If they could have their way to-day, we would cease to be a country. They are not talking about our country. They proclaim what they say is a higher doctrine. They belong to the brotherhood of man, no man's country, and they are wandering around in circles of futility closely approaching treason.

I think it is time for this Congress, no matter how many postal cards and letters you get, typed upon the same typewriter, saying honor is not at stake, keep us out of war, to act. I think honor is at stake; I think liberty is at stake, and the country that will not fight for its liberty and its honor ought to go down in destruction.

But this country will fight for them, Mr. President. I am sure that when the country understands the issue, if it is necessary to preserve our liberties and our rights, they will fight for them.

Mr. President, if the Teutonic powers, with the alliances which have been formed, win this war, if they annex the British Navy to the Teutonic Army, Rome in all its power and glory could not be compared to them. We heard the day before yesterday of a note given out by the German foreign secretary, Mr. Zimmermann, attempting to array against the United States, with whom they profess friendly relations, the Empire of Japan, that great naval power, and the Republic of Mexico immediately adjoining us on our southern border. Senators were heard to stand up in the United States Senate without knowing anything about it whatever and say that in their opinion that note was a forgery or was concocted in England or something like that. The President of the United States says it is genuine and authentic. I am willing to take his word.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Illinois?

Mr. BRANDEGEE. If I can do so without losing the floor.

The PRESIDING OFFICER. The Senator can yield for a question.

Mr. SHERMAN. I trust that on that point the Senator will permit to be read from the Clerk's desk the latest cable-

grams from Amsterdam and Berlin acknowledged by the German foreign office, or the Senator can read it himself.

Mr. BRANDEGEE. I will let it be read at the desk as a part of my remarks, so that I will not lose the floor.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[Bulletin.]

BERLIN (via London), *March 8.*

Admission was made by Germany to-day that instructions had been sent to the German minister in Mexico City as to the possibilities of Mexico's part in hostilities against the United States. (8.03 a. m.)

[Bulletin.]

AMSTERDAM, *March 8.*

Admitting her effort to align Japan and Mexico with the Kaiser's Government against the United States, Germany to-day justified that attempt on the ground that she has a right to take precautions, in view of the possibilities of war with America. A semiofficial source was quoted to this effect in dispatches received from Berlin to-day.

Germany decided upon this step after making her decision to wage unrestricted submarine warfare. It was impelled to such a course by the previous attitude of the American Government, and subsequently developments have justified the course, it was stated.

The semiofficial statement from Berlin read:

"After Germany's decision to wage unrestricted submarine warfare, in view of the previous attitude of the American Government, we were compelled to reckon on the possibility of conflict with the United States. The subsequent severance of diplomatic relations by the United States and the request by the United States that other neutral nations join her in such action proved that our calculation was correct.

"Because we were anticipating such a possibility, it was not only our right but our duty to take precautions so as to balance if there was a possible adhesion of a new enemy to our enemies." (9.49 a. m.)

"Accordingly the German minister to Mexico, in the middle of January, was instructed, in the event of the United States declaring war, to offer the Mexican Government an alliance and to arrange further details.

"These instructions expressly enjoined the German minister to make no advances to Mexico unless he knew certainly that America intended to declare war." (10.03 a. m.)

[Bulletin.]

BERLIN (via Sayville wireless), *March 9.*

The official press agency to-day issued the following statement:

"Foreign Secretary Zimmermann was asked by a staff member of the official German press bureau about the English report of a 'German plot revealed to get Mexico to declare war against the United States and to secure Japan's aid against the United States.'

"The state secretary for foreign affairs answered:

"'You understand that it is impossible for me to discuss the facts of this revealed plot just at this moment and under these circumstances.

"'I may therefore be allowed to limit my answer to what is said in the English reports, which most certainly were not inspired by sympathy with Germany.

"'The English reports expressly state that Germany expected and wished to remain with the United States on terms of friendship, but that in case the United States declared war against Germany we prepared measures of defense. I fail to see how such a "plot" is inspired by unfriendliness on our part.

"'It would mean nothing but that we would use means universally admitted in war in case the United States declared war.

"'The most important part of the alleged plot is its conditions and form. The whole "plot" falls flat to the ground in case the United States does not declare war against us.

"'And if we really, as the report alleges, considered the possibility of a hostile act by the United States against us, then we really had reasons to do so.'" (10.13 a. m.)

Mr. SUTHERLAND. May I ask the Senator a question?

Mr. BRANDEGEE. You may.

Mr. SUTHERLAND. I notice by this dispatch that it is plain that the Zimmermann proposition was not to be presented to Mexico except in the event of hostilities with the United States. That seems to be the effect of it. Japan has denied having any knowledge whatever of this matter. I ask the Senator from Connecticut whether or not he attaches any significance to the fact that "our great and good friend, Carranza," in the neighboring friendly republic to ours, has thus far not made any denial of the matter?

Mr. STONE. And in the same connection, Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Missouri?

Mr. BRANDEGEE. I yield to the Senator for a question.

Mr. STONE. If the Senator please—I was out in the corridor talking with some friends who sent for me when the reading of this dispatch was begun—I wish to know where the first dispatch which was read came from?

Mr. BRANDEGEE. The Secretary has the dispatches, and I suppose he can give the Senator the information.

The PRESIDING OFFICER. The first dispatch came from Berlin.

Mr. STONE. And the last one came from Berlin?

Mr. OVERMAN. I ask unanimous consent that the dispatches may again be read.

The PRESIDING OFFICER. Without objection, the dispatches will be again read.

The Secretary read as follows:

[Bulletin.]

BERLIN (via London), *March 8.*

Admission was made by Germany to-day that instructions had been sent to the German minister in Mexico City as to the possibilities of Mexico's part in hostilities against the United States. (8.03 a. m.)

[Bulletin.]

AMSTERDAM, *March 8.*

Admitting her effort to align Japan and Mexico with the Kaiser's Government against the United States, Germany to-day justified that attempt on the ground that she had a right to take precautions in view of the possibilities of war with America. A semiofficial source was quoted to this effect in dispatches received from Berlin to-day.

Germany decided upon this step after making her decision to wage unrestricted submarine warfare. It was impelled to such a course by the previous attitude of the American Government and subsequent developments have justified the course, it was stated.

The semiofficial statement from Berlin reads:

"After Germany's decision to wage unrestricted submarine warfare, in view of the previous attitude of the American Government, we were compelled to reckon on the possibility of conflict with the United States. The subsequent severance of diplomatic relations by the United States and the request by the United States that other neutral nations join her in such action, proved that our calculation was correct.

"Because we were anticipating such a possibility it was not only our right but our duty to take precautions so as to balance, if there was a possible adhesion of a new enemy to our enemies." (9.49 a. m.)

"Accordingly the German minister to Mexico in the middle of January was instructed, in the event of the United States declaring war, to offer the Mexican Government an alliance and to arrange further details.

"These instructions expressly enjoined the German minister to make no advances to Mexico unless he knew certainly that America intended to declare war." (10.03 a. m.)

[Bulletin.]

BERLIN (via Sayville wireless), *March 30.*

The official press agency to-day issued the following statement:

"Foreign Secretary Zimmermann was asked by a staff member of the official German press bureau about the English report of a 'German plot revealed to get Mexico to declare war against the United States and to secure Japan's aid against the United States.'

"The state secretary for foreign affairs answered:

"'You understand that it is impossible for me to discuss the facts of this revealed plot just at this moment and under these circumstances.

"'I may therefore be allowed to limit my answer to what is said in the English reports, which most certainly were not inspired by sympathy with Germany.

"'The English reports expressly state that Germany expected and wished to remain with the United States on terms of friendship, but that in case the United States declared war against Germany we prepared measures of defense. I fail to see how such a "plot" is inspired by unfriendliness on our part.

"'It would mean nothing but that we would use means universally admitted in war in case the United States declared war.

"'The most important part of the alleged plot is its conditions and form. The whole "plot" falls flat to the ground in case the United States does not declare war against us.

"'And if we really, as the report alleges, considered the possibility of a hostile act by the United States against us then we really had reasons to do so.'" (10.13 a. m.)

Mr. STONE. Mr. President——

The VICE PRESIDENT. The Senator from Missouri.

Mr. BRANDEGEE. I am reserving the floor, Mr. President.

Mr. STONE. Certainly; I am on the floor by the courtesy of the Senator from Connecticut.

Mr. BRANDEGEE. I gladly yield.

Mr. STONE. I should like to be advised from what source the first dispatch and also the second dispatch came here. I do not mean to the Senate, but to this country.

Mr. BRANDEGEE. I can not inform the Senator, who was not on the floor when the incident originated, but I was making some remarks, and the Senator from Illinois [Mr. SHERMAN] asked my leave to have these dispatches read at the desk. It was granted, and the Senator from Missouri will have to address his remarks to the Senator from Illinois.

Mr. STONE. Can the Senator from Illinois inform the Senate, if he knows, through what channels these dispatches came from Europe to the United States?

Mr. SHERMAN. They came through the regular news agencies, from the press gallery here in the Senate.

Mr. STONE. Through the press agents here; but were they sent by wireless or by cable or by some press association?

Mr. SHERMAN. They are by wireless, I think, from the notation on the paper. It reads, "Flash."

Mr. STONE. Does the Senator know what news association sent the dispatches from abroad?

Mr. SHERMAN. Yes, sir; the notation of the news agency sending them is on the dispatches, as the Senator will see if he examines them.

Mr. STONE. I have not examined them.

Mr. SHERMAN. They came from the regularly accredited agents who receive the dispatches here.

Mr. STONE. Of course, as the Senator knows, there are numerous news agencies operating in Europe, as well as in the United States.

Mr. SHERMAN. They are noted on the dispatches.

Mr. BRANDEGEE. Mr. President, in view of the admission, or the partial admission, made by Zimmermann, as just read at the desk, and the explanations, I ask the Secretary to read from the RECORD the Zimmermann letter, which was put into the RECORD on Thursday last.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

STEP TAKEN ON JANUARY 19.

A copy of Zimmermann's instructions to Von Eckhardt, sent through Von Bernstorff, is in possession of the United States Government. It is as follows:

BERLIN, *January 19, 1917.*

On the 1st of February we intend to begin submarine warfare unrestricted. In spite of this, it is our intention to endeavor to keep neutral the United States of America.

If this attempt is not successful, we propose an alliance on the following basis with Mexico: That we shall make war together and together make peace. We shall give general financial support, and it is understood that Mexico is to reconquer the lost territory in New Mexico, Texas, and Arizona. The details are left to you for settlement.

MEXICO TO BRING IN JAPAN.

You are instructed to inform the President of Mexico of the above in the greatest confidence as soon as it is certain that there will be an outbreak of war with the United States and suggest that the President of Mexico, on his own initiative, should communicate with Japan suggesting adherence at once to this plan; at the same time offer to mediate between Germany and Japan.

Please call to the attention of the President of Mexico that the employment of ruthless submarine warfare now promises to compel England to make peace in a few months.

ZIMMERMANN.

Mr. BRANDEGEE. Now, Mr. President, I am informed that the dispatch which has been read at the desk, not the Zimmermann letter but the news dispatch which is headed "Berlin via Sayville," emanates from German newspaper sources. That, Mr. President, gives a fairly accurate idea of the relations that exist at present between the Teutonic powers and this great country. What does Mr. Zimmermann, the responsible secretary for foreign affairs, say in his letter? He declares their intention to resume unrestricted submarine warfare. Everybody knows what that means. It means the kind of warfare that sunk the *Lusitania*, and which they agreed to suspend, when the President came before Congress and said if they did not do so he would "omit no act" to protect American interests. They suspended it for six months while they built submarines for the purpose of resuming their atrocities and their assassinations, and here is their responsible minister announcing not only the intent to resume them, which intent has been carried into full effect, but at the same time his intention to array every nation that could get at the United States against us in case we defended ourselves against ruthless submarine assassination.

Is there anything more necessary for this country to know? And yet the President of the United States came here last Monday and said our vessels are "timidly" remaining in port, and asked for authority to furnish them only with defensive arms in case he thinks it necessary. Well, good God, is it not necessary now if we are to keep the seas at all? I say it is. Senators say if we defend ourselves, if we prevent the armed assassin from cutting our throats, we are liable to have a fight. Well, will you not fight for your life, or do you prefer to lie down on your back and let this monstrous Frankenstein trample over you ruthlessly?

Mr. President, I am not deceived about what the effect of this bill will be if we pass it. The effect of it will be that the next passenger or freight steamer with American gunners aboard her that ventures to approach any port in the British Empire or any neutral port in Europe where the course of that vessel lies over this area of death, if Germany by her submarines, or by any other means that she can employ, sinks that vessel there will be war if this country is fit to live. And I have no doubt from what Germany has said and done—and when I say that, I mean the German ruling oligarchy, which, in my opinion, does not represent the peaceful, lovely character of the ordinary German person who has become subject to that yoke—if our vessel of war sinks a German submarine when she comes to attack one of our vessels there will be war.

Do Senators suppose that Germany, having said that her only means of winning this war is through the violation of the law of nations by the unlawful use of her submarines, springing from ambush like a North American Indian with a tomahawk, killing men, women, and children, is going to abandon that instrument or allow us to sink her submarines without declaring war? Of course not.

I repeat that I am aware of the effect of this bill, Mr. President. I agree entirely with the editorial utterances of the New York World for the last few days on this question. Germany declared war against the whole world when she issued this proclamation of murder. No self-respecting nation, if it had the power to resist, would regard in any other light or has regarded in any other light the proclamation of Germany that she would resume unrestricted warfare and slaughter on sight, without inquiry, on any vessel that approached within 40 miles of the British Empire than as a declaration of war on every nation. There has been a state of war existing between us and the Teutonic powers since the 1st day of February. Germany has accomplished her purpose in that way by sweeping the ocean clear of American shipping, tying our ships up at our docks and blockading our freight. The only distinction between what exists and real war is that Germany is waging war and we decline to defend ourselves. That is all there is to it.

For myself, I would vote to-day, and would have voted any time for the last month, that "whereas a state of war exists between the Teutonic alliance and the United States of America, the President of the United States is directed to use every means to carry that war to a successful conclusion."

I wanted, and several other Republican members of the Committee on Foreign Relations wanted, to put in this bill not that the President is merely authorized to loan some guns to our merchant vessels but that he is directed to do so. I wanted to put it in not because I wanted it to be done but I thought that when the President, in his message to Congress and in the bill offered to the committee by his authority, said that he wanted authority to do it, if in his judgment it became necessary for him to do so, there was a clear implication that he did not think all that has gone before made it necessary to do so.

Why, Mr. President, we are a peaceful Nation. For two years and over we have submitted to every form of aggression at the hands of these great warlike powers. We have acted in the face of these provocations and losses and horrors in a way that we never would have acted in 1865, when Gen. Grant had an army here and we had a real Navy. No power in Europe would have dared to do these things to the United States at that time; but we have sat here for two years and a half, with a situation growing increasingly worse and more terrifying, obvious to any schoolboy, and we have declined to do a thing to raise an army for this country, and we are now doing just what those who had sense enough correctly to diagnose the situation at the time said, that, no matter whether we were called upon in the final event to use it or not, it was our duty to defend this great Nation of 100,000,000 people and prepare for defense by armies and navies.

We have done nothing for the Army; and now, having done so little for the Navy, we are stampeded into passing a naval appropriation bill—of which I am entirely in favor, but which comes altogether too late—into passing a half-billion-dollar appropriation for our naval vessels. Those that we have already authorized are not ready. Now, we are passing bond issues of $150,000,000 to rush into the market to buy patrol boats, build submarines, and buy ammunition in order to defend our own coastwise shipping if necessary.

Why, Mr. President, it was not over three months ago, just before Congress opened, that the submarine *Deutschland* arrived in my home city with a great cargo, going back and forth, showing the enormous radius of action of these boats that Germany is building. Within a week or two of that there appeared the *U-53* off Newport, landed in a neutral country at Newport, delivered its official dispatches, took back dispatches, sailed out of a peaceful harbor and lay off Nantucket, right off Boston, and dynamited six ships in one afternoon; and our torpedo boats received orders to stand by and pick up the crews of the dynamited boats, so that Germany could do it without violating the requirements that we had laid down that the crews of the dynamited ships must be placed in a position of safety. I confess that I was very much humiliated at that episode. It did not seem to me that we ought to be made a handmaiden to pick up the dead, alive, or jettisoned passengers of vessels so close to our own coast as that, or that we ought to use the Navy of the United States as a German auxiliary; but it was done.

Mr. President, the reason I prefer the Senate bill to the House bill is this: The Senate bill contains a provision in the first two lines of it empowering the commanders and crews of all merchant vessels of the United States bearing United States registry to arm and defend such vessels against unlawful attacks. That gives the crews and the commanders of the vessels a status. Under the existing statute—section 4295, which I have read—they would have no status, no authority of this Government to defend themselves against an armed ship of a foreign power with which we are at amity. If Germany claimed still, as she apparently does in this Zimmermann explanation, that she is still at amity with the United States, and if a Ger-

man submarine should capture an American merchantman which had fired upon the submarine, they would hang the crew of the American vessel to the yardarm as pirates. Our sailors would have been prohibited by our own statutes from firing upon the armed ship of a power with which we were at peace. I want to give them a legal status, so that instead of being shot at a drumhead court-martial, or hung on the yardarm, they will be prisoners of war; they will be acting under the authority of the United States, conferred by Congress, to defend themselves. This, to my mind, is the principal difference between the House and the Senate bills.

Mr. President, I have occupied a great deal more time than I intended to when I rose. I am intensely anxious to have this bill pased; and, although I have a great deal more that I should like to say, in order to expedite the consideration of this measure I will content myself with one further observation.

Mr. President, I am very much in favor of the Senate bill, and the substitution of the Senate text for the House text, for the reasons I have indicated. I think it would be exceedingly unfortunate, at the time when I think Congress at last is to make a long-awaited and brave declaration that will unify the American people and give us a national spirit and encourage people to stand up and defend their rights, to attach to that bill any amendments of the nature of the amendment offered by my friend, the distinguished Senator from Missouri [Mr. STONE]. We do not want to qualify this bill or whittle it down or attempt to prescribe what cargoes our vessels shall carry, if they are lawful cargoes. We do not want to make a brave assertion and then hedge it about with conditions and qualifications which will make it almost useless. There is only one course for this country to pursue at this time. If it had pursued it two years ago, we would not be in the situation we are in now. We have dawdled and fooled with Mexico. That chapter, in my opinion, is a disgraceful annal in the history of the American Nation. We have dawdled with this other question of death on the high seas, and now we are up against it. Let us face it like men, without equivocation and without apology.

Mr. OVERMAN. Mr. President, will the Senator yield to me for a moment?

Mr. BRANDEGEE. Certainly.

Mr. OVERMAN. I want to state to Senators that the gallery on the right here is reserved for Senators and their families and their home guests. Senators, however, will carry their constituents up there, which is against the rules. Now, there is that Senator's gallery, crowded. Here are empty seats all over here. I have given orders to the Sergeant at Arms to allow no one except Senators' families and their house guests to go in that gallery. I state that to the Senators in order that they may not go up there and not be given entrance to that gallery.

I have letters from Senators' wives complaining that they have come here and are unable to get seats in their own gallery; and I state that in order that the Senate may know that I have given that order. I understand there is not one person in that gallery now from Senators' families. Here are good seats over here and good seats around here [indicating], and yet people are sitting on the steps in the Senators' gallery.

I just give that notice to the Senate.

Mr. LANE. Mr. President, if the Senator will allow me just a moment——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Oregon?

Mr. BRANDEGEE. I do.

Mr. LANE. If they come here, strangers to a degree, we ought to be a little bit hospitable. They come to see the circus once in four years. I will try to keep my family out of the way for a day or two and give them an opportunity to see the goings-on of this very honorable body. I hope the Senator will be a bit lenient under the circumstances.

Mr. OVERMAN. I want everybody to see and hear; but there is one gallery that ought to be reserved for the Senators' immediate families. They want to hear these proceedings. Therefore I respectfully ask Senators not to carry their constituents into that gallery when there are seats over here, when those seats are reserved for the President and his family, the Vice President and his family, and the Senators and their families. Members of the House, too, come over here with their wives and can not get seats. That is the only gallery the Senators have, and here are these other galleries that will hold 1,200 people, and I do not see why Senators will crowd that gallery with their constituents.

Mr. BRANDEGEE resumed his speech. After speaking for a few minutes,

Mr. WEEKS. Mr. President, may I suggest that the Senate is not in order; that there is a great deal of confusion in the galleries?

The VICE PRESIDENT. It is the duty of the doorkeepers of the different galleries to inform people as they come into the galleries that they are expected to remain silent. They have no authority under the rules of the Senate to manifest either approval or disapproval of anything that occurs upon the floor of the Senate of the United States. They are there as guests, and welcome guests, of the Senate of the United States, but they are expected to obey the rules. The rules place upon the presiding officer a very disagreeable duty. That duty is to maintain silence in the galleries. It gives him the power, if it is not maintained, to clear the galleries. That is a power that the present occupant of the chair would very regretfully exercise; so he asks at the present time that the occupants of the galleries remain silent, and the doorkeepers are instructed to notify persons entering the gallery of the rules of the Senate.

After the conclusion of Mr. BRANDEGEE's speech,

Mr. FALL. Mr. President, I have listened with a great deal of interest to the debate so far; and as there are some of the propositions involved here which I intend to discuss and upon which I intend to cite some few authorities, I will ask permission to move my seat, that I may not be disturbed by the noise behind me, and may not disturb those who are engaged in conversation.

Mr. President, the Senate bill itself can, of course, be divided into two distinct propositions, as has been so clearly stated by the Senator from Connecticut: One, the authority given to the merchantmen, those sailing our ships, to defend themselves against unlawful attacks; the other, certain authority given by legislative direction and by permissive words to the President of the United States. The propositions involved in the Senate bill are not involved in the House bill. In the event the House bill should be substituted for the Senate bill, the merchant vessels of the United States are not entitled to defend themselves except against piratical attacks.

Mr. Jefferson, in his fourth annual message to the Congress of the United States on November 8, 1804, laid down the proposition which is at the foundation of the distinction which I have attempted heretofore to make in the Senate, and to which I now call the attention of the Senate again in the assertion which I have just made. He says:

> That individuals should undertake to wage private war, independently of the authority of their country, can not be permitted in a well-ordered society. Its tendency to produce aggression on the laws and rights of other nations and to endanger the peace of our own is so obvious that I doubt not you will adopt measures for restraining it effectually in future.

This was addressed to the Congress of the United States; and the Congress did adopt measures to restrain it, and Jefferson had reference in this message to the arming of ships here for action against other ships on the seas, and which ships were not under authority of Congress commissioned for such action.

The same principle, Mr. President, underlies society itself, and underlies all law. The nations of the world have adopted for themselves rules of war. The various nations together, as in The Hague tribunal, have undertaken to adopt similar rules and make them a part of international law; and under the ordinary rules of war of any nation the citizen has no right to defend against the national of another country in times of war, when that national is one of the citizens of the belligerent country.

Of course, the mere matter of self-preservation against murderous attack would present a different proposition.

Unless this Congress—the President, in my judgment, can not by his statement protect the citizen—unless this Congress, by implication or otherwise, declares that the war now being carried on by Germany is an unlawful, illegal war, a citizen of the United States defending against any attack by an armed ship of Germany, whether submarine or other, is not only to be treated as an enemy under the rules of war, under international law, under the statutes of his own country, but if he commits an act of hostility, even in self-defense, he is subject to be treated as a pirate and hung at the yardarm. Therefore there is an essential difference between the Senate bill and the House bill.

The Senate bill gives permission to the President of the United States to commit this country to an unneutral act unless the Congress of the United States declares, either affirmatively, positively, or by implication, that the warfare carried on by Germany is unlawful and illegal. The permission to arm, to which I have referred, without the permission given by the Congress to defend, is simply a permission possibly to commit an unneutral act, as I shall undertake to show.

I discussed at some length on the 27th of this month some of the questions involved, and I do not intend to repeat that discussion or delay the Senate. Under section 8, Article I of the Constitution of the United States, "the Congress shall have power to declare war, grant letters of marque and reprisal, and make rules" concerning capture on land and water.

This clause has been discussed by commentators upon the Constitution, eminent lawyers, and I am going to quote from Justice Story, who gives the reasons why Congress was affirmatively given by the convention the authority to issue letters of marque and reprisal. The power to declare war vested in Congress incidentally carried with it, of course, the power to issue letters of marque and reprisal. Letters of marque simply mean letters authorizing an armed ship which has the right of "reprisal" to sail beyond the territorial waters of the country issuing it. Letters of "reprisal," of course, means the "retaking"—other countries taking our vessels, under letters of "reprisal" our vessels may be authorized to take their vessels or to retake ours which have been captured. An incidental power to declare war then is expressed. Story says:

> But the express power "to grant letters of marque and reprisal" may not have been thought wholly unnecessary, because it is often a measure of peace to prevent the necessity of a resort to war.

Now, while it is incidental to war, Story's conclusion is that the convention placed in section 8, along with the power to declare war, this declaration for the purpose of enabling Congress to issue letters of marque and reprisal as a measure of peace, and that when such letters were issued such action could not be construed as a declaration of war.

Story proceeds:

> Thus individuals of a nation sometimes suffer from the depredations of foreign potentates, and yet it may not be deemed either expedient or necessary to redress such grievances by a general declaration of war. Under such circumstances the law of nations authorizes the sovereign of the injured individual—

And, of course, the Congress is the representative of the sovereign, speaking of this country—

> to grant him this mode of redress whenever justice is denied to him by the State to which the party who has done the injury belongs.

Under the authority given to our merchantmen under the act of 1798, which has been referred to heretofore in the debate in this body several times, and which act is embodied in the bill introduced by myself in this body some two or three days before the Senate bill now under discussion and the House bill were introduced in either body, for three years war was waged with France; and while no declaration of war was made, yet a state of war existed. There are several characters of war; a general and public war, for instance, and a limited war. The Supreme Court of the United States has declared that the war between France and the United States since 1798 under the act of Congress was a limited war. The Congress of the United States by the passage of these acts alone declared a war and limited the extent to which it should be carried. That can be done. It is one of the prerogatives of Congress in declaring war. Congress can declare how it shall be carried on and where it shall be carried on. It can limit it or make it general and open and public.

Mr. President, we might as well face the proposition involved. In the event the Senate bill is passed, the action of Congress in passing that bill is, in my judgment, a declaration of a limited war, unless such declaration or such act is so framed as simply to amount to extending to our vessels letters of marque and reprisal, and no such limitation is placed within the terms of the bill nor can be read into it.

It is true the bill provides that our vessels so armed shall only defend themselves against unlawful attack. If it is meant by the Congress to confine their defense to one nation or another, then Congress, if it intends simply to authorize limited hostilities, should name the nation against which our vessels are to be armed. If not, you place the vessels by your declaration in an attitude of possible hostility to all the other nations of the world, neutral or belligerent. By implication you must declare, provided you authorize these vessels to do anything, that the warfare now being carried on by Germany is unlawful. That would very probably be the decision of a court in the event the court ever passed upon the subject, because, of course, the court will proceed to consider the action and the messages of the President upon this proposition, and would undoubtedly ascertain that the intent of Congress was to authorize our merchant vessels to defend themselves against the attack of German submarines and raiders, vessels of a nation with which, without this declaration, we are at amity; and without that declaration our vessels are prohibited from defending against such attack by such vessels, not only by our own statutes but by the very rules of law and government itself. At the very foundation of government, as I have read from Jefferson, lies the rule that a citizen can not bring on hostility, can not commit an act of hostility against another nation. Otherwise there would be no protection for a nation. Otherwise any citizen could without hesitation, if he so desired, attack the land forces of Argentina or Brazil or of Germany or France or Great Britain and claim to be acting in self-defense. He could secure a band of freebooters, possibly, and enter Costa Rica or Nicaragua as a citizen of the United States, commit hostilities upon the armed forces of that country, and claim the protection of the United States upon the ground of self-defense.

These acts are prohibited, necessarily so, for the protection of government itself. Therefore, whenever an attempt is made to arm a citizen of the United States and authorize him to carry on war or to commit an act of hostility it must be done by an act of Congress, and such an act as is distinctly prescribed in the statute. The President of the United States could send armed forces of the United States across the border to pursue Villa. The President of the United States could not authorize the Senator from Mississippi or the Senator from New Mexico to pursue Villa and wreak vengeance upon him for an attack upon citizens of the United States. The Congress of the United States can enlist the Senator from New Mexico, the Senator from Mississippi, the Senator from Iowa into the regular forces or irregular forces of the United States and then authorize the President of the United States to send such enlisted force after Villa. The President of the United States can not authorize and Congress can not deputize him under the Constitution of the United States to authorize the American merchant vessels of the United States to commit acts of hostility against the vessels of any other country with which we are at amity or sailing under the national flag of such country. It is beyond his constitutional prerogative.

The President of the United States, I want to say, in my judgment possesses one of the keenest minds which I have ever come in contact with. I think the President of the United States had in mind absolutely these limitations when he delivered his message to Congress, and certain further limitations which I shall refer to later. I think the President of the United States had in mind, and I might as well say it now, that this act of Congress, the Senate act, if adopted is a declaration of war, a limited declaration or a declaration of limited war. There is no doubt about the proposition, in my mind.

I therefore say frankly that in the event this act is passed, necessarily war follows if the Congress of the United States declares that the method of German warfare now being carried on is unlawful. That is first. Second, that Congress is the only power to authorize the merchantmen of our country to arm against it; and third, it authorizes our vessels carrying contraband of war or enemy goods to so defend, which is of itself an unneutral act. Of course, it is in the power of Congress to do it, and I hope that Congress will do it.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. HUGHES in the chair). Does the Senator from New Mexico yield to the Senator from Missouri?

Mr. FALL. For a question. The Senator understands that I can not yield except for a question.

Mr. REED. I only want to ask a question.

Mr. FALL. I do not want to be taken off the floor.

Mr. REED. The view of the Senator, if I understood him correctly, is that the enactment of this bill is a limited declaration of war. If that be the purpose and effect of the bill, I inquire would it not be wiser to directly declare war?

Mr. FALL. Mr. President, I am always frank. If the Senate of the United States followed my advice it would within 15 minutes declare a general public war against the Imperial German Government and authorize the President of the United States, as I suggested in the bill which I introduced a few days ago, to raise additional land forces for the defense of this country. I think you will find in a very short time that you will need them.

Mr. President, under the rules of all civilized countries and under international law—of course, as it has been discussed here, and I presume it is admitted by everyone—the vessels of a neutral carrying contraband of war—enemy's goods—must allow themselves to be stopped and submit to search and destruction of the cargo, seizure, or confiscation of the cargo, and have their vessels subjected to condemnation proceedings in a prize court to ascertain whether it was a neutral vessel or whether it is contraband of war itself. The law is well settled, I think, that in the event a vessel carrying contraband of war hides any portion of its contraband, falsifies in any way its papers, endeavors in any way to escape from the penalty placed upon such acts under the law of nations, it is guilty of an enemy act and subjects the vessel, although otherwise not contraband, to confiscation and, under proper circumstances or under certain

circumstances, to immediate sinking. This rule is without any variation or exception, in so far as I know.

Now, the rule is further, as I have heretofore cited opinions of the Attorney General and of the courts of this country to sustain, that such vessels committing an act of hostility, the crew and officers, may be treated as pirates. If they hide the cargo, the noncontraband portion of the cargo, the ship itself becomes contraband. If they evade in any way the penalty placed upon them under the law of nations, the ship itself and the balance of the cargo, although not contraband, become at once contraband. If they commit an act of hostility against a vessel authorized to seize them, such as an armed vessel of a belligerent nation, without the authority of their Government given affirmatively, they are not only enemies but if captured by the belligerent country may be treated as pirates and tried by summary court-martial and shot or hanged.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Iowa?

Mr. FALL. For a question, the Senator understands. Under the rule I can only yield for a question.

Mr. CUMMINS. I understand that; but I must premise my question with the statement that with one exception I agree with all the propositions of law which the Senator from New Mexico has stated. His view is that if a submarine were to overcome one of our merchant vessels armed in the way that we propose in the bill under the present law the commander and crew of the merchant vessel would be treated as pirates. I think that is true; but the bill says that they are authorized to defend themselves only against unlawful attack. In the case that I have put, who would determine whether the attack was lawful or unlawful?

Mr. FALL. The merchantman would determine it for himself. The courts, if afterwards called upon, would decide the proposition, and, as I have just suggested, would undoubtedly take into consideration the messages of the President to Congress, his requests to the Congress, and the passage of this bill, and would decide, in my judgment, unhesitatingly that Congress itself had decided that such attacks by such submarines were unlawful.

Mr. CUMMINS. I am not thinking of those after proceedings or judicial proceedings; but I am thinking of the German commander of the submarine who captures our commander and crew while defending against the submarine attack. The German military government would then determine whether the attack of the submarine was lawful or unlawful. Does the Senator from New Mexico have any doubt about the result of a trial of that kind?

Mr. FALL. The only doubt which I have about it, Mr. President, is this, that if Germany intends to follow anywhere in any respect the ordinary rules of law, the rules of humanity, the rules of nations, the German Government must take into consideration the act of the Congress of the United States and treat such persons as prisoners of war. If the German Government does not take into consideration in their defense such acts and so treat them, then, sir, for every Nathan Hale the United States Government is entitled to execute an Andre.

Mr. CUMMINS. Mr. President, there is just one more point on which I should like to hear a little further from the Senator from New Mexico.

The PRESIDING OFFICER. Does the Senator from New Mexico yield?

Mr. FALL. I do.

Mr. CUMMINS. He has reached the conclusion that this is a limited declaration of war.

Mr. FALL. A declaration of a limited war.

Mr. CUMMINS. A declaration of a limited war. I should like to know a little more definitely how he reaches the conclusion that this act limits the declaration to German submarines. It seems to me that upon its face it is a declaration of general hostility and general war.

Mr. WILLIAMS. War on submarines.

Mr. CUMMINS. The word "submarines" is not mentioned in the bill anywhere.

Mr. FALL. I called attention to that fact.

Mr. CUMMINS. I know.

Mr. FALL. I drew the conclusion that necessarily any historian, any court, any statesman, or any nation passing upon the question would decide after reading the President's message, after considering his breaking off diplomatic relations, and taking the text of the act itself, that the Congress of the United States had declared German submarine warfare unlawful and had authorized our vessels to resist the attack of the German submarines; and therefore that court or any tribunal, international or otherwise, would decide that Congress in passing it was limiting the right to the German submarines or raiders.

Mr. JONES. Mr. President——

Mr. FALL. I yield for a question, Mr. President. Let me say for the benefit of all Senators now that I am perfectly willing and would be very glad to answer any question which it is in my power to answer, but I do not want to be taken off my feet. With that understanding I yield to anyone.

Mr. JONES. Of course I do not want to take the Senator off his feet.

Mr. FALL. I understand.

Mr. JONES. Am I correct, then, in understanding the Senator's position to be that under this act if passed vessels intended to be used in carrying goods to Germany through the zone that has been laid out by Great Britain would not be permitted to arm and resist what they would consider to be an unlawful attack?

Mr. FALL. If it became a question of judicial decision upon that proposition, I think not. I would say very frankly, however, to the Senator that one of the reasons upon which I would base that opinion is the fact that Great Britain has pursued the rules of war. Whether she may have stretched the definition of contraband, or whether she may have aggravated us by seizing cargoes which were not themselves contraband, to pay for them herself and thus avoid the destination to which they might be shipped—while she may have done those aggravating things and annoying things, yet Great Britain has pursued the rules of warfare in such acts. Great Britain has not sunk any vessel of a neutral nation of which I have any knowledge. Great Britain, in other words, is following the rules established by Great Britain, and Great Britain alone many, many years ago embodied them in her instructions to her navy. In 1870 Great Britain of all the nations of the earth decided, and so instructed her naval officers, not to sink a neutral vessel, although it might be carrying contraband and although it was impossible to take it into port. It is the only nation on the earth that has done it. She has sought to have other nations join her. We have refused and the other nations have refused, but Great Britain does not even sink a vessel carrying contraband of war if even it is impossible to get it into a port, but her instructions to her naval officers are that they must turn the vessel loose.

Mr. JONES. Of course, I recognize the truth of those statements, but I understand the Senator's position to be that this act would not authorize a ship to go through that prohibited zone carrying goods to Germany. It is his view that it is confined to ships armed against submarines.

Mr. FALL. I think that is the intention; submarines and such raiders as have been in the habit of sinking ships.

Mr. JONES. I wanted to see whether I was mistaken in the Senator's position.

Mr. FALL. That it is confined to the central powers?

Mr. JONES. Yes.

Mr. FALL. I think so clearly, unless, of course, with these qualifications, that I do not think this affects the laws of blockade. If there is an effective blockade being carried on, I do not think that this act here affects that. I do not think that this act is intended to allow any merchantmen at all to violate the laws of blockade by any nation.

Mr. JONES. Does not the Senator think it would be much better if we would state that directly in this act, if that is what we want to do?

Mr. FALL. Mr. President, the Senator from New Mexico introduced three days before either of these bills was introduced in either House an act following the law of July 9, 1798, and following other acts in pari materia of that year, but using the names "Imperial German Government, the Governments of Austria-Hungary, Turkey, and any other central powers or allies, so called." I think it would be much better to define exactly what Congress means to do. But I shall support the bill.

Mr. JONES. Mr. President, one more question. Does not the Senator think that a merchantman reading this act would be justified in assuming that he would have the right if he wanted to carry goods to Germany to arm his ship and resist what he would consider an unlawful attack and that he would be entitled to the protection of the Government in so doing under the terms of this act?

Mr. FALL. I am inclined to think so, the merchantman not being a lawyer, not supposed to be versed in the law. Under the general terms of this act I am inclined to think that any merchantman sailing with arms of offense or defense would be justified in understanding that if the ship of Great Britain, or France, or any other country committed or attempted to commit any unlawful act upon him he was entitled to sink that ship.

Mr. CUMMINS. I remind the Senator from New Mexico that the Senator in charge of the bill, when explaining it to the Senate, stated, as I remember it, that the protection or authority here given to commanders and crews of our merchant ships extended to unlawful seizures of all the belligerents, and he looked upon that feature of it as one that gave it additional strength. It will not be strange if the people generally accept that interpretation in view of the construction put upon it by the Senator in charge of the bill.

Mr. FALL. That statement of the chairman might possibly by some court be taken into consideration as a matter of contemporaneous history, as a part of the debate. I suppose the court in doing that might possibly, although not with equal justification, pay some attention to the definition or understanding as arrived at by the Senator from New Mexico as to what this law means, and I have undertaken to make myself clear upon that subject.

Mr. President, I have referred to these rights——

Mr. JAMES. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Kentucky?

Mr. FALL. I yield.

Mr. JAMES. I can not see anything in this bill which would deny to a merchant vessel the right to fire in its defense if it should be unlawfully attacked by a vessel of Great Britain or of any other country. The language of the bill is:

> That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks.

Mr. FALL. I understand that, Mr. President.

Mr. JAMES. There is nothing that qualifies from what source the attack may come.

Mr. FALL. I have attempted to make the distinction clear. I will repeat it as briefly as possible.

Mr. JAMES. Of course, I recognize that the policy which Germany has outlined and declared her purpose to inflict, is that of unlawful warfare; and if any other nation should make a like declaration, then, it seems to me, that we would be entitled to defend our ships from such an unlawful attack from whatever source it might come.

Mr. FALL. The Senator from Kentucky has made the precise distinction that I have undertaken to explain. I think that, in view of the history of this case, we can say that the Congress of the United States by passing this act is declaring unlawful the German acts. If there were acts performed or committed by another nation of the same character, undoubtedly a merchantman might be justified in defending in like manner against such acts; but Congress is dealing now with the facts, and the court would so find in undertaking to construe the act; but the merchantman, on the other hand, not being supposed to understand the law or to be versed in the law, would undoubtedly construe the act to give him permission even to defend against an armed vessel of another nation than Germany, we being at peace with such nation, if such vessel undertook to commit any attack upon him.

Mr. JAMES. But the language of the bill is broad enough to give to our ships the right of defense against any nation under similar circumstances.

Mr. FALL. Yes; but, Mr. President, the Senator from Kentucky must bear in mind that, except by act of Congress, a citizen of the United States has no right to defend against the armed forces of a nation with which we are at amity. This act of Congress, in my judgment, would be construed as intended to strike at Germany, while the merchantman himself might construe it as giving him the power to resist a demand that he stop, with gunfire across his bow, possibly, and such a demand made by some other Government with which we were at amity.

Mr. President, I want to close one phase of my statement, that relating to contraband or the rights and the penalties of those carrying contraband. I have referred to penalties——

Mr. WILLIAMS. Mr. President——

Mr. FALL. Pardon me just one moment, and then I will yield.

I have referred to the penalties inflicted for any act by which the person or the ship carrying contraband undertakes to hide the character of the cargo, in order to escape the consequences of the act, and so forth. Now, I will yield to the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, I have listened with much attention to the Senator from New Mexico, and the object of this inquiry is to render what he has so admirably said, unmisconstruable, if I may frame a word. The Senator has said that this was a declaration of limited war, and then he added "against German submarines."

Mr. FALL. Against submarines and raiders.

Mr. WILLIAMS. Of course, submarines and raiders carrying on the sort of unlawful warfare which consists in sinking a ship without warning and without taking care of its noncombatant passengers and crew. Does not the Senator think that he had better modify that statement to the extent that this is a declaration of limited warfare against that mode of warfare by whomsoever carried on? It is conceivable, though I think not possible, that some other nation might inaugurate that method of warfare. If so, then this act does entitle our armed merchant vessels to sink submarines engaged in that sort of warfare or to sink raiders engaged in it.

Mr. FALL. I accept the suggestion of the Senator from Mississippi.

Mr. WILLIAMS. That is what I will add, if the Senator will permit me. I ask him if he does not think that is the reason why this is not an unneutral act—because it applies to resistance to that species of warfare by whomsoever committed?

Mr. FALL. Mr. President, I accept the suggestion of the Senator from Mississippi as possibly more clearly defining my position than I have done in my own words. The last suggestion I accept, because I had intended to close with practically that suggestion.

A nation, Mr. President, has no duty to prevent its citizens dealing in contraband of war and shipping it. There is no duty upon the nation at all in that regard. If the nation itself engages in such contraband shipments, of course, it is guilty of an unneutral act. If the nation itself, by its aid and assistance in any way, assists the persons dealing in contraband to avoid the natural consequences of his act, it commits an unneutral act. Upon this phase of this argument, I shall close by a quotation from Moore's International Law Digest, which is found in Volume VII, on page 752. It reads:

> That the right to carry on hostilities being admitted—

Of course, we admit the power of Germany and of other nations to carry on hostilities—

> it seems to follow that each party possesses, incidentally, the right to prevent the other from being supplied with the weapons of war, and that any aid or protection given by a foreign government to an individual to enable him with impunity to supply either party with such articles is to that extent an act of intervention in the contest.

Mr. JONES. Mr. President, in that connection, I should merely like to have the Senator's view. As I understood the Senator from Massachusetts [Mr. LODGE] yesterday, he contended that it would be unlawful or would be an act of war, I think, on the part of this Government if the President should place arms and men to operate them upon ships carrying munitions of war. Is that the opinion of the Senator from New Mexico?

Mr. FALL. It would be just as Moore has said here, an unneutral act, an act of intervention, if the Nation itself assists a ship or the party carrying contraband by the loan of munitions or the furnishing of munitions or arms, and then instructs him to defend and to use them, or if it furnishes those arms in such a way that he may use them in escaping, the Nation itself is guilty of an act of intervention. That act may be justifiable, Mr. President; and, if the Congress of the United States passes this bill, that act is justifiable, because you decide, if I am correct, by the passage of this act that the German acts are unlawful.

Mr. JONES. So the Senator's contention would be that, under this act, the President would have the right to place guns and men to man them upon ships carrying munitions of war through the prohibited zone?

Mr. FALL. I think so.

Mr. WATSON. In order to get the Senator's view, I should like to ask him whether or not he regards the enactment of this legislation or the passage of this bill, as a virtual declaration of war?

Mr. FALL. Evidently the Senator from Indiana has not been in the Chamber. The Senafor from New Mexico has already long ago declared that the passage of this bill, in his judgment, is a declaration of limited war.

Mr. WILLIAMS. Mr. President, the question I want to ask the Senator, following out the question just asked by the Senator from Washington [Mr. JONES] is this: Is not the Senator's answer to the question of the Senator from Washington founded upon the fact that, in this method of warfare which has been resorted to by Germany, she does not make any search to determine whether or not there are munitions of war on board the ship, but that she sinks it regardless of its contents, and that, therefore, the question of contraband does not enter into this controversy? No resistance would be made to a German submarine that took the usual course or if it had been the habit

of these submarines to take the usual course of searching. In that case, if we had put arms upon the ships carrying munitions of war, it would have been quite a different thing from putting arms on now to resist attack from ships which make no search, and which do not found their acts upon an assumption or supposition of the existence of munitions of war aboard our ships, but which sink them at once on sight, regardless of their contents, because they have established a zone of fire around certain ports of the earth into which they tell us we dare not enter.

Mr. FALL. Mr. President, the President of the United States has declared that the acts of Germany were unlawful. I have always believed that those acts were unlawful since they were first initiated. By the passage of this act the Congress of the United States will declare that, in their judgment, those acts are unlawful.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Washington?

Mr. FALL. I yield.

Mr. JONES. By these questions I am not indicating my opinion one way or the other, because I do not claim to know very much about these questions of international law, and so I come for information to the Senators who are members of the Foreign Relations Committee, who, I know, are better acquainted with these matters, and naturally so, than the rest of us.

Mr. FALL. The Senator does me too much honor; I am not a member of that committee.

Mr. JONES. The Senator has given the subject special thought and special study, and indicates, at any rate, that he is well qualified for membership upon that committee.

Mr. FALL. I thank the Senator.

Mr. JONES. As I understood the position of the Senator from Massachusetts [Mr. LODGE] yesterday, it was that we should not put any amendment in this bill prohibiting the placing of guns and men upon ships carrying munitions of war, because that would be, in effect, a reflection upon the President and would be an assumption that he intends to do, or is likely to do, an unlawful act. As I understand the position of the Senator from New Mexico, it does not correspond with that view taken by the Senator from Massachusetts; and I should like to know whether or not I am correct in that.

Mr. FALL. Mr. President, I do not think that I should now go into a discussion at length of the differences or possible differences between the Senator from Massachusetts and myself upon this proposition, or that I should attempt to reconcile, if possible—and I think very likely I could reconcile—the opinions of the Senator from Massachusetts with mine, with some modification.

Mr. SUTHERLAND. Mr. President——

Mr. FALL. I yield to the Senator.

Mr. SUTHERLAND. If the Senator will permit me, I want to ask him a question. I am not sure that I quite understand the Senator's position with reference to the carrying of contraband. Is it the Senator's position that under this act, if passed, the President would be justified in protecting an American ship against an unlawful act, even though it were carrying contraband?

Mr. FALL. Undoubtedly.

Mr. SUTHERLAND. I agree with the Senator. The Senator is undoubtedly familiar with the rule of international law that the carrying of contraband to a belligerent is not in violation of any rule of international law. Neither is it in violation of the law of the United States. It may be in violation of the law of one of the belligerent countries or of some rule established by a belligerent country, but an American ship has a right to carry contraband to one of the belligerents, provided it can get it through, and it is a perfectly lawful thing to do it if it can get it through, and if it is unlawfully attacked, if a warship of one of the belligerent countries undertakes to sink an American ship carrying contraband without going through the preliminaries laid down for search and seizure, then it has the right to resist, and the United States Government is not committing an unneutral act in defending it, although the vessel may be carrying contraband. Does the Senator agree to that?

Mr. FALL. I agree very largely with the Senator. I have undertaken at some length upon two or three different occasions, in answer to two or three different questions, to explain my position. I will undertake to explain it once more. It is that there is no duty resting upon the Government to prevent its citizens engaging in contraband trade. There is a rule of international law and a rule of war which entitles a belligerent to stop contraband and confiscate it. It is one of the rights of war for a belligerent to stop contraband, but he must stop it in a certain way.

Mr. WILLIAMS. Also defined by international law.

Mr. FALL. And the ship carrying contraband must conduct itself in a certain way. Under the ordinary rules of international law, a ship carrying contraband must without defense submit to search and seizure. It can not commit any act calculated to hide the character of the contraband or prevent its seizure without subjecting the ship itself to being sunk as contraband or to being dealt with as contraband, although it is not contraband but simply carrying a cargo of contraband. In the event that it commits an act of hostility, then it stands, as any other ship of a neutral country committing an act of hostility, its crew subject to trial by military tribunals rather than by the civil courts.

Mr. WILLIAMS. But even when the belligerent has a right to sink the vessel it is the duty of the belligerent to provde for the safety of noncombatant passengers and crews.

Mr. FALL. Certainly, that is a rule of humanity; it is older than the family, older than any nation.

Mr. WILLIAMS. Grotius and Vattel did not originate it.

Mr. FALL. No; it was not the child of the brain of any international-law writer.

There have been various occasions in this body and in the other House of the Congress of the United States, in the public press, of course, in the homes, and, I might say, by the firesides all over this country, possibly, for 100 years when there have been discussed questions as to the rights of the President of the United States and the rights of the Congress of the United States in matters of war or pertaining to war. The President of the United States appeared before Congress and asked in broad terms that Congress join him and affirmatively vest him with certain powers, which he was inclined to think he already possessed to a very great extent. I think the President was correct in that assertion, and that he possesses the powers constitutionally which would be vested in him by the passage of this bill, except the power to arm a merchant vessel; but so far as using other instrumentalities to defend our citizens against unlawful attack is concerned, he not only possesses the constitutional power, but no act of the Congress of the United States or of any other body, constituted or unconstituted, can divest him of that power. It is his duty to defend the citizens of the United States on land and on sea.

Senators who are lawyers will remember the decision of our Supreme Court upon that proposition. I recall at the moment one of the Slaughterhouse cases, where the Supreme Court of the United States held that it was the privilege of any citizen of the United States to call upon his country for defense against unlawful attack on the land within any foreign country or upon the "high seas." The Supreme Court used the term "high seas." The Constitution of the United States vests in the President of the United States the authority, and makes it his duty, to use the land and naval forces of the United States to protect this Nation and its citizens against unlawful attack upon the high seas or upon the land.

My criticism, Mr. President, of the present occupant of the White House in the past has been that he has not used those methods; that he has not performed his duty as promptly as he should have done; but, sir, that fact does not for one moment deter me from standing shoulder to shoulder with him and by him, although I have been his critic, when he is seeking the method and asking the assistance of Congress that he may perform his constitutional duty and carry out those powers vested in him by our fathers.

Mr. President, as throwing some light upon the powers of the President of the United States, not inferentially, but directly, upon the construction of Article VIII of the Constitution of the United States, I desire to read into the RECORD from volume 3 of the Madison Papers, on page 1351. I shall not go back beyond that to trace the entire history of Article VIII; but we find it up for consideration and for a vote on the page which I have cited. On August 17, 1787, we find it up for discussion: "On the clause, 'to make war.'" The original clause did not contain the words which were adopted, "to declare war," but the article as reported from the committee to the Convention for action was "that the Congress should have the right to make war"; and that clause was then under consideration.

Mr. Pinckney opposed the vesting this power in the Legislature. Its proceedings were too slow. It would meet but once a year. The House of Representatives would be too numerous for such deliberations. The Senate would be the best depository, being more acquainted with foreign affairs and most capable of proper resolutions. If the States are equally represented in the Senate, so as to give no advantage to the large States, the power will, notwithstanding, be safe, as the small have their all at stake in such cases.

Mr. President, I do not like to be inconsiderate at all, but I should like order, please.

The PRESIDING OFFICER. The Senate will be in order.

Mr. FALL. This may not be of much importance, and I may be obsessed in that regard, but I have an idea that it is important to at least the people of the United States.

Mr. WILLIAMS. The matter is of vast importance.

The PRESIDING OFFICER. The Senate will be in order.

Mr. FALL. Mr. Pinckney continued:

It would be singular for one authority to make war, and another peace.

Mr. President, I may inject here that this plan that the Senate should be the body empowered to make war was the plan of Alexander Hamilton. It was drafted by him, submitted by him, and was presented or approved and discussed at this time by Mr. Pinckney.

Mr. JONES. To confine that power to the Senate?

Mr. FALL. That the Senate should be the body to make war. Of course, Mr. President, I may depart from the lines of my argument or from my quotation for a moment to inject this observation: Some of the most eminent statesmen of latter days appear to have imbibed the idea that George Washington, who presided over this Convention; that Alexander Hamilton, Madison, and the other members of that body, which has been pronounced by Bryce, by Bluntschli, by De Tocqueville, and by many other writers, to have been the greatest body that ever sat under the canopy of Heaven for the consideration of questions of this kind. The idea seems to have obtained in some quarters that those men did not know what they were doing; and yet you will find that every possible question that the ingenuity of any mind in this Chamber might have advanced, or any question that could have been thought of, or any hair-splitting argument that could have been presented by the most technical lawyer or special pleader in this Chamber was discussed, thrashed out, and acted upon by this great body in the adoption of the different clauses of the Constitution which they were forming.

Mr. BUTLER. The objections against the legislature lie in a great degree against the Senate. He was for vesting the power in the President, who will have all the requisite qualities, and will not make war but when the Nation will support it.

Mr. Madison and Mr. Gerry moved to insert "declare," striking out "make" war, leaving the Executive the power to repel sudden attacks.

Their motion was carried by the votes of Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia voting yea, New Hampshire voting nay, Massachusetts absent. So that this whole question, which is perennially bobbing up, which is being discussed in almost every session of the Congress of the United States in one or both bodies, and which "Pro Bono Publico" and "Vox Populi" are always writing about to the daily papers and the weekly papers in the country, was discussed, and it was decided upon the proposition that to declare war should be the prerogative of the Congress and to make war in self-defense should be the prerogative of the executive department.

Mr. WILLIAMS. "To resist unlawful attacks," using the very language of this bill.

Mr. FALL. Yes; to resist unlawful attacks.

I note that I have taken up more time than I anticipated because of the frequent interruptions, to which I have cheerfully yielded and which I invite. I am simply offering that excuse for occupying more time than I had intended.

I have here, Mr. President, a work by Chambrun upon the Executive Power in the United States. I note that it has a preface by James A. Garfield. It was written in 1874. Mr. Garfield calls attention to the fact that the best commentaries upon the American constitutional form of government have been invariably written by foreigners—Von Holst, Bryce, in modern times, De Tocqueville, and others. In the preface to this work he says that this monograph upon the executive power is a worthy continuation or sequel to the great work of De Tocqueville upon democracy and the general phases of the Constitution and laws of this country.

I read from page 122 of Chambrun:

On the President is enjoined the high duty of watching over the maintenance of the Union. He will, therefore, repel foreign invasion and suppress domestic insurrection without awaiting the instructions of Congress.

Mr. President, of course the Supreme Court of the United States time and again has used practically the same words. It should go without question that this power is vested absolutely in the President. The citizens of the United States have rights upon the high seas. Invasion of those rights unlawfully is an invasion such as the President is in duty bound to repel by any force necessary so to repel such invasion. There is, therefore, to my mind, no question of the constitutional power of the President of the United States to act upon the defensive alone in repelling the unlawful attacks of the German submarines or of any other ship, or unlawful attacks of any other kind or character. The Supreme Court of the United States is quoted by Chambrun, and I will not refer to the report itself for that reason. The Supreme Court said that—

If a war be made by invasion of a foreign nation the President is not only authorized but bound to resist force by force. He does not initiate the war, but is bound to accept the challenge without waiting for any special legislative authority.

That is in the case of schooners *Brilliant* and others against The United States, decided on March 9, 1869, and contained in Black's Reports, volume 2, page 665. I am not going very much further, Mr. President, along this line.

Mr. Story, in volume 2, page 327, in passing upon this question, or commenting upon it, says:

Of all the cases and concerns of Government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand.

Of course, some of our citizens, from the birth of this Republic, have thought that the people generally should have the right to vote on any question of this kind, and presumably that they should have the right to carry on war themselves after they themselves had declared it. Some contended in the Constitutional Convention for a commission form of government. Some contended for one House of Congress, and not two, and some contended that that House of Congress should be the executive power of this Government as well as the legislative branch. The same arguments have been used over and over again. The same argument applies to the situation in which the Senate of the United States now finds itself, in my judgment. There should be vested in one individual the defense of the United States, and that individual should not be hampered by divergent counsels or by continuous nagging; and I say, sir, that in my judgment it would be a public calamity for the Congress of the United States to be in continuous session for the next month or two.

Kent says that the President—

is Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the service of the Union. (a) The command and application of the public force to execute law, maintain peace, and resist foreign invasion, are powers so obviously of an executive nature, and require the exercise of qualities so characteristical of this department, that they have always been exclusively appropriated to it in every well-organized Government upon the earth. (b) In no instance, perhaps, did the enlightened understanding of Hume discover less acquaintance with the practical science of government than when he gave the direction of the Army and Navy, as well as all the other executive powers, to 100 senators, in his plan of a perfect commonwealth. (c) That of Milton was equally chimerical and absurd, when, in his "Ready and Easy Way to Establish a Free Commonwealth," he deposited the whole executive, as well as legislative power, in a single and permanent council of Senators. That of Locke was equally unwise, for, in his plan of legislation for Carolina, he gave the whole authority, legislative and executive, to a small obligarchical assembly. (d) Such specimens as these well justify the observation of President Adams. (a) "That a philosopher may be perfect master of Descartes and Leibnitz, may pursue his own inquiries into metaphysics to any length he pleases, may enter into the inmost recesses of the human mind, and make the noblest discoveries for the benefit of his species; nay, he may defend the principles of liberty and the rights of mankind with great abilities and success, and, after all, when called upon to produce a plan of legislation, he may astonish the world with a signal absurdity."

Thomas Jefferson has given his understanding of the powers vested in himself as the President of the United States by Article VIII. I find in his first annual message, Mr. President, delivered on December 8, 1801, the statement, which I desire to quote; and in doing so it will be necessary to read very briefly the circumstances under which the statement was made and conveyed to the Congress by Mr. Jefferson:

To this state of general peace with which we have been blessed one only exception exists. Tripoli, the least considerable of the Barbary States, had come forward with demands unfounded either in right or in compact, and had permitted itself to denounce war on our failure to comply before a given day. The style of the demand admitted but one answer. I sent a small squadron of frigates into the Mediterranean with assurances to that power of our sincere desire to remain in peace but with orders to protect our commerce against the threatened attack.

Will Democrats question the authority of the President of the United States, when he asks them now to simply join with him, to give the assurance that they agree with him, that the circumstances are sufficient to justify him in the performance of his constitutional duties? An astounding spectacle, Mr. President! Jefferson, whose name is almost worshiped, not only by Democrats, I may say, but by civilization itself, to-day, recognized as one of the most eminent statesmen the world has ever known, and a true apostle of genuine democracy—and I do not mean partisan Democracy, such as is displayed here at times—and, as suggested by the eminent Senator from Mississippi [Mr. WILLIAMS], the least disposed of all men to assume authority.

The measure was seasonable and salutary. The Bey had already declared war. His cruisers were out. Two had arrived at Gibraltar. Our commerce in the Mediterranean was blockaded and that of the Atlantic in peril. The arrival of our squadron dispelled the danger. One of the Tripolitan cruisers having fallen in with and engaged the small schooner *Enterprise*, commanded by Lieut. Sterret, which had

gone as a tender to our larger vessels, was captured, after a heavy slaughter of her men, without the loss of a single one on our part. The bravery exhibited by our citizens on that element will, I trust, be a testimony to the world that it is not the want of that virtue which makes us seek their peace, but a conscientious desire to direct the energies of our Nation to the multiplication of the human race, and not to its destruction. Unauthorized by the Constitution, without the sanction of Congress to go beyond the line of defense, the vessel, being disabled from committing further hostilities, was liberated with its crew. The Legislature will doubtless consider whether, by authorizing measures of offense also, they will place our force on an equal footing with that of its adversaries.

That is the only authority that the President of the United States is asking the Congress to give to him—that, if it is necessary in protecting the citizens of the United States from these unlawful attacks, he may use such other instrumentalities and methods as to him may seem best; and that the House refused to give him. Of course, I have no right, parliamentary or otherwise, to comment in a manner of reflection on the action of the House, but I have a right to call the attention of the Senate of the United States to the gravest mistake, under the circumstances, ever made, in my judgment, by any legislative body in the history of this country.

The President of the United States knows his Thomas Jefferson. The President of the United States knows the Constitution. The President of the United States, I think, has a very keen conception of his power under the Constitution. The President of the United States has said, and I think he understands as well as any man ever did, that even within the pure line of his constitutional powers and prerogatives he may make himself felt as possibly some other Presidents have not been able to do. I think he has shown the success of his methods in some instances, Mr. President; and I pray to God, in the name of this great country of ours, of our laws, and of our people, that he may now show that he can impel, not his will but his sense of justice upon the Congress of the United States.

Mr. President, I am not going to read into the RECORD over 100 different instances where the President of the United States has defended the right of American citizens on land and on sea, in foreign territory, and on the high seas, and in territorial waters of other countries. I ask that at this portion of my remarks I may insert in the RECORD this list of cases which I have, Mr. President.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

DUTY TO INTERVENE OR INTERPOSE FOR PROTECTION OF CITIZENS ALWAYS RECOGNIZED BY UNITED STATES AND 100 CASES CITED.

The duty of a State to intervene or interpose in a foreign country, even, if necessary, by force of arms, has been maintained always by this Government. In more than 100 cases we have landed armed forces or used the guns of our Navy for the protection of our citizens or for the purpose of securing reparation or in retaliation for injury done them or their property.

1. PURPOSES FOR WHICH FORCES HAVE BEEN LANDED.

The purposes for which forces have been thus landed may be roughly classified as follows:

(a) Simple protection of American citizens located in disturbed areas. This was the purpose of the landing of forces in China, 1854; Uruguay, 1855 and 1858; China, 1859; Africa, Kisembo, 1860; Panama, 1860; Japan, 1868; Uruguay, 1868; Egypt, 1882; Korea, 1888; Navasso Island, 1891; Chile, 1891; Hawaii, 1893; Korea, 1894; Nicaragua, 1899; China, 1900; Santo Domingo, 1903; Honduras, 1907; Nicaragua, 1910; Honduras, 1910 and 1911.

(b) Destruction of pirates infesting certain areas, whether nationals of the disturbed areas or otherwise.

This was the purpose of landing forces in Amelia Island, 1811; Cuba, 1823; China, 1854.

(c) Punishment for murder of American citizens: Sumatra, 1832; Fiji Islands, 1840; Samoa, 1840–1841; Fiji Islands, 1858; Formosa, 1867.

(d) Punishment for insults or injuries to American citizens or American officers, such injuries not resulting in death: Porto Rico, 1824; Falkland Islands, 1831; Nicaragua, 1854; Fiji Islands, 1855; Korea, 1871; China, 1836; Japan, 1863.

(e) Reestablishment of American legation, collection of indemnities, and protection of minister: Japan, 1864.

(f) Suppression of local riots: Hawaii, 1874, landing at instance of Government to restore order; Egypt, Alexandria, 1882, landing to restore order, extinguish fires, etc.

(g) Preservation of order during interregnum between control of regular Government and revolutionary government: Mexico, 1876.

(h) Establishment of presumed regular government: Samoa, 1899, joint action, United States and Great Britain.

(i) Protection of customhouse at the instance of regular officials: Uruguay, 1868.

(j) Securing of indemnity: Island of Johanna, 1851; Japan, 1864; Haiti, 1888.

(k) Invasion of foreign territory for protection of American citizens and American territory: Spanish Floridas, 1817.

2. LANDING OF AMERICAN FORCES IN TIMES OF FOREIGN REVOLUTIONS.

(a) Without the invitation of either faction. This Government has repeatedly, both alone and jointly with others, landed forces in times of revolution in foreign countries in order adequately to protect American interests.

These landings were made as set forth below. Unless otherwise stated, our attitude seems to have been neutral as between the contending factions:

China, 1854, the operations were conducted against the regular imperialist troops, who had captured an American pilot boat in the harbor of Shanghai; Uruguay, 1855, operations directed against both factions; Uruguay, 1858; Africa, Kisembo, 1860; Japan, 1868; semble, neutral; Egypt, 1882; Korea, 1888; Chile, 1891; Hawaii, 1893; Nicaragua, 1899; China, 1900; Santo Domingo, 1903; Nicaragua, 1910; Honduras, 1911.

(b) At the instance of the regular local officials: Uruguay, 1868; Panama, 1860; Hawaii, 1874.

Mr. FALL. Mr. President, the cases which are contained in this list are not the only cases I have in mind. The President of the United States has had, without a dissenting voice on the Democratic side, his acts ratified—not the authority given, but his acts ratified—in sending the land and the naval forces to Mexico, landing the marines at Vera Cruz, bombarding Vera Cruz, and taking the lives with our armed forces and through our naval guns of at least 200 Mexicans; and I am reliably informed that 600 dead Mexicans lay in the streets of Vera Cruz after this fighting was over. The Congress of the United States, upon the insistence of the Foreign Relations Committee under the leadership of the eminent chairman of that committee, by a resolution ratified his act in already having carried the war for defense of the national honor, through an insult to the American flag, into a foreign country, upon foreign territory, and there committing war. With few dissenting voices, under the able leadership of the chairman of the committee, this Senate ratified that action of the President.

But later the President of the United States, thinking, in his judgment, it necessary, ordered Gen. Pershing and the forces under his command to proceed across the American line into Mexico for the purpose of arresting or killing Pancho Villa and those guilty of an attack upon American citizens in my State of New Mexico. Mr. President, as a Senator from that State I expressed myself as being in thorough accord with the President in the dispatch of those armed forces into Mexico; but my disagreement with him was as to the instructions which I understood he had given them and which I understood as tying their hands. But, sir, that was my individual opinion, and not the opinion of the Senate of the United States, because on March 17 the eminent Senator from Wisconsin [Mr. LA FOLLETTE] introduced into this body a resolution not granting the President of the United States permission to send the forces into Mexico, but commending him for the act, placing the Congress or the Senate of the United States behind him; and that resolution was adopted upon the motion of the eminent chairman of the Foreign Relations Committee of this body, and without a dissenting voice.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Missouri?

Mr. STONE. In the interest of correctness——

Mr. FALL. Certainly; I do not mean to make a misstatement.

Mr. STONE. I will say that the Senator is mistaken about the chairman of the Committee on Foreign Relations having charge of or any personal connection with the action to which he has just referred. At that time I was the chairman of the committee, as I am now; but at that time I was too ill, and had been for some weeks, to attend upon the business of the Senate. The lamented Senator from Indiana, Mr. Shively, who was then the next ranking member of the committee, reported the action of the committee and had charge of its conduct.

Mr. FALL. Mr. President, I regret very much that the Senator has just made that statement, unless he will now ask unanimous consent that the RECORD of the proceedings of March 17, 1916, shall be corrected in accordance with the statement which he has made, because I shall now read the RECORD. I did not intend to do the Senator any injustice.

The PRESIDING OFFICER. The concurrent resolution will be read.

The Secretary read the concurrent resolution (S. Con. Res. 17), as follows:

"Whereas it is understood that the President has ordered or is about to order the armed forces of the United States to cross the international boundary line between this country and Mexico for the pursuit and punishment of the band of outlaws who committed outrages on American soil at Columbus, N. Mex.; and

"Whereas the President has obtained the consent of the de facto government of Mexico for this punitive expedition—

Which turned out to be a mistake, let me interject.

Mr. STONE. Mr. President——

Mr. FALL. Just a moment [reading]—

"Whereas the President has given assurance to the de facto government that the use of this armed force shall be for the sole purpose of apprehending and punishing said lawless band, and that the military operations now in contemplation will be scrupulously confined to the object already announced, and that in no circumstance will they be suffered to trench in any degree upon the sovereignty of Mexico or develop into intervention of any kind: Therefore be it

"Resolved by the Senate (the House of Representatives concurring), That the use of the armed forces of the United States for the sole purpose of apprehending and punishing the lawless band of armed men who

entered the United States from Mexico on the 9th day of March, 1916, committed outrages on American soil, and fled into Mexico, is hereby approved; and that the Congress also extends its assurance to the de facto government of Mexico and to the Mexican people that the pursuit of said lawless band of armed men across the international boundary line into Mexico is for the single purpose of arresting and punishing the fugitive band of outlaws; that the Congress in approving the use of the armed forces of the United States for the purposes announced joins with the President in declaring that such military expedition shall not be permitted to encroach in any degree upon the sovereignty of Mexico or to interfere in any manner with the domestic affairs of the Mexican people."

Mr. STONE. Mr. President, I wish merely to say that I hope the resolution will be agreed to without debate.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Missouri?

Mr. FALL. I yield.

Mr. STONE. What I said a moment ago was based upon a misapprehension. I thought the Senator was referring to the resolution which concerned the order to land marines at Vera Cruz. The Senator had just been talking of that, and had stated that 600 people had been slain, and so on. My attention was then diverted, and when he spoke of the Senator from Missouri offering the resolution, I, having lost the connection, supposed he was referring to that event.

Mr. FALL. Mr. President, I did not state that the Senator offered the resolution. I said that he moved its adoption. I was wrong in saying that he moved its adoption; he did not; but he used the terms which I have read, I presume:

I wish merely to say that I hope the resolution will be agreed to without debate.

Mr. STONE That record is absolutely correct.

Mr. FALL. I understand that the Senator's memory was simply at fault; and I suggested to him, before reading it——

Mr. STONE. No; my memory was not at fault.

Mr. FALL. Very well.

Mr. STONE. My fault, if fault there was, was in being diverted and not catching the exact connection. The Senator had just been talking of what occurred at Vera Cruz, and while my attention was diverted he seems to have taken up the subject of the outrage at Columbus; and when my attention was again directed to what he was saying I was under the misapprehension that he was still talking about what had occurred at Vera Cruz.

Mr. FALL. Then I should not——

Mr. STONE. I want to say, if the Senator will permit me, that I do not for a moment apologize for anything that was done, either at Vera Cruz or that was done in the instance to which the Senator now refers. If I had been President at the time of the Vera Cruz incident, I would have approved what was done.

Mr. FALL. Of course, I would be glad for the Senator to state his position, and I know he will state it very correctly and in a courageous and manly way; but at the same time the Senator from New Mexico is not precluded from citing other instances which he thinks stand on all fours with this, matters which come before this eminent body and have been treated of by the Senator from Missouri. The Senator from New Mexico had no earthly desire to place the Senator from Missouri in a false light, or even have him appear to have a lapse of memory. The Senator has explained that it was simply due to a hiatus in the Senator's attention to the remarks of the Senator from New Mexico, and that, of course, is a perfectly valid excuse.

Mr. President, I do not intend to take any further time of the Senate. I have, due largely, I think, to interruptions, already occupied more time than I had expected. To review just for a moment the situation as I understand it, the Senate bill is intended to and does permit the merchantmen of the United States to do something which they are not entitled under the law to do, the power to do which could not be conferred upon them under the Constitution by the President, even if the Congress of the United States gave the President the right to loan them guns and ammunition and the gunners. That legislation it would be perfectly proper for the President to follow out; but it does not justify the use upon those ships of these guns except under such circumstances as I have referred to. To justify it by an act of Congress is equal, then, to a declaration of limited war.

Now, sir, I have undertaken to show that the only thing which the President of the United States has asked of Congress in assisting him to perform his constitutional duty is that they allow him to use such other instrumentalities and *methods* as in his judgment may seem necessary for the purpose of enabling him to protect American citizens on the high seas. He has the duty now, the right, to protect them. He simply asks the Congress of the United States to vest him, first, with power to loan our guns to our merchantmen, and, second, to use such other instrumentalities and *methods* as he deems necessary to enable him to perform his constitutional duty. In my judgment it is the constitutional duty of the Congress of the United States without hesitation to grant it to him. If I were treating this matter as a politician, I would vest the President of the United States with even more power than he asks, and let him stand alone before the people of the Union; let him be responsible; let him have the credit or let him receive the rebuke.

I do not want an attempt made to force a special session, to be held immediately. I do not believe that there can be any such intention, but if there is such purpose I simply say to my friends that I think they are very grievously in error. First, they will be held responsible for the special session by the people of the United States; and, second, after the exhibition which we have seen here in the discussion of this matter the public must know that the presence of the Congress of the United States here would not in any healthy, serious way conduce to the proper and immediate defense of American rights and American honor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes.

The message further announced that the House had passed the bill (S. 5270) for a public building at Paris, Tex., with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S. J. Res. 125) to authorize the Secretary of the Interior to accept assignment of patent for improvements in the manufacture of gasoline, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House recedes from its disagreement to the amendment of the Senate No. 9 to the bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, and agrees to said amendment.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, and it was thereupon signed by the Vice President.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, and it was thereupon signed by the President pro tempore.

ARMED MERCHANT SHIPS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes.

Mr. STONE obtained the floor.

Mr. CLAPP. Mr. President, I desire to suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Minnesota suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fall	McLean	Shafroth
Beckham	Fernald	Martine, N. J.	Sheppard
Borah	Fletcher	Myers	Shields
Brady	Gronna	Nelson	Simmons
Brandegee	Harding	Norris	Smith, Md.
Broussard	Hardwick	Overman	Smith, Mich.
Catron	Hollis	Owen	Smith, S. C.
Chamberlain	Hughes	Page	Sterling
Chilton	Husting	Penrose	Stone
Clapp	James	Phelan	Thomas
Clark	Johnson, S. Dak.	Pittman	Underwood
Colt	Jones	Poindexter	Vardaman
Culberson	Kenyon	Pomerene	Walsh
Cummins	Lane	Ransdell	Warren
Curtis	Lea, Tenn.	Reed	Williams
Dillingham	Lee, Md.	Robinson	
du Pont	Lewis	Saulsbury	

Mr. CURTIS. I desire to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER]. I will let this announcement remain for the day.

Mr. MARTINE of New Jersey. Permit me to state that the senior Senator from Oklahoma [Mr. GORE] is detained at home through illness. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Sixty-six Senators have answered to their names. There is a quorum present.

Mr. STONE. Mr. President, I rise to address the Senate on the pending measure, but before proceeding I wish to have the exact parliamentary status established. I will state the situation as I understand it, to see whether that is the understanding of the Chair and the Senate. The Senate bill which was pending has been laid aside, and the House bill brought before the Senate as the pending measure.

The PRESIDENT pro tempore. If the Senator desires, the Chair will state the position as he is informed. Of course, he has not been in the chair, but the Chair is informed and so states that the unfinished business now before the Senate is House bill 21052, which is the bill which came from the House yesterday. The Senator from Nebraska [Mr. HITCHCOCK] has moved to strike out all after the enacting clause and insert the provisions of the Senate bill. The Senator from Missouri has offered not for immediate consideration, the Chair understands, an amendment. The amendment before the Senate as the pending amendment to be acted on is the amendment which was read yesterday.

Mr. STONE. The amendment read on yesterday has not been formally proposed to the House bill.

The PRESIDENT pro tempore. So the Chair understands.

Mr. STONE. It was offered to the Senate bill, and now the Senate bill is laid aside and the House bill has been substituted for present consideration by the Senate. The Senator from Nebraska in charge of the unfinished business has indicated his purpose to move to strike out of the House bill all following the enacting clause and insert whatever it may be that he proposes, and I am informed that that will be substantially the Senate bill.

Mr. HITCHCOCK. I will say to the Senator that I have already made that motion, and that the only changes in the text of the Senate bill are of a nominal character.

Mr. STONE. I desire to offer the amendment I proposed on yesterday to the bill then pending as an amendment to the bill now pending. I send it to the desk as an amendment to the House bill.

The PRESIDENT pro tempore. The Secretary will read the amendment.

Mr. NORRIS. Before the Secretary reads the amendment I should like to suggest to the Senator that it seems to me the proper procedure would be to offer his amendment to the text offered by my colleague, the Senator from Nebraska, instead of offering it to the House bill. It will apply there just the same as though the Senate bill were actually pending as a bill instead of an amendment.

Mr. STONE. With all due respect, I think I will reserve the right to do both.

I now offer it as an amendment to the House bill and ask that it be read.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The SECRETARY. It is proposed to add at the proper place the following:

Provided, That nothing herein shall authorize the President to employ or direct any person to manage or operate any arms placed on any merchant ship by the United States as herein authorized; and

Provided further, That it shall not be lawful for any merchant ship supplied by the President with arms as herein provided to carry or convey as a part of her cargo any munitions or other supplies of war destined for delivery to the armed forces of a belligerent nation engaged in war with another nation with which the United States is at peace; and

Provided further, That it shall not be lawful for any merchant ships which may be under the convoy or immediate protection of any public vessel of the United States to carry or convey as a part of her cargo any munitions or other supplies of war destined for delivery to the armed forces of a belligerent nation engaged in war with another nation with which the United States is at peace.

Mr. STONE. Now, Mr. President, I make this parliamentary inquiry, that I may be informed and that the Senate may be informed whether an amendment of the nature of the one just submitted and read can be offered to the amendment of the Senator from Nebraska when that amendment is reached—that is, the amendment to strike out after the enacting clause and insert.

The PRESIDENT pro tempore. The Chair thinks it may.

Mr. STONE. The Chair thinks it may be offered.

The PRESIDENT pro tempore. It may be offered to either the amendment or to the House bill. An amendment to the text of the House bill has precedence, and the Chair thinks that the amendment of the Senator from Missouri is now in order as an amendment to the text of the House bill.

Mr. STONE. And afterwards it may be offered to the amendment which has been proposed by the Senator from Nebraska when that amendment is brought before the Senate for action?

The PRESIDENT pro tempore. The Chair thinks that the amendment may be offered to the substitute or to the matter which is moved to be inserted in lieu of the text of the House bill.

Mr. STONE. I agree with the Chair, but I wished to have that understood, and I shall take it that the Senate agrees to the ruling unless objection is now made.

The PRESIDENT pro tempore. The Chair hears no objection to that ruling.

Mr. STONE. Mr. President, I would rather trust President Wilson to keep the United States out of war than the jingoes now so prevalent and so clamorous for war in some sections of the country. I do not think these clamorers are numerically dominant in the country at large, but I am sorry to say that they appear to have become dominant in the Congress. I wish to make it plain that I am opposed to involving this country in the European war without infinitely greater provocation than we have yet had, and, without asserting it as a fact—and the President's future course will determine that—I believe the President to be in substantial sympathy with this view. Unless I am woefully mistaken, the President loves peace and wants peace more than war. I think he is sincere about that, and he is the one man in America who can do most to keep us out of war. The Congress may declare war; they can put us into war, but the President can do more than all others to keep us out of war. I believe he would rather rest his fame, as did Washington and Jefferson, on works done for the homes and happiness of his people and of mankind than to rest it, as did Cæsar and Napoleon, upon the bloody triumphs of battle fields. His devotion to peace has been demonstrated. Events in Mexico have been exasperating beyond measure. The lives and property rights of Americans have been ruthlessly sacrificed in Mexico, and brutal, costly, sanguinary crimes have been committed by Mexicans even on our side of the American frontier in the States of Texas and New Mexico. For years the President has been subjected to the strain and pressure of a tremendous clamor for war with Mexico, but instead of striking with a mailed hand he set his heart on helping, not hurting, Mexico, and therefore set his thought on peace beyond the Rio Grande. He has kept us out of war with Mexico.

And despite a weight of troubles sufficient to break the patience of almost any man, and despite the clamor, intrigues, and subterfuges resorted to to entrap him into some act of war with European powers, he has up to this time stood as firm as a rock. He has also kept us out of war in Europe. He has so far kept the peace in both Europe and America. I repeat, therefore, that I would rather trust him than all that horde of official weaklings who daily fly their kites to see which way the wind blows. Personally I have felt all through these troublous months that the President would do everything within his power that any man clothed with grave responsibility might honorably do to save this country from sharing in the dread calamity of that conflagration which is destroying Europe. He would not, as he should not, brook insolent attack on our national honor or intentional wrong against our people; but I believe he would in future as in the past bear with great patience, as he should, the burden of incidental and resultant injuries flowing out of the turbulence of a great war, but not wantonly committed in a spirit of hostility to our Government or our people.

For nearly four years I have worked by the President's side, and have enjoyed both his friendship and his confidence. He knows—yes, he is bound to know—that he holds a high place in my esteem and a warm place in my affections. I have not always agreed with him about things. Two such men as we could not always fully agree; but I have, as a rule, followed his lead and gone along with him as the titular head of my party, and in close alliance doing team work with him. I know the man and believe in him. If the question to-day were one only of faith and trust in him, I would not hesitate; if it were only a question of domestic policy or even of foreign policy of lesser consequence; if it were anything, indeed, not of absolutely vital moment such as I regard the present matter to be, I would be very slow to withhold my support when the President asked it; but in this instance I profoundly regret to say that I can not vote for this bill in its present form, even though the President recommends it. This is my first disagreement with the President which we have not been able to reconcile. I am sorry for this, but it can not be helped. I can not take part in

committing what I believe would be an unpardonable and perilous mistake.

I believe the bill to be not only violative of the Constitution—destructive of one of the most important powers vested in the Congress, the war-making power—but that its passage would set a precedent fraught with future danger to our form of government and to public liberty. Moreover, and aside from the question of its constitutionality, and purely as a matter of public policy, I would regard the bill with grave apprehension, as being wholly wrong in its possible, if not natural, tendencies. I would not for a moment seriously consider the question of voting such extraordinary and dangerous powers into the hands of any Executive of less poise, moral courage, and straightforwardness of purpose than President Wilson. I believe President Wilson would strive to use this power, if granted, as prudently, as justly, and as entirely for the public good as any single man amongst us all; and I would rather trust him, as I have said, to preserve the peace of these States and to aid in restoring the peace of the world than to trust the whole united conclave of turbulent jingoes, whether in or out of Congress; but I fear too much the danger of an example so pregnant of future mischief to aid in establishing it, even in circumstances calculated to inspire confidence that the power granted would not in this instance be wantonly abused, and when it might even be considered by many conservative men who love peace not to be a wholly unwise expedient for a present emergency. And here let me add that while I do not assume the province of protecting the President from sinister influences or the machinations of evil men, I think it would be most unfortunate for the President himself if the power to involve us in this European war by his own act should be confided to him. Then he would have to stand alone. I fear the Congress can no longer be relied upon as the friend of neutrality and peace; I fear the Congress has become inoculated with the poison or passion of war and stands all too ready and upon too slight provocation to render homage to the god of wrath. Still the Congress should remain unstripped of their power and responsibility, that they might still stand at least as a breakwater against the waves that otherwise would roll unhindered against the President standing alone. The plotters and intrigants of war would still be obliged to deal with the Congress as well as with the President. Isolate the President and make it possible for him by his own authorized act to inaugurate war, and instantly all manner of schemes, subterfuges, intrigues, and, I doubt not, even crimes would be resorted to to force his hand. It would be an awful responsibility for a great democracy to confide to any single man ever born of woman.

THE CONSTITUTIONALITY OF THE LAW.

I have said that an act in the language of this bill would be unconstitutional. I have heard men say in substance that they agreed with me about that, but that they intended to vote for the bill anyhow. Why? Because, they said, the President advised it, and they had faith in him. That was the philosophy of Tim Campbell, who protested that the Constitution should not be permitted to stand between friends. Adopt this Campbelltonian philosophy and you will open an easy way, as it certainly would be a very accommodating way, for construing the Constitution; but it is a way no Senator is authorized to adopt. The Constitution vests the war-making power alone in the Congress. It is a power the Congress is not at liberty to delegate. Moreover, I am personally unwilling to part with my constitutional responsibility as a Senator to express my judgment upon the issue of war whenever and however it may be presented. I believe this law would contravene the Constitution. Let us examine that; let us discuss that. The bill provides that the President shall be—

> authorized and empowered to employ such instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect the vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

It is said that this power, if granted, would not authorize the President to initiate war; but I say it would. There is the issue. The power to be granted is granted in terms too broad, too sweeping to be misunderstood or misconstrued. No limit whatsoever is placed upon the "instrumentalities and methods" that the President may employ, and no direction whatsoever is given by Congress as to the manner in which this authority may be exercised. The President would be given an absolutely free hand to employ any instrumentality and to adopt any method he saw fit to protect "the vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas." It would be left entirely to him to determine whether or not a vessel or a citizen interfered with was, in fact, in the circumstances of a given case, engaged upon a lawful and peaceful pursuit. The President would decide that for himself; he would be the sole arbiter of all such questions; and determining all such questions for himself, he would be made the sole judge as to the "instrumentalities" or "methods" that he might employ to avenge or to punish whatever he might declare to be an offense under this law. He might adopt, for example, retaliation as a method both of punishment and of prevention. The language is abundantly broad enough for that. He might conclude to send war craft on the high seas as a "method" of stopping submarine activities; and in the execution of that method, he might direct the use of necessary force to drive the submarines—which are war vessels—of a belligerent power from the commercial paths of the sea.

The bill is broad enough for that. Possibly such an act might be considered as a very proper and salutary thing for the President to do; but to do it would be war. If the President should so direct, acting under this proposed law, who would say him nay? But anything done of that nature or along those lines, or any act done which would be the equivalent thereof, would, as I said, not only be an act of war, but it would be the very essence of war in fact; and the Congress would have by their own act rendered themselves hopelessly silent and powerless. The Congress would have abdicated and surrendered in advance all chance of passing upon the questions adjudicated by the President—leaving everything to him. They would have surrendered their constitutional right and lost their opportunity to determine whether or not the facts upon which the President acted would justify a declaration of war or warrant the inauguration of war by a definite act of war. Under this bill all such questions would be left to the President alone. The Congress would have already divested themselves even of the poor privilege of saying that they approved or disapproved of the President's course. After the beginning of war it would certainly be too late to speak. They might find the country in the midst of a war begun by the President under colorable authority, and it would then, as I have said, be too late for Congress to disapprove or reject, and any attempt to do so would be fruitless. All they could do would be to approve. In the nature of things they could not disapprove. Being in war, we would have no other alternative but to go on and fight it out to the bitter end. Would any President surrender his constitutional powers in that way to the Congress? Would you have him do so? Be not deceived, Senators; this bill, if enacted, would confer power upon the President to initiate war, if he should so desire or determine, and to do that supremely solemn thing without first submitting the choice of war or peace to the Congress.

I am not now discussing the submarine question as a provocation. I am not discussing what may or may not constitute a sufficient cause for war. Neither am I considering what President Wilson or any other President might or might not do under given circumstances. I am talking about the power to make war, and about where that power is lodged by the Constitution; and I seek now only to impress on your consciousness that you are about to do the dangerous thing of surrendering your constitutional power, thereby directly violating the Constitution by shifting your responsibility upon the Executive. Of all things, I had supposed that the Congress would at least hold fast to the powers vested in them.

The question here presented rises above mere faith in any President or any man; it is not personal; it is fundamental. Presidents of the United States come and go, but the Constitution should endure unchanged as the people made it, except only as the people themselves may alter it. We have no authority to change it; we may lawlessly vitiate it, but we have no authority to change it. It is our duty to maintain it unimpaired as the one great safeguard of American institutions and of our liberties.

Let me speak even more specifically. The war power is vested alone in Congress. It is so expressly written in the Constitution; it has been so decided by the Supreme Court. Thomas Jefferson said:

> Congress alone is constitutionally invested with the power *of changing our condition from peace to war.*

So said Washington and Jackson and Lincoln and Webster and all the great men of the United States whose deliverances should be taken as authoritative; but we of this day are upon the eve, seemingly, of enacting a statute clothing the President with power to change our condition from peace to war without consulting the Congress, a thing Thomas Jefferson said could not constitutionally be done.

The Constitution says:

> The Congress shall have power to declare war.

"Declare war" is the language; but that means, Mr. President, that Congress alone is vested with power—I wish Senators would grasp this—that the Congress alone is vested with power

to inaugurate war, whether by formal declaration or otherwise. That is the meaning of the Constitution. Let us settle that now.

Judges and writers on international law inform us that up to about the middle of the eighteenth century a formal declaration of war was held to be essential before the commencement of hostilities; but since that time, for familiar reasons, formal declarations are held to be no longer necessary, and to a large extent they have fallen into disuse. In what way, then, does the disuse of formal declarations of war affect the war-making power vested in the Congress? I will let commentators on the Federal Constitution, writers of acknowledged authority, answer that question for me. I read now an extract from the work of Justice Story on the Constitution, as follows:

In a republic, whose institutions are essentially founded on the basis of peace, there is infinite danger that war will find it both imbecile in defense and eager for contest. Indeed, the history of republics has but too fatally proved that they are too ambitious of military fame and conquest and too easily devoted to the views of demagogues, who flatter their pride and betray their interests. It should, therefore, be difficult in a republic to declare war, but not to make peace. The representatives of the people—

And I call especial attention to this—

The representatives of the people are to lay the taxes to support a war, and, therefore, have a right to be consulted as to its propriety and necessity.

Now I will read from John Randolph Tucker's work on the Federal Constitution. I read from page 576 of Volume II of his work, and I wish Senators would follow this, if they have not read it:

But as declarations (of war) are merely a mode of notification, the fact of war may speak louder than words; and the language of the Constitution can not be evaded by a change in the customs of nations which dispenses with a formal declaration, nor can the United States be thrown into war with another power through any other authority than that of Congress. The words "to declare" include the power to make war, with all the incidents of raising armies and navies which the Constitution has confided to Congress. It is well, therefore, to guard against the inference that, because the declaration of war is not now held necessary to constitute the status of belligerency the President may plunge the country into war without that which is equivalent to a declaration of it by Congress.

Do you agree to that? Mr. President, if this be not true, if what Judge Tucker said be not a correct interpretation of the Constitution, then where are we? A formal declaration being held to be no longer essential or required, and if it should be held that the constitutional power of the Congress is confined to merely making a formal declaration of war, then we may be thrust into a state of actual war without any action of Congress whatsoever. This must follow unless Mr. Tucker was right in saying that nothing can be done to inaugurate or initiate war until Congress first authorizes it.

Mr. HARDWICK. Mr. President, would it bother the Senator if I should ask him one question?

Mr. STONE. Not at all.

Mr. HARDWICK. Is it not true, however, that the President of the United States, as Commander in Chief of the Army and Navy, may protect and defend, in a purely defensive way, any citizen of the United States whose rights are assailed, and may do it at once, without waiting for any other authority on earth except his own constitutional power?

Mr. STONE. If a warship of the United States should on the high seas witness an assult by a foreign warship on a merchant vessel of the United States, our warship would have a lawful right to defend and rescue the merchantman, even though the warship were not a convoy. But if a foreign warship should even lawlessly assail an American merchant vessel on the high seas, with no American warship within call, our warships could not thereafer lawfully go forth on their own initiative to avenge the assault; neither could the President under the Constitution order warships on his own initiative to go forth on such a mission. The President could not inaugurate acts of war even by way of reprisal. If the supposed attack upon our merchant ship was lawless and unprovoked, that attack might afford adequate cause for war; but that would be a question for the Congress to pass upon in the first instance.

Mr. HARDWICK. I agree with the Senator there, but the President might well direct that fleet to protect these same vessels until Congress could pass on the question, might he not?

Mr. STONE. Mr. President, the Senator differentiates on a narrow line. I suppose he has in mind the submarine warfare now being waged by Germany and which is the basis of this legislation. If this German submarine warfare is now sufficient, or should become sufficient in future, to warrant a belligerent attitude on the part of the United States, I think the Congress should take hold of the matter and so say directly. It should not be confided to the Executive to determine whether there is a sufficient cause for war. If we want to enter into war, if the occasion for so doing is as great as some Senators insist, why not let us say so. We have the right to say so; and the Congress is the only part of this Government that has either the right or the power to say so; and I am unwilling to establish the precedent of shifting that responsibility to other shoulders.

Mr. President, if you accept the authorities I have read, the answer to the question I asked is final. If you join issue with Tucker and other writers and contend that the Constitution invests in the Congress only the power of making a formal declaration of war, then it would follow that since formal declarations are no longer necessary, you would practically strip Congress of their power and vest it elsewhere. Senators, we have the concrete case as it is before us. Do you wish to shift the power and responsibility of acting? But if the view of Story and Tucker be wrong there is no need for Congress to pass a law like this to confer a war-making authority upon the President. He would have it without this statute. He could proceed on his own account without congressional warrant. But Story and Tucker were not mistaken.

Mr. SUTHERLAND. Does the Senator from Missouri think that Congress could authorize the President of the United States to seize and bring into our ports the armed vessels of Germany that have committed, or are committing, unlawful depredations upon American commerce?

Mr. STONE. I think, Mr. President, the Congress could direct the President to commit any warlike act the Congress might desire to authorize. Of course, if we should seize the armed public ships of a foreign nation, whatever the excuse, that would be war; but the Congress can order it done; the Congress can initiate war, and there are no limitations on their power in that behalf. Whenever the Congress think there is sufficient provocation for war they can declare it or direct it.

Mr. SUTHERLAND. Then the Senator thinks Congress could authorize that?

Mr. STONE. I think they have power to direct it.

Mr. SUTHERLAND. Then would that be an act of war on the part of the President if he did it?

Mr. STONE. To direct the President to seize a vessel?

Mr. SUTHERLAND. No; if the President seized an armed vessel of Germany which had committed depredations upon American commerce and brought it into one of our ports in the judgment of the Senator from Missouri would that be an act of war?

Mr. STONE. I think clearly so.

Mr. SUTHERLAND. Then the Senator's position is that Congress may authorize the President to commit an act of war?

Mr. STONE. Well, not to authorize the President in the sense of leaving it to his discretion; but I think that Congress can direct what shall be done, in which event the President would be merely the executive agency through which the will of Congress would be carried out. That is the constitutional way.

Mr. SUTHERLAND. Then the Senator makes a distinction between an authorization and a direction?

Mr. STONE. I do when you use "authorization" as vesting a discretion; but not when "authorization" is so used as to be the equivalent of "direction." The distinction is well drawn by those who have written with some authority on the subject.

Mr. SUTHERLAND. Mr. President, I ask the Senator from Missouri whether he thinks the following statute was or was not in derogation of the powers of Congress——

Mr. STONE. The Senator is going to refer to some statutes which have been passed heretofore?

Mr. SUTHERLAND. Yes.

Mr. STONE. It is my purpose to refer to these statutes, but I would prefer to do that a little later in the logical order of my address. I do no care to have the orderly thread of my remarks broken at this time for that purpose.

Mr. SUTHERLAND. Will the Senator then permit me to ask this question in order that I may be clear in my own mind as to his position: Do I understand it to be the Senator's position that Congress may direct the President to seize the armed vessels which I have described but may not authorize him to do it at his discretion? Does the Senator make that distinction?

Mr. STONE. I think that the Congress can direct whatever it wishes to be done, even though it be an act of war. What I have already said in this colloquy is my answer to the Senator, and it is sufficient.

Mr. SUTHERLAND. The Senator knows, does he not, that we have heretofore authorized the President, as distinguished from a direction, to do that thing by statute?

Mr. STONE. I do not, in the sense of the Senator's question; but I will take that up when I get to it.

Mr. President, I am unwilling to believe that it will be seriously contended that the President has the constitutional right to initiate war. If that be so, then it follows, as I contend,

that Congress only can pass upon the sufficiency of a cause of war, and that Congress only can direct the initiation of war. I challenge any Senator here and now to say whether he disagrees with that statement, which I repeat; that Congress only can constitutionally pass upon the sufficiency of a cause of war, and that Congress only can authorize the commencement of a war, which must always be begun under their direction. Again I say, if this be true, then the power to make war can not be constitutionally transferred to any other official or department of Government. It is unnecessary to pursue this further.

Mr. President, at this point I desire to read a brief extract from the Farewell Address of George Washington, concerning the necessity of keeping each department of the Government strictly within its constitutional limitations. I suppose there are people who regard Washington's admonitions as obsolete and lacking in authority; nevertheless I will read it. It is as follows:

> It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates, but let there be no change by usurpation, for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Mr. President, I am happy to know that I am pleading for what Washington plead for in his last public appeal to the American people. We buried Washington long ago. Did we bury his solemn admonitions with his body? To his great soul we say "requiescat in pace." Shall we give the same parting salute to his admonitions?

ARMING MERCHANT SHIPS.

The proposal for the public arming of private merchant ships raises questions of the gravest moment. I wish now to speak particularly about that. The bill authorizes the President to supply American vessels with defensive arms, and also with the necessary ammunition and means of making use of these arms. This presents questions wholly aside from the question of private owners of merchant ships arming them on their own account. As to private ships arming themselves, that is a question not, perhaps, important at this juncture; that is a question of minor moment, and wholly aside from the thought I now have in mind; but for the Government itself to arm and equip privately owned merchant vessels raises a very different and a far more serious question.

Mr. President and Senators, what might the President do under this bill? And what, indeed, would he be expected to do? Manifestly he would have the power and would be expected to equip American merchant vessels with all arms and munitions deemed necessary for combating this submarine warfare. This would be a public arming; it would be an arming by the Government; and, moreover, the bill would authorize the President to supply the ships so armed by him with all necessary means for making use of the armament. And what does that signify, unless it means, among other things, that the President is to be authorized to furnish men to operate the guns? It would be idle to place guns aboard with no one competent to operate them. At all events, whatever President Wilson might do in this behalf, the bill would authorize him to put men aboard in charge of the guns. He would have the authority, whether he exercised it or not. I have heard other Senators here speak to the same effect. I have heard Senators say, as most of you have, that of course it would be useless for the President to arm a ship unless he carried out the powers given him under the terms of the bill by putting men in charge of the guns mounted on board who knew how to operate them. That is what would be expected, and that is what would have to be done to make the arming effective.

I wish here to refer to another matter of great importance as bearing upon this question of equipping privately owned merchant vessels. I do not think I can tell you anything that you are not familiar with, but I tell you this and emphasize it. I am speaking now as to facts, that they may be tested by the law. It is said that it is the idea and plan of the Navy Department, if the public arming of merchant vessels is entered upon, to place aboard merchant ships as they go out from our ports, and as a part of their equipment, one or more small boats, submarine chasers, having unusual speed capacity. The idea is to have these boats carried aboard the merchantmen to the zone of danger and there lowered to the surface of the sea. It would then be their duty to hover about the merchant ship, scout for hostile submarines, and attack when necessary.

Now, Mr. President, with this program carried out as contemplated and authorized by this bill, with arms and munitions furnished by the Government, with gunners furnished by the Government, with patrol boats furnished by the Government, I ask, What would be the legal status of the merchant ship?

Mr. HUGHES. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New Jersey?

Mr. STONE. I do.

Mr. HUGHES. I want to ask the Senator whether that is a statement that has been made in a public way anywhere?

Mr. STONE. I presume all this is public, but I am unable to say to what extent it has been officially proclaimed.

Mr. HUGHES. I was going to ask the Senator what he thought of the advisability or the propriety of discussing that matter, if it has not been given out publicly.

Mr. STONE. I have great respect for the Senator's viewpoint on any question, but what is the thought that the Senator has that would make anything I have said improper?

Mr. HUGHES. The thought I had was that if, as the Senator says, it is a measure about to be adopted by the United States Navy, and has not been given publicity, I was going to suggest to him——

Mr. STONE. I did not say that any plan had been adopted. I understand that the whole plan, as I have described it, has the sanction of naval experts as well as of others; but I do not know that it has been adopted.

Mr. HUGHES. Well, about to be adopted.

Mr. STONE. No; I said it was a plan deemed advisable. Mr. President, I still do not quite understand. If the thought is that we should guard as a secret the fact that we would equip our merchantmen with armed patrol boats for the service indicated, how long does anyone suppose a secret of that kind, if it were a secret, which it is not, could be kept from those on the other side? It would at least be known to all the world when the first ship so equipped went through. You could no more keep secret the fact that patrol boats were aboard than you could keep secret the fact that cannon were aboard.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to his colleague?

Mr. STONE. I do.

Mr. REED. I should like to ask if the Senator from New Jersey thinks that a fact of that kind, if it be a fact, ought to be kept from the Senate at this moment?

Mr. HUGHES. I was not dealing with the question, Mr. President, as to whether or not it should be kept from the Senate. I was considering the propriety of discussing it behind closed doors. I think that we should at least pay some slight respect ourselves to the bills that we passed the other day forbidding citizens of the United States from attempting to discover and punishing them for revealing such things as are being discussed in this debate. I made the suggestion to the Senator from Missouri, who has served a long time in this body and is much more familiar with the propriety of debate than I am.

Mr. STONE. Mr. President——

Mr. REED. If my colleague will pardon me, I will simply remark that if any such program as that has been mapped out, and has been known to members of the Foreign Relations Committee, it is their highest duty to let the Congress know it, either behind closed doors or in the open—one or the other.

Mr. STONE. Mr. President, the importance of this matter concerns only the fact that under this bill we may put guns aboard ship, that we may put gunners aboard ship, and may put patrol boats aboard ship. All this may be done under this bill. There can be no secret about that or any part of it. Secrecy is impossible in the very nature of the case, and besides there is no occasion for secrecy. I am merely stating facts known of all men, or which inevitably would be known of all men as soon as any of these things shall be done, and I am stating the facts only for the reason that we may discuss and determine the status of a merchant ship thus publicly equipped, and also to determine the attitude and responsibility of the Government resulting from its action in providing such equipment, and this bears also as directly upon the question of convoying merchant ships as upon the question of arming them, as I will show later on.

What I want to know is this: What would be the status of a merchant vessel equipped to the extent of this proposed statutory authorization? Would she remain a private vessel or would she take on the character of a naval auxiliary, or of a quasi-qublic vessel? Mr. President, I will not take time to discuss before this intelligent body the lines of legal rights, responsibility, and duty which separates a purely private merchantman from a public or quasi-public vessel. Their relations internationally—that is, their relations to other nations as well as to our own—are totally different in the one case from that in the other. It would be useless to waste time, I think, in elaborating these well-understood lines of differentiation.

At The Hague Convention of October, 1907, Great Britain announced the following as her definition of the criteria of a warship:

A warship is every vessel which sails under a recognized flag, and which has been armed at the expense of the State, for use against enemies, and whose officers and crews have been commissioned by competent authority for that purpose.

That is the British definition of a war vessel. Now, if we take a merchantman and put guns aboard her, munitions aboard her, gunners aboard her, armed patrol boats aboard to be lowered to the sea when necessary to protect the merchantman, and by statute authorize the officers and crews of the merchantman and her patrols not only to resist but to attack wherever they deem offensive action expedient, do we not come perilously near to the definition of a warship given by Great Britain at The Hague? The officers and crews of these ships would not be commissioned by the President or the Navy Department, but they would be in a large sense commissioned by an act of Congress, approved by the President, and that would be very close to "competent authority for that purpose." Can a ship be divided into two parts? Can one part be private and the other part public at the same time? Can one part be a warship and the other part a peaceful ship of commerce at the same time? Can we have a marine combination of a peaceful Dr. Jekyl and a warlike Mr. Hyde illustrated in the same ship?

Mr. HUSTING. Would it disturb the Senator if I ask a question?

Mr. STONE. No, sir; I shall be glad to hear the Senator.

Mr. HUSTING. Since we are at peace with Germany and not at war with her, I want to ask the Senator whether we could convoy a merchant ship, with orders to defend the ship if it is attacked, without that being considered a hostile or warlike act?

Mr. STONE. Is that the question?

Mr. HUSTING. Yes, sir.

Mr. STONE. I will answer that very soon.

Mr. HUSTING. Then I will ask a further question, so that I need not interrupt the Senator again. If we have a right to do that, without having it considered a warlike act, would the fact that the merchant ship is armed merely for defense subject it to attack, even though it should have some of the characteristics of the status of a warship?

Mr. STONE. No; not justify an attack, unless the ship should be an enemy ship. If the vessel should be a public or quasi-public vessel of the United States—that is, if her equipment with arms, munitions, gunners, and so forth, should give to her that character—she would not be subject to attack by Germany's warships just for that reason as long as we are at peace with Germany, more than one of our cruisers would be subject to just attack because she was afloat on the high seas. But suppose such a merchant vessel as we are speaking of, or even a cruiser of the United States, either the one or the other, should be loaded with munitions and supplies of war en route under the authority or the protection of the United States for delivery to the armed forces of one of the belligerents, then I say that ship would be justly subject to attack because engaged in war.

Mr. HUSTING. I agree with the Senator in that, and I merely want to ask the Senator if it really makes any difference whether the boat itself is armed or whether it is being convoyed by a warship?

Mr. STONE. There is some difference, but it would take a magnifying glass to trace the line of difference in its ramifications. I will come to the question of convoying in a moment.

Before discussing the question of convoying I wish to impress as strongly as I can another important consideration upon the Senate. To arm and equip merchant vessels and send them forth empowered to engage in conflict with the duly commissioned public warships of a sovereign State would be the equivalent of granting letters of marque to the merchantmen. Formerly when letters of marque and reprisal were granted, the ship receiving them might wage war on the commerce of an enemy. I have already shown on different occasions in the Senate that the practice of granting letters of marque has been discontinued by all nations since the declaration of Paris of 1856. But this practice would be, in substantial effect, revived if the provisions of this bill should be enacted into law and executed. Moreover, in former times private merchant ships were permitted to bear arms of their own for defensive purposes against possible attacks of either pirates or privateers. But, clearly, the submarines operating in this war on either side are neither privateers nor pirates, for these submarines are commissioned by their Governments as public ships of war, and it has never heretofore been pretended that a duly commissioned ship of war was, or could be considered as, either a pirate or a privateer, or that they bore any legal resemblance whatever to them.

I will not deny the power of the Congress to declare submarines attacking merchant ships to be engaged in a lawless enterprise, and to denounce them as pirate ships; I say that the Congress has the power to do that; and if these submarines should be so denounced by solemn act, the Congress could go further and direct the President to wage war upon them. But the President can not constitutionally take any such action as that on his own account; and even the Congress, in the exigency, supposed, would direct the President, as Commander in Chief, to employ the public ships of the United States—not private ships—to execute the law. The constitutional way to meet such an exigency is the direct way I have indicated.

LAWFUL USE OF MERCHANTMEN.

I would speak now as to the uses to which merchant ships may be lawfully put in times of war. The relative rights of neutrals and belligerents are fairly well defined and understood. A neutral citizen has a recognized legal right under international law to sell or convey any merchandise, even contraband of any description, to a belligerent enemy, taking the risk of seizure, confiscation, destruction. But a neutral Government can neither sell nor convey anything whatsoever of value to a belligerent. A neutral Government can not do that. To do that would be a just cause of grave offense to the enemy of the belligerent who was benefited.

American citizens have been selling contraband, absolute contraband, such as war munitions, in vast quantities to the entente allies, and American ships have been conveying this contraband to the purchasers. This is not unlawful. It is permissible. I refused months ago to support embargo bills, one of them offered by the Senator from Nebraska [Mr. HITCHCOCK], another by the Senator from California [Mr. WORKS], to forbid the export of war munitions. The friends and partisans of the central powers in this country urged these bills persistently, partly because the central powers were not able to reach our markets, while our markets were open to their enemies. I was unwilling to accept that view. I was unwilling to deny to our people their lawful right to sell to one belligerent because the other could not reach our markets. Moreover, I believed such embargoes would be in themselves unneutral as against the entente powers, who had access to our ports. It would have been an act of distinct favor to the Germanic powers and justly offensive to the entente as an unneutral act on our part. The neutral citizen may sell and the neutral ship may convey contraband to a belligerent, subject to the hazards of war; but a neutral Government can neither sell nor transport, nor aid, directly or indirectly, in the sale or transportation of contraband to a belligerent without committing an act of war.

Mr. HITCHCOCK. Mr. President——

Mr. STONE. In just a moment. If this Government should arm merchant ships, put gunners aboard, and put armed patrols aboard, and send such merchant ships out, loaded with war supplies, to be delivered to a belligerent government, we would become, by that act, an ally of the government benefited; we would be in the war. I now yield to the Senator from Nebraska.

Mr. HITCHCOCK. Mr. President, I agree with the Senator from Missouri that such an act would be an unneutral act; but why is he disturbed over the possibility that American ships, with the protection of the Government, are to be employed in carrying munitions of war to belligerents when the whole policy of this Government and the whole practice of American ships has been to the contrary? As a matter of fact, the Senator knows that the Government of the United States has declined, over a period of years, to have anything to do with the transportation or aiding in the transportation of munitions of war. It has refused to insure ships carrying munitions of war and has refused to insure munitions of war. The fact is that the American ships have been avoiding that sort of transportation. In view of that history, why is the Senator disturbed over the possibility that that practice will be violated and that the neutrality of the United States will be violated by the Government which has been so careful not to violate it heretofore?

Mr. STONE. Mr. President, we are well aware that our merchants have been selling war supplies of various kinds in enormous quantities to the belligerents known as the entente allies, and we know these supplies have been transported in ships of American registry, to just what extent I do not know. Vastly greater quantities, I have no doubt, are being borne in ships belonging to the merchant marine of the various entente powers, or of neutral powers other than the United States. American ships are comparatively few in number. All this is common knowledge. Only the other day I read of an American freighter bearing contraband of war being torpedoed and sunk. Other American ships are doing the same thing. There is no need to disguise that. I can only repeat what I said a moment ago, that the merchant has the technical right to sell; the ship has the technical right to transport; no one denies that. It is so written. The right to transport, however, is subject to the hazards of capture and destruction. Even the ship itself, although a neutral ship, is subject to capture and confiscation, and in certain circumstances subject to destruction. There is no doubt about that.

That is what we see on one side of the line. Upon the other side of the line we are brought to face the more serious question of the Government of the United States itself taking part in the transportation of munitions of war to a belligerent engaged in war with another nation with which the United States is at peace. We are now at peace with all the nations on both sides, and are in amicable, uninterrupted relations with all of them but one.

Mr. HITCHCOCK. If the Senator will submit to a question—perhaps I did not make myself clear—I will put the question in this form: Does the Senator think that a government which for several years now, while insuring the vessels and cargoes carying innocent commerce, has refused to insure vessels and cargoes coming under the classification of munitions of war, will now undertake under this bill to convoy such vessels and break neutrality in this way, which it has refused to break in a smaller degree?

Mr. STONE. Mr. President, if it is not the purpose, if it be not the intention in passing this bill that the Government should arm and equip these merchant ships, put gunners aboard, and do the other things necessary—and, mark you, the authority is plenary—if this be not the intention, then why are we idly wasting time on a futile chase? It must be—we know it is—the intention that the Government itself shall participate in the transportation of these munitions and other war supplies, unless you adopt my amendment, which forbids a merchant ship armed or convoyed by the United States to bear such a cargo. Do you mean to say that we would arm or convoy only ships that carry no contraband?

Mr. HITCHCOCK. Mr. President, the Senator from Missouri took part in the consideration and passage of a law which created the Bureau of War-Risk Insurance. No one seemed to think it important then to prohibit the President of the United States from using that Bureau of War-Risk Insurance to insure the transportation of munitions of war. Why now put in such a prohibition? Why now prohibit him from violating the privileges of a neutral if we did not find it necessary in a smaller case?

Mr. STONE. Does the Senator from Nebraska think that, if we passed this bill, the President would not fully arm and equip these merchant vessels, put guns and ammunition aboard, and so forth? Does not the Senator think that would be done?

Mr. HITCHCOCK. Does the Senator ask the question?

Mr. STONE. Yes; I ask the question.

Mr. HITCHCOCK. I do not believe that it is the intention of the President of the United States either to arm ships carrying munitions of war to belligerents, nor to convoy ships carrying munitions of war to belligerents.

Mr. STONE. I did not ask anything about the President's intentions. I asked the Senator to tell me whether he believed that these ships would be so armed, and so forth.

Mr. HITCHCOCK. I do not think they could be armed without violating our neutrality.

Mr. STONE. Then, why are we authorizing the President to arm them?

Mr. HITCHCOCK. We are not authorizing the President to arm ships carrying munitions of war to belligerents.

Mr. STONE. I am not talking about munitions. I am talking about arming ships. And surely the Senator would not contend that this bill would not authorize the arming of merchant ships without regard to the character of the cargoes.

Mr. HITCHCOCK. We are authorizing him to protect our peaceful commerce upon the seas in American vessels.

Mr. STONE. Mr. President, I would be very much better satisfied and closer to agreement with the Senator from Nebraska if he were to consent to put in a provision here which expressly forbade any ship armed by the Government or convoyed by the Government bearing in her bottom munitions and supplies of war destined for one of the belligerents in this war. The fact that Senators oppose that amendment makes me suspicious. I can not understand that.

Mr. President, the amendment I have proposed might well have been broader. It might well be extended to other supplies than those it covers. The belligerent powers on both sides have declared almost everything to be contraband, even the most innocent kind of food destined for use only by the noncombatant population; even hungry women and starving babies are denied by these warring powers all opportunity to receive the most simple necessities from the outside world, because they are denounced as contraband.

Mr. SMITH of Georgia. Mr. President——

Mr. STONE. I will yield to the Senator in a moment. To be sure of my position and to avoid controversy I have narrowed my amendment far more than I need to have done so as to confine its operation alone to war supplies shipped for delivery to the armed forces of a belligerent. It is amazing to me that any man, who is not at heart a partisan, should object to that.

Mr. SMITH of Georgia. Mr. President, does the Senator think that we should recognize any such extension of contraband? Does not the Senator think that we should insist that only those things should be treated as contraband that are really intended as military supplies for a belligerent?

Mr. STONE. Mr. President, that is a pretty hard question for me to answer. What constitutes "absolute contraband" and what constitutes "conditional contraband" and "noncontraband" is not so definitely stated as to put it beyond doubt. It is true that in one of The Hague treaties and in the declaration of London, the nations participating in those conventions did undertake to define "absolute contraband" and "conditional contraband," and if we wish to uphold these definitions possibly the way the Senator suggests might furnish a solution for neutral nations. But if neutral nations undertook to assert themselves on that line they would come at once into conflict with the belligerent powers. Belligerent nations assume, it may be arbitrarily and with doubtful right under international law, but they assume to enlarge or restrict the rules relating to contraband to suit their own purposes. They sweep aside general law and special conventions without asking leave. What this Nation should do when face to face with such a situation would be, of course, a question of national policy. Here are these great nations declaring practically everything to be contraband. The Senator asks, ought we, as a neutral Government, to accept their arbitrary declaration as to what shall be contraband? Shall we exercise a right on our own account to say what we regard as contraband and noncontraband? Shall we say to Germany and to England that we will send what we consider noncontraband, at least to neutral ports, without asking leave of either of them or their allies? That might bring us into serious conflict with those nations, and I am not prepared now to advise upon that subject. That is a matter of policy that we would have to consider with very great deliberation.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER (Mr. JAMES in the chair). Does the Senator from Missouri yield to the Senator from Illinois?

Mr. STONE. I do.

Mr. LEWIS. If the Senator has concluded his reply to the Senator from Georgia——

Mr. SMITH of Georgia. Mr. President, if the Senator will pardon me just a moment, I wanted to follow up my interruption of the Senator from Missouri——

Mr. LEWIS. I yield to the Senator.

Mr. SMITH of Georgia. I wish to say to the Senator from Missouri that my reason for asking him the question was due to the fact that it seems to me in the proposed amendment he has fully designated what could be treated as contraband, namely, cargoes containing "munitions or other supplies of war," which, under international law alone can be made contraband.

Mr. STONE. I now yield to the Senator from Illinois.

Mr. LEWIS. Mr. President, I have yielded to the Senator from Georgia until he might conclude his suggestion to the Senator from Missouri. If the Senator has concluded, then I will interrupt the Senator for myself, if he will permit me.

Mr. SMITH of Georgia. I did not ask an additional question. I explained to the Senator from Missouri why I had asked the

question, because it seemed to me he had correctly defined what should be considered contraband.

Mr. LEWIS. Mr. President, if the Senator from Missouri will tolerate me at this moment, since he touches upon his amendment as he has been leading along the main subject, I should like the Senator from Missouri to give me his views as to this: Supposing the amendment proposed by the Senator from Missouri were adopted and the provisions of the law stated, among other things, that ships armed should not carry munitions; and supposing, despite that, a passenger ship with American passengers aboard still had munitions, unknown to the passengers, as was true in the case of the *Lusitania*, does the able Senator from Missouri feel that if such a ship were blown out of the water a passenger would lose his rights as an American or that this Government would be exempt from taking steps to avenge that wrong merely because that ship had munitions upon it?

Mr. STONE. Is that the question?

Mr. LEWIS. In other words, does the Senator feel that the carrying of munitions changes in any wise the character or the responsibility of America to her citizens or the liability of Germany to this country in the event of a wrongful assault upon the passengers? And might I add, does the Senator feel that the warlike character of a ship after she has guns aboard her is at all changed by the mere fact that that ship does or does not carry munitions? Those are the questions that I should like to ask the Senator, if he can pause at this time to give me enlightenment upon them.

Mr. STONE. Mr. President, I have not been discussing the question as to what should or should not be done in a given case where privately owned vessels flying the American flag and carrying munitions of war in their cargoes should be fired upon by a submarine and sunk—whether in all the circumstances of a given case it would be the duty of the United States to begin war, or to assume a warlike attitude, by way of reprisal or resistance. Each case should rest upon its own facts. But in any event, the facts in given cases or the facts showing a general, prevalent condition, should be brought before the Congress that that body might determine our national policy and course of action. The facts should be laid before Congress by the President, or the Congress on their own initiative should gather the facts independently, and say what action should be taken. But, Mr. President, I am endeavoring to lay down general principles rather than to discuss particular cases. I think it wiser to test particular instances by general principles than to test general principles by particular instances. I am discussing in general the question of the effect upon the relationship of this Government to another Government with which we are at peace, if this Government should take part in the transportation of war material to the belligerent enemies of that Government. I have been trying to show that an act of that kind on our part would be an act of war. If the *St. Louis*, for instance, should sail from New York to-morrow en route to Liverpool loaded to the guards with guns and munitions for the British Government—but if the Government of the United States had no hand in the sending—there would be no national offense on our part against international law. If while en route the *St. Louis* should be sunk by a German submarine, a question would then be raised for our most serious consideration to be determined by the Congress on the facts. We would settle here on the floors of the Senate and House whether Germany had so offended as to make it our duty to proceed against her with force. But, Mr. President, if the United States should have been aiding in the transportation of war supplies on board the *St. Louis*, the United States would have been guilty of a most offensive unneutral act, not only against Germany, but also against Austria, Turkey, and Bulgaria—an act which would have been the full equivalent of a declaration of war. That much at least can not be concealed or obscured by any kind of sophistry.

The President said, in effect, on Monday that so far we had no just cause of war. I agree with him; but if those of you who do not agree with him care to put that issue to the test, why not now make that issue direct?

I do not think you will challenge us to that issue. You prefer to proceed in a more indirect way to accomplish your end. You think the chance of getting us into the war is better if you proceed under cover. You would have us shift the responsibility for war on other shoulders than our own.

CONVOYS.

I wish to say a word about convoys. This bill would confer undoubted authority on the President not only to arm but to convoy merchant ships to any port of the world. Is there any Senator who does not agree to that? It must be that all do agree to that. To convoy a ship is to make her immune from search and seizure. The President could convoy ships under this bill, and the effect of convoying would be to make the convoyed ship immune from the danger of seizure or destruction. We have reached the point where, by the practice and admission of nations, a convoyed ship is not subject to visitation or search.

Let me read a few lines on this subject from Mr. Hall's work on international law. Mr. Hall is a distinguished British commentator on international law. Speaking as to the immunity of a convoyed ship under the protection of a public ship, he says:

> Continental jurists are almost unanimous in maintaining the exemption from visit of convoyed ships, not only as a principle to be advocated but as an established rule of law.

That rule is universally accepted on the Continent of Europe, and has been for many years. Great Britain did not accept the continental doctrine for a long time; but in 1909, when the convention was held in London to consider the question of maritime warfare, which issued what is known as the declaration of London, the Government of Great Britain, through its accredited representatives to that convention, said this—and I will read but a clause of it, for that will be sufficient. The statement which I shall quote is embodied in a paper prepared by Sir Edward Grey, the secretary for foreign affairs of the British Empire. After discussing the former attitude of Great Britain with reference to the liability of convoyed ships to search, Sir Edward said:

> This is, therefore, one of the cases where, owing to the force of changing circumstances, the original British contention has practically lost its importance, so that its specific abandonment would effect no substantial alteration in the actual situation, and may very well be admitted to be little more than the formal acknowledgment of the now generally accepted rule.

So, Mr. President, by universal consent it is now agreed that a merchant ship under convoy is exempt from visitation, search, or condemnation. This being the law, is it not impossible for this Government honorably to convoy a ship loaded with contraband? By the very act of convoying we pledge the world our national faith that the ship we convoy is not upon any illicit mission. We would be dishonored before the world if we convoyed a ship loaded with contraband. We can not deal with other nations with whom we are at peace except honorably; we can not resort to subterfuge; we can not deceive a friendly nation. It must therefore be impossible that our Government would convoy a ship loaded with contraband destined for a belligerent and protect it with our guns. If the President would not do a thing like that—and I assume that he would not—then why confer the power upon him to do it?

Mr. HARDWICK. Will the Senator now yield?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. STONE. I do.

Mr. HARDWICK. I was very much interested in the statement which the Senator made to the effect that without congressional action the President could not convoy our merchant ships. Will the Senator give me the authority on which rests that statement?

Mr. STONE. Does the Senator mean to ask whether the President on his own motion can order war ships to convoy merchant vessels?

Mr. HARDWICK. Yes; whether it requires congressional action for the President to order warships, for instance, to convoy merchant ships.

Mr. STONE. I have made the statement that I think so.

Mr. HARDWICK. The reason I say that to the Senator is that I have the contrary view. I believe that as the Commander in Chief of the Navy the President could convoy merchant ships whenever he pleased without any congressional action; and if the Senator has any authorities——

Mr. STONE. Does the Senator mean to say that the President could convoy a ship loaded with a cargo of war munitions?

Mr. HARDWICK. No; I thoroughly agree with the Senator about that—that if he convoyed ships that were loaded with contraband of war, particularly munitions of war, consigned to a belligerent government, it would be an unneutral act and would be equivalent to an act of war. But it is inconceivable to my mind that the President would possibly do such a thing as that.

Mr. STONE. If that be inconceivable, Mr. President, and if the President would not do it, then why do we bother ourselves to pass this bill authorizing him to do it? We are told that the Atlantic coast is piled high with freight awaiting transportation to Europe. What is it that so awaits transportation? We know that practically the great bulk of it is contraband of war.

Mr. UNDERWOOD. Mr. President, if it does not interrupt the Senator from Missouri, may I suggest a question and ask his consideration of it?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Alabama?

Mr. STONE. I do.

Mr. UNDERWOOD. The President has asked for the authority conferred in this bill to enable ships flying the American flag and American citizens to pursue their peaceful pursuits. I think the Senator has made it clear that to carry contraband of war would not be a peaceful pursuit, and therefore is not covered by the request of the President of the United States. But the Senator, in his amendment, seeks to make it clear that these ships shall not carry contraband of war—not only to make it clear to the President in the powers conferred, but to make it clear to the nations of the world. I take it that this legislation was not intended to bring about a status of war, but purely for the purpose for which it was brought to us—for the protection of American citizens and American property.

I should like to ask the Senator's opinion as to whether, if we adopt his amendment, stating in specific terms that the purpose of this bill does not apply to the carrying of munitions of war to a belligerent country, it will not be of aid in preventing our ships from being attacked by a power which is engaged in war? In other words, if we declare on the face of our authorization that munitions are not carried in the ships of the United States, will it not alleviate to a great extent the opposition to our ships going to the ports of belligerent powers, and the danger of attack from one of those belligerent powers?

Mr. STONE. Mr. President, the Senator's statement is so luminous that it answers the question he propounds. It does not need that anything more should be said. In substance I will adopt the Senator's view without elaborating it.

Now, Mr. President, it may be said, as it has been said, that the President knows what would be an act of war and what would not be an act of war—which, of course, he does—and upon this predicate it is asserted that even though the proposed law authorized a convoy of a munition ship, the President would not commit an act of war by permitting such a convoy, and yet I would like to know what would be the effect of a policy, if carried out, of loading small armed patrol boats, submarine chasers, on merchant ships to serve as scouts and defenders. Such boats would be public convoys the moment they were put upon the seas, and it is thought by many experienced men in and out of official life that such boats would be the most effective convoys possible. They would be nothing more nor less than convoys. It is not necessary that a convoy should be a dreadnaught. The size of the defending vessel can not be made the test as to whether it is a convoy.

IMPLIED EXECUTIVE POWERS.

Mr. President, it has been argued here that the President of the United States has constitutional power to do the very things this bill would authorize, whether the bill be enacted into law or not. It is said that he has implied constitutional power ample for this purpose. If that be so, would it not be a work of supererogation for the Congress to grant the President an authority he already possesses by a higher title? But I do not agree that the President has any such constitutional power. The very fact that you seek to vest him with this statutory power is proof that you do not yourselves believe in this claim put forth that he is already invested with adequate constitutional power to do the things you would have him do.

Mr. HUSTING. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Wisconsin?

Mr. STONE. I do.

Mr. HUSTING. I would like to get the Senator's views upon this point. A boat is carrying contraband, and after visit and search on the part of the boat of the country intercepting the contraband the crew have the right to have their lives safeguarded. What does the Senator say of the right of this country to protect its citizens or its boats in respect to their not being sunk and lives taken contrary to international law regarding visit and search, which is what has brought about this acute situation, as I understand it? I do not know whether I make myself clear to the Senator. In other words, this situation has arisen because Germany has threatened to sink all ships without warning, whether they carry contraband or not. While ships leaving our shores containing contraband or conditional contraband exercise their rights, subject to the right of seizure and capture in the event that they are carrying contraband, yet have a right, as I understand, to have the lives of the people upon those boats safeguarded by the captors.

Mr. STONE. Yes.

Mr. HUSTING. What does the Senator say as to the right of the United States to see that in all events Germany shall not carry out its threat to sink boats and destroy the lives of citizens, whether contraband is carried or not? I do not know whether I make myself clear.

Mr. STONE. Mr. President, I think that according to the hitherto understood rules of maritime warfare, and also according to rules based upon humane considerations, a belligerent war vessel could not lawfully destroy a merchant vessel, even though it might have, generally speaking, a technical legal right to do so, without taking every precaution possible to safeguard the lives of the passengers and crew; and if the merchant vessel should be destroyed in circumstances that were so brutal, inhuman, and provocative of our national resentment as to justify war on our part, that would raise a question for the Congress, not the President. It would devolve upon the Congress to say whether the facts in the given case created a casus belli.

Mr. HUSTING. Mr. President——

The PRESIDING OFFICER. Does the Senator yield further to the Senator from Wisconsin?

Mr. STONE. I yield.

Mr. HUSTING. I want to make myself clear, if I can. This is the point I am getting at: Does the Senator think we would be warranted, in view of the threat made of sinking boats, to convoy ships to see that the threat was not carried out, even though in some instances contraband might be aboard the boats?

Mr. STONE. I do not think that the United States would have the right to convoy a ship bearing contraband unless we are ready to enter into war, for that would be war; and I do not think the President has the constitutional power to make war on his own motion.

Mr. President, a word or two now about the implied powers of the President to do the things he asks the Congress to authorize him to do.

The Constitution, Article II, section 3, provides as follows:

He—

The President—

shall take care that the laws be faithfully executed.

That is the clause of the Constitution upon which this claim is predicated that these implied powers are vested in the President. What is the meaning of the term "he shall take care that the laws be faithfully executed"? I can answer that best by illustrations or by example. For example—he must execute the judgments and decrees of the courts of the United States, and use force if necessary when they can not be executed in the ordinary course of judicial procedure, for he is at the head of the executive department. It is his duty to preserve the domestic public order within the Federal jurisdiction. It is his duty to protect the mails of the United States from lawless interference; to prevent the violation of our neutrality laws; to prevent the violation of our immigration laws, and so on and so forth. With respect to all such matters the power and duty of the President are plain. I think that that is substantially the scope and meaning of this clause of the Constitution. I can not consent that this clause confers, or was ever intended to confer, power upon the President to determine an issue between this Nation and some other sovereignty—an issue involving questions of international law—and to authorize him to settle that law for himself, and then proceed to employ the Army and Navy to enforce his decision. A contrary view would clearly place the war-making power in the hands of the President. Mr. Tucker, discussing the powers of the President, said:

Congress declares war—that is a legislative power——

I am reading from Mr. Tucker on the Constitution—

Such declarations change the relations of nations to each other; puts the individuals of each into quasi-hostile relations; forbids commerce, and interferes with the life, liberty, and property of the people; dispels peace, and enacts war. The Constitution gave to the legislative department the sole power to do this tremendous thing, and did not intrust it to the "one-man power" of the President. It discriminated between the law which called forth a new status for the people in their international relations and the conduct of war. Congress might legislate war, but it is incapable of executing. The Commander in Chief is subordinate to Congress in all respects, and he can not use his military power to the injury of the country, except with the consent and concurrence of Congress.

Mr. President, I repeat, if the President of the United States already has power under the Constitution to do the things this bill proposes to authorize, what is the need of supplementing the Constitution with this statute? By what right could the President supply private ships with public guns, public ammunition, public patrols, and so forth? To me it is a new doctrine to hear it said that the President can without congressional authority give, sell, or loan public property to private persons or corporations. If I am wrong about this I beg any Senator, the Attorney General, or anyone else better informed to enlighten me. I have been laboring under the belief that such things could not be done without congressional authorization.

FORMER LEGISLATION AS PRECEDENTS.

Mr. President, I have examined several acts of former Congresses, which Senators have referred to in this debate as furnishing precedents for this legislation. I do not agree with their contention. Let us see about that.

One of these acts was approved May 28, 1798, and much has been said about that act as being a precedent for this legislation. Let me read it:

Whereas armed vessels sailing under authority or pretence of authority from the Republic of France, have committed depredations on the commerce of the United States, and have recently captured the vessels and property of citizens thereof, on and near the coasts, in violation of the law of nations, and treaties between the United States and the French nation. Therefore:

Be it enacted, etc., That it shall be lawful for the President of the United States, and he is hereby authorized to instruct and direct the commanders of the armed vessels belonging to the United States to seize, take, and bring into any port of the United States, to be proceeded against according to the laws of nations, any such armed vessel which shall have committed, or which shall be found hovering on the coasts of the United States for the purpose of committing depredations on the vessels belonging to citizens thereof; and also to retake any ship or vessel of any citizen or citizens of the United States which may have been captured by any such armed vessel.

Mr. President, what did this statute authorize? Did it grant a general roving power to the President to do anything he might in his discretion see proper to do? No; emphatically no. On the contrary, the authorization was specific; in effect it was an instruction to the President to do a particular thing, namely, to direct the commanders of the armed vessels of the United States to seize and bring into ports of the United States any armed ships of France which had previously committed, or which should subsequently commit, depredations on American merchant vessels. That act established a State of war between France and the United States. It was a specific direction of the Congress to the President to do a specific thing. That was absolutely within the constitutional power of the Congress—the war-making power. In like manner the Congress has power now to direct the President to seize German submarines and bring them into port or destroy them. So far as the Congress is concerned, there could be no question as to their power in this behalf. The only question the Congress would have to consider would be the question of policy. But in the present case now before us the Congress would surrender their right even to pass upon the policy of inaugurating war; they would leave that wholly to the President. This bill would give to the President a sort of roving commission to go forth and employ without limitation whatever "instrumentalities and methods" he might in his sole discretion see proper to adopt for the protection of American merchant vessels and American citizens "in their lawful and peaceful pursuits on the high seas." The President alone would pass on the lawfulness or peacefulness of every "pursuit" in every given case, no matter how or by whom the lawfulness or peacefulness of a particular "pursuit" might be challenged; and he would be authorized by this bill to instantly employ on his own motion any force at his command to execute his decision. Mr. President, there is no analogy—scarcely a shadow of resemblance—between this bill and the act of 1798 to which I have referred.

Here is another one of the acts appealed to as a precedent, passed also in 1798. Let me read that:

Be it enacted, etc., That the President of the United States shall be, and he is hereby, authorized to instruct the commanders of the public armed vessels which are or which shall be employed in the service of the United States—

To do what?—

to subdue, seize, and take any armed French vessel, which shall be found within the jurisdictional limits of the United States, or elsewhere on the high seas, and such captured vessel, with her apparel, guns and appurtenances, and the goods or effects which shall be found on board the same, being French property, shall be brought within some port of the United States, and shall be duly proceeded against and condemned as forfeited.

Here again was a direct congressional authority to do a direct and specific thing. That was war, but it was war by virtue of the act of Congress, not the President. The act was directed against a particular nation—France—and against particular ships, with specific instructions as to the method of procedure. But this bill now before us would not direct the President to proceed against any particular nation—for no particular nation is named in the bill. It covers all the world, and authorizes the President to deal with the whole world, not by specific direction, but according to his will and discretion. You can not persuade the thoughtful people of the country that there is any analogy between the law referred to and this bill.

Another act referred to as a precedent is one passed March 3, 1815. Let me read that:

Be it enacted, etc., That it shall be lawful fully to equip, officer, man, and employ such of the armed vessels of the United States as may be judged requisite by the President of the United States for protecting effectually the commerce and seamen thereof on the Atlantic Ocean, the Mediterranean, and adjoining seas.

And be it further enacted, That it shall be lawful for the President of the United States to instruct the commanders of the respective public vessels aforesaid to subdue, seize, and make prize of all vessels, goods, and effects of or belonging to the Dey of Algiers, or to his subjects, and to bring or send the same into port, to be proceeded against and distributed according to law, and, also to cause to be done all such other acts *of precaution or hostility as the state of war will justify*, and may, in his opinion, require.

There are two sections to this act. The first section merely makes it lawful to fully equip and employ such of the armed vessels of the United States as the President may deem requisite for protecting the commerce and seamen of the United States in certain waters. Undoubtedly the Congress—I say the Congress—have power to provide for any kind of equipment they see proper to direct for any of the public vessels of the Government for any purpose. They can do that by specific directions as to the exact equipment to be supplied, or they could authorize the President, possibly even the Secretary of the Navy, to determine the details of armaments to be put aboard warships. It would be unusual for the Congress to prescribe such armaments in detail. In the very nature of things the Congress would only authorize or direct in general terms that warships, or particular warships, or a certain number of warships, should be fully armed and equipped for active service; but the execution of this generally expressed will of Congress would be almost of necessity left to the Executive arm of the Government. That is what was done by the first section of this act of 1815.

The second section of this law made it lawful for the President to instruct the commanders of these armed vessels to seize and make prize of all vessels, and so forth, belonging to the Dey of Algiers, or to his subjects, and—now, mark this—to perform—

All such other acts of precaution or hostility as the state of war will justify, and may, in his opinion, require.

Here was a distinct congressional recognition of a state of war between the Dey of Algiers and the United States. It would be interesting to review that chapter of history, but it is unnecessary. It is sufficient to say that our ships, our commerce, were being seriously and lawlessly interfered with. The Congress took cognizance of the matter, and determined to put an end to it. Accordingly this act, which was a virtual declaration of war, was passed, providing for the full equipment of a sufficient number of American warships to deal with the situation, and conferring lawful power upon the President to use those ships in a warlike way to accomplish the desired end. That was war, but it was war initiated directly by the Congress, and the President was empowered merely to execute the will of Congress. What analogy has an act like that to the bill before us?

Attention has also been called to a provision inserted in the sundry civil appropriation bill of March 9, 1898, shortly preceding the declaration of war by the United States against Spain. It reads as follows:

For the national defense, and for each and every purpose connected therewith, to be expended at the discretion of the President, and to remain available until January 1, 1899, $50,000,000.

I am utterly unable to see what possible connection a provision of that kind, inserted in an appropriation bill, can logically have with a bill like that now before us. This provision was passed more than a month before the *Maine* was sunk, and the consequent eventuation of war. It may be that the placing of this great sum of $50,000,000 at the command of the President was so placed in view of the possible contingency of war. But whether so or not, this money was appropriated to enable the President to take whatever action he deemed necessary to insure the national defense; it was for defensive purposes. It was not appropriated for the purpose of aggression offensively, nor is there a word in the provision that would by any process of reasonable construction authorize action offensively against any nation. If that be denied, it could be as well argued that President McKinley was authorized to begin war not only against Spain but against any other nation, for Spain was not mentioned in this statute, and we were then at peace with Spain. That would, of course, be absurd. The only purpose of the appropriation, manifested on the very face of the act, was to authorize the President to use this fund for defensive purposes against any exigency he might anticipate. It certainly did not authorize him to wage war. Senators must be hard put who quote this clause from an appropriation act as a precedent for the passage of the bill before the Senate.

Mr. President, I am ready to vote for any amount of money necessary for the national defense. We have just put into the naval appropriation bill passed on yesterday, $115,000,000, to be expended at the discretion of the President. This was for ex-

traordinary naval defensive purpose. I voted for it. The military appropriation bill, just reported by the Senator from Oregon [Mr. CHAMBERLAIN] contains a provision of like character for extraordinary military defensive purposes. So far as I now know I shall vote for that. I would also vote for the provision in the pending bill, if offered as a separate proposition, and if a good reason should be given for it, to put another $100,000,000 at the disposal of the President for general defensive purposes, although I think we are galloping at high speed in making these indefinite appropriations without any definite idea as to how the money is to be used. But I have faith not only in the integrity of the President but in his wisdom. All of us vote for such appropriations on the theory that they may in some way become necessary to the national defense against some enemy who may come from somewhere, east or west, knocking at our gates. I can not escape the belief that there is a world of hysteria in all this; nevertheless, out of a sense of precaution, I follow along after those who are more familiar with supposed necessities and possible dangers than I. Moreover, I know that trust funds of this character can be safely confided to the President with absolute assurance that they will not be misused.

THE WAR CLAMOR.

Mr. President, I desire now to speak for a while about this loud clamor for war. About all we have heard in Washington for months has been a prolonged shriek for war. We have heard little on the floor of the Senate and seen little in the press of the country in favor of peace. The country has been filled with war cries from one end to the other, day after day. Only the other day the distinguished Senator from Massachusetts [Mr. LODGE], on the floor of the Senate, urging that the President or the Government should supply arms to merchant ships, said this:

> You can not walk into a hardware shop and buy 6-inch guns. The Government has got the guns. Why do they not let the merchantmen arm, as set forth in their own regulation and in accordance with international law?
>
> * * * * * * *
>
> You can not buy 4 and 6 inch rifles anywhere. There is really only one person who has got them, and that is the Government of the United States. The Government have got them ready.
>
> * * * * * * *
>
> Why do the ships not have the guns? It is not Congress. Congress can not give them the guns. We have no executive power.

I deny that. I say that the Congress only can lawfully authorize such use of guns belonging to the United States.

But the Senator proceeds to say:

> The American ambassador in Berlin was held there for an entire week. The State Department could not communicate with him and he could not communicate with them. He was shut in until he got over to Switzerland, before he could communicate with his own Government. This morning it is stated in the papers that he said that he has not got safe conduct, and he warns Americans not to go on the ship which carries him, because he is afraid it may be destroyed—

And so on.

Mr. President, that is a sample from a high source of the kind of stuff we have been hearing on the floor of the Senate and with which sensational newspapers are filled—the kind of stuff we have been hearing everywhere and in various ways. It is for the most part pure fiction of a most disreputable character. Was that story about Ambassador Gerard's forcible detention at Berlin true? No; it was false. And yet it was exploited in the press and on the Senate floor to inflame public opinion and provoke a spirit of hostility. At the same time, and no doubt through the same mendacious source, word was sent to Berlin that Count von Bernstorff, the German ambassador, was being forcibly detained in Washington. It was widely proclaimed in the pro-English-American press that our ambassador, held as hostage at Berlin, was not permitted to communicate by wire with the Washington Government; that he was not permitted to send a code message to Washington; and at the same time a counter story was slipped into Berlin that von Bernstorff was held up and denied the right to communicate with his Government. The story was a double lie; but for what purpose was the lie invented? It was only a part of the jingo propaganda.

Unadulterated mendacity oozing like filth from vindictive inventions, supplemented by the most reckless and ferocious appeals to passion, have filled the country with loud alarums of war. Let me give you another example, emanating from a high source, of the kind of stuff employed to influence public opinion and entice our people into this maelstrom of war. Only a few days since a prominent editor of a great New York magazine—prominent in politics, in business, and in social life—came to Washington as a guest of honor and delivered an address at a dinner given by the University Club, of Washington. This guest of honor, who bears the well-earned title of "colonel," urging America and Americans to come out into the open and join the entente allies, said this:

> The thrill that would pass down that long, thin line stretching from Flanders to Switzerland when word should come that the vanguard of the fighting sons of liberty and of free America were hastening eagerly forward over the soil of France and that behind them in the great Republic were 1,000,000 more, and back of them yet another 1,000,000, who were being trained to take over the places of the exhausted soldiers of France and to win for the children of those soldiers the inestimable benefit of imperishable freedom.
>
> What would not any of you give—

The colonel continues—

> to accompany that first body of our splendid Regulars through the devastated fields of Normandy, and wave response to the war-worn peasantry raising their faces and their voices in gratitude and hope? And what would you not give to hear from those brave lads of the trenches the first joyous "Vive l'Amerique," and hear the Tommies shout, "Here come the Americans!" What should such a scene signify if not the beginning of the end, not only of the great war, but of autocracy itself? For, mind you, when America joins hands with France and Britain, and the three great democracies muster as a single force, as I pray they may, upon the battle field of the world, all heaven will ring with rejoicing. For God has said, "I am tired of kings."
>
> If even in the distressed circumstances we now find ourselves, we should fall within two months to place at least 100,000 of the finest soldiers in the world shoulder to shoulder with the gallant sons of France, we would be known, and deserve to be known, as either the most inefficient or the most contemptible of noble races.
>
> The time may come—

He continued—

> when we can utilize a league to enforce peace, but what we want now is a league to enforce war to the end that peace may come, and come quickly. I hate war, even a righteous war. But I fear peace, a craven peace, a sinful peace. And I glory openly and proudly in the present prospect of conflict, which so many hold calamitous.
>
> I revel in the hope that our great America may not be deprived of the privilege of doing her part in making and keeping the human race free from the menace of tyranny. Above and beyond all, God forbid that poltroonry in the guise of pacifism shall now or ever emerge from the cradle of liberty.

No doubt that the soldiers of France and of England would shout their welcome, as the colonel says they would. But what of the mothers in America whose sons were marching to the trenches? Pray, why should our boys—all these millions of our boys—go to this feast of death? What vital interest has the great mass of our people in this bloody tragedy of the ages that they should plunge into it?

Let me give you another sample of fairly good New England jingoism:

> The American liner *Finland* arrived this morning from Liverpool with 67 first, 57 second, and 46 steerage passengers. With her arrival all of the American Line fleet are now in this port.
>
> The *Finland* sailed from Liverpool at 1 a. m. on Sunday, February 18.
>
> Among the *Finland's* passengers are Lady Richard Wellesley, whose husband was killed at the Marne, Col. FREDERICK HALE, Senator elect, of Portland, Me., et al.

ALLIES WANT US IN WAR.

> "The allies want us in the war; Lloyd George wants us in the war; Premier Briand wants us in the war," was the word brought to the United States to-day from Europe by Col. Hale.
>
> Col. Hale has been abroad several months studying war conditions before taking his seat in the next Congress.
>
> "I talked with Lloyd George, Briand, and other officials closely in touch with the conduct of the war," Col. Hale said. "Without exception they are elated at the step which sent Count von Bernstorff back to Germany and believe the next move will carry the United States into war on the side of the allies.
>
> "The moral effect of the American entry is all that is hoped for by the European countries. They declare the spectacle of only a few American troops fighting the German armies in France would have a tremendous moral effect.
>
> "Much speculation is being given in Europe to the part this country would take if she should enter the war. It is felt she could help most by supplying convoys for steamships and by allowing use of her great credit. Her manufacturing possibilities also would help much."

And so at last we are expected to contribute both blood and money that we may add to the horrors of this mad revelry of death. We are to offer as a free gift millions of men and billions of treasure. Why, and for what, I ask again?

Mr. President, I also have here some resolutions some one did me the compliment of transmitting to me by mail, adopted by a gathering of gentlemen who describe themselves as "Sons of the Revolution," demanding that the Congress shall put this country into this war in the name of liberty, and they declare with great vehemence that to stay out of the war would be vile poltroonery and cowardice. I take the liberty of saying that there are "Sons of the Revolution" whose Americanism is distinguished only by the fact that some remote ancestor, lineal or collateral, was indeed a patriot who fought under George Washington against King George for American liberty. There are some such who boast of their lineage, while they forget the lessons of history and treat the admonitions of the fathers with contempt. They forget the events and ignore the sources from which come the really glorious history they ignorantly or thoughtlessly applaud without knowing why, and in which they think they claim a legitimate and honorable share by inheri-

tance. I would revive their drooping memories by quoting from the last message of the great Washington delivered to the American people, not only of his day, but of all time. Here is something Washington said:

> Nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded; and that, in place of them, just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.
>
> Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.
>
> So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.
>
> As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak, toward a great and powerful nation, dooms the former to be the satellite of the latter.

Is it not possible that the great Washington, with prophetic vision, saw dimly the sad picture of this day and generation?

> Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens), the jealousy of a free people ought to be constantly awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.
>
> The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements let them be fulfilled with perfect good faith. Here let us stop.

No doubt we have "Sons of the Revolution" who regard Washington's admonition as the idle vaporing of an old fogy. But, Mr. President, I hold that Washington's utterance was sound doctrine when he issued his farewell address to his countrymen; issued it not only to his countrymen of his own generation, but to those of the generations that were to follow; and it is sound doctrine now.

GERMAN HATE.

Mr. President, we are facing at this time what seems to me to be a very strange situation. A pro-English, anti-German sentiment has grown up in this country, the result of careful and expensive culture, and has taken a form and emphasis which seems to me to be apparently strong enough to endanger our peace with the world. Some German-Americans, so called, and some of their sympathizers, also descended from foreign nationalities, have not been blameless in their attitude and expressions; on the contrary, they have done many things meriting the severest condemnation. But none of them has gone so far in this direction as the pro-English sympathizers, who have thrown off all disguise, and openly declared loyalty to the English cause, and seek with aggressive persistency to force this country into war upon the English side. All this, whether upon the one side or the other, to my thinking is intolerable from the standpoint of true Americanism. I have schooled myself so as to hold myself in hand, that I might stand only to defend and promote the well-being of my own country. I have no hate for Germany; I have no hate for England; I have no hate for any of the peoples engaged in this brutal war. I have even now only one thought or hope to express which might be deemed unneutral, and that is that this war may result in sweeping kings, kaisers, czars, and emperors from power, and that Europe may in the future enjoy the blessings of a real democracy—a democracy that will no longer recognize any divine right of royalty, but will assert the doctrine of the American Declaration of Independence that all men are created equal, and are equal before the law, and that all governmental powers are derived from the people. I would like to see the scions of the House of Hanover, of the Hohenzollerns, the Hapsburgs, and the Romanoffs, with all their progeny, swept from high places of rulership and power. I would like to see that. But during the course of the war I would hold myself aloof from the passion and prejudices of the war. I am free from partisanship. While I pity all who suffer, and would willingly do anything possible that I could honorably do as a neutral friend of all to restore peace to the world, still before everything else my brain, my heart, my soul, are all centered about our America. I am a partisan only of my own country and people.

I have no sympathy with this prevailing, onrushing, anti-German propaganda. From the beginning of the Revolution to the beginning of this war Germany has never wronged the United States. So far as any authorized act of the German Government goes, and so far as any authorized expression of the German people goes, we know that Germany has at least declared her friendship for us, and has done nothing worth while mentioning to the contrary. All through the present war, from its beginning to this day, Germany has declared her desire to act in accord with the wishes and recommendations of the United States. Except in this last instance, in which she announced her final purpose to wage a ruthless submarine war against her enemies, Germany has expressed her willingness to follow our lead. At the very beginning of the war our Secretary of State addressed an identical note to all the warring powers asking whether they would adhere to the London declaration of 1909 prescribing rules for the government of maritime warfare. Germany answered that she would comply with the declaration provided her enemies would do likewise. Great Britain answered—and her allies followed her example—that she would observe the London declaration only with such material modifications and changes as she indicated in her note, or as she might subsequently find necessary to make. Upon the receipt of these replies from the several powers our Secretary of State, under the direction of the President, gave notice that because of the attitude of Great Britain this Government would not rely upon the declaration of London, but would be compelled to rely upon the general principles of international law for the protection of American interests. Here is presented the first contrast between the attitudes assumed by the combatant powers with respect to the recommendations of the Washington Government. And so this kind of contrast has been maintained throughout the war down to the time when President Wilson delivered what is known as his "peace speech" before the joint session of Congress on January 22, 1917. In that speech the President stated that he had addressed an identical note to all the warring powers asking them to state or indicate the terms upon which they would be severally disposed to negotiate for the restoration of peace. Germany answered, in substance, that she would be willing to meet her enemies in council and lay her terms before the council, and enter upon negotiations for peace in compliance with the suggestions of the President. The British reply, as we know, was a substantial rejection of the President's overtures.

Mr. President, I see no reason for separating Germany from the others and corroding my heart with a passion of hate for her. In the days of the Revolution Frederick the Great was partial, if not openly the friend, of the Revolutionists fighting under Washington for independence. It is said by some that this attitude of friendliness on the part of Frederick was due to his enmity for England; other historians give him credit for a genuine sympathy for, and a desire to render material aid to, the Americans in that struggle; but all that concerns the motives of the man. At least he was not unfriendly to us, and at least he was, as King of Prussia, more openly sympathetic with the struggling Colonists than was even the King of France. It is true that Hessians—coming from small German independencies not then subject to the rule of Frederick—were transported to America to wage battle on the English side against our forefathers; but these mercenaries were hired and transported by England to fight against us, and it is known that the great Frederick refused to permit them to cross the territory of his kingdom.

Baron von Steuben stands by the side of Lafayette in valiant and useful service rendered to Washington and the Continental Army. He came to the rescue as Lafayette came. He was a trained soldier who had fought in desperate wars under Frederick the Great. Washington welcomed him as he did Lafay-

ette. He appointed Von Steuben to be what he designated as "the schoolmaster of his army." This great German strategian made a real army of the American volunteers, which became under his training, as historians tell us, the equal of the veteran armies of Europe. There were thousands of German-American citizens, living in the various colonies, fighting in the Continental Army. At one time the bodyguard of Washington was composed almost wholly of Pennsylvania Germans. I could give a long list of men of German birth or antecedents who rose to great distinction in the Revolutionary Army. There were whole regiments of Germans from Pennsylvania, Virginia, and other Colonies. They fought, suffered, and died for liberty as valiantly as did the Puritans of New England or the Cavaliers of the South. No, Mr. President, it is impossible that I should harbor in my heart a sentiment of hate for Germany or the German people. There is nothing of the Tory in me.

Of course this unparalleled war is full of horrors. It is a desperate struggle in which both sides have done and are doing lawless things and brutal things. One side is as amenable to this just criticism as the other. Much has been said about Germany violating the guaranteed sovereignty of Belgium and about the brutal treatment of Belgians by the German power. I am sorry to say that I believe there is too much truth in that. But what of Greece? Poor little Greece—the ancient home of song, eloquence, philosophy, and glorified by heroic history—also declared an attitude of neutrality in the war. There was a faction in Greece that sought to ally their country with the entente allies; but their movement was abortive, and Greece stood forth proclaiming her neutrality. The allies, dissatisfied with the Greek attitude, have surrounded Greece with their fleets, shut her out from the world, and violated her sovereignty. The poor people of Belgium might have starved, as they certainly suffered, except for American generosity. But what of Greece? Within the present month the officials of the Greek Legation at Washington have made public the indignant protests of the King and Government at Athens against the violation by the entente allies of their national dignity and right, proclaiming to the world that large numbers of Greek people, being unable to obtain supplies from the outside world, are feeding and living upon grass and roots, and that many have died of actual starvation. Is it not well to keep this similitude in mind?

Just complaint has been made against the deportation of Belgians to Germany, there to work in German shops and fields. But, on the other hand, it is also true that the Russian Army drove thousands of German subjects from East Prussia into Russia, and it is officially known in this country that thousands of these helpless creatures have died of starvation. It is also known beyond question that thousands of German war prisoners confined in Siberia have died of cold and hunger, while the Russian Government forbade the transportation, under the auspices of the Red Cross, of charity supplies from Manchuria for the relief of these wretched prisoners.

Whole pages of Lord Northcliffe's American newspapers are devoted to stories and protests about the submarine war zone established by Germany around Great Britain and along the coast of France. This action of the German Government is denounced in unmeasured terms, as no doubt it should be. But, Mr. President, there is another side to this about which little is said in these Northcliffe publications, but to which I shall allude. While Germany has declared her submarine zone as a blockade, England has at the same time covered a still larger area of the high seas, and planted that area with submerged contact mines. Germany notified the President of her act, defining the area to be covered by her operations, and England notified the President of the area within which she had made it impossible for ships to pass without incurring almost certain destruction from submerged mines. Undoubtedly both of these things are violative of the rules of maritime warfare observed and practiced by all nations of the world before the inauguration of this unspeakable conflict. My mind is not sufficiently analytical to draw a line of differentiation between a paper blockade by submarines and a paper blockade by submerged contact mines. Only two or three days ago I saw a table printed in a Washington paper giving a list by names of American vessels destroyed by both submarines and by mines. Six had been sunk by submarines and five by mines. I had as soon be killed by a torpedo as by a mine.

Yes, Mr. President, this is a lawless and brutal war. It is a death grapple. It would seem impossible that either side should win by a fair fight in the open. Each is now struggling to starve the other into submission. Shall we go to the relief of either of them as against the other, or shall we stand aloof, maintaining in good faith our attitude of neutrality, and let them go on to a point when offers of mediation by neutral nations may be received with greater favor than in the past? For myself I would stand aloof. I have no hate for any of these nations; I have pity for all. I am unwilling, with the lights now before me, to plunge my country with a flaming sword into this horror.

WHO PROFITS?

Mr. President, who are the instigators of this war propaganda? I can not answer that categorically; but I can answer by asking who would profit by war, and who have vast interests at stake dependent upon the result of the war.

1. I answer, first, that the manufacturers of munitions of war, who so far in supplying foreign demands alone have earned annual dividends running above 250 per cent, would reap an even greater golden harvest if the United States should become involved. Surely they must be behind this war propaganda.

2. The Shipping Trust, headed by the International Mercantile Marine, must be behind it. The International Mercantile Marine was organized by J. P. Morgan & Co., and is currently understood to be partly owned by Mr. Morgan's associates in England. All of you know that now and for a long time trade between the United States and Europe, even neutral Europe, is under the control, regulation, and supervision of Great Britain—Great Britain having arbitrarily taken this control and supervision into the hands of that Government. Without the permission of Great Britain it is hazardous even for a neutral vessel to sail for any European port, and Great Britain assumes to determine what Americans may or may not engage in European export trade. Mr. Morgan's ship company is in no danger of the British blacklist.

3. J. P. Morgan and his associates and syndicates must be behind it. Mr. Morgan is the American fiscal and business agent of the British Government—an enormously profitable employment. It is through him that war loans are made for Great Britain and her allies to the American people, and it is through him that all contracts are made by the British Government with Americans for war supplies. This is a matter of public record, having been so testified to before the Senate Finance Committee. It therefore inevitably follows that the Morgan combination will exhaust all their power to influence public opinion and excite a war spirit in the United States favorable to their employers. Is not that true? And Morgan is reputed to have more control over news agencies than any man in America.

4. American investors in British and other war securities must be behind it. No doubt a thousand million dollars or more of these war securities have been sold in America, chiefly through the Morgan agency. Their value largely depends upon the outcome of the war. Every nation now engaged in this war, whether upon the one side or the other, is staggering upon the verge of national bankruptcy, and consequently the specter of repudiation is before the eyes of these security holders. At the beginning of this war the President advised American citizens against making investments of this character, and I supplemented this advice of the President in a public statement to the same effect. Of course, both the President and I knew that there was no way under our law to prevent these investments by governmental interdiction; but American citizens were appealed to to keep aloof from such investments, partly because of the risk, and partly on the ground of patriotism, because we knew that whenever an American became financially interested in the success of any one of the belligerents he was apt to become a partisan of that belligerent; and at that time the entire Washington Government was proclaiming the national policy of impartial neutrality. These security holders must be behind this propaganda.

5. In addition to those who have selfish, if not even more sinister, interests at the base of their activities, there are of course a large number of excellent and patriotic people, having no selfish interest to promote, whose undisciplined sympathies have made them partisans in the war, and they therefore are easily excited by the beating of the war drums.

With this latter class I have no quarrel. They have simply lost their balance, and I am sorry. But against munition manufacturers, the Shipping Trust, the Morgan syndicates, and the holders of war securities, who seek to plunge this peaceful and happy Nation into the vortex of war to promote their selfish interests—however they strive to disguise their real purposes by noisy declarations of devoted patriotism—I shall lift my voice in fearless and unflinching protest. The protest may be, probably will be, ineffectual and unavailing, but it will be made.

A WORD FOR PEACE.

Mr. President, I want now to speak a word for peace, for "peace hath her victories no less renowned than war." I am not for "peace at any price." I have no sympathy for that sentiment. On the contrary, I believe in maintaining and encouraging the martial spirit in our people. I want them to be

willing to fight when the honor and vital interests of the Nation are at stake. I have no regard for the mollycoddle. But I would not inaugurate war for mere aggression, nor inaugurate it until international offense against us makes peace more intolerable than war. I would look with patience upon, and be slow to strike a nation friendly to us not only by tradition, habit, and long years of friendly intercourse, and who did not desire to offend or injure us, and who injures us, if at all, only as an incident to a desperate war with other nations. I would defend the honor and vital interests of my country to the utmost, but I would not have my country going about as a bully with a chip on his shoulder watching for an opportunity to throw all professions of friendship to the winds, and join in a bloody struggle for which we are in nowise responsible and in which our interests are only incidentally involved.

What position did we deliberately assume at the beginning of this war? Let us settle that. I have here the proclamation of neutrality issued by the President on August 19, 1914, at the beginning of the war. Here is what the President then said:

My fellow countrymen, I suppose that every thoughtful man in America has asked himself, during these last troubled weeks, what influence the European war may exert upon the United States, and I take the liberty of addressing a few words to you in order to point out that it is entirely within our own choice what its effects upon us will be and to urge very earnestly upon you the sort of speech and conduct which will best safeguard the Nation against distress and disaster.

The effect of the war upon the United States will depend upon what American citizens say and do. Every man who really loves America will act and speak in the true spirit of neutrality, which is the spirit of impartiality and fairness and friendliness to all concerned. The spirit of the Nation in this critical matter will be determined largely by what individuals and society and those gathered in public meetings do and say, upon what newspapers and magazines contain, upon what ministers utter in their pulpits, and men proclaim as their opinions on the street.

The people of the United States are drawn from many nations, and chiefly from the nations now at war. It is natural and inevitable that there should be the utmost variety of sympathy and desire among them with regard to the issues and circumstances of the conflict. Some will wish one nation, others another, to succeed in the momentous struggle. It will be easy to excite passion and difficult to allay it. Those responsible for exciting it will assume a heavy responsibility, responsibility for no less a thing than that the people of the United States, whose love of their country and whose loyalty to its Government should unite them as Americans all, bound in honor and affection to think first of her and her interests, may be divided in camps of hostile opinion, hot against each other, involved in the war itself in impulse and opinion if not in action.

Such divisions among us would be fatal to our peace of mind and might seriously stand in the way of the proper performance of our duty as the one great Nation at peace, the one people holding itself ready to play a part of impartial mediation and speak the counsels of peace and accommodation, not as a partisan, but as a friend.

I venture, therefore, my fellow countrymen, to speak a solemn word of warning to you against that deepest, most subtle, most essential breach of neutrality which may spring out of partisanship, out of passionately taking sides. The United States must be neutral in fact as well as in name during these days that are to try men's souls. We must be impartial in thought as well as in action, must put a curb upon our sentiments as well as upon every transaction that might be construed as a preference of one party to the struggle before another.

My thought is of America. I am speaking, I feel sure, the earnest wish and purpose of every thoughtful American that this great country of ours, which is, of course, the first in our thoughts and in our hearts, should show herself in this time of peculiar trial a Nation fit beyond others to exhibit the fine poise of undisturbed judgment, the dignity of self-control, the efficiency of dispassionate action; a Nation that neither sits in judgment upon others nor is disturbed in her own counsels and which keeps hereself fit and free to do what is honest and disinterested and truly serviceable for the peace of the world.

Shall we not resolve to put upon ourselves the restraints which will bring to our people the happiness and the great and lasting influence for peace we covet for them?

A few days later, on September 8, the President issued this proclamation:

PROCLAMATION OF PRESIDENT WILSON FOR DAY OF PRAYER.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas great nations of the world have taken up arms against one another and war now draws millions of men into battle whom the counsel of statesmen have not been able to save from the terrible sacrifice;

And whereas in this as in all things it is our privilege and duty to seek counsel and succor of Almighty God, humbling ourselves before Him, confessing our weakness and our lack of any wisdom equal to these things;

And whereas it is the especial wish and longing of the people of the United States, in prayer and counsel and all friendliness, to serve the cause of peace:

Therefore, I, Woodrow Wilson, President of the United States of America, do designate Sunday, the 4th day of October next, a day of prayer and supplication and do request all God-fearing persons to repair on that day to their places of worship there to unite their petitions to Almighty God that, overruling the counsel of men, setting straight the things they can not govern or alter, taking pity on the nations now in the throes of conflict, in His mercy and goodness, showing a way where men can see none, He vouchsafe His children healing peace again and restore once more that concord among men and nations without which there can be neither happiness nor true friendship nor any wholesome fruit of toil or thought in the world; praying also to this end that He forgive us our sins, our ignorance of His holy will, our willfulness and many errors, and lead us in the paths of obedience to places of vision and to thoughts and counsels that purge and make wise.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 8th day of September, in the year of our Lord 1914, and of the independence of the United States of America the one hundred and thirty-ninth.

[SEAL.] WOODROW WILSON.

By the President:

WILLIAM JENNINGS BRYAN,
Secretary of State.

Mr. President, the following day, September 9, I addressed the Senate, supplementing the President's proclamations for peace. My address at that time was so acceptable to the Senate that the Senator from New Hampshire [Mr. GALLINGER], the minority leader, who, I deeply regret to be informed, is now seriously ill, thought so well of it as to express his commendation in this language:

Mr. GALLINGER. Mr. President, I have listened with profound interest to the remarks just delivered by the distinguished Senator from Missouri [Mr. STONE]. It seems to me they came at the right time and in the right spirit, and that we all ought to appreciate their force and the necessity of giving heed to them. I rise to ask that they may be printed as a Senate document, and that 5,000 additional copies may be printed for the use of the Senate document room.

The motion of the Senator from New Hampshire, to print my remarks as a Senate document was adopted without a dissenting vote. Aside from any compliment to me, I must believe that this action was expressive of the Senate's sentiment at that time. The Senate approved the address.

Mr. President, I wish at this point to read, and thus reproduce the immediately pertinent parts of the address I then delivered. I read as follows:

Mr. President, the citizenship of this Republic is strikingly composite in character. The sturdy descendants of the Puritan and Cavalier—the old Revolutionary stock—are happily still numerically strong enough to exercise a controlling influence on the destinies of the Republic. At the same time we face the tremendous fact—for just now especially it is a tremendous fact—that mingled among those descended from the original American stock are millions of men and women who have immigrated from Europe, established homes in these States, and assumed the dignity and responsibility of American citizenship. They have become a permanent and essential part of our people, and have entered fully into all the social, industrial, and political activities of the country. Every important country of Europe is represented in this naturalized foreign-born population, or in their immediate offspring. All political divisions of Great Britain, France, Belgium, Germany, Austria-Hungary, Russia, Italy, Greece, and the Balkan States are represented in the vast aggregate of this foreign-born population. As they look upon the frightful panorama of this war, with its awful scenes of fire and blood, famine and death, it is not only natural but almost inevitable that the sympathies of these people should be poured forth in strong currents upon their respective fatherlands. It is only human that this should be so, and none in fact could expect less. But, Mr. President, so far as lies within my power, I wish to admonish these, my fellow citizens, and to impress upon them a renewed realization of the supreme and all-important fact that they are, above all, American citizens. I know that every Senator here will approve and sympathize with me when I appeal to these American citizens of every nationality to keep steadily before their minds the obligation and responsibility that they are under to first serve and promote the interests, welfare, and honor of our own Government and people. Therein lies the first duty of citizenship and the first obligation of loyalty. Sympathy is an impulse of the heart and mind and is usually beyond human control. Moreover, sympathy for our kindred in time of stress is so natural and altogether so honorable and ennobling that no man with a spark of that kindred feeling of brotherhood common to all mankind would wish to eradicate or suppress it. But, lest we forget, I would again admonish my countrymen that sympathy is one thing, while that kind of aggressive partisanship which divides us into warring factions and stirs within us the hot blood of battle is another and very different thing. Above all, we must hold fast to our own national duty and obligation, and any man who falls short of that falls below the standard of good citizenship.

Another thing to which I desire to call especial attention and emphasize is the partisan attitude being assumed by many of the great publications of this country.

That sort of thing had been begun even at that early date. Knowing how potent these publications can be in creating public opinion and in fomenting factional strife, it is natural that those upon whom the responsibilities of government are cast should look upon this particular phase of partisanship with deep solicitude and apprehension. The managers of these great publications, even far more than individual citizens in more private walks, should be very mindful of the patriotic duty they owe their own country in this great emergency. It is a source of profound regret that so many influential journals and periodicals are beginning to take sides in this mighty contest, and are beginning not only to express their sympathies for the one side or the other, but to indulge in harsh criticism and sometimes in denunciations of the Governments and the armies of those with whom they are not in accord. This is not only hurtful at home in exciting animosities among our own people, but it creates bad impressions and arouses hot resentments abroad; and moreover it should be manifest to every man that this sort of thing works estrangements and makes free and cordial intercourse between this Government and the Governments of the nations at war more difficult and embarrassing. How can any patriotic and right-thinking American forget that ours is the only one of the great world powers holding the enviable but delicate position of absolute neutrality? To that policy, founded upon the love of peace and springing from an honest desire to be of service to mankind, we are pledged by the most solemn assurance, and to a strict observance of that pledge we are bound by every consideration of national interest and honor. It is amazing that great editors and publishers should so forget the supreme duty they owe to their own Government as to become callous about and thoughtless of the Nation's plighted faith, and to indulge in vituperative attacks upon the rulers or the Governments of any of the belligerent powers, or seek to arouse against any of them a hostile public sentiment in this country.

That sort of thing can not stay the hand of war nor change the issue on a single battle field, but it will provoke bitter feeling and lead to criminations and recriminations among our own people, thereby exciting feuds and endless discord that it will take years to silence; and it will excite against us a hostile spirit among those nations which may be led to believe that in sympathy and judgment we are against them, and that our profession of impartial neutrality is empty and insincere. How can any man forget that each of the great nations embroiled in this frightful war, relying upon our neutrality and believing in our profound concern for its welfare, has placed its diplomatic interests in the hands of our Government? Thus we have voluntarily assumed the delicate task of mediator between these various powers. As the representative of all, and professing impartial and equal friendship for all, this great Nation stands towering before the world with its hands extended to promote the cause of peace whenever and wherever opportunity offers. With our Government holding this position is it not almost wicked for any American to thrust himself into this tremendous struggle in such a way as to weaken our power for good? Is it not perfectly plain that our power for effective mediation will be diminished if ever any one of the Governments vitally concerned becomes convinced that in our hearts we are unfriendly to it and would rejoice at any ill befalling it? And then looking beyond the end of the war, will not the spirit of resentment and universal ill will linger among the people of that nation? Remember, it is a hard thing, my countrymen, for your Government to maintain its attitude of strict neutrality and discharge the solemn duties incident to that position unless you yourselves stand by your Government and nobly uphold its hands. Why should any American at this time attack the Kaiser and the German Government and offend the German people? Whatever anyone may think of the policies and methods of the German Emperor and his Government, this is not the time to give expression to his views in offensive terms.

Again, why should any American go into the open to attack Great Britan or France? The great body of our original American stock sprang from the British Isles—England, Ireland, and Scotland—and the ties of blood binding Americans to the people of Great Britain should be strong enough to restrain all Americans from any act or word offensive to this wonderful and mighty nation—a nation having few parallels in great achievement throughout the history of the world. Why should any American go into the open to speak ill of France, the land of Lafayette? What thrilling chapters have the genius, the learning, and the valor of France written on the pages of history! And so, Mr. President, I might run this line of comment through all the nations involved in this terrible and ever to be lamented tragedy. We are, and we should be, a friend to all these nations and all these unhappy peoples in this day of strife, when all of them stand in such woeful need of a powerful and honest friend. Never in human history has a great nation had such a magnificent opportunity as ours to perform a glorious work for mankind and to set a noble example for the guidance of the human race. All we have to do is to keep faith with ourselves and with our friends, always waiting and watching, as we should be, for opportunities to render some service to those who are suffering from the sanguinary and destructive turbulence with which our friends and kindred abroad are so beset. To successfully accomplish this work we have to do, it is vitally necessary that not only our Government but our people should firmly maintain our position of absolute neutrality.

Mr. President, I have not changed the attitude I then assumed. Following the President's leadership, I stood for honest neutrality between these warring nations. I proclaimed that policy here, and it was indorsed by the Senate, whatever some individual Senators may have thought of it. I have not changed. I can not change. I have no reason as yet to change.

Mr. President, I have striven faithfully to cooperate with the President in maintaining our self-imposed obligation of neutrality. I have stood for neutrality because I believed it was right, because I believed it best for this country and the world, and because I believed it would be an almost criminal blunder for this country to become involved in this war unless some provocation should arise so intolerable as to make aggression absolutely necessary on our part. I still adhere steadfastly to that position. Unless it can be plainly shown that some one of the belligerents makes an intentional, deliberate assault upon us, insolently and purposely to injure us, I would be cautious and slow about departing from our attitude of neutrality. I think we should hold ourselves well in hand and not be quick to resent an injury by either party which is not intentionally committed, but is only incidental to a desperate struggle between other peoples. If we desire to do, it seems certain to me that we could settle diplomatically any differences arising between us and any of the warring nations, for none of them desires conflict with us; on the contrary, all desire our friendship. If, incidentally, damage results to our people this damage could be made the basis of negotiation and settlement. It may be said that this might be done in all cases except wherein life was sacrificed. But even cases of that moment have been time and again settled through diplomatic channels. It is impossible to believe that either the entente allies or the central powers would intentionally destroy American lives in any spirit of malice or defiance toward us. Everything that has occurred hitherto proves the contrary. If American citizens go into the danger zones where war is raging at its worst and suffer in consequence we know that the injury done to them is not done in a spirit of hostility to our country. If a deliberate, intentional, wanton assault should be made upon American citizens, I would resent it as quickly and relentlessly as any man.

I can see no parallel between the present situation and situations which confronted us in former periods of our history. From 1798 to 1812—or during a good part of that period—England and France were at war. At that time our people and our country were subjected to outrages directly and deliberately committed against them. Our ships were seized by France and by England, and our seamen were dragged from aboard our ships and pressed into the service of England. Numerous outrages of that character were committed against us. Our protests were flouted and ignored. At last, 1812, we were forced into war to vindicate the integrity of our sovereignty. But, sir, we face no such situation as that to-day. We may go to war with Germany for injuries done us; we may go to war with England, although now unlikely, for injuries done us; but if so we will go to war with the full consciousness that these injuries were inflicted as an incident of the conflict between those powers, and not in any sense as a direct or intentional affront to us.

Mr. President, I do not believe the great mass of the American people want the United States to enter this war. I believe they are in sympathy with the views I am expressing. They have approved the past course of the President in keeping us out of this war—this crime of the ages—and I do not believe they have changed their attitude. The opinion of the people on this subject has been too recently and so emphatically expressed for me to believe they have so suddenly changed, even as the wind changes. As late as November last the American electorate, by an unusually large majority, spoke for peace, not war. The jingoes of this country do not speak for the people; the people have just spoken for themselves. Almost on yesterday they reelected Woodrow Wilson to the Presidency, because, above all other reasons, they believed he could not be shaken by jingo clamor or sinister influence of any kind from his firm purpose to employ patiently and resolutely every possible means consistent with the honor and real vital interests of the country to shield his people from actual participation in the horrors of this war. It was that belief and that faith in the President, more than anything else, that brought to him the support of the American people and crowned him afresh with victory.

Mr. President, I have here the print of the great nominating speech made at St. Louis by Gov. Glynn before the convention which nominated Mr. Wilson. It was received by that great assemblage with an outburst of enthusiasm unsurpassed by anything I have ever witnessed in my long experience with political demonstrations. I think it would be refreshing, if not inspiring, to read some of the ennobling passages of that great oration. I read as follows:

The policy of neutrality is as truly American as the American flag.

For 200 years neutrality was a theory; America made it a fact.

The first President of the United States was the first man to pronounce neutrality a rule of international conduct.

In April, 1793, Washington declared the doctrine; and within a month John Jay, Chief Justice of the Supreme Court of the United States, in an epoch-making decision from the bench, whose realization would insure universal and perpetual peace, wrote the principle into the law of this land. The Declaration of Independence had foretold it by declaring "the rest of mankind enemies in war, in peace friends"; the Constitution recognized it; but the first President of the United States, by proclamation, the first Chief Justice, by interpretation, gave it vitality and power.

And so neutrality is American in its initiation.

Thirty years later Prime Minister Canning, in the British Parliament, pointed to this American policy of neutrality as a model for the world; and 80 years later, after approval by various statutes and agreements, it was written almost word for word in the treaty wherewith we settled our differences with England over violations of neutrality throughout the Civil War.

And so neutrality is American in its consummation.

And to-day in this hall, so that all the world may hear, we proclaim that this American policy of neutrality is the policy which the present administration pursues with patriotic zeal and religious devotion, while Europe's skies blaze red from fires of war, Europe's soil turns red from blood of men, Europe's eyes see red from tears of mourning women and from sobs of starving children.

The men who say this policy is not American appeal to passion and to prejudice and ignore the facts of history.

Neutrality is America's contribution to the laws of the world. Sir Henry Maine says so, Charles Francis Adams says so, Henry Clay says so, Daniel Webster says so, and upon the evidence of these witnesses we rest our Americanism against the sputterings of pepper-pot politicians or the fabrications of those with whom a false issue is a good issue until its falsity is shown, its maliciousness exposed.

HISTORY REPEATS ITSELF.

For enforcing this policy of neutrality George Washington was hooted by a howling mob of 10,000 war fanatics, who threatened to pull him from the presidential chair and start a revolution. But half a century later Charles Sumner said that—

"Washington, upholding the peaceful neutrality of this country, while he met unmoved the clamor of the people wickedly crying for war, is a greater man than Washington crossing the Delaware or taking Cornwallis's sword at Yorktown."

For supporting this policy of neutrality in a speech in the city of New York Alexander Hamilton was stoned almost to death, John Jay burned in effigy, Jefferson called a spineless poltroon, and Lincoln pictured as a craven. To-day, however, the Nation goes to all these men for its every conception of all that is best in American citizenship.

The fate of the fathers of our country at the hands of a noisy minority is the fate of the President of the United States to-day. But their reward of dignities merited and honors conferred will be his reward when the people speak on the 8th of next November.

And how did they speak?—

To win this priceless right of neutrality this Nation had to undergo a long and painful struggle.

It took Washington, with his allies and sword, eight years to win recognition of his country's liberty; it took Washington and his successors 80 years of endless negotiation to win recognition of American neutrality. And this 80 years of struggle wove the doctrine of neutrality so closely into the warp and woof of our national life that to tear it out now would unravel the very threads of our existence.

Where is the American hardy enough to challenge a policy so firmly fixed in the Nation's traditions? Is there among us any man bold enough to set his wisdom above that of Washington, his patriotism above that of Hamilton, and his Americanism above that of Jefferson? Is there any American so blind to our past, so hostile to our future, that, departing from our policy of neutrality, he would hurl us headlong into the maelstrom of the war across the sea?

The President of the United States stands to-day where stood the men who made America and who saved America. He stands where John Adams stood when he told King George that America was the land he loved and that peace was her grandeur and her welfare. He stands where Gen. Grant stood when he said there never was a war that could not have been settled better some other way, and he has shown his willingness to try the ways of peace before he seeks the paths of war. He stands where George Washington stood when he prayed that this country would never unsheath the sword except in self-defense so long as justice and our essential rights could be preserved without it.

For vainglory or for selfish purpose others may cry up a policy of blood and iron, but the President of the United States has acted on the belief that the leader of a nation who plunges his people into an unnecessary war, like Pontius Pilate, vainly washes his hands of innocent blood while the earth quakes and the heavens are darkened and thousands gave up the ghost.

Only by standing on this rock of Americanism, against which dashed the waves of conflict, could the President of the United States, faced by a world in arms, save this country from being drawn into the whirlpool of disaster. One false step in any direction and he would have carried the Nation with him over the precipice.

This difference, my friends, between "what is" and "what might be" is well illustrated by two pictures which hung on the walls of the art museum here in the city of St. Louis during the Louisiana Purchase Exposition.

One of these pictures portrayed the famous warriors who have stricken terror into the heart of mankind since the dawn of history. Alexander the Great was there, Cæsar was there, Hannibal was there, Napoleon was there, and on either side of this sinister group lay in endless rows the sheeted dead of war.

The other picture represented hands, myriads of hands, humanity's hands, stretching upward toward the sky—gnarled hands of labor and wrinkled hands of age, smooth hands of youth, and tiny hands of babyhood, strong hands of men and delicate hands of women—hands of aspiration stretching upward from divine inspiration toward betterment and peace.

These two pictures symbolize the banners of this campaign.

Others may follow the lords of war who ride among the corpses of mankind. We follow the President of the United States and seek inspiration of humanity that aspires to higher things.

In all the history of the world there is no other national policy that has justified itself so completely and entirely as the American policy of neutrality and isolation from the quarrels of European powers. Before we declared our neutrality we were embroiled in all the troubles of Great Britain, France, and Spain; since then we have had less than three years of war with Europe and 116 years of amity and peace.

Before this declaration every war was a world war; since this declaration nearly every war has been a local war. Before this declaration war was a whirlpool, ever increasing in area, and in its whirl dragging down the nations of the earth; since this declaration war has become a sea of trouble upon which nations embark only from self-will, from self-interest, or the necessity of geographical position, of financial obligation, or political alliance.

Neutrality is the policy which has kept us at peace while Europe has been driving the nails of war through the hands and feet of a crucified humanity.

It has banished conquest from our program of national greatness and has made us find our destiny at home. It has forced us to build on the brawn of our sons and the energy of our daughters rather than upon the tears of conquered women and the blood of conquered men. It has made us seek treasure in our harvests, wealth in our fields by staying our hands from war's bloodstained pot of gold. It has been the flaming sword which forbade us to devastate the Eden of others and compelled us to make an Eden of our own. It has freed us from the paralyzing touch of Europe's balance of power, leaving to Europe the things that are Europe's and preserving for America the independence, the peace, and the happiness that now are hers.

One hundred and twenty years ago when Europe went mad with war, as it has gone mad to-day, Jefferson pointed to the north star of our policy of neutrality when he said, "In the present maniac state of Europe we should not estimate the point of honor by the ordinary scale." The reasoning which made this a sound rule in "the maniac state of Europe" in Jefferson's day makes it an equally strong rule in "the maniac state of Europe" to-day.

This Nation, let us never forget, has always remembered that neutrality is a policy which is asserted against nations at war, against nations inflamed and disordered. It has always been wise enough to proceed with calmness and patience, and events have ever justified its willingness to appeal from Philip drunk with war to Philip sobered by reason and reflection.

WHEN GRANT WAS PRESIDENT.

When Grant was President, during the war between Spain and the Spanish West Indies, a Spanish gunboat seized the vessel *Virginius*, flying the American flag, and a Spanish commandant in cold blood shot the captain of the *Virginius*, 36 of the crew, and 16 of the passengers.

But we did not go to war. Grant settled our troubles by negotiations, just as the President of the United States is trying to do to-day.

WHEN HARRISON WAS PRESIDENT.

When Benjamin Harrison was President the people of Chile conceived a violent dislike to the United States for our insistence upon neutrality during the Chilean revolution. When this feeling was at its height one junior officer from the United States warship *Baltimore* was killed outright in the streets of Valparaiso and 16 of our sailors wounded, of whom one afterwards died. In a message to Congress on January 25, 1892, supported by Secretary of State James G. Blaine, and on evidence submitted by Fighting "Bob" Evans and Winfield Scott Schley, President Harrison said this assault on our honor "had its origin in the hostility to these men as sailors of the United States wearing the uniform of the Government and not in any individual act of personal animosity," and that this Nation "must take notice of the event as an infraction of its rights and dignity" and as an invasion of its "international rights."

But we did not go to war. Harrison settled our troubles by negotiation, just as the President of the United States is trying to do to-day.

WHEN LINCOLN WAS PRESIDENT.

When Lincoln was President this country's rights were violated on every side. England, Russia, France, and Spain were guilty of such flagrant violations that Secretary of State Seward advanced a plan to go to war with all of them at one and the same time.

France used every possible influence short of open war to injure us. She not only permitted the building of Confederate vessels in private shipyards, but she allowed at least two to be built in the national navy yard of France, and she supplied them with supplies from her Government arsenal.

And England did more.

Through his Secretary of State, Lincoln called England to account for the seizure of the U. S. S. *Chesapeake* on the high seas bound from New York to Portland, for the burning of the U. S. S. *Roanoke* off Bermuda, for the seizure on Lake Erie of the ship *Philo Parsons* and the scuttling of the *Island Queen*, the shooting of its engineer, and the wounding of its passengers; and he protested to England against the invasion of the territory of the United States by a band of southern sympathizers from Canada, who rode across the border into Vermont, burned a portion of St. Albans, looted its homes, robbed its bank of $211,000, killed one of its citizens, and wounded several more. In stinging language he told England that she violated neutrality by permitting "the use of British ports and British borders as a base for felonious depredations against the citizens of the United States," and he wrote into history his diplomatic battle against England for letting loose the *Alabama* to prey upon our commerce, to destroy $100,000,000 worth of property, to capture 84 of our vessels, and drive our flag from off the seas. No nation ever inflicted upon another nation a more damnable or more maddening wrong than England inflicted upon the United States in the *Alabama* outrage.

But we didn't go to war. Lincoln settled our troubles by negotiations, just as the President is trying to do to-day.

WHEN PIERCE WAS PRESIDENT.

When Pierce was President the British minister in this country and three of his consuls violated our neutrality during the Crimean War. We gave these representatives of Great Britain their passports and sent them home.

But we didn't go to war. Pierce settled our troubles by negotiation, just as the President of the United States is trying to do to-day.

WHEN VAN BUREN WAS PRESIDENT.

When Van Buren was President a detachment of Canadian militia, during the internal troubles in Canada, boarded the U. S. S. *Carolina* in the American waters of Niagara River, killed an American member of the crew, fired the ship, and sent her adrift over Niagara Falls.

But we didn't go to war. Van Buren settled our troubles by negotiation, just as the President of the United States is trying to do to-day.

WHEN JEFFERSON WAS PRESIDENT.

When Jefferson was President England seized hundreds of our ships and Napoleon hundreds more. From 1793 to 1807 historians say England and France together captured 1,600 American vessels and $60,000,000 worth of American property. England compelled over 2,000 American seamen to serve against their will in the English Navy, and Napoleon ordered the seizure and confiscation of American ships wherever found. Our shipping rotted at every French and British port, our crews were cast into prison and left to die of abuse and neglect. The British ship *Leopard* fired upon the American cruiser *Chesapeake* in American waters, killed and wounded several of our sailors, took three native-born American citizens off the *Chesapeake*, and hanged one of them in Halifax.

But we didn't go to war. Jefferson settled our troubles by negotiation just as the President of the United States is trying to do to-day.

WHEN ADAMS WAS PRESIDENT.

When Adams was President France preyed upon our commerce. She extended her seizure, searches, and confiscations to the very waters of the United States themselves until she had piled up in our State Department charges of over 2,300 violations of neutrality's law. American ambassadors who sought to adjust these wrongs were refused recognition and openly insulted at the French court. President Adams called Washington out of retirement to head the Army, he created the Navy Department, and he built 12 battleships.

But we didn't go to war. Adams settled our troubles by negotiation just as the President of the United States is trying to do to-day.

WHEN WASHINGTON WAS PRESIDENT.

When Washington was President and "neutrality" first declared, war convulsed Europe, our ships dared not to put out to sea, commerce was paralyzed, and business depressed. American passengers and American crews were thrown into prison and deprived of legal rights. Genet, the minister from France, fitted out privateers in our harbors, flouted our officials, and tried to rally this country to the support of France in return for the help France gave us in the Revolutionary War. England and France seized 400 of our ships and confiscated millions of dollars' worth of our property, and up in Quebec Lord Dorchester promised Canadian Indians the pleasure of burning American homes and scalping American citizens.

But we didn't go to war. Washington settled our troubles by negotiation just as the President of the United States is trying to do to-day.

Fighting for every degree of injury would mean perpetual war, and this is the policy of our opponents, deny it how they will. It would not allow the United States to keep the sword out of the scabbard as long as there remains an unrighted wrong or an unsatisfied hope between the snowy wastes of Siberia and the jungled hills of Borneo. It would make America as dangerous to itself and to others, as destructive and as uncontrollable as the cannon that slipped its moorings in Victor Hugo's tale of '93. It would give us a war abroad each time the fighting cock of the European weather vane shifted with the breeze. It would make America the cockpit of the world. It would mean the reversal of our traditional policy of government. It

would mean the adoption of imperialistic doctrines which we have denounced for over a century. It would make all the other nations the wards of the United States, and the United States the keeper of the world. What would become of the Monroe doctrine under such a policy? How long do our opponents suppose we would be allowed to meddle in European affairs while denying Europe the right to meddle in American affairs? The policy of our opponents is a dream. It never could be a possibility. It is not even advanced in good faith; it is simply an appeal to passion and pride, to sympathy and prejudice, to secure partisan advantage. In a word, this policy of our opponents would make the United States the policeman of the world. Rome tried to be policeman of the world and went down; Portugal tried to be policeman of the world and went down; Spain tried and went down; and the United States proposes to profit by the experience of the ages and avoid ambitions whose reward is sorrow and whose crown is death.

National honor is not the whim of an individual mind. National honor is the composite sentiment, the composite reason of a whole people feeling the emotions of nature and following the dictates of God.

And it is for this reason that "the power" to declare war is conferred by the Constitution of these United States not on the individual will of the President, but on the composite reason, the representative decision of "the Congress of the United States."

Do, then, the Hotspurs of this country mean to proclaim themselves more jealous of our national honor than the framers of the Constitution, than Washington or Lincoln? Where, when, and from whom did they receive their commission as keepers and interpreters of the honor of this Nation? Who gave them a monopoly of the workings of the brain or the emotions of the heart? What mystic faculty do they possess which nature has denied to other men?

They proceed on the theory that the noisest man in the land is the best patriot.

Fearful within, blustering without, the coward whistles to keep up courage, and hopes the world will read in his face what is not in his heart. The brave man, conscious of what is in his heart, and careless of whether or not the world reads it in his face, neither whistles to deceive his neighbors nor publishes his patriotism to win the Pharisee's crown of self-praise.

These noisy critics forget that an appreciation of honor is as elemental in every man as the instinct which calls the flush of rage to the cheek or the blaze of anger to the eye. When the honor of this country is outraged or the glory of its flag is besmirched, the man of the street, the toiler in the fields, the artisan in the shops, the man who shoulders his musket and marches away at his country's call will need no one to tell him, no one to show him, where duty lies and manhood calls. The men who will do the fighting will not have to be drummed to war; they will summon themselves to battle with the valor of a Jackson and the ardor of a Wayne.

Mr. President, because George Washington, who had led the Continental Army in the long struggle for American independence, refused to involve his country in war again, but stood firmly for peace, firmly for the American doctrine of neutrality, he was denounced with vile epithets in various parts of the country and treated with unspeakable indignity. The invectives against Washington then were as bitter as those ever uttered against any American public official, but he stood firm; he did not go to war; and I venture to say that no worthy descendant of the men who followed Washington would now assert that the policy Washington stood for at that time debased American pride or dishonored the American name.

Mr. President, should we now depart from this great American policy of neutrality? It is true we have suffered much and grievously from both sides; but both sides not only avow their friendship for the United States but, in fact, both court our friendship, and both profess regret that the dire necessities of war compel them at times to adopt measures and perform acts injurious to our commerce or our people. For any injury to our people, no matter by whom done, both express what I believe to be sincere regret, and both justify or excuse their several acts on the ground of commanding war necessity. Undoubtedly isolated instances of wrongdoing can be selected which do not appear to be susceptible of any kind of justification or excuse; but such instances are exceptional. Taking the situation as a whole, it remains undoubtedly true that both sides profess friendship for the United States. They say they are friendly to us. They desire to maintain cordial relations of amity with us; both declare their desire and purpose to do as little harm to our commerce and people as the exigencies of war will permit; and both appeal to us to cooperate with them as far as possible to avoid the danger of occurrences calculated to strain our diplomatic or international relations.

The point to this is that they do not, as of choice, deliberately injure or wantonly insult us. Neither of them does that; neither seeks nor desires a quarrel with the United States. This was not so when Washington, Adams, Jefferson, and Madison were dealing with the exasperating events portrayed by Gov. Glynn in his speech. The situation then was wholly different from that we confront to-day. The injuries done to our people in those days were not incidental, but direct; not resultant, but intentional. The reasons, therefore, for patience and forbearance are infinitely greater now than in those elder days.

FREEDOM OF THE SEAS.

The one thing we hear very much about just now is the "freedom of the seas." Freedom of the seas! That is an old doctrine and a good one. I stand for it steadfastly and loyally, and would fight for it whenever I believed that any other nation sought, out of any kind of antagonism to the real spirit of that doctrine, to drive us from the seas. As a fundamental proposition I would defend our right to rove the seas unhindered, and would strike with all the power of the Nation in resentment against any nation interfering with us with the purpose and intent of arbitrarily and insolently limiting our right to the use of the seas. There can be no division of sentiment in this country as to that. But at this time we are facing a peculiar, unusual, abnormal situation. A great war is raging. One of the belligerents assumes to establish what they call a blockade through the instrumentality of submarines; another belligerent assumes to establish a blockade through the instrumentality of submerged mines. If we wish to be very technical and hard-fisted we can break in upon this situation and dive headlong into the turbulence seething in these narrow areas of the sea. That is with us altogether a matter of common sense and public policy. Senators frothing with a fine frenzy may ask, "Who shall dare to deprive an American citizen of his unrestricted right to go upon the seas when and where he pleases?" Possibly no one should dare to do that terrible thing; nevertheless I venture to say that the American citizen who would with glaring foolhardiness deliberately go into the very mouth of this maritime hell, where war is raging in its most ruthless form, wrapping the American flag about him and shouting defiance to the world, would be rendering a very poor service to his country. Sometime ago the Senate determined against issuing an official warning to American citizens not to embark on vessels loaded with war munitions, and there that matter had stood ever since. Not so, however, with other countries. While we are seemingly encouraging American citizens to incur these hazards, Canada, Australia, New Zealand, South Africa, the great colonial dependencies of Great Britain, have, with the approval of the London Government, undertaken to prevent their noncombatant people from embarking on ships bound through the zones of danger to European ports. Within the week I saw a published dispatch from Halifax, Nova Scotia—printed rather obscurely in the Northcliffe American journals—to the effect that a vessel en route from Boston to Liverpool had called at Halifax for examination, as now required by the orders of the British Government, and that the examining officers finding a number of British subjects aboard required them to disembark with their baggage, while several American citizens aboard were permitted to go forward without interruption. It would seem that England and her colonies are more considerate of the lives of their subjects than we are of the lives of our citizens. All this is mystifying to me. I confess myself unable to comprehend it.

Then we are told that our shipping is being congested and our commerce desperately injured by this submarine blockade. We are told that American ships engaged in European traffic are tied up; that they can not obtain insurance; that cargoes are being piled up in the North Atlantic ports unable to secure adequate transportation. All this may be true; I do not know. But I venture to say that the great bulk of these waiting cargoes is composed of war contraband. I venture to believe that there are enough of these delayed cargoes to freight many vessels composed almost wholly of war munitions and supplies intended for the armed forces of one or more of the belligerents. Shall we go to war to insure the transportation of these death-dealing commodities? Would you arm one of J. P. Morgan's ships and send it forth, leaving the issue of peace or war with Germany to the discretion of the captain of that vessel? It would be just as well to arm a British merchantman and send her forth in the "peaceful pursuit" of commerce.

PEACE WITHOUT VICTORY.

Mr. President, I look beyond this day to the end of the war, contemplating only the interests and welfare of the United States. Will the interests of this country be best promoted by crushing one of the antagonists in the war or by a drawn battle? I believe the best interests of this country and of the world would be advanced if peace should come in Europe without a decisive victory to either side. That is what President Wilson thought as late as January 22, 1917. On that date he addressed a joint session of the Congress, and from that address I read the following extract:

Fortunately we have received very explicit assurances on this point. The statesmen of both of the groups of nations now arrayed against one another have said, in terms that could not be misinterpreted, that it was no part of the purpose they had in mind to crush their antagonists. But the implications of these assurances may not be equally clear to all, may not be the same on both sides of the water. I think it will be serviceable if I attempt to set forth what we understand them to be.

They imply, first of all, *that it must be a peace without victory.* It is not pleasant to say this. I beg that I may be permitted to put my own interpretation upon it and that it may be understood that no other interpretation was in my thought. I am seeking only to face realities and to face them without soft concealments. Victory would mean peace forced upon the loser, a victor's terms imposed upon the van-

quished. It would be accepted in humiliation, under duress, at an intolerable sacrifice, and would leave a sting, a resentment, a bitter memory upon which terms of peace would rest, not permanently, but only as upon quicksand. Only a peace between equals can last. Only a peace the very principle of which is equality and a common participation in a common benefit. The right state of mind, the right feeling between nations, is as necessary for a lasting peace as is the just settlement of vexed questions of territory or of racial and national allegiance.

I thought the President was right then; I think so now. But now we are about to go into the war on the side of England. Suppose you throw the tremendous weight of this Nation into the scale upon that side and destroy Germany—what then? And what thereafter? Presumably England would take over as her share of the war spoil both the warships and the merchant ships of Germany, and thus enormously increase her preponderance on the seas. With Germany done for and out of the way, and with this great addition to British maritime power, then, indeed, might the old jaunty song ring merrily across the waves, "Britannia rules the sea." We know already that the allied powers have been in close, confidential conferences to establish a commercial and industrial entente between them to become effective after the war. For this I do not blame them. They have suffered in common, and I could not complain if they sought to use their own joint resources and energies as far as possible, working in concert, to recuperate. But that does not signify or offer any promise of special good to American industry and commerce. And, then, as to the world outside, what of that? Our merchant marine is insignificant as compared with that of Great Britain now, and with the merchant marine of Great Britain augmented by the merchant fleet of Germany, our commercial power upon the sea would be contemptible in comparison. Our people have accumulated riches out of the war, but what would happen to them in the circumstances stated after the war? What avenues of trade would be open to us, with our feeble facilities for exploiting our trade, that could not be blocked by the overwhelming power of Great Britain ruling the sea without a rival in Europe? Had we better not look beyond our noses, now held high to snuff a battle breeze, and survey the great problems that lie before us in the immediate future? I stand to-day where the President stood one month ago, still believing that the welfare of the world, and particularly of this country, would be best promoted if Europe could have "peace without victory."

ALLIES DEFENDING AMERICA.

British papers and the Northcliffe American papers, representing a powerful syndicate, have sought to alarm the American public with the notion that if German arms should come out of the war victoriously the next hostile step Germany would take would be against the United States; that if Germany should be victorious over France and England, she would then seek to conquer the United States and subject this great people to her dominion. Even books to that effect have been written and gratuitously circulated in America, and moving pictures displaying the horrors of a German invasion of the United States have been exhibited in Washington and other cities. This is so ludicrous that it is almost impossible to treat it seriously. It is even more foolish than the alleged intrigue of Zimmermann with Carranza, by and through which Germany would back Mexico in overruning the United States and reannexing Texas, New Mexico, and Arizona. Why, sir, if we should turn the people of these three border States loose and tell them to "go to it," within three months they would lift the American flag once more above the halls of the Montezumas. Is it not really diverting to be told that Germany at her best could overrun the United States, and especially now, when, in the most favorable aspects of the situation, she must come out of this war broken in purse and in martial strength? When did it come to pass that Uncle Sam must lay his head on the palpitating breast of Uncle Johnny Bull with a timid sense of dependence? We are not dependent upon any of these nations, nor all of them together.

CLOSE.

Mr. President, only a word more, and, so far as I am concerned, as I said on yesterday, the issue may be concluded. In my heart I have no enmity for any of these unhappy nations, only sympathy for them. If I have a special sympathy for either of the greater powers in the war, although I doubt whether I should say that, it is for France. France does have an especially warm place in my heart, partly because of our historical association with her people in the earlier days of our national life, and partly because of the splendid way in which she has borne herself in this struggle against undeserved disasters—disasters enough to appal and crush almost any other people in Europe. But I am in no sense a partisan of France—not any more than of England or Germany. I stand unmoved for the maintenance of American neutrality.

I hope our ship of state can be steered away from these troubled waters and the dangers of wreck. But if, unhappily, war should come, it is needless to say that when the dread die is cast the gaps will be closed. Then, right or wrong, we will stand for America, and I need not say that no man of us all will more willingly bear his full share of the burden and toil of war.

AGRICULTURAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. SMITH of South Carolina submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 14, 21, 24, 26, 29, 30, 44, 45, 48, 67, 68, 69, 70, 71, 75, 76, 77, 79, 82, 84, 98, 99, 100, 101, 102, 103, and 104.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 9, 12, 16, 17, 18, 20, 22, 25, 34, 35, 38, 39, 40, 41, 42, 43, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 72, 78, 80, 81, 83, 87, 89, 92, 94, 95, 96, and 105, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: After the word "establishment" in said amendment insert a comma and the word "equipment," and strike out "$20,000" and insert in lieu thereof "$6,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: On page 9, line 5, strike out "$1,468,740" and insert in lieu thereof "$1,455,240"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: On page 9, line 6, strike out "$1,796,640" and insert in lieu thereof "$1,783,140"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of "$269,200" insert "$277,580"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: After the word "equipment" in the Senate amendment strike out the words "and maintenance"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of "$2,604,956" insert "$2,613,236"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of "$3,445,326" insert "$3,555,326"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of "$90,010" insert "$82,510," and in lieu of "$15000" insert "$7500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of "$112,200" insert "$107,200," and in lieu of "$14,000" insert "$9,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of "$2,460,530" insert "$2,480,530"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of "$3,123,630" insert "$3,143,630"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Before the figures "1,200" in the Senate amendment insert the words "not exceeding"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: Transpose the comma and the figures

"$66,100," following the Senate amendment, to a position preceding said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of "$1,814,567" insert "$1,817,567"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of "$3,261,475" insert "$3,264,475"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of "$5,709,275" insert "$5,712,275"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of "$2,992,580" insert "$2,972,580"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of "$3,127,660" insert "$3,107,660"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of "$813,395" insert "$843,395"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of "$1,688,575" insert "$1,718,575"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: Strike out the language "same to be additional to the existing 80 acres now used as a plant-introduction field station" and transfer the paragraph as thus amended to page 24, between lines 18 and 19, of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of "$139,500" insert "$104,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of "$160,000" insert "$125,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of "$24,581,213" insert "$24,679,113"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of "$25,831,213" insert "25,929,113"; and strike out the new language added by the Senate amendment; and the Senate agree to the same.

E. D. SMITH,
HOKE SMITH,
Managers on the part of the Senate.

A. F. LEVER,
GORDON LEE,
G. N. HAUGEN,
Managers on the part of the House.

Mr. SMITH of South Carolina. Mr. President, I ask for the present consideration of the report.

The PRESIDENT pro tempore. The Senator from South Carolina presents a conference report on the agricultural appropriation bill and asks for its present consideration.

Mr. HITCHCOCK. Mr. President, I can not at this time consent to that request. Possibly a little later an arrangement will be made. At the present time I desire to present a request for unanimous consent.

Mr. SMITH of South Carolina. Mr. President, a point of order. The motion to proceed to the consideration of the conference report must be decided without debate. I move to proceed to the consideration of the report, under Rule XXVII.

The PRESIDENT pro tempore. The Chair will so hold. The question is on agreeing to the motion.

Mr. GRONNA. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. GRONNA. I shall not object to taking up the conference report, but I want to make an inquiry. After the report is taken up will it be subject to debate?

The PRESIDENT pro tempore. The conference report will be debatable. The motion to take up the report is not debatable.

Mr. GRONNA. I understand.

The PRESIDENT pro tempore. The question is, on the motion of the Senator from South Carolina, to proceed to the consideration of the conference report.

Mr. JAMES. Did I understand the Senator from North Dakota to ask if it would be subject to debate?

Mr. GRONNA. I did.

Mr. JAMES. Is it the purpose of the Senator to extensively debate it?

Mr. GRONNA. I will say to the Senator that I expect to debate the conference report.

Mr. HARDWICK and others. Regular order!

Mr. JAMES. Then I shall have to object, in that view of it.

Mr. WILLIAMS. I ask the Senator to permit me one interruption, just long enough to say that I hope that nothing will be permitted to take the place of the pending bill.

SEVERAL SENATORS. Regular order!

The PRESIDENT pro tempore. The question is on the motion to proceed to the consideration of the conference report.

The motion was rejected.

ARMED MERCHANT SHIPS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes.

Mr. HITCHCOCK. Mr. President, I ask unanimous consent that beginning at 9 o'clock all speeches be limited to 15 minutes.

The PRESIDENT pro tempore. Is there objection?

Mr. CUMMINS. I object.

Mr. HITCHCOCK. I ask unanimous consent that beginning at 10 o'clock all speeches be limited to 15 minutes.

The PRESIDENT pro tempore. Is there objection?

Mr. CUMMINS. I object to that also.

Mr. HITCHCOCK. I ask unanimous consent that beginning at midnight all speeches be limited to 15 minutes.

The PRESIDENT pro tempore. Is there objection?

Mr. NORRIS. I object.

Mr. HITCHCOCK. I ask unanimous consent that at 1 o'clock all speeches be limited to 15 minutes.

Mr. NORRIS. I object.

Mr. HITCHCOCK. I ask unanimous consent that beginning at 2 o'clock in the morning all speeches be limited to 15 minutes.

Mr. NORRIS. I object to that.

Mr. ASHURST. Mr. President, I want the names of the Senators objecting, so that they can be known.

The PRESIDENT pro tempore. The RECORD will disclose the names of those who have objected.

Mr. HITCHCOCK. Who objected to the last request?

Mr. NORRIS. I do not know who was noted down as having objected; but if there is any doubt about it I am ready to object to it.

Mr. HITCHCOCK. I ask unanimous consent that at 4 o'clock in the morning all speeches be limited to 15 minutes.

Mr. NORRIS. I object to fixing 4 o'clock or any other time.

The PRESIDENT pro tempore. The Senator from Nebraska announces that he will object to fixing 4 o'clock or any other time.

Mr. HITCHCOCK. Then I ask that at midnight to-night the Senate proceed to vote upon the bill and all amendments then pending and all amendments that may be offered to the bill. I ask unanimous consent for that agreement.

The PRESIDENT pro tempore. Is there objection?

Mr. CUMMINS. A roll call will be required before the unanimous-consent agreement proposed can be put before the Senate.

The PRESIDENT pro tempore. A roll call will be required.

Mr. HUGHES. Mr. President, in order to facilitate matters I suggest that if any Senator present desires to object it will save a roll call if he will make the objection now.

The PRESIDENT pro tempore. The Senator from Nebraska has yielded to the Senator from New Jersey?

Mr. HUGHES. Without his knowledge.

Mr. HITCHCOCK. I yield to the Senator from New Jersey.

Mr. HUGHES. I was going to suggest that if any Senator expects to object to the unanimous-consent agreement proposed he might as well save wasting the time necessary to call the roll by objecting now.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to his colleague?

Mr. HITCHCOCK. I yield for a question.

Mr. NORRIS. If the Senator wants to submit a unanimous-consent request the rules provide how it must be done. It ought to be submitted in writing and read by the Secretary and then the roll called.

Mr. HITCHCOCK. Mr. President, I am not going to do anything here to kill time. I want to develop the fact that there is a deliberate intention to filibuster the bill to death. If Senators are willing to take that responsibility I want them to take it.

Mr. NORRIS. I would not hesitate to kill the bill if I could. I have always said I would be glad to kill it if I could. But the fact is that most of the time has been taken up by those who favor the bill. I do not know that I am going to be able to kill the bill; I do not know that I am even going to talk at all on it; but I object to having the debate run on for a couple of days by those who are in favor of the bill and then an effort be made to gag those who are opposed to it. I am within my right in objecting, and I do object to a limitation of any kind.

Mr. HITCHCOCK. Then I will ask unanimous consent that at midnight to-night the Senate shall proceed to the consideration of the bill and all amendments thereto, and all amendments that may be offered or pending through the regular parliamentary stages, without further debate.

Mr. NORRIS. I make the point of order that that request must be submitted in writing.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Georgia?

Mr. HITCHCOCK. I do.

Mr. SMITH of Georgia. The desire for such a consent is submitted to the Senate informally to find out if any Senator will object. It is unnecessary to put it in writing and call the roll if some one present objects. If some one objects, that ends it, and we go on with the measure. I think it is entirely proper to make the preliminary inquiry. I take it for granted that any Senator present who intended to object would be courteous enough to the Senator making the request to tell him so now.

Mr. NORRIS. Certainly; I have said that. If the Senators who are in favor of the bill want to filibuster—I think they have taken up time enough—I can not consent to the unanimous consent.

The PRESIDENT pro tempore. The Chair will state that the rule requires that in the case of a time fixed for a final vote, as in the request made by the Senator from Nebraska, the roll shall be called. Heretofore the requests made have not required a roll call under the rule, as the Chair understands.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from North Dakota?

Mr. HITCHCOCK. I do for a moment.

Mr. GRONNA. I will say to the Senator from Georgia that it is hardly fair that it should not be done in regular form, when a unanimous-consent agreement is requested. We do not know that we have a quorum here, Mr. President, and it requires a calling of the roll to ascertain that fact. There are Senators absent now who perhaps would object.

Mr. SMITH of Georgia. I agree with the Senator from North Dakota about that, but the inquiry would be made informally to ascertain if Senators who are present object.

Mr. GRONNA. But those present could not answer for those who are absent.

Mr. SMITH of Georgia. But if Senators present should object, it would be useless to call the roll, for the matter would then be ended.

Mr. SUTHERLAND. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. SUTHERLAND. It was stated a moment ago, I think by the Senator from Nebraska, that under the rules it is necessary that a request for unanimous consent should be submitted in writing. I do not understand that there is any such rule as that; but I understand that before a request for unanimous consent can be put the roll must be called.

The PRESIDENT pro tempore. For the final vote.

Mr. SUTHERLAND. For a quorum. I ask the Chair whether the rule is that the request must be made in writing?

The PRESIDENT pro tempore. The Chair is trying to ascertain. There is a rule of the Senate which requires, on request of the Chair, that a motion shall be reduced to writing. The Chair does not at this moment recall exactly what rule it is.

Mr. SUTHERLAND. I have the rule to which I refer.

The PRESIDENT pro tempore. The Chair would be glad to have the Senator read it.

Mr. SUTHERLAND. The rule is:

3. No request by a Senator for unanimous consent for the taking of a final vote on a specified date upon the passage of a bill or joint resolution shall be submitted to the Senate for agreement thereto until, upon a roll call ordered for the purpose by the presiding officer, it shall be disclosed that a quorum of the Senate is present; and when a unanimous consent is thus given the same shall operate as the order of the Senate, but any unanimous consent may be revoked by another unanimous consent granted in the manner prescribed above upon one day's notice.

That is the rule in reference to obtaining unanimous consent.

Mr. GRONNA. Mr. President, will the Senator from Utah yield to me?

The PRESIDENT pro tempore. The Senator from Utah will find in another rule some reference to occasions when motions must be reduced to writing. It is not in that rule, but the Chair does not recall the number of the rule he has in mind.

Mr. SUTHERLAND. But there is no requirement under the rules of the Senate that a Senator can not make a request for unanimous consent until he submits it in writing.

The PRESIDENT pro tempore. The Chair thinks the Senator is correct.

Mr. NORRIS. Mr. President, let me submit a parliamentary inquiry to the Chair.

The PRESIDENT pro tempore. Does the Senator from Nebraska yield, and if so, to whom?

Mr. HITCHCOCK. I yield to the Senator from North Dakota.

Mr. GRONNA. I desire to ask the Senator from Utah if he knows of any instance where a unanimous-consent agreement has been made to vote upon a measure, except it has been made in writing?

Mr. SUTHERLAND. Oh, Mr. President, the practice is perfectly well settled. A Senator rises in his place, and there makes a request for unanimous consent. That is stated at the desk. The Secretary usually reduces it to writing and reads it to the Senate, but there is no requirement in the rule that that shall be done. It is merely the practice of the Senate to do that.

Mr. NORRIS. Now, Mr. President——

Mr. SUTHERLAND. Just a moment.

Mr. President, the Senator from North Dakota says that it is necessary to call the roll because there may be some Senator who is not present who would object to the unanimous-consent agreement. It is a perfectly useless proceeding to do that, if there is a Senator present who is going to object. The practice in the past has been that a Senator would rise and make his request for unanimous consent, and it would be inquired as to whether or not any Senator would object to it. If it appeared that objection would be made, the calling of the roll would be a useless formality, and it has never been indulged in.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. If the Senator from Nebraska will suspend a moment, the Chair calls the attention of the Senator from Utah to Rule XXI in regard to the reduction of motions to writing, which is as follows:

1. All motions shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before the same shall be debated.

That is the only rule on the subject of which the Chair knows.

Mr. SUTHERLAND. But this is not a motion.

The PRESIDENT pro tempore. That is true.

Mr. SUTHERLAND. It is a request for unanimous consent.

The PRESIDENT pro tempore. That is the only rule of which the Chair has knowledge about the reduction of motions to writing.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to his colleague?

Mr. HITCHCOCK. I yield for a question.

Mr. NORRIS. I want to ask the Senator a question. I ask if the rule read by the Senator from Utah [Mr. SUTHERLAND] does not, on its face, specifically declare that no request for unanimous consent shall be submitted by the Chair until the roll has been called?

Mr. SUTHERLAND. Oh, yes, Mr. President.

Mr. NORRIS. I have not objected to the informal request which has been made.

Mr. HITCHCOCK. Mr. President, I can not yield any further for this discussion.

The PRESIDENT pro tempore. The Senator from Nebraska.

Mr. HITCHCOCK. I wish now to once more make my request, and for the roll call to demonstrate just who it is that objects to the consideration of this bill.

Mr. SMITH of Georgia. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Georgia?

Mr. HITCHCOCK. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. I wish to make this suggestion to the Senator: The object of the oral inquiry is to ascertain whether or not there is any time which would be agreeable to

all the Senators present for a unanimous consent to vote on a measure. When that is done orally it is done before the formal request is made, in order that the views of Senators may be ascertained and that, if possible, the formal request shall be one which will meet with unanimous consent. It does seem to me that the Senators would answer the Senator from Nebraska informally, as we always do on such occasions, if there is no time they are willing to fix for a vote.

Mr. NORRIS. Will the Senator yield to me?

Mr. SMITH of Georgia. Yes.

Mr. NORRIS. I have tried to do that.

The PRESIDENT pro tempore. The senior Senator from Nebraska has the floor. Does he yield to his colleague?

Mr. HITCHCOCK. I yielded merely to the Senator from Georgia.

Mr. CLARK. I rise to a question of order, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CLARK. I understand the Senator from Nebraska [Mr. HITCHCOCK] has made a request for unanimous consent.

Mr. HITCHCOCK. I have not yet made it.

Mr. CLARK. I thought the Senator had.

Mr. HITCHCOCK. I suggested it, but there was objection. Now, I wish to phrase it in a different way.

Mr. President, I ask unanimous consent that at not later than 3 o'clock on Sunday morning the Senate will proceed to vote upon the pending bill and all amendments thereto then pending, and all amendments that may be offered through all the parliamentary stages to the final disposition of the bill, and that between the present hour and the hour at which this unanimous-consent agreement will go into effect, the time shall be divided, two-thirds upon the other side of the House and one-third on this side of the House.

Mr. CLARK. Mr. President, I think upon reflection the Senator from Nebraska will not want the request put in that form. I think he will hesitate to divide the votes upon this question upon party lines.

Mr. HITCHCOCK. I accept the suggestion of the Senator from Wyoming.

Mr. CLARK. Therefore, I hope the Senator will withdraw that part of the proposition.

Mr. HITCHCOCK. I ask that two-thirds of the time be accorded to opponents of the bill and one-third to the advocates of the bill.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. The Senator from Iowa.

Mr. CUMMINS. In view of the statement made a few moments ago by the Senator from Nebraska, and in view of the unanimous-consent agreement which is now asked, I think it is only fair to some of us to say that personally I have never filibustered for one moment in this Chamber. I do not intend to do so now. I am opposed to the bill as it is; but I hope to secure a modification of it, so that I may be able to vote for it. There are, I think, a dozen Senators, at any rate, who want to speak upon the question. It is a vital, important question, and no man can deal with it in 15 minutes or within such time as has been suggested.

I for one, Mr. President, will not be willing to give my consent to an agreement to vote upon the bill at 3 o'clock to-morrow morning in the present situation. I want to know, before I give my consent to it, that those who have a desire to speak upon it shall have an opportunity to do so; and I do not know whether I would have, or whether others who desire to speak upon it would have, such an opportunity. Therefore, in harmony with the statement made by the Senator from Georgia [Mr. SMITH], which I think is in accordance with our usual practice, I say to the Senator from Nebraska that the calling of the roll is now unnecessary, because I will object to the request for unanimous consent which he has now asked.

Mr. HITCHCOCK. Mr. President, would the Senator object if it were provided that debate should continue until 4 o'clock in the morning?

Mr. CUMMINS. Mr. President, I think that the present is not an appropriate or apt time to ask for a unanimous-consent agreement. I think that the debate upon the matter must be developed first, and that we must be able to see with moderate clearness the end of the debate before we enter into a unanimous-consent agreement.

Mr. HITCHCOCK. Then, I will modify the request so that all of the time between now and 3 o'clock in the morning may be given to the opponents of the bill.

Mr. CUMMINS. Mr. President, from my point of view, that is very objectionable. That is treating the matter as though there are certain Senators who propose to vote for the bill no matter what may be said in the meanwhile. That may be true in fact; but if true, it is unfortunate. If we are to have debate upon the question, I think it ought to be conducted in the usual way, and we ought to assume, at least, that there are open minds, both upon the part of those who are opposed to the bill in its present form, as well as upon the part of those who are in favor of it in its present form.

Mr. HITCHCOCK. Would the Senator consent if 10 hours' time for speeches by those opposed to the bill were accorded?

Mr. WEEKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. I do.

Mr. WEEKS. The Senator from Nebraska must know that he is wasting his time. Personally, I am going to vote for the bill in the best form in which it can appear when a vote is taken, and I am not going to speak, because I have no desire to delay action; but I saw a list of those who were going to speak this morning, and there were at least six or eight Senators in favor of the bill who desired to speak. I do not know whether it is their intention to speak now or not; but the Senator from Nebraska has no right to ask that all the time be given to those opposed to the bill, for I am confident that two or three Senators who are in favor of the bill intend to address the Senate upon the subject; and it comes with poor grace, Mr. President, to discuss a filibuster and try to put the responsibility of filibustering on Senators on this side of the Chamber, when the leader of the majority has spoken four and a half hours this afternoon. If the Senator from Nebraska——

Mr. LEA of Tennessee. I rise to a point of order.

Mr. WEEKS. If the Senator from Nebraska will let this measure go on and be discussed in a reasonable way until midnight, it is possible he may reach some conclusion; but it must be apparent——

Mr. LEA of Tennessee. I rise to a point of order.

Mr. WEEKS. It must be apparent that he is delaying action now and preventing the passage of the bill.

Mr. LEA of Tennessee. Mr. President, I rise to a point of order, which is that after the request for unanimous consent is made the calling of the roll is the only thing in order.

Mr. HITCHCOCK. I have been modifying my request and have not yet got it in the form in which I desire to present it.

The PRESIDENT pro tempore. The Chair must sustain the point of order. The Chair has been following the universal custom of the Senate in permitting negotiations as to the unanimous-consent agreement.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. The Senator from Utah.

Mr. SUTHERLAND. Will the Chair hear a word about that? As I understand, the rule is not as the Chair stated it. The rule is, that when a request is made for unanimous consent it shall not be "submitted" until the roll is called; the Chair can not submit it for action by the Senate until the roll is called; but there is nothing to prevent an interchange of views before the matter is submitted. That is the precise language of the rule.

Mr. HITCHCOCK. Mr. President, in reply to what the Senator from Massachusetts [Mr. WEEKS] has said, I believe I can say definitely that those who favor this bill are sufficiently in favor of it to take a vote without further remarks on the subject.

Mr. LANE. Mr. President——

Mr. HITCHCOCK. They fear that a systematic filibuster has been inaugurated here for the purpose of defeating the bill, and all that they ask is an opportunity to vote.

Mr. WEEKS. Mr. President, the Senator from Nebraska can not say any such thing with any assurance that it is within the facts. I have talked within five minutes with a Senator who expects to address the Senate on this measure, and who is in favor of it. The Senator from Nebraska has not seen him since I have.

Mr. HITCHCOCK. I should like to hear from any Senator who favors the bill——

Mr. WEEKS. The Senator to whom I refer is not on the floor of the Senate now.

Mr. LANE. Mr. President, I want to say—and I think I have the right to be heard—that the tone adopted in presenting this matter to the Senate is an insult to every Senator in it——

The PRESIDENT pro tempore. The Senator must address the Chair.

Mr. LANE. Mr. President——

Mr. HITCHCOCK. I decline to yield further to the Senator.

Mr. LANE. I think the Senator will find it wiser——

Mr. HITCHCOCK. I decline to yield further to the Senator.

The PRESIDENT pro tempore. The Senator from Nebraska declines to yield further.

Mr. LANE. The Senator is not making any friends for the bill by impugning the motives of Senators or by refusing them leave to be heard, and I resent it.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. The Senator from Nebraska has the floor.

Mr. HITCHCOCK. Mr. President, having tested out the sentiment of those who are opposed to this bill at this time, I shall for the present abandon the effort to secure unanimous consent.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Missouri.

Mr. LANE. Mr. President, I desire to call attention to the unkind little remark just made by the Senator from Nebraska. There are plenty of Senators here who want to get through with this bill, and I am one of them. I have an admiration for the President, and I am going to support him to the limit in his efforts to keep this country at peace. If this bill will do that, I am with him. For the pseudo chairman of the committee, or the Senator who is acting in the place of the chairman of the committee, the Senator from Missouri, to state that he intends to test the position of all Senators out before the question has been discussed by them is unfair. We have had too much of those tactics in the management of the affairs of the people in the Senate. I think all Senators ought to be given credit for just as much decency and desire for securing the enactment of a good measure as the acting chairman of the committee.

We went through a performance yesterday in connection with another bill, where the time by agreement had been limited to a certain hour, and all the time was taken up in the discussion of amendments put in by the friends of the bill, while others who wished to be heard, not at length but briefly, were excluded, and as a result the bill was returned with a rebuke from the House for glaring errors contained in it. A Senator rises in the Senate, with his face wreathed in smiles, and states that he would like to secure a unanimous-consent agreement. Another Senator starts to protest, when the Senator who makes the request unctuously hopes the Senator will not "object," urging that we will get through quicker and everything will be attended to, and then, as soon as the humbug agreement is entered into, the gentleman who sought it follows right along after it and gets both feet in the trough, and nobody else gets in a word upon important matters.

Mr. WILLIAMS. Mr. President——

Mr. LANE. I do not wish to reflect on anyone in any unkindly way, but the practice is getting to be a bit outworn. I have ceased to like it.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Mississippi?

Mr. LANE. I yield.

Mr. WILLIAMS. I want to say to the Senator from Oregon that he has mistaken the observation made by the Senator from Nebraska.

Mr. LANE. I hope I was mistaken.

Mr. WILLIAMS. He did not say that he had tested out anything except the willingness of those in opposition to the bill to grant any unanimous consent at all at this time. Having sufficiently developed that question to satisfy his own mind, he desists for the present from the effort.

Mr. LANE. I was referring, Mr. President, to a remark which the Senator from Nebraska made earlier in the discussion. I think I am right about it.

Mr. WILLIAMS. Undoubtedly what the Senator from Nebraska said has been fully justified.

Mr. SUTHERLAND. Mr. President, I had intended to discuss this bill briefly, and had made some notes which I have before me for that purpose. This Congress will adjourn finally within 18 hours from this moment, however; and it is perfectly evident that to make speeches upon this bill at this late hour in the session is to jeopardize it.

I am a friend of the bill. I think it ought to pass. I have more confidence in the President of the United States than some of the Senators upon this floor who belong to his party seem to have. I think the President of the United States can be depended upon to administer with discretion any power which the Congress may vest in him in this matter.

The situation is very serious but very simple. We have locked up in the ports of the United States a large proportion of the merchant shipping of the United States. That is a condition which is intolerable. It is a condition which no real American can look upon with complacency; and yet they are locked up there under a threat that if they go upon the high seas, where they are entitled to go, they will be sunk.

Mr. President, the best remedy for this situation, in my judgment, is to provide for arming those ships in order that they may defend themselves against the unlawful attacks which are threatened to be made by the German submarines. As it seems to me, nothing less than this can be done.

I myself have no doubt that the President has power to do this even if we do not pass this bill. I agree perfectly with the argument that was made here yesterday by the Senator from Montana [Mr. WALSH]; but I think the power of the President to deal with this situation rests upon even broader ground than that stated by that Senator. I have maintained for many years—and I am convinced by further reflection that my view is sound—that there are two classes of powers which can be exercised by the Federal Government. I think there are the constitutional powers and there are the sovereign powers of the Government.

The Constitution is made by the people of the United States for their own affairs. The Constitution constitutes a series of grants to and limitations upon the power of the Federal Government in dealing with internal affairs, in dealing with the several States and with the people of the United States. I think the Constitution of the United States does not limit the sovereign or external powers of the United States to such as are granted. If it did, then this Nation of ours would be less than sovereign. The Constitution does not reach out of the borders of the territory of the United States. It, of course, does not bind any foreign country or any foreign citizens. Whenever Congress or any department of the Government is asked to do something which affects the States or the people of the United States in their internal relations, then authority in affirmative terms, either express or implied, must be found in the Constitution. But when the Federal Government deals with affairs external to the United States it may have recourse to its sovereign powers; and it is not necessary, as I view it, for the Federal Government to find precise authority in the grants of the Constitution for doing those things which affect only external affairs. It will possess the powers, unless prohibited by that instrument. If this were not so we might be confronted with the anomalous condition that certain sovereign powers would be nonexistent in our scheme of government, since power to deal with foreign or external matters can not from their very nature exist in the several States, and therefore can not be among the reserved powers.

Why, Mr. President, we have acquired territory when there was no war and no treaty, and yet there is not a syllable in the Constitution of the United States which authorizes the Federal Government to acquire territory. We acquired Louisiana as the result of a treaty, and it may be said that that can be referred to the treaty-making power of the United States. We have acquired other territory as the result of a war or of a treaty; but we passed a law in Congress some years ago which provided that whenever a citizen of the United States had discovered an island valuable for its deposits of guano or other substances the President of the United States might declare that that territory appertained to the United States, and it thereupon became territory and property of the United States. That statute was before the Supreme Court of the United States in a murder case, a case where the life of an individual was at stake. A homicide occurred upon one of these islands, and the person responsible for it was brought to the United States for trial; and the question was raised in that case as to whether or not the statute under which this was made territory of the United States was valid under the Constitution. The Supreme Court of the United States sustained the verdict of guilty in that case and a judgment sentencing the defendant to death; and they put their decision wholly upon the ground that under the rules of international law, without the slightest reference to the Constitution, a sovereign nation, as a sovereign right, might acquire territory. Now, that can not be referred to any other rule than the rule which permits a sovereign nation to exercise sovereign powers.

I said a moment ago that if that were not so, this Nation would be less than sovereign, and it would. If this is a sovereign Nation, in dealing with external matters it has every right and every power that any other nation in the world has, because nations are equal in the eyes of international law; and if there is some sovereign right or some sovereign power in such matters that this Nation does not have, then it is less than sovereign.

Is there any doubt that every sovereign nation has the inherent right to protect its territory and its people? An American ship is territory of the United States—not, perhaps, in the same broad sense that land is, but it is territory; so that if a child is born upon an American ship upon the high seas, that child is a citizen of the United States. If a will is made on board an American ship upon the high seas, it is a will which is to be construed according to American, and

not according to some foreign, law. So an American ship is American territory, and may be defended as completely as if it were the soil of the United States. Can there be any doubt that the President, as the repository of the executive power, has the right to protect the soil of the United States from invasion? If he has a right to do that, he has a right to protect a merchant ship of the United States from an attack which is the equivalent of invasion.

So that, while I shall not attempt to elaborate upon the matter, because it would take altogether too much time, I have no doubt as to the power of the President of the United States to arm these ships and to protect our citizens by resort to force, if that be necessary. But, notwithstanding the fact that the President may do this without the authority of Congress, he has asked the authority of Congress; and, I think, this is a time when all Americans ought to present a united front. They ought to let it be known by the world that, in a matter which concerns the protection of our soil and our ships and our citizens, we stand together, and that we stand behind the President of the United States.

I think it would be a crying shame if this piece of legislation were to fail. It would be misconstrued abroad, without any doubt. It would be said that the Senate of the United States had refused to give the President the authority he had asked, and would weaken his hands in dealing with the matter in the future.

I am not afraid of the result, whatever it may be. I believe that we ought to stand for rights so important and vital and maintain them, even if in doing so it leads to war.

I hate war and I love peace quite as much as does the senior Senator from Missouri [Mr. STONE], but I want it to be the peace of courage and honor and self-respect, and not the peace of cowardice and craven surrender.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The bill is in Committee of the Whole. The question is on the amendment of the Senator from Missouri [Mr. STONE].

Mr. CLARK. Mr. President, I think before taking this vote we should have a quorum. Therefore I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Wyoming suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Norris	Smith, Ga.
Brady	Husting	O'Gorman	Smith, Md.
Brandegee	James	Overman	Smith, Mich.
Broussard	Johnson, Me.	Page	Smith, S. C.
Catron	Johnson, S. Dak.	Penrose	Sterling
Chilton	Jones	Phelan	Stone
Clapp	Kenyon	Pittman	Sutherland
Clark	La Follette	Pomerene	Swanson
Cummins	Lane	Ransdell	Thomas
Curtis	Lea, Tenn.	Reed	Tillman
Fall	Lee, Md.	Robinson	Townsend
Fernald	Lewis	Saulsbury	Wadsworth
Fletcher	Lodge	Shafroth	Warren
Gronna	McLean	Sheppard	Watson
Harding	Martin, Va.	Sherman	Weeks
Hitchcock	Martine, N. J	Shields	Williams
Hollis	Newlands	Simmons	

Mr. JAMES. I desire to state that my colleague [Mr. BECKHAM] is detained from the Senate on account of illness in his family.

The PRESIDING OFFICER. Sixty-seven Senators have answered to their names. A quorum is present.

Mr. JONES. Mr. President, I do not assume that I take my responsibilities here any more seriously than other Senators; yet I regret that a question of this character, a measure of this importance, a proposition that may lead to such far-reaching and tremendous consequences to the people of this country, should be treated in the way that the last demonstration on the floor would indicate that it is to be treated. We had the suggestion made here a few moments ago that this measure should be voted upon without consideration, without discussion. The suggestion was thrown out that Senators on the floor were disposed to filibuster against it simply because some might desire to discuss it. No one can say, with any basis for it, that there has been any so-called filibuster against this measure or any unusual, unnecessary, or uncalled-for debate on this measure.

Mr. JAMES. Will the Senator yield?

Mr. JONES. No; I can not yield.

The PRESIDING OFFICER. The Senator from Washington declines to yield.

Mr. JAMES. That is all right; I thought perhaps he would not under the circumstances.

Mr. JONES. The Senator would consume considerable time and would probably aid in the apparent filibuster that seems to have been carried on by those who profess to be friends of the bill. The Senator in charge of it wasted half an hour's time, that anybody might have known would be wasted, in trying to reach an agreement to limit debate and to vote. It simply illustrates the method by which those in charge of the measures during this Congress have handled them heretofore, and which has resulted in the congestion of business, and now they are trying to throw off the blame on somebody else.

I note in the afternoon's paper a suggestion that if this bill should fail or certain other bills should fail, and if the Army appropriation bill fails, as the paper says, "in the jam at the close of Congress to-morrow the President will absolve himself of any responsibility and will charge that responsibility to Republicans and pacifist Democrats, who, the White House charges, held up these measures in an effort to force the President to call an extra session."

I hope there is not any truth in that. I hope that the President of the United States is not endeavoring to drive the Congress to do things. I hope that the President of the United States, because certain measures do not pass, does not feel impelled to charge any Member of Congress with deliberately preventing the passage of such measures. We have our responsibilities, and it is not for the Executive to question the sincerity with which we discharge them.

For instance, Mr. President, take the sundry civil appropriation bill that is not likely to be passed, a bill carrying $138,000,000. It passed the House of Representatives on the 28th day of February and was reported to the United States Senate from our committee on the 1st day of March. What consideration was given to that measure by the committee? None. It could not give any; it did not have time to do it. The members of the committee know that they did not have time to do it. No charge at any rate can be laid to the door of the Senate for the delay with reference to that measure. No one will say that that bill has been purposely delayed. As a matter of fact, the Executive has been urging so many measures and has been so interfering with the business of Congress by urging measures that could not pass that necessary measures have been delayed most seriously.

The measure that we now have under consideration was not laid before this Senate until after midnight last night. And yet now, forsooth, because some Senators desire to discuss it and desire to discuss the possible results that may come from it, it is charged that they are filibustering.

Mr. President, if there ever was a measure that ought to be discussed in this Senate it is the measure that we have now before us. In my judgment, no such momentous question has been presented to the American Congress since the breaking out of the Civil War, and yet it is urged that it must be passed without discussion. Senators who in good faith, in the discharge of their duties as Senators, desire to discuss it are charged with trying to delay the passage of the measure. Why? Apparently simply for the sake of passing it. It has been suggested that strong-arm methods are going to be used to pass a bill to hurry us into war. Ah, Mr. President, the people of this country do not want legislation of this character considered in this way or disposed of by any extraordinary methods, and it will be a sorry day for this Republic when, for the sake of passing legislation, we must use revolutionary methods in order to get it through; and it is a sad day for this Republic when legislation affecting the peace of this people must be passed by Senators refraining from expressing their views with reference to it, simply to get it through in a certain time. Are we in a hurry to get into war? Are we for the sake of an easy summer or to comply with the will of the Executive to stifle our views and give up our convictions and constitutional prerogatives?

There are some things with relation to this matter—but I do not know whether I ought to state them. It ought to be considered in a broad way, and yet there are one or two suggestions that I am going to make.

What is the plea that is made? What is the character of telegrams that come? It is "Stand by the President." I have always taken the position that on matters of this character, in controversies with foreign countries, I will stand by my country whenever it acts, whether it is right or wrong. I have taken the position with reference to the acts of the President that whenever the President acts within his constitutional authority I will stand by that act, whether I agree with it or not, because it is the act of my country. I have taken that position in political campaigns. I took that position with reference to his action some time ago, because, while I did not agree with the wisdom of the action taken, I considered that he acted within his authority, and therefore his acts became the acts of my Government, and I will stand by them. In connection with this matter, whenever my country acts through its proper agencies I propose to stand by it. When the majority of this Senate

acts on this matter I will stand by it as the act of my country whether it accords with my views or not.

The President does not seem to manifest any particular desire to stand by Congress. He ought to do so when we act within our power, just as we should stand by him within his powers. He does not do it. He does not seem to want to do it. Instead, we are to be compelled to do things. We are to be forced to pass laws and we are to be charged with a lack of patriotism if we do not do just as somebody wants us to do, just as we are told or asked to do.

There have been several cases during this Congress when matters were proposed here in the Senate that it was charged were infringements upon the Executive authority and we were urged not to take the action because of that. Then we have been asked to do things that it is said the Executive has full power and authority to do. The President, in his message to Congress a few days ago, said that the authority he was asking he already had. If he has that authority, I do not think he should have come to Congress and asked us to give him authority that he already has. It should have been assumed that we would stand by his acts dealing with foreign countries. I would stand by him in his action upon any proposition within his authority. I do not believe that the President has the authority that this act confers upon him. I think he needs the passage of this act or something like it in order that he may do what it proposes he shall have the authority to do.

I am willing to do whatever the Congress considers it ought to do, but I think that the responsibility now is ours. I do not want to shirk any responsibility. If we are confronted by a situation that requires legislation by Congress, then Congress ought to act and it ought to discharge its duty; it ought to discharge its responsibility, it ought not to try to shirk it or to throw it off on somebody else, even though somebody else may ask that it shall do it. It should not take the judgment of the President without question.

I want to stand by the President; I will stand by the President; but above all else I want to stand by my country and the Constitution of the United States and the laws of the land. Surely the people of this country do not want Congress to shirk any responsibility or throw off any of its duties upon the President of the United States. The President of the United States has plenty to do. He has many responsibilities. They are great and wearing. I want to help him in every way that I can. Why is it that we must pass this legislation by 12 o'clock to-morrow? Why is that important? The only possible reason that can be given is that we may get away from here; that Congress need not continue in session; that Senators and Representatives may go home. Ah, Mr. President, the people of the country do not want a Congress which in order to get home will shirk its duties and responsibilities and throw them onto somebody else. The strange thing to me is that the President of the United States seems to want Congress to get away from here. The strange thing to me is that the President does not seem to want the assistance and the aid and the counsel and the help of Congress, of the Senators and Representatives.

I have heard it suggested that teamwork was necessary, and that to get things done efficiently there should be teamwork. If there ever was a time in the history of this country when there should be teamwork between the President of the United States and Senators and Representatives of the Congress, this is the time. Is it possible that the Executive does not need our help? Is it possible that he does not need our counsel? Is it possible that he does not have any confidence in our patriotism? Is it possible that he does not have any belief in our ability? Is it possible that he thinks he can do better by himself in these trying times? Is it possible that he thinks he can handle this situation better, more patriotically, if the Congress were away than if we were here? Oh, Mr. President, it is hard for me to believe it, and yet I am almost forced to that conclusion from what has taken place here in connection with this measure.

This is the time, Mr. President, when the President of the United States should have everybody assisting him, counseling with him, and helping him to carry the country through these times of trouble and of danger. These are times when the solution of these questions and the destinies of this country and the peace of this people should not be left to one weak mortal, however great in ability or strong in intellect or intense in patriotism. Counsel, help, and cooperation should be sought and not shunned.

Mr. President, I shall do nothing to force an extra session of Congress, and yet I believe that it would be for the best interests of the country if Congress should stay here this summer and stand by the President in anything he may need or want in this trying time. I am willing to stay here; I think others are willing to stay here; and I believe that the people of this country would feel easier if they knew that Congress was here; that it was organized; that it was ready to act upon any demand or request or suggestion of the President in meeting the emergencies and the critical situations that are very likely to present themselves.

Mr. President, I hear Senators on this floor say, "I have confidence in the President, and I am willing to do whatever he asks." Well, Mr. President, that may be all right; I have confidence in the President; I have the utmost confidence in his patriotism, in his good intentions, in his great ability; but I have taken my oath as a Senator of the United States to stand by the Constitution and the laws of the country, and I feel that I have a responsibility and a duty to discharge and that, while I should give most careful and thoughtful and considerate attention to the requests or suggestions of the President, I will not comply with those requests simply because he made them or simply because I have confidence in his ability and in his patriotism and in his wisdom. I feel that upon the proposed legislation that is now here the responsibility is mine as to the action I take in this Chamber, and, while I want to be in accord with the President, especially upon matters of this kind, where there should be no suggestion of partisanship, where there should be no intimation upon this floor or elsewhere that any Senator is moved by any other motive than that of patriotism and devotion to the country and the good of his people, and we should here feel that every man is an American citizen, an American patriot, and an American representative in the best and highest sense of the term, and I conceive it nothing short of an insult for anyone on this floor or elsewhere to suggest or to intimate otherwise. I will not shirk my duty or try to place the responsibility upon some one else.

Mr. President, the passage of this measure should not be hurried. Every Senator should be left to do what he conceives to be his duty as a patriot. The responsibility is his. Let him account to his constituency, the people whom he represents, for the way in which he discharges his duty here.

I charge no one with desiring to get this country into war; I do not believe that there is a Senator on this floor who desires war. We may differ as to what we think ought to be our course with reference to this situation and to that situation; some Senators may look upon this situation in one way and some in another; some may think that one course should be taken and some may think that another should be taken; but I believe that every Senator is actuated by the highest motives and the purest patriotism.

Mr. President, as I have said, I think this is the most momentous question that has confronted our people and the Congress of the United States since 1861. The question of war with Spain, at the time it came up and under the circumstances that confronted us, was not of great seriousness. There was no doubt as to the outcome; there was not very much question as to the character of the battles that we might have to fight, or any doubt as to the result of those battles. There is not very much doubt in my mind as to what the outcome might be if we should get into this controversy; but, Mr. President, when the war with Spain began no one thought of the far-reaching consequences of that war, and one of the greatest problems that confronts us to-day grows out of the Spanish-American War. What the final outcome may be in connection with the Philippine Islands, the questions growing out of them, and the effect of them upon the destinies of this country, no one can say. So, Mr. President, if we do get into this war no one can tell where it will lead or what questions for the future will confront us by reason of our getting into it. We do not want to get into it. The people of this country do not want to get into it.

Ah, Mr. President, it has been said that the election last fall was determined upon the basis of the cry, "He kept us out of war." That is true, and yet what must the crowd who have gathered here in this Capital to view the inauguration of the man who was elected because "he kept us out of war" think when they learn that Congress in its closing hours is being urged and commanded to grant his request to pass legislation that the leader of his party, on this floor, says means war and will lead to war, and that some confidently claim is a declaration of war?

Why, Mr. President, one of the great Senators on this floor this afternoon in supporting this measure said that it is a declaration of limited war. That is the legislation we are urged to pass without discussion; that is the character of legislation that Senators are denounced for discussing simply forsooth because they have confidence in the President or because they hope to avoid an extra session of Congress and get us away from here. Ah, Mr. President, that is not the way to

consider legislation of such tremendous importance and of such far-reaching consequences as this.

I do not claim to know much about international law; I have not given it any special consideration; I am not a member of any of the committees having charge of such questions. My time has been taken upon other committees and with other character of committee work, and I have had to depend for my information largely upon those who have given these questions special study. I have had to take my information largely from those who are especially qualified to speak upon these questions; and yet what do I find? I find a great difference of opinion as to what can be done under this legislation and what can not be done under it and what it means. One Senator contends that, if the Government puts its guns and sailors on board these ships they will lose their merchant character and become naval auxiliaries. If that is true, Mr. President, what do we gain by action of that kind? Is it possible that we are going to use naval auxiliaries to carry the products of this country, whether ammunition or otherwise, to belligerent countries across the sea? Is that neutrality? Is it even armed neutrality? If that is a true view this act is a declaration of war. Well, it does not seem to me that we should do that; it does not seem to me that that is common sense. What does the Senator to whom I have referred say about it? He says it would be an act of war.

In this connection, I desire to read what the leader of the minority on the Foreign Relations Committee says about it, a man of the widest learning, of the greatest ability, and of almost unsurpassed experience in connection with matters of this kind, and a Republican who appeals to us to vote for this legislation because he has confidence in the President. He has no more confidence in the President than I have, but apparently he looks at the discharge of his responsibilities as a Member of the Senate in a little different way than I do. He may be right and I may be wrong; but I have to account to my constituents for my acts, and not for his. What does he say about putting Government guns and Government men upon these ships? He says, at page 5292 of the RECORD, that he proposes to take up the amendment offered by the Senator from Missouri [Mr. STONE], the Democratic chairman of the Foreign Relations Committee, a man who, because of his ability, learning, experience, and patriotism, fills with honor the high position of chairman of the Foreign Relations Committee, a man who ought to be closer to the President in these trying times than any other man in this body, who has proposed an amendment to this bill to prohibit the arming of ships carrying munitions of war. Now, he evidently believes that we ought to put that in this legislation; he evidently thinks that if we do not do so the Government of the United States may put Government guns and Government sailors upon ships carrying munitions of war. The learned and able Senator from Massachusetts says that that, in effect, would be an insult to the President that he does not want to countenance. I do not, either. Neither does the Senator from Missouri desire to countenance an insult to the President. But there can not be any question as to the sincerity of both of these Senators in the views that they hold with reference to this measure.

What does the Senator from Massachusetts say about it? He says:

> Mr. President, in my opinion for us to arm a vessel loaded with contraband, or to convoy a vessel loaded with contraband, would be—

What?—

> would be an act of war.

Ah, Mr. President, if that is so, if that opinion is right, unless we want to declare war, should we not be careful to see that the legislation which we pass prohibits any act of that character?

> I voted against that amendment in the committee, and it seemed to me going very far to say to the President that he must not commit an act of war. He is as well aware of what constitutes an act of war as we are; and I feel very sure that if the President were ready to make war, and thought the time had come for that action, he would call Congress together if it were not in session, and that in any event he would submit it to Congress. I do not believe for one moment that the President will undertake to make or declare war without the authority of Congress, which is the only constitutional body which can declare war.

Mr. CLAPP. Mr. President——

Mr. JONES. Mr. President, we must not forget what I said a moment ago, that one of the strongest supporters of this bill, one of those who urges most earnestly its passage, declares it is a declaration of war—limited war—and he wants it passed. I yield to the Senator from Minnesota.

Mr. CLAPP. I have been very much surprised to-day and last night to hear Senators express an opinion as to what——

Mr. JONES. Of course I am yielding only for a question—the Senator understands that—under the rule.

Mr. CLAPP. That is what I desire—to ask a question. I have been surprised to hear Senators express an opinion as to what they thought *the* President would do. Is not the real question in passing this law what *a* President might do? We are not dealing with any one man under this bill; we are dealing with a great office and whoever happens to occupy it.

Mr. JONES. Yes, Mr. President, that is true; but it seems to me that the greater question is, What does Congress want done?

Mr. CLAPP. Undoubtedly.

Mr. JONES. And it is for us to say what ought to be done and what shall be done. It is for us to legislate and give to the President whatever power we want him to have, and direct him to do what we want him to do. He is the proper agent to carry out our will, and I am sure he will do it, but he should not ask or expect us to surrender our legislative will to him.

Mr. CLAPP. Certainly.

Mr. JONES. Right in that connection, I just want to call attention to the character of the acts that were read by the Senator from Missouri, passed in 1798. They specified there what they authorized the President to do. That was not very long after the adoption of the Constitution. Those who passed that legislation must have had clearly in mind the discussions in connection with the Constitution. They had clearly in mind the limitations of the power of the President and the authority given to Congress and reserved to Congress, and so they pointed out specifically what they authorized the President to do; and, Mr. President, that is what we ought to do. That is our duty. That is our responsibility. We can not shirk it by saying we have confidence in the President; and, Mr. President, it does not show a want of confidence in the President when we, or some of us, insist that Congress ought to declare what it wants done.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. I yield to the Senator, for a question.

Mr. WORKS. The Senator from Washington says it is the duty of Congress to tell the President what he ought to do.

Mr. JONES. No; what he may do.

Mr. WORKS. What he may do?

Mr. JONES. What we want him to do.

Mr. WORKS. Does not the Senator think, if this is a question of a declaration of war, that Congress should do it itself, and not impose that duty upon the President?

Mr. JONES. That is what I was trying to say. I was very unfortunate in my expression if I did not give that impression. That is what I wanted to say. If we want war, we ought to say so. If we want war declared, we ought to declare it. If we want the President to commit acts of war—to make war—we ought to tell him what we want him to do, and give him the authority to do those things and many others. If we want the President of the United States to arm our ships and send them out to sink submarines, we ought to tell him so.

Right here another thing, Mr. President: The act of 1798 said to the President, "Go out and seize ships," but it did not say, "Seize any ships that unlawfully attack ours." It said, "Seize the ships of France that do so-and-so." And so, Mr. President, if this act is aimed at Germany, let us say so. Do not let us hide under general terms that may mean one thing to one man and something else to another, and that may lead our merchantmen into troubles and dangers that they do not anticipate.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. Yes; I yield to the Senator for a question.

Mr. SUTHERLAND. Do I understand the Senator from Washington to say that the act of 1798 authorized the President to seize the ships of France, irrespective of what they had done?

Mr. JONES. Oh, no—no; not at all; not at all; but it did not say to seize the ships of any other country. It said to seize the ships of France. Then, later on, it said, of course, upon what terms that should be done.

Mr. SUTHERLAND. It authorized him to seize the armed ships of France that had committed depredations, or were about to commit depredations, upon American shipping.

Mr. JONES. Yes.

Mr. SUTHERLAND. Well, is there any difference between authorizing the President to seize the ships of a particular country that have committed depredations, and authorizing him to seize any ships that have committed depredations, on American shipping?

Mr. JONES. Mr. President, I will tell the Senator one reason why I say we ought to specify it. The Senator from New Mexico [Mr. FALL]—one of the Senators strongly in favor of this legislation, and who, I think, has well qualified himself for membership upon the Foreign Relations Committee by the special study he has given to these questions—expressed the opinion that this act would not apply to any ships except those of Germany. Now, the Senator may contend otherwise.

Mr. SUTHERLAND. No; I do not. I think the Senator from New Mexico was exactly right.

Mr. JONES. Well, then, why do we not say so?

Mr. SUTHERLAND. I have no objection to saying so.

Mr. JONES. Then there would be no difference between us on this point. I think we ought to say it.

Mr. SUTHERLAND. But I have no objection to voting for the bill as it is——

Mr. JONES. Oh, I know that.

Mr. SUTHERLAND. Because no other country has committed the acts which Germany has committed, and therefore, under the facts, it will not apply to any other country.

Mr. JONES. Ah, Mr. President, this bill does not say anything about any special country having committed acts; but it says the ships of any country making an unlawful attack upon our ships. It holds out to our merchantmen that they will be protected against the unlawful attacks by any country. Mr. President, Germany is not the only country that has closed the high seas to American ships. Great Britain has closed and denied to our ships the right to travel upon certain portions of the high seas. She has not sunk any of our ships. Why? Because they have not gone there. They have not braved her power. That is why, and the only reason why, she has not done it. Why do not our merchant ships insist upon going to Germany?

Mr. STERLING. Mr. President, let me ask the Senator——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. JONES. Yes.

Mr. STERLING. I should just like to ask the Senator from Washington if he thinks Great Britain would have sunk the ships of the United States?

Mr. JONES. I do; and I will tell the Senator why.

Mr. STERLING. Have they given any evidence of a disposition of that kind?

Mr. JONES. They have.

Mr. STERLING. Have they during the present war?

Mr. JONES. Not as to our ships, but as to other innocent people, they have shown such a disposition.

Mr. STERLING. Will the Senator mention any of them?

Mr. JONES. I will—I will.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. JONES. Yes.

Mr. NELSON. In every case where the British have seized any neutral ships they have always proceeded according to international law. They have held up the ship, searched it, and if they found what they regarded as contraband goods they would take the goods; but they have not in a single instance sunk a ship. Over 300 Norwegian ships have been——

Mr. JONES. The Senator, I know, does not want to take me off the floor.

Mr. NELSON. All right; I will not.

Mr. JONES. They are enforcing the rule, you know, with reference to this matter. I would myself be glad to yield to the Senator.

Mr. NELSON. I do not want to take the Senator off the floor.

Mr. JONES. I know it; and right there I want to call attention to the fact that in the consideration of a measure of this importance the technical rules of this Senate have been invoked against Members in the discussion of a question of this character. In my judgment, such a course was not only unjustified but uncalled for, and is a serious reflection upon the Senate as a body—that in the consideration of a question that means war or peace a Senator does not dare to allow himself to be interrupted except for a purely perfunctory question. Why, Mr. President, we ought to seek for all the light and all the information that we can get to enable us to reach a wise and a patriotic conclusion. We ought to counsel with each other and exchange views most fully.

Now, Mr. President, as to the questions asked, it may be true that England has not sunk any ships, because she did not have to, because she did not consider it necessary to do so; but I was not referring to the mere question of sinking ships. That is not the only inhumane——

Mr. STERLING. That is the very question I asked——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. JONES. Well, I am going to answer the question the Senator asked.

Mr. STERLING (continuing). As to whether England had sunk any ships or not.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. JONES. Oh, no; the Senator asked me, as I understood him, whether or not England had done anything like this. I want to say that England has done that which has the same principle in it, and that shows to me that England would do exactly as Germany is doing if she considered it necessary for her self-defense and for her preservation; and I will tell the Senator, and I will tell the Senate, and I will tell the people why I say it.

Greece is not a belligerent power. Greece is not a party to this war. Greece is a neutral, and yet the rights of Greece have been no more regarded by England and France than the rights of the United States have been by Germany—not so much—and the Government of England by its action is starving the innocent people of Greece to-day. Where one American or where one neutral citizen has gone to the deep by reason of the blow of a submarine, which I do not justify or excuse in any way, there has been another innocent woman or an innocent babe or an innocent man sent to his grave by the blockade by England of a neutral country. The same principle is at stake that animated Germany in going through neutral Belgium and that animates Germany in sinking neutral ships. It is the principle that leads the man or the nation that is fighting for his life or preservation to do anything to preserve it, regardless of the rights or the lives of anybody else.

Listen: In the Washington Post of Monday, February 19, I find this news item:

Blockade makes Greeks eat grass, legation says, telling of deaths.

This comes from the Greek Legation. It is not a rumor, it is not a speculation, but it comes from the Greek Legation, telling of the effects of a blockade by England of a neutral country. Germany had to march through Belgium, so she claims. England must starve the Greeks to accomplish her purpose.

Officials of the Greek Legation, in a statement issued here yesterday, say famine is resulting from the entente blockade of the coast of Greece, and the poor classes are living on herbs and grass. The statement follows:

"The Greek Legation has received information to the effect that the results of the blockade of the Greek coasts enforced by the entente allies since December 8 are of the most grewsome character.

"The deaths from starvation have been reported from the Province of Janina, 1 at Laurium, 10 in Acarnania, 2 in the Province of Prevesa, 1 in Eubia, and 1 in Messina. The poor classes have begun to live on herbs and grass."

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Missouri?

Mr. JONES. I yield.

Mr. REED. I will ask the Senator from what is he reading?

Mr. JONES. I am reading from an article in the Washington Post of Monday, February 19, purporting to give a statement from the Greek Legation in this city:

The epidemics of enteritis and dysentery are rapidly spreading in the country.

Notwithstanding the complete execution of the allies' ultimatum, no relaxation of the blockade has been brought about.

Now, listen. It is said that ships have not been sunk. Listen to what this legation says:

Numbers of the fishing boats constantly are sunk or sequestered by the ships enforcing the blockade.

Those are ships of a neutral country, the boats of the poor fishermen that are sunk, and there is no telling how many lives have been lost by the sinking.

Coasting trade between ports of the Kingdom is completely prohibited.

Ah, Mr. President, talk about humanity, talk about inhumanity; it simply illustrates that war is war, it does not make any difference who is waging it; and it also shows that every nation will do whatever is necessary or whatever it considers necessary for its own preservation.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. I do.

Mr. SUTHERLAND. Does the Senator from Washington think if all that be true, that England and France have committed outrages upon the Greeks or other neutrals, it should reconcile us to accepting the destruction by Germany of the lives of our women and children?

Mr. JONES. Oh, the Senator ought not to make any suggestion of that kind. He ought to know that I do not think anything of the kind.

Mr. SUTHERLAND. What has this to do with it, then? What has it to do with the question of our resisting the attack of German submarines upon our ships?

Mr. JONES. It was brought out by a question that was asked a moment ago.

Mr. TOWNSEND. Do I understand the Senator from Utah to insist that this legislation applies solely to Germany?

Mr. SUTHERLAND. No; the Senator from Utah does not insist upon any such thing. The Senator from Utah says that, according to the facts—the things that have thus far happened—there is no country upon the globe that can come within the scope of this legislation except Germany.

Mr. JONES. I am just as patriotic as the Senator from Utah. I do not condone the sinking of our ships and destroying the lives of our people any more than he does, and he ought not to make a suggestion of that sort in connection with this argument. It was brought out by a question a moment ago which intimated that England would not do as Germany is doing, that our ships would have the right or could go through this closed zone that she has established without danger. I am simply trying to show that if the necessity required it of her, she would do the same thing that Germany is doing. She has not been put to the necessity because our ships have not gone into the closed zone that she has established. For some reason, I do not know what, the vessels that sailed from New York have not asked or insisted upon going to Germany, as they have a right under international law to do, in the carrying of noncontraband. It seems that the only thing they must do is to go into danger, thereby endangering the peace of their country. It does not show very much patriotism, to say the least of it. Another news item that may be interesting as to the action of Great Britain in her blockade of Greece is the following:

Charge Greeks are starving.
Italians—

One of the allies—

Italians in that country call on Italy to end the allied blockade.

Millions of Greeks are on the verge of starvation from the allied blockade of Greece, a petition from the Italian colony in Greece to the Italian Government states, according to a copy reaching the State Department yesterday.

This is dated February 11.

The petition appeals to the Italian Government to "immediately raise the blockade and liberate from the terrors of starvation millions of innocent victims."

The petition declares the entente has "misinterpreted" the Greek state of mind as being "hostile" to the allied cause, where it is in reality but "indignant at the revolutionary movement against their beloved monarch."

Millions of the peaceful neutral citizens of Greece are being starved to death by the blockade established by the allies for their preservation. They have no more regard for the rights of the neutrals than Germany, when it is necessary, in their opinion, for their preservation.

Ah, Mr. President, if this Government a long time ago had taken a firm and impartial stand against the aggressions of all the belligerents, we would not have been in the trouble we are now. The Senator from Minnesota [Mr. CLAPP] makes to me a very valuable and very interesting suggestion with reference to the situation of the Greeks and with reference to America. It is that the Greeks can not get away from and that the Americans voluntarily go into danger.

I did not expect to speak more than 15 or 20 minutes when I started, and I am sorry that I have taken up so much time. I would not have done so except for the interruptions. I want to notice the bill for just a little while.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Missouri?

Mr. JONES. I yield for a question. I would gladly yield for any purpose if I could do so.

Mr. REED. The Senator is now giving us his criticism of the bill and of the past conduct of the administration. Before he sits down will he not kindly give us his suggestion as to the remedy?

Mr. JONES. I will. I have not been criticizing the administration. I have not been very favorably impressed with some of the things that have been done in connection with the attempt to force this legislation through. The President came to Congress last Monday. This bill passed the House yesterday. It was called up last night. All the discussion of it has been earnest and legitimate. It is reported that the President will not consent to a change from that sent here and introduced. It is in the language of his address to Congress. He insists on its passage with no change. It is urged that this shall be done. I think the Senate ought to act upon a different basis from a willingness to simply turn things over to the President. I think I am standing by the President better than the Senators who take the other position. Of course, they have a different opinion than that. I want to stay here and stand by the President. I want to stay here and help him out in every way that I can upon this question that affects the whole people, regardless of party. I want to be here as a representative of the people to discharge my duty and my responsibilities. If I can not be of assistance to the President I am satisfied that the Senate can be of assistance, and I am satisfied that the House of Representatives can be. If I can not be, I am satisfied that the Senators on the other side can be of help and assistance, and while the situation that now confronts us continues we ought to be here. I am not seeking, however, to force an extra session. I believe that we would be doing a patriotic thing if we were to do it, if it is necessary in order that the people's representatives in Congress might be here. The people's representatives and the Executive ought to do teamwork, if you please, in behalf of the peace and happiness of our country.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield further to the Senator from Missouri?

Mr. JONES. I yield.

Mr. REED. I certainly do not want to misrepresent the Senator, but I understood him to say if we had conducted our foreign affairs correctly, we would not have been in the present situation; that if we long ago had taken the position of insisting upon our rights against all countries, we would have avoided the present unpleasant conditions. I took that to be a criticism. Now, I ask——

Mr. JONES. Mr. President, I intended it as a criticism of the whole Government machinery. I think Congress has made a mistake along those lines and I think the administration has made a mistake, but I do not question the President's patriotism nor his good intentions. I may be mistaken. I have simply expressed my opinion; that is all.

Mr. REED. I asked the Senator for a suggestion before he sat down as to the remedy, as to what we ought to do in this emergency, and I take it from his answer that the only thing he thinks we ought to do is to keep Congress in session.

Mr. JONES. Oh, no; I have not yet sat down.

Mr. REED. I observed with considerable interest that the Senator has not sat down. [Laughter in the galleries.]

Mr. JONES. I thought the Senator might have observed with some trepidation that I had not sat down. I only yielded for a question.

The PRESIDING OFFICER. The Chair admonishes the occupants of the galleries that under the rule which has been invoked and which former occupants of the chair have enforced, manifestations in the galleries are not in order.

Mr. JONES. The Senator does not want to take me off the floor?

Mr. REED. Oh, no; I do not.

The PRESIDING OFFICER. Does the Senator from Missouri desire to ask the Senator from Washington a question?

Mr. REED. Yes.

The PRESIDING OFFICER. Proceed.

Mr. REED. I am asking the Senator if the only suggestion he has for a remedy is to keep the Congress in session, or whether he is prepared to-night to make a suggestion as to what ought to be done?

Mr. JONES. Mr. President, I said a moment ago I was going to take up the bill and make one or two suggestions. I have already suggested—I do not know whether the Senator was here—what I think we ought to do. I repeat that, and say this, that I think Congress ought to say definitely what it wants done. If it wants the President to do some particular thing, we ought to direct him to do it by this legislation, and not simply say to the President, "Do whatever you think it best to meet any emergency that may come up." That is what this bill does. That is what I think we ought not to do. What I believe we ought to do is, if we think we want the President to do something, tell him to do it. If we want the President to take our ships and arm them and go out and sink German submarines, let us tell him to do it, and let us make this legislation say to the President, "We authorize and direct you to arm the ships of this country and go out and sink German submarines in the barred zones." If we do not want him to do it, let us not give him authority under which he may assume to do it. If we want him to make war, let us declare war in no uncertain way and furnish him the means to carry it on.

I do not think the President wants to involve us in a war. But the President is human; he does not embody in himself all the wisdom and all the intelligence and all the patriotism of this country. He may make mistakes. I think he has made mistakes in the past. I think he has made very serious mistakes in the past. I think he has made mistakes in the past

that he would not have made if he had counseled fully with the Senate or with the Senators of his own party.

I think, Mr. President, I will point out right here one mistake that I believe he has made, that lies at the very foundation of all our trouble now. We hear a great deal about the *Lusitania*. That was a terrible thing. That was a terrible deed. It shocked the world. It shocked our people. It is a wonder that they maintained themselves as well as they did. They kept their equilibrium as they did, in my judgment, largely because of their horror of war and their intense desire to keep out of this struggle. What was the mistake in connection with the *Lusitania*—an honest mistake, a patriotic mistake, I concede, but nevertheless serious, even though it was a mistake?

Mr. President, when Germany notified our people that she proposed to sink the *Lusitania* and warned American citizens to stay off that ship there was one of two courses that our Government should have taken. Then was the time for prompt, definite, energetic action by the administration; then the President of the United States should have done one of two things: He should have said to American citizens, as he did to American citizens in Mexico, "Keep out of British territory; keep off the British ships; you know your danger; you know that ship is likely to be sunk; you know you are likely to lose your lives; you know you are likely to involve your country in war; keep off that ship; and if you do not, you go there at your own risk"; or else the President should have said to Germany, "Germany, conditions are different here from what they are in Mexico; American citizens have a right to travel on this merchant ship; they have that right under international law; we propose to stand by that right; we propose to maintain them in it; and, Germany, if you sink the *Lusitania* we will hold you strictly responsible for it." And, Mr. President, if he had said that to Germany the *Lusitania* never would have been sunk.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. JONES. Yes.

Mr. STERLING. I should like to ask the Senator from Washington if he will venture an opinion now as to which would have been the better course?

Mr. JONES. Ah, Mr. President, I do not have to venture an opinion as to which would have been the better course. If one or the other of those courses had been taken we would not have been in the situation we now are. If Germany had known that we would hold her responsible the *Lusitania* would not have been sunk.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield further to the Senator from South Dakota?

Mr. JONES. I do.

Mr. STERLING. I will put the question in a little different form. Which course would the Senator from Washington have recommended had he been charged with the responsibility?

Mr. JONES. Ah, Mr. President, it is not necessary for me to answer that now. I will say to the Senator, however, that Germany had a right to assume that we would follow the same policy toward American citizens in British territory that we followed with reference to American citizens in Mexican territory. If we had not told Americans in Mexico to get out of there or that they stayed there at their own risk, Germany would never have assumed to warn American citizens to stay off a British ship that they were going to sink.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Ohio?

Mr. JONES. Yes; I yield.

Mr. POMERENE. In the judgment of the Senator from Washington, does he not see a difference between Mexico, where there was no responsible government, and Germany or Great Britain, where there was a responsible government?

Mr. JONES. Oh, yes, Mr. President; and that is what I suggested—that the administration should have said to Germany, "You have not the right to treat this as the same situation as in Mexico; we do not propose to follow the same course with reference to this British ship that we did with reference to Mexican territory; and if you sink that ship and an American life is lost, we will hold you responsible for it."

Mr. TOWNSEND. And there was a responsible government in Mexico until Wilson destroyed the government.

Mr. JONES. I am not going to go into the Mexican controversy. I am willing to concede, for the sake of the argument, that there was a different situation there and that the administration would have been justified in saying that there was a different situation there; but the administration did not do it. When Germany gave this notice the administration said nothing; it did nothing; it said nothing to American citizens about staying off the *Lusitania;* it said nothing to Germany about the danger of sinking the *Lusitania*, and nothing was done until after the *Lusitania* was sunk. From that day until this our situation has been getting worse and worse, and I hope that the legislation which we pass may not make it still worse, but I fear it will unless we put in some limitations or make more specific directions.

The responsibility is ours; the duty is ours. We should discharge that duty and we should say what we think ought to be done. Now, as to the particular thing that we say ought to be done, I take it that it is the almost unanimous sentiment here that we should in some way protect our ships carrying goods that are not contraband or that are not munitions of war into any port that is not effectively blockaded under the terms of international law. I confess that I am not prepared to say very definitely just what steps we should take, except that I think we ought to adopt the amendment of the Senator from Missouri [Mr. STONE] to the bill, or that of the Senator from Iowa, and we ought to say to the President—and I do not think we would impeach his integrity or his patriotism or his intelligence in any way by saying to him—"Do not put any guns or American gunners on any ship that leaves our ports carrying munitions of war or articles that international law generally recognizes as contraband." Surely, the President will not object to that. Surely, no one could complain of that. Some Senators claim we could do that properly; others say that would be an act of war. Why not make it certain?

Of course, Mr. President, we know that international law has not a very solid foundation. International law has been torn to shreds during this war by practically all the great powers of the world, except the United States. What international law will be when this conflict ends no man can tell. It will not, however, be what it was before the war commenced unless some of the belligerent powers are absolutely destroyed. We will have to begin almost from the bottom to build up international law again. Again will the great rules for governing the conduct of nations have to be established by the common consent of all the nations of the earth. What they will agree to, no one can tell, but that the rules of international law will be modified greatly I think everyone will concede. The United States can not make international law; the United States can not force international law upon other countries; but the international law of the future will have to be born again, grow and develop, just as international law prior to the breaking out of this conflict was born, brought into existence, and developed for the control of nations so long as they would consent to it.

I would adopt the amendment of the Senator from Missouri, or of the Senator from Iowa, or that of the Senator from North Dakota [Mr. MCCUMBER], and, instead of giving to the President the power to use any and all means that seem to him necessary, I would cut that out; and if there is anything more than arming these ships and manning them with our men and authorizing them to go out without munitions of war that may be deemed necessary by the wise men of the Foreign Relations Committee, that is what I would put in this proposed law; that is the authority that I would declare and direct the President to execute and carry out. Why, Mr. President, the President ought to welcome legislation of that kind. The President ought to be glad to have Congress direct him as to what they want done in this emergency. He ought to welcome the judgment of the Senate, matured and expressed after due deliberation.

Mr. STERLING. Mr. President——

Mr. JONES. Then I would make it plain and definite either that we are to protect American citizens and American ships alone or that we are going to protect American citizens on American ships or any other ships.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. JONES. I do.

Mr. STERLING. I merely want to ask the Senator a question in connection with the statement he made a while ago to the effect that almost every nation in the world had violated international law except the United States. If this bill is enacted into law, either the Senate bill or the House bill, conferring upon the President these general powers, does not the Senator think that the President, whoever he is, would be guided by the rules of international law, as the United States has heretofore been so guided, without any infraction of those rules in carrying out the powers conferred?

Mr. JONES. I have not any doubt that the President will do his best to comply with the principles of international law; but, Mr. President, that is not doing the duty of Congress.

Mr. STERLING. We do trust the administration——

Mr. JONES. It is not a question of trust.

Mr. STERLING. We do trust the administration with large discretionary powers in everything, do we not?

Mr. JONES. Oh, yes; but——

Mr. STERLING. And we trust the head of every department with large discretionary powers, do we not?

Mr. JONES. Yes; and that is one of the worst things that we do, and the Senator knows it. The Senator knows that Congress is abdicating its functions and powers day by day and delegating them to bureaus and to executive heads, until we are not able to legislate.

Why, Mr. President, we have been trying for years and years to enact legislation——

Mr. STERLING rose.

Mr. JONES. Wait a moment, please.

Mr. STERLING. Very well.

Mr. JONES. We have been trying for years and years to pass legislation along certain lines for the development of great possibilities in this country in the way of natural resources, but Congress can not act. Why? Primarily because the departments will not let it. Technically we have the power, but they exercise such control over us that we can not do anything unless it is what they want us to do. Ask the Senators from Colorado what the power of the bureaus and departments is. I heard a Senator on the other side of the Chamber just a few days ago denouncing the power and influence of the departments of the Government in controlling and dominating and directing legislation with reference to this body.

Ah, Mr. President, there is a conference report before this body now on the Agricultural appropriation bill. The Senate inserted an amendment in that bill in the interest of the farmers of this country and in the interest of the producers who send their products to the great markets and who receive word after they have shipped their products, "Your products reached here in bad condition." They have no way to dispute that statement. We provided an agency, a governmental agency, by which they would be protected. The amendment went to conference in the bill; but it has gone out. Why? It has gone out because it is said that the Secretary of Agriculture did not want it in.

Mr. STERLING rose.

Mr. JONES. I can not yield now. The Senator can in his own time express his views with reference to these matters.

The PRESIDING OFFICER. The Senator from Washington declines to yield.

Mr. JONES. That is the department's view, and that is what we are doing by vesting in the Executive the power to do as he pleases.

Ah, Mr. President, I do not blame the President; I do not blame the department heads; they are human; they want all the power they can get. Give them an inch and they will grasp for a yard. But what I should like to see would be Congress asserting its rights and discharging its duties and legislating as it thinks it ought to legislate. I should like to see it pass the law that it thinks ought to be passed, instead of saying "Be it enacted, and so forth, that the Secretary of Agriculture may, under such rules and regulations as he may prescribe, do whatever he thinks is best for the people of this country." That is the character of much of the legislation that we pass, and that is the practical character of the bill that has been offered here for the solution of this great question that confronts our people.

Mr. President, if we put the amendment of the Senator from Missouri on this bill, if we will make it clear what protection we desire to extend to American citizens, I will stand by it; and if we can not frame it in the way it ought to be framed by noon to-morrow I am willing, much as I should like to get home, to stay here all summer, if it is necessary, to do it right and to help the President in solving this great question; and, as I have said, he ought to welcome our assistance, instead of trying to drive us out of Washington City.

Now, then, there is one suggestion I want to make with reference to this bill. As I understand, it has been amended by the Senator from Nebraska [Mr. HITCHCOCK]. The Senator from Nebraska has offered the Senate bill as a substitute for the House bill, and he has made the last clause in the first paragraph read as follows:

> And that he be, and is hereby, authorized and empowered to protect such ships—
>
> That is, these armed ships of the United States—
>
> and the citizens of the United States thereon—
>
> He has put in the word "thereon"—
>
> against unlawful attack in their lawful and peaceful pursuits on the high seas.

Mr. President, I am in favor of that; and yet should we stop there? What has brought about the situation that now confronts us? It has not been the sinking of American ships, with the loss of American lives thereon; it has been the sinking of British ships, with Americans aboard. That is where the trouble has been. That was what brought the trouble on. And yet by this bill and its amendments you do not offer any protection to an American citizen on a British merchant ship—none at all. What are you going to say to them? What do you say to them? Do you say to Americans, "If you are going to ride on British ships, you do it at your own risk; you do it at your own peril. We are not going to protect you"? Is that what you mean? If you do, say so. If Congress means to say that, let it say it; not leave it to implication. Let the American people know whether or not you are going to insist upon their right to travel on belligerent merchant ships. There has been a whole lot of talk about that. There has been a whole lot of controversy in regard to it. Senators on this floor have heretofore insisted upon that right. Are you going to accept that bill as the chairman of the committee having charge of it has proposed it? I do not know what you are going to do. I do not know whether you mean that or not. I do not know whether Congress, if it passes that legislation in the form presented, has said to the American people, "We are not going to assert your right to travel on belligerent ships."

Mr. HARDWICK. Mr. President, will the Senator yield for a minute?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Georgia?

Mr. JONES. I do, for a question.

Mr. HARDWICK. I want to ask the Senator if it does not look to him like we are not going to have much opportunity to accept anything?

Mr. JONES. Well, Mr. President, it does look that way. No; I do not mean that. I mean to say that we can have every opportunity to pass whatever legislation we think ought to be passed. Congress can meet on next Monday and go to work, and why should it not?

Mr. HARDWICK. I mean, of course, during the present session.

Mr. JONES. Oh, of course that may be so. As I said, I intended to speak only about 30 minutes when I started. I had no idea of taking so much time.

Mr. CHAMBERLAIN. May I interrupt the Senator?

Mr. JONES. Yes; but I will probably take another hour or two if I am interrupted in this way.

Mr. CHAMBERLAIN. My interruption will be very short.

Mr. JONES. Yes; the Senator's interruption may be short, but the results that come from interruptions are rather extensive sometimes.

Mr. CHAMBERLAIN. As suggested by the Senator from Georgia, as it appears that we are not getting along very fast and are not accomplishing much, I wonder if the Senator will yield while I move to take up the Army appropriation bill for consideration?

Mr. JONES. Why, I will yield in a moment; but if the Senator should try to do that, we would go on wasting time again, and somebody would be charging him with filibustering. The Senator in charge of the bill a while ago wasted half an hour in trying to do what he knew he could not do. I assume that he was filibustering against his own bill.

Mr. CHAMBERLAIN. I will state to the Senator, if he will allow me to interrupt him again, that I have not any desire in the world to filibuster.

Mr. JONES. I know that.

Mr. CHAMBERLAIN. I am very anxious to get that bill disposed of, however.

Mr. JONES. I think I had better not yield to the Senator. He is not asking me a question that I can answer. They are invoking the rule, Senator, and I can not yield. I would like to, mighty well. I hate to be cut off in these interruptions. I like them very much, and I would like to have more of them; but those who are pressing this measure seem to think that it must be passed regardless of its terms, regardless of the effect of it. They say, "You can not yield for interruptions." I know that I could enlighten the Senators very much if they were permitted to ask me some questions and permit us to interchange views; but they will not do it. Those in charge of the bill have decided to invoke the rule of the Senate and not permit us to have these interruptions; so I regret very much indeed that I can not yield to the Senator. Furthermore, I hope that he will not make his motion, because it would be a waste of time. It would simply deprive the Senators who have charge of the bill of some of the time between now and 12 o'clock.

Mr. President, I would like for us to say here whether we are going to maintain the rights of American citizens on belligerent

merchant ships, or whether we are not. In my judgment, if we pass the bill with the word "thereon" in it, we do abandon, at least for the time being, the rights of American citizens on belligerent merchant ships. If that is true, what becomes of all this loud talk we have heard of protecting the rights of American citizens. It means nothing. It is simply to catch the ear and deceive the heart. And, Mr. President, if we do that, I say that I do not really believe then we will have any trouble. If Germany believes that we have said to our people, "If you go on belligerent ships you do it at your own risk; but we will protect you on an American ship," she will not sink an American ship; but, oh, the slaughter that she will make with the British merchant ships will be sickening and terrible! What are going to be the consequences of that? What are going to be the consequences to American citizens? Well, probably they will stay at home until this trouble is over unless they can go in American ships.

Mr. President, I am in favor of maintaining the rights of American citizens. The Government can do nothing else but assert and maintain the rights of American citizens; but I hope and I pray that American citizens will show their patriotism by not insisting upon the right to travel for pleasure or profit now.

Oh, Mr. President, pass this bill—pass it, do what you want done—and you empower the President to go to the homes in this land and take the boys in order to maintain and assert the right of American citizens to travel for profit and for pleasure. Governments have been established to protect and maintain the rights of their individuals. The Government must do it. It may be unjust to many, but it must do it. We can not question the President's act, or his patriotism, or his devotion to the interests of his people when he asserts our rights and calls upon us to maintain them. But, Mr. President, we also have a right to call upon the citizen to do his duty in peace, as we expect him to do it in war; and while my home and every home in this land can be invaded and the first born offered upon the altar of his country to maintain the rights of its citizens, I say that the citizens of this country owe to the Government and to the people the patriotic duty in time of peace to refrain from exercising a technical right or a material right, if you please, that may involve this country in war. If our newspapers, instead of printing great headlines demanding war and predicting war and putting out scare stories of all sorts and character, whether having a basis or not, would put in great headlines, "We appeal to American citizens in this hour of trial and of danger to show their patriotism by not demanding the exercise of the rights which they have under international law, in order that they may not embroil the country in war and involve its homes in sorrow and trouble," then, Mr. President, the peace of this country would be assured with honor; and in a few months, when this war must come to an end in some way, this great country of ours—the only great nation that has maintained its peace—might exercise the influence upon the destinies of the world that its power and its wealth and high civilization entitle it to exercise.

Mr. TOWNSEND. Mr. President, I had not expected to occupy any of the time of the Senate on this bill, and I should not do so now were it not for some of the arguments which have been offered by its proponents.

When the President last appeared before the two Houses of Congress in joint session I was impressed with the fact that he was asking for unusual powers, and knowing the tendency of the Congress to grant whatever he asked I was greatly disturbed over the prospect. But since the bill has been introduced into the House and the Senate, and I have become acquainted with it, I have satisfied myself that it asks only for such congressional ratification of power as the President can now exercise without the authority of the Congress. I am confirmed in my belief by such distinguished authorities as the Senator from Montana [Mr. WALSH] and the junior Senator from Utah [Mr. SUTHERLAND].

I regret that there seem to have accompanied this bill in the House those psychological conditions which have become all too familiar in connection with matters which have been urged by the administration as of pressing importance. I remember that when the Panama Canal tolls bill was up, we were addressed by the President, and his address contained the suggestion that there were matters of greater importance and nearer consequence which he could not disclose to the Congress, which made it necessary for the Senate to grant his request ungrudgingly, and under that mysterious suggestion the Congress did act. My memory is fresh now of the events of that morning, some three years ago, when we were here discussing the President's request for approval of his conduct in Mexico, when suddenly there came before us the cabled intelligence that Vera Cruz had been fired upon, and this Chamber rang with the eloquence of Senators who commanded us to stand by the President because the occasion was one of war. Old Glory was unfurled and we were aroused to a high pitch of patriotism by the demand to stand by the President. The Congress did stand by him and in doing so condoned a mistake.

The other day when this measure was pending in the Congress and doubt of its passage was felt there came the news to us through the press of the Zimmerman letter. I was impressed at that time with the fact that the Congress had not been fairly dealt with; that that information had been with the department for days, and yet the Congress heard of it through the press. I have never heard it disputed that that information went to the press from the State Department before it came to Congress, which was obliged to ask for it from the Executive.

I have felt that our foreign relations have not been handled as well as they ought to have been handled. I am sure that the President has no confidence in Congress, and yet in emergencies he requests it to stand by and approve his conduct; that even the members of his own party have not been consulted in matters of great importance until after the President has decided them. During all the time our country has been engaged in these important foreign matters some distinguished men have sat in this body; men who have been especially and highly experienced in foreign affairs, but they have not been consulted by the President. And so when the President of the United States asked what seemed at the time to be unusual powers I did not feel that it was my duty to vote to grant them.

Mr. President, the Senator from Utah [Mr. SUTHERLAND], in putting a question to the Senator from Washington [Mr. JONES], stated that the provisions of this bill were to apply to Germany. He afterwards explained that it applied to all nations. This is as I understand it. I assume, of course—I know it is true—that Germany's recent action is the principal matter in the minds of Senators, but I had not so read this resolution or this bill as to believe that it was to be applied in its terms simply to Germany. I have known, sir, that there had not been equality and absolute neutrality practiced by our Government in relation to the belligerents. I hear the senior Senator from Nebraska rise and say that this bill means peace. He thinks that even the granting of power to the President means peace. He said he would trust the President before he would trust the Congress. A remarkable and humiliating admission, that seems to me, and the Senator has not always had such exalted opinion of the President's judgment. Certain other Senators on the floor insist that it may mean, probably does mean, war. Some go so far as to say that it is in reality a declaration of war. It is my opinion that the wish is father to the thought in all these cases.

If I agreed with the Senators that this bill meant war, that it meant the conferring of war power upon the President which he does not already possess, I should hesitate even in this trying hour, this fateful hour it may be, to give it my support. But as I said at the beginning, I am convinced that we are but ratifying a power already possessed, and the President having asked it and having solemnly requested it, I feel, sir, that it is my duty to make it impossible so far as within me lies to give notice to the world that the Congress of the United States is not behind the President in the performance of duties which his high office imposes upon him. At this time, sir, I would rather err on the side of what seems to be the strength of my country in this crisis than to stand out against what I have felt in the past has been an invasion of legislative power by the Executive. Congress has been drifting, with the approval, I am sorry to say, of the public generally, toward Executive control. That drift has been apparent for years. It has come to be popular throughout the United States to condemn the Congress, Senators, and Representatives as being less than representatives of the people, while the President has been their friend. Every thoughtful Senator here knows that that is not true. Senators and Representatives are charged with great responsibilities and it has been my experience of 14 years that that responsibility has been met with reasonable courage and patriotism.

Heretofore I have rebelled against undue Executive influence over legislation, and even now I would resist the passage of this bill if I felt that we were conferring powers upon the President to declare war, or if I felt that he would not execute the provisions of that law impartially against all of the nations who invade our rights.

I agree with the Senator from Washington [Mr. JONES] that if this position had been taken at the beginning of our strained relations with Germany there would be no U-boat controversy on our hands this night. But the past is gone. We can not recall it. Our duty is here and now, and with my understanding of the bill, impressed as I am with the awful situation which confronts us in relation to possible war, having in mind the

Zimmermann incident brought to our attention since the President's message to Congress, I can not refuse to support this bill. I hope, however, that it will contain some of the principles of the amendment of the Senator from Missouri [Mr. STONE]. If in order, when the vote comes on that amendment I am going to ask to have it divided. I do not believe his first proviso should be accepted, but I do think that the second and third ones should be adopted. Senators state that the President would not have the power, in their judgment, to use the armed forces of the United States to convoy ships loaded with munitions and arms for a belligerent nation that is friendly to the United States. It would do no harm then to insert the proviso in the bill. I do not believe that our Government would be justified in arming ships or sending convoys with a ship loaded with munitions and arms, because it is known that that has been prohibited by Germany, and Germany's very life depends, it may be, upon keeping those things from her enemies. Therefore I hope, Mr. President, that when this amendment is offered we will be able to divide it and that we may adopt the two provisions which I have mentioned or something similar.

Mr. HARDWICK. Mr. President, it is not my purpose to consume any considerable time in the discussion of this bill. Indeed, I hesitate, after the occurrences of the day, to speak at all, and should not do so except after conference with the Senator in charge of the bill, because I am heartily and sincerely in favor of the amendment proposed by the Senator from Nebraska [Mr. HITCHCOCK], and in the form in which he presented it I shall give it my earnest support.

It seems to me, Mr. President, however, that the Senate of the United States finds itself at this moment in a most serious position, a position which might well cause everyone of us to halt and consider calmly what the result will be if this Congress shall expire and its Members return to their homes without any action whatever being taken on this measure.

In less than 15 hours by operation of law the Sixty-fourth Congress of the United States will expire. In its closing hours we are presented with a proposition the most momentous in some respects that has confronted an American Congress in many decades, if not in our entire history, the effects of which may be so far-reaching that the children and grandchildren of every one of us may in after years feel them.

What is this situation? On the 26th day of February, less than one week ago, the President of the United States called the Congress in joint session to ask of it certain powers relating to our foreign relations and the situation in which the country finds itself with respect to them.

Is it the power to declare war that he asks the Congress to delegate to him? Not at all. Every Senator knows and every Member of the other House knows that Congress can not delegate that power to anyone. What, then, does he ask? He asks us to confer on him certain powers that he already possesses by clear implication. What are those powers? The power to protect and defend American ships and American citizens on the high seas against unlawful attack and unlawful violence.

I assert it as a proposition of constitutional law—which no Senator in this body and no lawyer outside of it, in my judgment, can successfully controvert—that with the single exception of furnishing arms to merchant vessels there is not a power that either the House bill or the Senate bill confers upon the President of the United States that is not already his by clear and necessary implication. Let us see. The bill proposes—

> That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks, and the President of the United States is hereby authorized and empowered to supply such vessels with defensive arms, fore and aft, and also with the necessary ammunition and means of making use of them—

Undoubtedly that is a power which would have to be conferred upon the President by statute; it can not be inferred from any of his constitutional powers—

> and also with the necessary ammunition and means of making use of them; and that he—
>
> The President—
>
> be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

Mr. President, what are the powers of the President of the United States with respect to these matters? First, the Constitution of the United States says that he is Commander in Chief of the Army and Navy of the United States. As the Commander in Chief of the Army and Navy of the United States he has the right, as indeed it is his duty, to protect every citizen of the United States against unlawful attack wherever that attack is made, if he can.

The Constitution of the United States also provides that the President shall take care that the laws, and so forth, are faithfully executed; it also provides that the executive power—and that is a very broad grant of power—"shall be vested in the President of the United States." I lay it down to-night, Senators, as a proposition that no man can successfully controvert, that the President of the United States, by virtue of his inherent powers, conferred on him by the Constitution as Commander in Chief of the Army and Navy of the United States and as the Chief Executive of this great Nation, in whom all executive power is lodged, has the natural, the inherent right to protect citizens of the United States against wrong and injury and unlawful attack whenever and wherever such wrong, injury, or unlawful attack may threaten.

Mr. President, the President of the United States evidently takes the same view of the matter, for in his address delivered to the joint session of Congress on the 26th day of February he used this language:

> I can not in such circumstances be unmindful of the fact that the expiration of the term of the present Congress is immediately at hand by constitutional limitation, and that it would in all likelihood require an unusual length of time to assemble and organize the Congress which is to succeed it. I feel that I ought, in view of that fact, to obtain from you full and immediate assurance of the authority which I may need at any moment to exercise. No doubt I already possess that authority without special warrant of law, by the plain implication of my constitutional duties and powers, but I prefer, in the present circumstances, not to act upon general implication. I wish to feel that the authority and the power of the Congress are behind me in whatever it may become necessary for me to do. We are jointly the servants of the people and must act together and in their spirit, so far as we can divine and interpret it.

Mr. President, I wish to say this to the Senate: It would be utterly impossible for me, constituted as I am, consciously and knowingly to vote either to delegate to the President of the United States, or to anyone else for that matter, a plain power of Congress or to devolve on him a responsibility that belongs to me, in part at least. This legislation, in my judgment, does not do that except in the respect that I have already called attention to. It adds nothing whatever to the existing power and authority of the President of the United States, and with the single exception of furnishing arms to private merchant vessels the President can do to-morrow or on the 5th day of March every single act that he could do whether this bill passes or not. He could do just as much without the bill, with the single exception I have mentioned, as he could with the bill.

If so, it may be asked—indeed it has been asked—why the President of the United States should then seek this legislation? He has answered that question for himself in his own language, which I have read to you. It is so that he may feel, and that the world may know, that the Congress and the people of the United States are behind him and with him when he exercises those powers. That is the reason—the only reason, the sole reason—that this bill is presented. For that reason, laying aside all minor considerations, laying aside all technical objections, laying aside every other consideration of any character, the Congress of the United States ought to pass this bill.

Is Congress dodging its responsibility, as was suggested by the Senator from Missouri [Mr. STONE]? The Senator from Missouri insists that if we are to pass legislation of this character Congress ought to take the responsibility on its own shoulders and declare war. Why, Mr. President, the Congress of the United States is passing this legislation, not that the President of the United States may wage war, but that he may, if possible, preserve peace. In my judgment the most certain, the most reasonable way of preserving peace at this juncture is to let the Imperial Government of Germany understand now and for all time, once and forever, that the American people are behind the President of the United States in the position that they will not submit to the murder of Americans on the high seas.

We have merely given, or we propose to give, by this bill authority to the President to do what? To defend the American flag; to defend and protect American citizens; not to wage offensive and aggressive warfare; not to make war on a foreign country, invading it, if necessary, with troops, but to resist unlawful attacks upon our own people and our own flag.

Ah, Mr. President, the surest way on this earth for any great people to preserve and maintain peace with all their neighbors is for other nations to understand that they are prepared to maintain their rights. It is a source of very great sorrow to me, of very great grief, that we are not able to present an absolutely solid front in this matter, so that Germany and the entire world may know that the whole American Congress, as well as the whole American people, are prepared to maintain American rights behind an American President whoever may assail them and whenever and wherever they may be assailed.

The most serious aspect of the present situation is that it may be misunderstood in other quarters, in foreign lands, by people who do not understand the peculiar institutions of the

American Government. Ah, Mr. President, that is one of the reasons I wanted to make these few remarks.

The House of Representatives passed substantially this same proposition by an overwhelming vote of 403 to 13, and the Senate of the United States, if it could vote, would pass it by a majority just as large in proportion to its number. No power on earth ought to misunderstand that. But the word may go abroad that the Senate of the United States has rejected it. Such will not be the case. The fact is, that it comes to us at a time when we can not force its consideration before the adjournment of this Congress and, therefore, can not secure action on it; and that is the whole truth. I deeply regret this situation; I hope, even against hope, that some method will be devised, that something can be drafted that will meet the situation substantially and which can be passed, so that we may meet the spirit of the President's demands, so that we may take such action as will prove, not only to the Imperial Government of Germany, but to all the world that on this question of protecting American citizens and defending American rights, the American people and the American Congress are an absolute unit behind their President.

Some Senators have insisted that this amounts to a declaration of war. Far from it. The proposition, in the very language of this bill, and so expressed, is capable of no such construction. The President is not authorized to assail anyone, to wage an offensive and aggressive warfare anywhere or on anybody, but simply to protect American citizens and American rights, in a defensive way. Why? Because we are about to adjourn this Congress, because the war-making and war-declaring power of this Nation is about to go into recess, because we do not wish to have war with Germany now or later or ever, unless Germany forces that war upon us. This is a declaration, if we should pass it in any form that is suggested, to Germany and to the world that we propose to protect and defend our citizens. We say to her, "We seek no war with you, no trouble with you; we will do anything on earth to avoid it except dishonoring ourselves and surrendering our citizens to be murdered at your hands." It is a declaration that we propose to protect and defend American citizens, pending the termination of this issue, pending the decision of this issue, pending the happening of this event, and that the issue rests not with us but with Germany.

My own opinion is that, if Germany should persist in her policy of destroying on the high seas American citizens without regard to international law, nothing on this earth can avert war with Germany; but my own hope is equally strong, as is the opinion I have just expressed, that, if Germany finds that the American people are absolutely determined that they will not submit to any such treatment, that they will stand absolutely firm and united on that proposition, and, if necessary, will wage war in which they will risk their all, if need be, to vindicate those principles, then Germany will modify her submarine policy, so far at least as we are concerned.

During the debate that has already occurred on this proposition, while the Senator from Missouri was on his feet, the Senator from Missouri asserted that under his constitutional powers, to which I have already made reference, the President of the United States had no authority to convoy merchant vessels with the armed ships of the United States. When I asked for the authority on which that statement rested, the Senator could not give it. Then I pressed him with this question: I said, "Suppose a warship of the United States were present at such an occurrence at a time and at a place when wrong or injury was about to be inflicted upon a merchant vessel of the United States, could not that ship, representing the Executive authority, either with or without express orders from the Chief Executive, resist the threatened wrong and defend the American citizen or the American ship against impending injury?" The Senator from Missouri answered that he thought so, if the ship happened to be there. Well, I think so, too, and I will tell you another thing. I think it ought to happen that ships will be there to do it. If the ships have got a right to do it without any action of Congress, if they happen to be there, I think some authority ought to see to it that they shall happen to be there when such things are threatened or are happening.

Just one other thing, Mr. President, and then I shall have finished. The power of Congress is to declare war; the power of Congress is not to direct the details of operations; it is not to make war in the sense that the term "make war" is commonly understood and commonly used. The power of the Congress is to determine what causes shall be sufficient upon which to make war, and then to declare that war.

Mr. President, in the case we have at hand we have simply said to the world, to the people of our own country, and to the President of the United States, "We think that you ought to defend, and we authorize you to defend, as you already are empowered by your constitutional authority to do, the citizens of the United States against wrongful attack from whatever source that attack may come." That is not the delegation of authority. We tell the President exactly what he ought to do. We do not authorize him to make any war, but merely to act defensively until the Congress itself can pass upon the question of aggressive warfare.

Mr. President, there is one other thought about this matter, and it embraces my whole view of it. I am anxious, as anxious as any man in this body, to preserve peace. I am opposed, as strongly opposed as any man in this body or in this country could be, to engaging in this war or any other, unless we are absolutely compelled to do so. I will tell you how I feel about that and how I believe my people feel about that: I do not want to engage in this war or any other war on account of what happens to some English ship, or French ship, or Dutch ship, or on account of what happens in connection with some disputed or doubtful question of international law in regard to which there may be honest differences of opinion; I should like to have questions of that kind settled in another way; but if the issue comes that American ships are sunk on purpose, knowing that they are American ships, and if the issue comes that American citizens are murdered on purpose, and knowing that they are American citizens, and perhaps for that reason, then, I say we must fight or we will be no longer worthy to have a place on the map of the world.

And if war comes, Mr. President, I think that the American people will rise up as a unit and fight such a war to a successful, triumphant conclusion, and that in its prosecution there will be no North, no South, no East, no West, no Republicans, no Democrats; nothing but Americans—and united Americans everywhere.

Mr. CUMMINS. I desire, Mr. President, to see if I understand correctly the parliamentary situation.

There is pending before the Senate at this time a bill passed by the House of Representatives. The Senator from Nebraska [Mr. HITCHCOCK], whose attention I would be glad to have, has made a motion to strike out the House bill after the enacting clause, and substitute the matter which he has presented. The senior Senator from Missouri [Mr. STONE] has presented, and there is now pending, an amendment to the House bill, or the part which is sought to be stricken out by the Senator from Nebraska.

Have I stated the parliamentary situation accurately?

The PRESIDENT pro tempore. The Chair believes the Senator has so stated it.

Mr. CUMMINS. In that view, Mr. President, I offer an amendment to the matter proposed to be substituted for the House bill.

The PRESIDENT pro tempore. The amendment, of course, to the part to be stricken out is first in order, and is the pending amendment.

Mr. CUMMINS. I present the amendment not because I desire to make it the pending question, but in order that it may be read for information.

The PRESIDENT pro tempore. The Secretary will state the proposed amendment.

The SECRETARY. It is proposed to amend by striking out, beginning with line 6, page 1, the remainder of section 1, and inserting, in lieu of the words striken out, the following:

against the unlawful attacks of submarines; and the President of the United States is hereby empowered to supply such merchant vessels with defensive arms and with ammunition for their use: *Provided, however,* That no such vessel shall be so supplied with arms or ammunition, or, having been so supplied, shall be cleared from any port of the United States, if laden in whole or in part with arms or munitions of war, and destined to a belligerent country.

So that, if amended, section 1 would read as follows:

That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against the unlawful attacks of submarines; and the President of the United States is hereby empowered to supply such merchant vessels with defensive arms and with ammunition for their use: *Provided, however,* That no such vessel shall be so supplied with arms or ammunition, or, having been so supplied, shall be cleared from any port of the United States if laden in whole or in part with arms or munitions of war and destined to a belligerent country.

Mr. CUMMINS. It is my purpose, Mr. President, at this time to direct the observations which I shall make very largely to the amendment which I have presented.

It will be observed that, first, it authorizes the commanders and crews of merchant ships to defend themselves against the unlawful attack of public vessels, and thereby relieves them from the possible fate of pirates. It authorizes these commanders and these crews to defend themselves or to arm their vessels with defensive arms for the purpose of making success-

fully a defense against unlawful attacks. It authorizes the President of the United States to furnish or supply such merchant vessels with arms and ammunition, but it does not, either expressly or impliedly, authorize the President to furnish merchant vessels with men who are under enlistment in the Navy or the Army of the United States. It permits merchant ships which are not supplied with arms and ammunition by the United States to continue, if they so desire, to carry arms and ammunition to the belligerents of Europe and it permits such vessels to defend themselves with arms which they supply upon their own account; but with respect to vessels whose arms and ammunition are furnished by the United States, it forbids their departure from one of our ports if they are laden with arms or munitions of war destined to a belligerent.

I have made this explanation of the amendment because it is the thing which I want to authorize the President to do. It is the authority which I desire that commanders and crews of merchant vessels shall have; and I have mentioned it because I do not want to enter upon my discussion of this matter under the misapprehension that I do not fully realize the gravity of the problem which the American people are now endeavoring to solve. I do not want to enter it under suspicion that I am indifferent to the honor of the American Republic or indifferent to the safety of her citizens.

The whole country is divided with respect to some phases of this mighty question. There are people, and good people, who believe—sincerely and earnestly believe—that when the German Army marched into Belgium the United States ought to have declared war upon Germany. There are Senators, I assume, on both sides of the Chamber—I know upon my side of the Chamber—who believe, patriotically and sincerely believe, that when the German Army invaded Belgium, contrary, it is said, to a treaty which she had solemnly made, it became the duty of the United States to make war for the sacredness of international compacts and for the civilization which such treaties represent. I am not one of them. I do not believe that the United States should imperil the peace and the lives of her millions for the quarrels of Europe.

There are other Senators, and there are a great many people, who believe that when Germany sank the *Lusitania* we should have declared war against her, and avenged in that way her violation of international rights. Recognizing the enormity of the offense—and I think no one recognizes it more clearly than I do—I am not one of those men. I do not believe that we should have made war on Germany for this offense against humanity, however cruel it may have been.

There are Senators who believe—and their sentiments have been uttered here to-day—that when the *Laconia* was sent to the bottom of the sea by a German torpedo we should have instantly made war in order to vindicate the rights of American citizens to travel upon peaceful errands. I do not so believe. As shocking and heartbreaking as these incidents have been, as atrocious as they are, I do not believe they are causes for war, in and of themselves, on the part of the United States.

Recognizing these varieties of opinion among equally patriotic citizens and Senators, I come to another division.

There are other Senators who do not believe that we ought to declare war on Germany at this time, who would not vote to declare war upon Germany at this moment, but who are perfectly willing, apparently, to abandon the responsibility which the Constitution imposes upon them and transfer to the President of the United States the decision of a question which they themselves dare not answer. I would infinitely rather meet this question fairly and squarely. I would infinitely rather that some Senator should offer a resolution declaring war on Germany and ascertain in that way the sentiment of Congress. If we ought to declare war on Germany, Congress should say so, say it boldly, say it so that the world might know the attitude which Congress intends to take upon these vital questions.

I have said so much, Mr. President, simply to indicate my own solemn judgment that hitherto, as unbelievable as these offenses are—unbelievable a year or two ago—for we would not then have regarded as credible a statement that would have imputed to either Germany or Great Britain the offenses which both of them have committed against humanity, civilization, and international law as well. Inasmuch as I expect to vote against either the House bill or the Senate bill unless it is materially amended, and inasmuch as I know there will be a determined, a persistent, and a malicious effort to misrepresent, distort, and pervert the real sentiment, the real attitude of those who can not find it within their constitutional conceptions of duty to vote for the bill which is now before us, I intend to give in some detail my opinions relating to the proposed legislation and the history out of which the proposal grows.

In doing that, Mr. President, I do not intend to be tempted into any disparagement of the President of the United States. I feel the seriousness of this occasion too deeply, I appreciate the solemnity of the act we are about to perform too profoundly, to bring into the discussion any difference of opinion that I may ever have entertained with respect to the conduct of foreign affairs during the last three years. I am bound to say that if I were willing to give these powers to any man, I would just as soon give them to the present Chief Executive as to any President who ever sat in his chair. My objection to the legislation is not because I distrust Woodrow Wilson. It is not because I believe that he would consciously or intentionally abuse the power which we are attempting to confer upon him, but because I think it is an unmanly as well as an unconstitutional act on the part of Congress to attempt to divest itself of the responsibility which the Constitution of the land imposes upon it and to destroy, or, rather, to violate in that way the confidence which the people of this country have given to those whom they have commissioned at this time to make their laws.

No man can realize the overwhelming sense of responsibility that ought to rest upon every representative of the people in such an hour as this more than than I realize it; and, following a thought just uttered by the junior Senator from Georgia [Mr. HARDWICK], permit me to say that no man is willing to do more to make the act of the Government of the United States stand as the act of all the people of the country than am I. I want Germany, Great Britain, France, and all the world to understand that when the Government of the United States acts respecting anything that pertains to our relations with foreign countries 100,000,000 people stand by that act and will defend and support it with their lives if that be necessary.

The difficulty is that it has, in some fashion or other, become a part of the current literature that to stand by the President is an equivalent term for loyalty to the Government, devotion to our country's welfare.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Washington?

Mr. CUMMINS. For a question only.

Mr. POINDEXTER. Do I understand that the objection of the Senator from Iowa to this bill——

Mr. CUMMINS. I decline to yield for any argument, because I am advised that in so doing I can no longer retain the floor.

The PRESIDENT pro tempore. The Senator from Iowa declines to yield.

Mr. POINDEXTER. I was not going to make an argument. I was just going to ask a question of the Senator.

Mr. CUMMINS. I yield if the Senator desires to ask me a question.

Mr. POINDEXTER. The question is asked in perfect good faith and the purpose of ascertaining the position of the Senator from Iowa. Is the Senator's objection to this bill based solely upon the ground which he has just stated, that we are shifting the responsibility of Congress onto the President of the United States; and if that is true I will add this clause to the question, If that is the basis of the Senator's objection, will the Senator before he has concluded his argument state how Congress, if it should decide to protect American ships and American passengers upon those ships, can do it in any way except through an agent, except through designating an agent to do it, and if we have to designate an agent what better agent is there than the President of the United States?

Mr. CUMMINS. If the Senator from Washington will patiently await my discussion of these various questions, he will be informed as fully as I can inform him of my views upon the inquiry which he has put to me, for I do not intend to leave any part of that field unexplored. I do not desire to answer the question categorically at this time, because it is a part of the discussion to which I have addressed myself. When the Government has acted, there will be no division or lukewarmness anywhere in executing whatever the Government determines to do.

The terms "stand by the President" and "loyalty to the Government and devotion to our institutions" are not synonymous. When the President, within his constitutional or lawful power, establishes a relation between this Government and any other, Congress should follow him faithfully and patriotically, and Congress will follow him, and the people will follow him in any relation that he establishes under the law and the Constitution. When it is the constitutional duty of Congress to establish the relation between this country and another, the President should follow Congress; and loyalty to our institutions and fidelity, so far as the world is concerned, will consist in standing by whatever action Congress may take in defining or prescribing our relation to other countries. The watchword of

the times should be changed a little, and I appeal to those who have the power to change it. It should be "stand by the Government," instead of standing by either the President or Congress. To stand by the Government is the true test of loyalty. It is the true test of the patriotic citizen who is willing to devote his service, his treasure, and his life, if necessary, to the interests of the people as represented in the Government of their country.

To avoid any possible misunderstanding, I desire to say further that I look upon the warfare of German submarines upon merchant ships as unspeakably atrocious. I have no word of defense or justification for the practice which has been pursued by the Imperial German Government in this regard. I have no word of justification or excuse either for the British act of filling the high seas with submerged mines.

I was reminded of the striking parallel between the destruction of a ship by a mine and a submarine during the observations of the senior Senator from Washington [Mr. JONES]. Someone asked, I think, whether the British mines had ever resulted in the loss of an American ship or an American life. The Senator from Washington did not answer the question, but I answer it. There have been more American ships destroyed by British mines planted in forbidden places than there have been American ships destroyed by German submarines. I can not recall at this moment whether American lives were lost in the instances to which I refer, but I will undertake to supply that information a little later.

I agree with the suggestion of the Senator from Utah [Mr. SUTHERLAND] made at that point, that the fact that Great Britain has violated all the laws of nations, has interfered with our rights to sail the seas vastly more than has Germany, although not in so cruel and murderous a way, taken as a whole, does not change the character of the act with which Germany is charged and which the President of the United States asks us to consider in passing this legislation.

As shown by the amendment which I have proposed I want to give our merchant ships the right to arm themselves against these submarines. I want to relieve their commanders and crews from the dangers of piracy if they should unfortunately be captured, and I would expect to see these merchant ships of ours sink a submarine on sight if it were possible for the ship to do so.

I am not a man who believes that one should stand by and see murder committed. I am not a man who will allow any other man to attack me without defense, if I am capable of making the defense. When Germany proclaimed that after the 1st day of February of this year, within a certain zone, she would sink every merchant ship of every nation, neutral or belligerent, armed or unarmed, laden with contraband or otherwise, I think that a merchant ship of the United States sailing in those forbidden waters and apprehending or discovering a submarine charged with that duty and sailing under that proclamation ought to sink her at the first instant it is possible to do so. I am willing to give the President of the United States the authority to supply from the governmental arsenals the arms and ammunition, if the vessels can not otherwise obtain them, that will be adequate to enable those vessels to make a defense of that character, because I think it is purely, strictly, and in every sense a defense and not offense.

I disagree entirely with those who have stated here that the mere arming of our merchant ships and the granting of authority to defend themselves against such attack is an act of war limited or general. It is not an act of war. It might be regarded by the Government which authorized warfare of that kind as a hostile act, but it is simply putting these merchant ships in a position in which every man of the least spirit, the least sense of honor or manhood, desires himself to maintain, namely, the attitude of being able to defend himself against an unwarranted and unlawful attack. It might be—I do not claim otherwise—that if one of these merchant ships upon encountering a submarine should proceed to destroy her Germany might declare war upon us. If so we must meet that issue. We must meet it as brave and patriotic men. We must meet it because there is no way we can evade the issue, and there ought to be no desire to evade the issue.

The amendment that I have proposed, however, makes one exception with regard to the vessels so armed through the intervention of the United States. If the vessel is laden with arms and munitions, while all the rights of defense are given to her, she must not go out with the arms and ammunition provided by the Government of the United States.

Mr. President, so stating my general attitude upon the subject, I come to a very brief review of the situation. I have already alluded to it, or one or two phases of it, and the Senator from Missouri [Mr. STONE] elaborated upon it carefully this afternoon.

I would not have it understood from anything I have said that I believe that in principle the German Government has been a more flagrant violator of our neutral rights than has Great Britain. I put it more strongly still. I believe that in practice, if I may employ that word instead of principle, the violations of Great Britain against the laws of humanity, of civilization, and of decency have been as flagrant as those of Germany. The consequences of the violations of these laws by Great Britain have not been so serious, have not been so shocking to the moral sense, to the instinct of men, as have the consequences of the violations by Germany.

As stated by the Senator from Missouri [Mr. STONE], when this war fell upon the world the first thing that the Government of the United States did—and it was one of the best things the Government ever did; it is a thing for which the present administration should have the highest praise and universal commendation—was to ask the belligerent countries whether they were willing to abide by the outcome of the London conference of 1909.

That conference was made up not only of men of war but of men of peace. It was made up of the most distinguished scientists in the profession of war which the world knows. There came out of that conference a recommendation to the various nations represented in it that so long as history is preserved will be a monument to the humanity and the patriotism of those who composed the conference. It did more to humanize war, if war can be humanized, it did more to recognize the civilization of war, if war can be civilized or has any element of civilization in it, than any production that every emanated from a body of men.

Our Secretary of State asked Great Britain, Germany, France, Russia, and Austria-Hungary whether they were willing to abide by the code which has been promulgated by the conference, which many nations had already accepted absolutely, and which many more had accepted conditionally, and which all nations should have accepted. In the progress of time there came answers. Germany said, "We will accept this body of rules, this code of warfare, which has for its object the amelioration of some of the horrors of war." Great Britain said, "We will not agree to accept the result of this conference, for there are serious modifications and changes which we desire to be made in it so far as our warfare is concerned."

I ought to have said that Germany replied that she would accept it if the other nations would agree to abide by it. I need not pursue these responses further, because they were all in accordance with the action of either Germany or Great Britain, dependent upon the alliances of the several nations with Germany or Great Britain.

Pause for a moment, Senators, and consider what the situation would now be if all the belligerent nations had agreed to conduct this war according to the code promulgated in London in 1909. It would have been awful enough in any event, but if the maritime warfare, if the blockades and the manner in which they were to be established, if the rights of neutral powers had been recognized as declared in the London conference the problem with which we are now wrestling would never have arisen.

While I am not here for the purpose of either defending Germany or criticizing Great Britain, I am here for the purpose of tracing very briefly the development of this important subject. It was not long after war was declared before Great Britain had established a blockade upon every German port, either in the North Sea or near the English Channel. It was Great Britain's definite and announced purpose that she would not permit any contraband of war to enter Germany, either directly or indirectly, and at the same time—and I am now simply recalling the impressions which I received from one of the most instructive addresses ever made in the Senate, the one that came from the senior Senator from Georgia [Mr. SMITH]—it was then that Great Britain enlarged the contraband list, contrary to international law, contrary to the agreement that was reached in London in 1909, until it embraced practically everything which either the United States or any other neutral country sought to export to Germany.

I am not intending to discuss technically the law of blockade. I have heard so much international law this afternoon and so many niceties drawn, that the subject has ceased to be interesting to me; but, sufficient to say, that, through this blockade, which was not only directed against German ports, but against neutral ports as well, upon the ground that if these goods were once permitted to enter Norway or Holland, they would find ultimately an avenue into Germany. It was not long until

Great Britain had established a blockade, a cordon drawn around Germany and around Norway, through which we could not penetrate. In order to make commerce between the United States or any neutral power with Germany absolutely impossible, Great Britain also established a mine zone, how wide I will not attempt to say, because the widths were not uniform. It is enough to mention the fact that intercourse with the neutral ports became practically impossible in any commodity, and exports to any German port became absolutely impossible.

Mr. President, in that situation Germany found herself deprived of practically all exterior help, either in arms and ammunition or food or clothing or any commodity that was essential to sustain either the lives or the activities of the people.

In that condition—of course, I do not dwell on the details—Germany attempted to establish a blockade, a submarine blockade, around Great Britain, France, and through the Mediterranean Sea. This blockade took the form of a forbidden zone of various widths, sometimes extending almost to mid-ocean. I look upon that effort as a clear, plain violation of the neutral rights of the United States and of every other neutral power. There have been many other instances of violation of neutral rights which, considered simply as a submarine blockade, would be as objectionable as the one that Germany attempted to establish; but Germany stated, "We will attempt to prevent any ship entering a British port or a French port or any other port belonging to any of the allies, and we will sink every ship on sight without warning and without regard to the loss of life that might ensue." When Germany did that, I care not how essential such a procedure may have been to the effectiveness of her arms, she did a thing that shocked the civilized world and that violated and repudiated all our instincts of civilization; and I, for one, do not intend by any act or word of mine in the least degree to justify or excuse it. I want to see our merchant ships, if they are so disposed, if they are willing to incur the danger and the hazard and the peril which must come upon entering this field of death which has been outlined by the German Government, if they are willing to do it with arms through which they can defend themselves—I say that if they do they are entitled by virtue of all that has gone before to destroy a submarine bent upon such a mission the very moment that it comes within the vision of the merchant ship; and I think that such destruction would meet the approval of all Americans, of all men who either love their country or love humanity.

So much I am willing to do. Now, what do you want to do more? I am now addressing myself to the author of the bill, whoever he may be, for its paternity seems to be in some doubt. It has been fathered and repudiated so often that I find it difficult to trace it to its real source. What more do you want to do?

And now I come to answer some of the appeals to the patriotism of the people and the intelligence of Congress. I take the bill—I do not speak now of the House bill in detail, because I rather agree with many who have spoken, that there is no substantial difference between the House bill and the Senate bill, so far as the power attempted to be given to the President is concerned. There may be some difference, but there is not enough difference to attract my support to the House bill in this regard. I devote my attention for a few moments to the Senate bill, being the substitute which has now been offered by the Senator from Nebraska for the House bill. It says:

> That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks.

Mr. President, that presents the first objection I have to the proposed substitute, being the Senate bill. I am opposed to arming our merchant vessels, through the intervention of the United States, for any other purpose than fighting submarines. It has been rather lightly dealt with here; but the Senator from Nebraska [Mr. HITCHCOCK] in explaining the bill, and the Senator from Utah [Mr. SUTHERLAND] in defending it—and they are both capable judges, not only of the interpretation of the proposed legislation, but of international law as well—agree that under this bill we authorize our merchant ships, with arms and ammunition which we furnish—although I do not agree that that makes them auxiliaries of the Navy—to resist with force any unlawful seizure or attack. I asked the Senator from Massachusetts [Mr. LODGE], when he was discussing the matter, whether it would cover the case of the seizure which follows visitation, under the right of visitation and search, and he very properly, and in entire harmony with the views that had been expressed by the Senator from Nebraska, said that it did.

We are, therefore, proposing in the Senate bill, the substitute which has now been offered, to furnish our merchant ships with these arms and ammunition for the purpose of trying out, in a capture made in the ordinary way, the legality or the illegality of the seizure. I am opposed to that, Mr. President, because it is a certain forerunner of war and is not necessary to the maintenance of the rights of American merchant ships.

The President and the State Department have united over and over again in declaring that scores of seizures or attacks made upon our merchantmen by British men-of-war or British ships were unlawful. The President has lodged with the foreign office in London, over and over again, the strongest, most emphatic protests against the flagrant violations of which Great Britain has been guilty. I agree that they are flagrant; I agree that we must seek reparation for them; but I do not agree that our merchant ships, armed with our guns and our ammunition, should enter into a war with a British ship proceeding in that way.

That is my first objection. Why should we do it, anyhow? If there were no such thing as a submarine, or if the German Government had never attempted to sink a merchant ship without warning with a submarine, is there a Senator here who would have dared to hold that we should arm our merchant ships to resist a seizure in the general way recognized by international law in warfare? No; not one. I therefore seek in my amendment to do the thing which we all desire to do, and to avoid doing the thing that no Senator here wants to do. Why we should offend all the belligerent countries of the earth by passing a law authorizing our commanders and crew to resist seizure if we believe it to be unlawful and illegal, and in that way invite the most serious difficulties, I can not understand. My amendment does not say, Mr. President, "German submarines." It says "submarines." We are trying to overcome the menace upon our shipping by submarines simply because the submarine can not capture and take into port as a prize a vessel which it may believe to be carrying contraband of war.

This is my first objection, Mr. President, to the substitute offered by the Senator from Nebraska. My second objection is much more serious, and to me it is insuperable.

The Senator from Georgia [Mr. HARDWICK]—who, I think, all things considered, gave the Senate the clearest, calmest review of the bill and the fundamental principles of the law relating to it which we have heard—said that there is nothing in the bill which confers any authority upon the President which he does not already possess under the Constitution. He made an exception to that, and very wisely. If he was speaking of the House bill, it was accurate. If he was speaking of the Senate bill, it was not accurate. This bill, as well as my amendment, gives to commanders and crews of merchant ships, directly from Congress—not from the President, because the President could not confer any such authority nor give them any such immunity or any such status as is here desired—the bill, in the first place, gives to the commanders and crews this status in war or in peace. It then gives the President the power, which he has not now, of supplying our merchant ships with arms and ammunition.

I am quite willing to give him that power. I am quite willing to supply the President with every power that he has not now to do a thing that we want done, to do some specific thing that we want done. I will not be niggardly with either power or money if I am permitted to pass my judgment upon the propriety of doing the thing which is to be done by the President or with the money. This answers the inquiry made a few minutes ago by the Senator from Washington.

There is no man whom I would rather trust in this matter than the President of the United States. I have said that once. I repeat it, because I hope I am not a coward, and it makes my blood boil sometimes to hear suggestions that the American people have become cowards. It is a gross slander upon the noblest race of men and women who ever lifted their faces to the shining sun. They are not cowards, and whenever they believe that their honor has been touched, whenever they believe that their vital interests have been attacked, they will be quick enough to vindicate and maintain to the last degree these rights and this honor. But I am willing, whenever a specific thing is to be done in the way of executing the policy which belongs to Congress to establish, to give the authority to the President. It is properly there. It is properly to be exercised by him. But let us see.

I give him in my amendment the authority to equip these merchant ships so that they can make a successful defense against the attacks of submarines—and I think every attack of a submarine upon a merchant ship, under the proclamation which Germany has issued, is an unlawful attack. I do not dispute that. I would regard it as an unlawful attack if the matter were presented to me under the circumstances which must surround those who are attacked. But I now come to the proposition laid down, I repeat, by the Senator from Georgia. I think it was said in a way by the Senator from Utah [Mr. SUTHER-

LAND], and I believe it was affirmed by the Senator from New Mexico [Mr. FALL], and I have not heard it disputed.

It is stated that the President has the constitutional power, and that it is his constitutional duty, to defend and protect the citizens of the United States in their rights under the law; that he has the power and that it is his duty to defend the lives of the citizens of the United States. I agree to both those propositions. I care not whether the power is derived from the grant of commandery of the Army and Navy, whether it is conferred from the injunction to see to it that the laws are faithfully executed, or whether, as the Senator from Utah thought, it is an attribute of sovereignty of any country and, of course, of the United States. It matters not to me what particular phrase of the Constitution we may invoke in order to find this power. I think he has it, and I have no doubt of his duty or his obligation to execute it.

It might at once be said, if that be true, why should the Congress of the United States attempt to belittle the power which is given to him by the Constitution by an act of legislation? To me it is worse than the classical effort to paint the lily. If the President has the power—and I agree he has it—it is rather a monstrous thing to ask Congress to ratify a power which the people of the United States gave to him when they ordained the Constitution of the country. It is a violation of all propriety. It proceeds in absolute indifference to the spirit of our institutions. I would no more think of giving to the President, or attempting to give to him, power that is conferred upon him by the Constitution than I would think of asking him to give us power which is given to us by the Constitution.

But notwithstanding the absurdity of a proposal of that sort, I am not opposing the bill or that part of the bill on that ground. I think it brings into discredit everybody who is connected with it, anybody who proposed it, and, measurably, anybody who votes for it. But I would be willing, in order to present a united front, as it is said, to suffer that humiliation. That is not my chief objection to it.

The Senator from Georgia [Mr. HARDWICK], repeating what had been said by various other Senators who preceded him, declared that we gave him nothing more than was given to him by the Constitution. I dispute that contention. I assert that we are giving him a great deal more than is given to him in the Constitution. We are not enlarging the scope of his obligation to defend or protect the property and the citizens of the United States; but, with the Constitution as it is, there are certain things that he can do in defending the lives of our citizens and in protecting their property, and certain things he can not do; and we are attempting to confer upon him indefinite and uncertain power to accomplish his duty by any instrumentality or any method which he may think necessary to use for that purpose.

That is my objection to it; and I marvel that anybody who loves the Constitution, anyone who believes that the welfare of our country depends upon maintaining the three departments of the Government distinct from each other, independent of each other, free in their operation, dares to vote for a bill which says the President, in order to protect the people and the property of the United States, can use any instrumentality or any method which he may be able to command. Now, let us see if I am right. The bill is in these words, so far as the point I am now discussing is concerned:

> And that he be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States thereon.

I admit that he has the power or it is his duty to protect these vessels and the citizens of the United States who may be lawfully upon them. I agree to that. But is there a lawyer here or is there a thinking man here who will say that in the execution of that duty the President can employ any instrumentality or any method which he might believe to be necessary or adequate? It can not be affirmed; and yet we are attempting to give to the President the right to reach anywhere, to anything, to any instrument or any method, and bring them to the execution of his duty to protect the people in these rights.

Our effort in that respect is futile, of course. The difficulty is that it never can be reviewed. If there were a court to which that question could be appealed, I would risk whatever reputation I have with respect to law that it would declare that an effort on our part to transfer to the President every instrumentality and every method which, in his judgment, was required was an exercise of power that we were not given by the Constitution. This gives the President, if it were valid—and it must be accepted as valid because, as I say, there is no way, so far as I know, in which the judgment of Congress in that respect can be reviewed—the power to make war if he so desires and if he believes that that is a necessary and adequate instrumentality to protect the property and the citizen. Are you willing that the President shall make war without any further action of Congress in order that this protection may be afforded? I might be willing myself to vote for war in order to protect our rights upon the high seas in these regards, but I am not willing to give the President or any other man the right to make war in order to protect them. If there is anything that he desires which we have not already given him in the previous part of the bill, and which he thinks is necessary, and which we think constitutional, and which we think effective in order to more completely protect our property and the lives of our people, I am willing to give it to him, and there will be no hesitation so far as I am concerned.

The Senator from Massachusetts [Mr. LODGE] said yesterday that this would not authorize him to do an unneutral thing; in other words, that it would not authorize him to commit a hostile act. I think it would. It is a difference in judgment between the Senator from Massachusetts and myself. But when we begin with the proposition that the President has the constitutional power to protect and defend our people and that he can use without any act of Congress at all certain instrumentalities and certain methods in harmony with our municipal law and international law, then in order to enable him to better accomplish his purpose we say he can use any instrumentality and any methods that may be adequate. I hope it will not be thought that I have in my mind the belief that the President would do these things. I do not think he would. But I am not willing to give any man, high or low, the right to exercise that judgment for me, and no Senator can vote to give any man the right to exercise that judgment without abdicating the office which the Constitution has imposed upon him and without surrendering, as it appears to me, the most serious responsibility of legislation.

I think these words, if they were valid to their full extent, would authorize the President to enlist an army and join the British force in France against Germany in order to better protect our rights upon the high seas. I think they would authorize the President of the United States to take our Navy and sail it straight into the port of Bremen and bombard the German fleets assembled in that vicinity. What else? Why do we attempt to confer power in the broadest and most comprehensive language which the English tongue can utter? I challenge any Senator to suggest any phrase or any term that would give the President more complete power over instrumentalities and methods than the phrase which is found in this bill.

Mr. President, as was so well said by a Senator who preceded me, I want to protect the lives of American citizens on the high seas, and I am willing to do it. I want to protect American property on the high seas, and I am willing to do it. I am not willing, however, and we might just as well reach the real question, to go to war at this moment because an American citizen has met his death upon a British ship loaded with arms and munitions for the British Army. I understand perfectly that there is in the minds of some Senators the thought that we ought to do that, and I do not question their patriotism and sincerity, but I am not willing to give the President the power to do that thing. I am not willing to give him the power to make war on Germany, or on Great Britain either, for such a reason, grave and deplorable as the acts of these belligerents may have been.

It is for Congress always to determine the character of an act and to declare to the world whether the act is sufficient to bring on war. I make no distinction between making war and declaring war. There is a technical distinction. Many wars have been fought without any declaration at all. But I am speaking of a state of war; and we are attempting in this bill, and I believe it to be the purpose of those who employ this language, to give the President a right which he has not under the Constitution in order to defend or protect our rights upon the high seas. They are honorable rights. I want to maintain them.

But there is a notion apparently in the minds of a great many people that there is a freedom of the seas. There is no such thing as the freedom of the seas. We have not the freedom of the seas, and no other nation in the world has the freedom of the seas in time of war. Have we freedom to sail into a German port with our cargo? Have we the freedom of the seas that permits us to send our vessels into the ports of Norway and Holland? No. Have we a freedom of the seas that will enable us to pass safely through the zone which Great Britain has planted with mines? No. Mr. President, we have no more freedom of the seas against Great Britain than we have freedom of seas against Germany. Belligerency always interrupts the freedom of the seas.

I am not attempting to say that Great Britain has interfered with the right or freedom on the seas in the same way that Germany has, but I am saying that our freedom is denied. The interruption exists, and our commerce is curtailed and restricted.

Mr. President, I do not intend to consume the time of the Senate or delay the disposition of this bill by expressing my profound devotion to peace. That devotion has been described in terms so much more beautiful and graphic than I can command that I must forbear; but I want to express my devotion to that provision of the Constitution which gives to the Congress of the United States the right to determine whether the relation of this country to another shall be that of peace or of war.

I believe it to be the only guaranty of a permanent and honorable peace. I believe it to be more necessary for the preservation of the rights and the liberties and the welfare of the American people than any other provision in that immortal instrument, of which Gladstone said that it was the most wonderful ever struck off at a given time by the brain and the purpose of man. I deplore any attempt to invade the rights of the Congress of the United States, to establish these relations between our Republic and the countries of the world.

We are drifting away from the democracy of our forefathers, and we are atoning now for some of the sins of recent years. We ought to hold fast to this safeguard of liberty and freedom and peace and honor; and I for one am not willing to give my vote to a measure which evidences the most serious and determined inroad upon our fundamental privileges. I am not in favor of the drift elsewhere, of giving the right to declare war to one man. That is the difficulty with Germany now. She has developed a system in which one man was, and still is, the guardian of the welfare of all the people. It was his will which led to the most devastating conflict and the most awful struggle which ever ravaged a continent. Are you prepared to follow the footsteps of the German civilization in that regard? You may be, but I am not. I am opposed to kaiserizing the United States.

NAVAL APPROPRIATION BILL—CONFERENCE REPORT.

During the delivery of Mr. CUMMINS's speech,

Mr. SWANSON. Mr. President, will the Senator yield to me for a moment to present a conference report?

Mr. CUMMINS. I will gladly yield, assuming that it will not take me from the floor.

Mr. SWANSON. It will not. I merely desire to present a conference report on the naval appropriation bill (H. R. 20632). I shall not ask for its consideration at this time. The Senate can not act upon it until the House acts, but I desire to file the report so that any Senator may see it and get any information he desires in reference to what has been agreed to.

Mr. CUMMINS. I yield to the Senator.

Mr. SWANSON. I desire to file the report of the committee of conference on the naval appropriation bill, and ask that it lie on the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

During the delivery of Mr. CUMMINS's speech,

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills and joint resolution:

S. 6601. An act for the enlargement of the post-office building in Pittsburgh, Pa.;

S. 7905. An act to authorize the Secretary of the Treasury, in his discretion, to transfer and convey to the commissioners of Lincoln Park, of Chicago, Ill., the riparian rights of the United States as the owner of land fronting on Lake Michigan and occupied as the site of the United States marine hospital in Chicago, Ill.;

S. 8075. An act for the relief of Marguerite Mathilde Slidell d'Erlanger;

S. 8228. An act authorizing the commissioners of the Red River bridge district to construct a bridge across the Red River at or near Index, Tex.;

S. 8300. An act to authorize the change of name of the steamer *Fred G. Hartwell* to *Harry W. Croft;*

S. 8301. An act to authorize the change of name of the steamer *Harry A. Berwind* to *Harvey H. Brown;* and

S. J. Res. 206. Joint resolution extending until January 8, 1918, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

The message also announced that the House had passed the bill (S. 8003) authorizing the county of Morrison, Minn., to construct a bridge across the Mississippi River in said county, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following joint resolutions, in which it requested the concurrence of the Senate:

H. J. Res. 392. Joint resolution providing that section 5 of an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, shall not be in effect until July 1, 1917; and

H. J. Res. 393. Joint resolution making appropriation for the construction and operation of railroads in the Territory of Alaska.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8296) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 6601. An act for the enlargement of the post-office building in Pittsburgh, Pa.;

S. 7905. An act to authorize the Secretary of the Treasury, in his discretion, to transfer and convey to the commissioners of Lincoln Park, of Chicago, Ill., the riparian rights of the United States as the owner of land fronting on Lake Michigan and occupied as the site of the United States marine hospital in Chicago, Ill.;

S. 8228. An act authorizing the commissioners of the Red River bridge district to construct a bridge across the Red River at or near Index, Tex.;

S. 8296. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors;

S. 8300. An act to authorize the change of name of the steamer *Fred G. Hartwell* to *Harry W. Croft;*

S. 8301. An act to authorize the change of name of the steamer *Harry A. Berwind* to *Harvey H. Brown;* and

S. J. Res. 206. Joint resolution extending until January 8, 1918, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

RAILROADS IN ALASKA.

Mr. MARTIN of Virginia. Will the Senator from Iowa [Mr. CUMMINS] yield to me?

Mr. CUMMINS. I yield for a proper purpose, not to be taken from the floor.

Mr. MARTIN of Virginia. I do not think it will take three minutes to dispose of a joint resolution which has just come from the House of Representatives. The Senator from Nebraska [Mr. HITCHCOCK] has agreed to yield to let me ask unanimous consent to consider this joint resolution, which I ask the Chair to lay before the Senate and that it be read.

The joint resolution (H. J. Res. 393) making appropriations for the construction and operation of railroads in the Territory of Alaska was read the first time by its title and the second time at length, as follows:

Resolved, etc., That for carrying out the provisions of the act approved March 12, 1914 (38 Stat., p. 305), entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000,000, to continue available until expended.

Mr. MARTIN of Virginia. I will state to the Senate that the joint resolution makes an appropriation of $3,000,000 to relieve a very critical condition in Alaska. There are about 4,000 laborers there without any means of subsistence, and the Government is without the means to pay them.

Mr. SMOOT. It is simply to continue the work in Alaska.

Mr. MARTIN of Virginia. That is all.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

After the conclusion of Mr. CUMMINS's speech,

VALEDICTORY ADDRESSES.

Mr. KERN. Mr. President, before taking leave of this body I desire to take a very few moments in which to express partially my deep appreciation of the many kindnesses and courtesies shown me since I have been a Member of the Senate. It

will be only a partial expression, for there are no words with which I can tell you fully of that which is in my mind and heart.

I have no thought, sir, that my leave-taking is a matter of any great moment either to the country or the Senate, for Senators have come and gone since the foundation of the Government and the Republic has survived the loss of the ablest and best, but I feel that it might not be deemed inappropriate for me before leaving to try to tell you not how greatly you will miss me but rather how I will miss the association and companionship which has so enriched my life during the past six years.

Mr. President, it will be with a sense of relief that I lay aside the burdens and responsibilities incident to the duties of a Senator. My work here may not have been very effective, but for the past four years it has been hard, continuous, and very earnest work, taxing heavily at times my health and strength, and I shall lay my armor by in happy anticipation of rest and the enjoyment of the delights of home life.

My party associates here have twice conferred upon me the highest honor in their power to bestow and have given me generous and constant proofs of their hearty good will, and I can look back over the past four years and through the heated debates and exciting contests without being able to call to mind a single word or act on the part of any Republican Senator indicating the slightest ill will.

So, Mr. President, my chief, if not my only, regret in leaving this distinguished company is because it involves a separation from friends who have grown very dear to me. These friends, thank God, are on both sides of this center aisle; and the memory of these friendships will cheer and comfort me during the remaining years of my life.

Mr. President, every man who engages in political or other contests hopes for success, and defeat under any circumstances is usually attended by feelings of disappointment if not humiliation; but the man who is not prepared to accept defeat with apparent cheerfulness and in a manly way would do well to avoid the arenas of political conflict.

In my case the sting of defeat at the late election was greatly mitigated by the fact that my successful opponent is my neighbor, and for more than a third of a century has been my warm personal friend; so that my pride in his promotion largely compensates for the natural regret at my own defeat. I stated after the election, and repeat it in this presence, that if I had been permitted or required to choose a Republican successor I would, without hesitation, have named the Hon. HARRY S. NEW. He is a splendid gentleman, a high-minded, patriotic American citizen who will wear the robes of office with modesty and dignity. It is a matter of great satisfaction to me to know that the splendid Commonwealth of Indiana will be represented by two of her native sons, who, I am sure, will serve their State and country with honor and distinction.

In conclusion permit me to repeat that I shall leave here happy that I shall be free from burdens often onerous and oppressive, rich in the friendship of my fellow Senators, which I shall always cherish as amongst my dearest possessions, sorrowing only because the companionships which have given me so much delight and so many hours of happiness must be severed.

May God bless you every one.

Mr. LODGE. Mr. President, among the trials, the cares, the labors, and sometimes the bitterness that public life brings there are rewards. They are neither so many nor so delightful as the outside world may suppose, but there are some very real rewards. One of them, the chiefest perhaps, is to be found in the friendships and associations which men closely associated together as we are in this Chamber are certain to form, but, like most happinesses and most rewards in this world, they have their inevitable penalty connected with them. The penalty comes in the severance of the friendships, by the partings that must occur. Those partings come to us here every two years. They bring sorrow, not the "sweet sorrow" of Shakespeare's immortal lovers, but a very real sorrow, which grows more serious and more grim as the years pass by and age advances.

It is with a feeling of great sorrow that I—and I am sure I express the sentiments of all other Senators—find myself compelled to part with the Senator from Indiana [Mr. KERN]. He has been the official leader of his party during four years, a position which has put him in the front of conflict. I can only say that he has borne himself with fairness, with courtesy, with unvarying good temper to those opposed to him, and Mr. President, wholly apart from that, I am sure the feeling I am about to express is shared by all. We are losing a friend. He has been to me not only a very valued, but a very good friend, and it is sad for me to think that he is about to withdraw from the interests and activities we have so long shared together. His kindness, his good temper, and the generosity which he has just shown in his cordial words with regard to his successor have endeared him to us all. It is hard to say "good-by," and I will not say it, but I will say that he goes back to private life carrying with him the affectionate regard of all those who have been associated with him here, quite as much of those who sit on this side of the aisle as of those who sit on the other side. He carries with him every good wish that we can give for his health, his happiness, and his peace of mind in the years to come.

Mr. SMITH of Georgia. Mr. President, it is not necessary for Democratic Senators to tell Senator KERN, the Senate, and the country how much we esteem him and how much we will miss him.

Just two years after he came here he was elected by his Democratic associates their leader. Two years later he was again unanimously elected their leader.

He has, with great ability, with marked tact, with perfect fairness, and with uniform courtesy, served them as their leader and served with his associates as a Senator.

We all honor him; yes, and he will always have our warmest love.

Mr. CLAPP. Mr. President——

The VICE PRESIDENT. The Senator from Minnesota.

Mr. CLAPP. Mr. President, it has been in a way a partially formed purpose of mine, during the last two or three months, at some time during this session, which closes my official career, to submit some remarks to the Senate. It had been my purpose to make those remarks somewhat extended, dealing in a measure with the changes that have taken place in the methods of electing the Senate and the issues before the country during 16 years of my service, including a survey of existing conditions, but from day to day the thought has impressed me that this was a short session and that perhaps it would hardly be fair to trespass upon the time of the Senate with an extended address, covering a review of public conditions, which I had in a measure contemplated making. I shall therefore at this time simply avail myself of the Senate's patience to say a word, not to bid the Senate good-by, for I do not intend that to-morrow shall sever my personal association with the Members of the Senate.

The most striking change that has occurred is found in the fact, significant and solemn, that in those 16 years of the Senators who sat in this Chamber the day I entered and who have sat here since, 40 have died in service, and 31 have died outside of the term of their office. That is solemn and significant.

Mr. President, those 16 years have been years of political contest. At times issues have been sharply defined, and yet I know of no sting which remains; and, while for some time I have looked forward to retiring from public life with a sense of satisfaction, I would be false to myself if I did not say, as the clock admonishes me of the few hours I have to remain here, that it brings to me a sense of real sadness that I will no longer in my daily calling be in the association of you with whom I have been so long associated.

I believe the American Senate is the grandest body of men assembled upon this earth. We have our differences, our struggles, our rivalries, and our ambitions. But back of all that there is a genuineness of friendship which I doubt can be found elsewhere in the association of men with men. That association, in its closer and daily relations, I am about to terminate. I shall look back with pleasure to these associations and the kindnesses that have been shown me by one and all. I wish for one and all the full measure of happiness and success and with no regrets save the regret of separation I shall ever remember with affection and kind regard my association and the kindness with which I have been treated by my fellow Senators.

Mr. REED obtained the floor.

Mr. WATSON. Mr. President——

Mr. REED. Mr. President, I understand that the Senator from Indiana desires to make some remarks, but not on the bill. I understand that he desired to speak with reference to Senator KERN.

The VICE PRESIDENT. The Chair will recognize the Senator from Indiana, and the Senator from Missouri will next be entitled to the floor.

Mr. WATSON. Mr. President, I was out of the Chamber when the news was brought to me that my distinguished colleague had uttered an address of farewell to the Members of this body, with which he has been so long associated, and I felt that I could not let the opportunity pass without paying

my tribute of respect to him as a man and as a citizen and as a neighbor.

It is indeed a characteristic of the American people, and a most fortunate one, that in the midst of a great emergency like that which confronts us at this time, and an agitation almost international that seems to be centered here for the moment, we can even temporarily lay it aside to pay a tribute of respect to one who is about to depart from our midst. This shows, Mr. President, that, after all, behind all political divisions we are one in sentiment, one in aspirations, and one in patriotic purpose.

Of the service of my colleague here I shall not speak, because you are more familiar with that than am I; and I only rise for the purpose of expressing the feeling of the people of Indiana for this distinguished Hoosier who is about to return to the body of her citizenship. As a Senator, as the reporter of the Supreme Court, as the candidate of his party twice for the governorship, as the candidate of his party for the Vice Presidency, he has ever displayed those characteristics that have endeared him to the people of his State; and as you say farewell to him here, the people of Indiana bid him hail and welcome, because there he will be loved by many and admired by all.

Mr. THOMAS. Mr. President, the Democratic colleagues of the Senator from Indiana [Mr. KERN] have united in a written testimonial of their affection and esteem, and in a mutual expression of deep regret that the time has come when their association under his wise and considerate leadership will be terminated. It is unnecessary, at this late hour, when the time of the Senate is so valuable, to do more than to assure our friend and brother from Indiana that the testimonial presented to him is an earnest although an entirely inadequate expression of our love and affection.

Mr. President, I can not let this opportunity pass without briefly referring to the public services of the distinguished Senator from Minnesota [Mr. CLAPP], whose term is also about to expire, and to express for this side not only our appreciation of his great ability and his valuable contribution to all the details of public affairs which have arisen to demand legislative consideration during the time he has honored the State which honored him with a seat in this body, but as well to assure him that the love and the affection and the esteem of this side of the Chamber are and will continue to be with him as they have been since we have been given the privilege of knowing him through the close association of official companionship; and we trust that in private life he will recall us, as we shall think of him, sometimes perhaps with envy that the burden which we still must carry has been lifted from his shoulders. In his retirement the State which he has so well represented loses a valuable representative; we lose a most useful, capable, and honored colleague.

Mr. WORKS. Mr. President, I had not expected to say anything about my own departure from the Senate, but I feel that I can not let this occasion pass by without saying to Senators how much I have appreciated my association with them through the six years that are coming to a close. It has been one of the bright spots in my life. With all the toil and stress and sometimes disappointments of public life here in Washington I have always and invariably enjoyed my association with my brother Senators.

Mr. President, I am going out of the United States Senate under a dark shadow that may resolve itself into a great tragedy to this Nation. I am giving up voluntarily the responsibilities that have rested upon me in the past. I expect, in a very short time, to address myself to the bill which is before the Senate. I find myself constrained to oppose the sentiments of a great majority of my associates in the Senate. I have learned by experience that this will bring upon me cruel criticism and abuse; but I have tried during my service here to serve my State and my country to the best of my ability, and to be guided by my own conscience and my own judgment of what is right and what is wrong, let the critics say what they may.

I have always accorded to my brother Senators with whom I have differed the same conscientious convictions of right that I have entertained myself, and the controversies that have taken place on the floor of the Senate have left no bitterness. I am going out of the Senate to-morrow with the most kindly good will to every Member of this body on both sides of the Chamber. I have received at their hands the utmost kindness and courtesy throughout the six years that I have been here, and I can not tell you to-night how much I appreciate the good will and the kindness that have been extended to me by every Member of the Senate.

Mr. STONE. Mr. President, I have not generally been in accord with the political views of the Senator from California [Mr. WORKS] or with his conceptions of what best conduces to the public interests. My thought has run along somewhat different lines from his, ordinarily; but the Senator from California will bear with him when he leaves this body my entire personal respect, and also the universal respect of all his colleagues because of their belief that he has always acted courageously and conscientiously. He has been a useful public servant, and he will take to his home the good will of the colleagues with whom he has served with great distinction in the Senate.

In this connection I wish also to say that the Senator who brought this matter very appropriately before the Senate—I mean the senior Senator from Indiana [Mr. KERN]—will also be missed from the councils of this body; missed because of his fine qualities of head and heart, because of his manliness, his courtesy, his gentleness, and his wisdom. He has been the titular head of the Democratic Party in the Senate for some years, and has served in that very difficult and responsible position with great efficiency and satisfaction to his colleagues. There has been no man in the Senate during my service here who will go out of the Senate more beloved, or whose absence will be more sincerely regretted, than JOHN W. KERN, of Indiana.

Mr. TOWNSEND. Mr. President, it becomes my very pleasant duty—if farewells can be called pleasant—to express, in behalf of the Republican side of the Chamber, its deep appreciation of the services and characters of all of the Senators who are to sever their relations with the Senate to-morrow. To me it would seem even more appropriate if the Senate could have set aside a day to commemorate the virtues of the departing living than to set aside a day to talk about the virtues of the dead. It is a sad time for every Senator in this body when he stops to consider the fact that those Senators with whom he has associated for so many years under such favorable circumstances are to be here no more.

I am particularly requested to say a word in relation to the junior Senator from Minnesota [Mr. CLAPP], although I do that without any idea of being invidious to the other Senators who are to go out, because their virtues are known to us all.

But the junior Senator from Minnesota has always impressed me with the fact that he has been something more than a statesman—he has been a philosopher. His is that kind philosophy which is based on good will to all and which has induced him to see things broader than politics or than matters of legislation, because they reach out and take in humanity. This has made him a marked character in the Senate. I am sure all agree with me when I say that he will be missed because of his rare characteristics and because of his exceeding loyalty to his friends. I say this without any thought of being invidious to the others, all of whom we love, all of whom we respect, and for whose departures we are exceedingly sad.

ARMED MERCHANT SHIPS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes.

Mr. HITCHCOCK. Mr. President, I rose to inquire whether it would be possible at this time to secure unanimous consent for a limitation on the debate and for a vote upon the amendments and upon the bill through the final parliamentary stages to its passage. I shall not make the request formally, so as to necessitate the calling for a quorum, but I desire to read a proposal to the Senate to see if it is possible to secure such an agreement.

Mr. CLAPP. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Minnesota.

Mr. CLAPP. Without objecting in the usual form and spirit, I do not believe it would be possible now. I know of two or three Senators personally who desire to speak beyond the limitation that will probably be included in any unanimous-consent agreement. I feel that the bill is one I should want to speak upon, not in any extensive remarks but possibly somewhere about half an hour or even more. I regard it as one of the most important steps that has been under consideration in the Senate since I have known anything about national legislation. I am not speaking for other Senators, except I understand in a general way there are other Senators who feel that they will want to speak longer than any probable limitation that could be placed in a unanimous-consent agreement at this time. I have no desire unnecessarily to delay a vote. I assure the Senator from Nebraska of that.

Mr. HITCHCOCK. I understand the Senator is undoubtedly acting in entire good faith, and so am I. I have endeavored in this unanimous-consent agreement, which I desire if possible to propose formally, to allow such time as I believe

will be considered amply sufficient for all those who desire to speak. I feel justified in saying that there is very little time to be taken up by those who advocate the bill. This is in the form in which I will put it if I receive any encouragement to propose it formally:

It is agreed by unanimous consent that not later than 1 o'clock a. m. Sunday, March, 4, no Senator shall speak more than once nor more than 30 minutes upon the bill H. R. 21052, nor more than once nor longer than 15 minutes upon any amendment offered thereto, and at not later than 6 a. m. of said day all debate on said bill and the amendments thereto shall cease, and the Senate shall proceed to vote upon said bill and all amendments offered thereto through the regular parliamentary stages to its final disposition.

That will allow six hours of debate. I am perfectly willing to modify it in any way that will afford every possible legitimate opportunity for any Senator to express and record his own convictions or to endeavor to change the convictions of others; but, in view of the fact that we are now within a short time of final adjournment, and that there is an overwhelming majority of the membership of this Senate ready for action now, and that the bill has already been passed by the House of Representatives by one of the most tremendous majorities ever recorded in that body, I do urge Senators who are interested in this bill, even in opposition, to give an opportunity to express the sense of the Senate.

Mr. President, if any Senator will say that he will object to unanimous consent, I shall not take the time of the Senate to have a roll call.

Mr. WORKS. Mr. President, I have up to the present taken no time to discuss this bill. I think it is a measure of exceeding importance. I place very little importance upon the fact urged by the Senator from Nebraska that a large majority of the Senators are in favor of the passage of the bill. I am satisfied that a large majority of the American people outside of the United States Senate are opposed to any step, this or any other, the tendency of which is to lead this country into war. It is not my purpose to consume any unnecessary time or to endeavor to prevent a vote upon the bill. I have never taken part in a filibuster. I do not believe in filibusters. Certainly, I would not resort to it in a case of this kind, however much I may be opposed to this proposed legislation.

But, Mr. President, probably two-thirds or three-fourths of the time that has been devoted to a discussion of the bill has been taken by Senators who are in favor of the passage of the bill that they say will be passed by an overwhelming majority. If the bill fails of passage, it may be justly said that it was killed by its friends.

It would be entirely unjust, it seems to me, at this stage to undertake to limit to 30 minutes the speeches that may be made by Senators opposed to the bill when Senators favoring the passage of the bill have devoted hours to its discussion. For that reason, because I desire the opportunity to express my own views on the subject, that I am quite sure will take more than 30 minutes, if I say what I hope to be able to say, I am disposed to object.

Mr. HITCHCOCK. Would the Senator be satisfied with any other phraseology which would give him sufficient opportunity, and others also?

Mr. WORKS. I would have no objection at all to any unanimous-consent agreement that would give Senators an opportunity to discuss the bill. That is all I desire.

Mr. HITCHCOCK. Suppose, instead of suggesting 1 o'clock as the time at which the unanimous-consent agreement shall begin to take effect, we agree upon 3 o'clock?

Mr. WORKS. That would be entirely satisfactory to me personally, if I should be able to make the speech I desire to make between this and 3 o'clock, but it might be entirely unsatisfactory to some other Senator who is to come on later.

Mr. CLAPP. Mr. President, it hardly seems to me that it is, I will say, fair, although I use the word without any thought of imputing unfairness, to place those of us who have waited our turn and who feel that we should speak upon the bill in an attitude of either objecting or insisting that sufficient time shall be given each Senator. I hope that the Senator will for a time, at least, abate the effort to get unanimous consent. I do not like to be placed myself in the attitude of appearing to object to an agreement, and yet I want to say to the Senator from Nebraska that to my mind this is a most vital question, not only in relation to the immediate future, but much more far-reaching than that. We have waited, and now we are to be placed in the position of pleading here for an opportunity to be heard or interposing an absolute objection to unanimous consent. I think it would be better to defer the request a little while.

Mr. HITCHCOCK. Does the Senator think that if the proposed agreement should be amended so as to simply provide that a final vote should be taken upon the bill and all amendments at 8 o'clock in the morning——

Mr. CLAPP. I will be perfectly frank with the Senator. I am not very much given to crowding myself into debates. I never have taken very much of the time of the Senate in the years that I have been here, considering the fact that I am somewhat given to public speaking. I would not consent to a situation which, in courtesy to others who obtained the floor, would leave me at 8 o'clock without an opportunity to make a fair and full presentation of my views upon the bill; nor do I want to be singled out in an order of unanimous consent and given any special time myself. That is the embarrassment which is placed upon those of us who have not yet spoken upon this question. If I can not get a consideration of the suggestion to defer the request, I shall have to interpose an objection, much as I dislike doing it, in view of the situation.

Mr. HITCHCOCK. Then, Mr. President, I shall for the present defer making the request, but I announce that some time before noon I shall again request unanimous consent, and the Senate will remain in session until the period of adjournment.

Mr. CLAPP. Mr. President, I think the Senate ought under the circumstances to remain in session, and I am willing, for one, to stay here, as I have in the days and nights that have immediately preceded this hour, to help the majority maintain a quorum.

Mr. REED. Mr. President, before I address myself to the bill I desire to say a word with reference to the distinguished junior Senator from Minnesota [Mr. CLAPP], who, unfortunately, is about to sever his connection with this body. I know of no man who has been in public life during the past decade who has been bolder in thought, more independent and patriotic in his entire public thinking and public speech, than the Senator from Minnesota. He bears with him as he leaves this body the good will of every Member.

Mr. President, I hesitate to discuss the bill, because after the observations that have been made one may almost be suspected of a desire to kill the bill by talking even in its favor. I think I would say nothing except for the concluding sentence of the speech of the Senator from Iowa [Mr. CUMMINS]. That sentence was, "I am opposed to kaiserizing the United States." The inference conveyed was that the President of the United States is seeking to establish an autocracy in the United States similar to that which exists in Europe.

Mr. President, whether this legislation be wisely or unwisely conceived, whether the amendments offered are vital or otherwise, every candid man knows that the purpose of the President is to protect this country against kaiserism and not to impose kaiserism on the country.

Frequently in considering questions the wisest of men approach them at such an angle as to give to themselves a false view. I can not escape the conclusion that much of the difference of opinion that has been expressed here on the floor arises not from a difference as to fundamentals but merely springs from a difference of viewpoint. There is not a man in the Senate of the United States who desires or is willing to impinge upon the Constitution of the United States. I do not believe that the President of the United States has any more desire to trench upon the constitutional authority of Congress than I believe the Congress desires to trench upon the constitutional authority of the President.

Mr. CUMMINS. Mr. President——

Mr. REED. Will the Senator allow me to conclude this statement, and then I shall be glad to yield?

The trouble is that some very good men magnify a situation and conceive that evil results will flow, when there is no purpose in the heart of any man to produce any one of the evils that may be imagined or feared. I yield now to the Senator from Iowa.

Mr. CUMMINS. Mr. President, I think it is due to the Senator from Missouri, as well as to myself, to say that the sentence to which he has referred was not used in connection with the President of the United States. On the contrary, I said, and said repeatedly, that I would rather give this power to the President of the United States than to any other man of whom I knew. The sentence was used with regard to the legislation itself and the tendency that had been developed in recent years in that direction.

Mr. REED. Mr. President, I am glad to have the statement of the Senator from Iowa, and I have not meant, I assure him, to do him any injustice. If the sentence had stood out by itself, I should not have given it so much prominence in my own mind, but it was one of a series of sentences that had been uttered from time to time on the floor by other Senators, all, it seemed to me, to the same general purpose and effect.

Mr. President, if it be conceded that the President of the United States has no desire to kaiserize the United States or to centralize power and authority in his hands to the detriment and injury of the Constitution, it must be conceded that there is no intention on the part of Congress to destroy its constitutional authority and rights. So, if the Constitution is about to be destroyed, as some fear it is to be destroyed, by Congress passing a law without intention of surrendering any of its constitutional rights or destroying the Constitution, and that destruction of the Constitution is to be accomplished by turning over power to a President, who, all of these Senators will agree, will never abuse that power—if that is the case, pray what are we growing excited over?

To state it again, Congress has no idea of surrendering a constitutional power or of destroying the Constitution. The President has no desire to see the Constitution destroyed. It would seem, under those circumstances, that we need not grow very much excited.

Let us examine the question a moment from another angle. This President who, all concede, desires to maintain the Constitution; who, all concede, to be honest and patriotic, instead of exercising those powers which most men believe he possesses, comes to Congress and asks the express sanction of Congress. Does that look like the act of one who would kaiserize the United States? Does that appear like the conduct of a man who is willing to trample upon the Constitution? On the contrary, it is the highest evidence of respect for the Constitution.

Now, examine the question from still another angle. The President comes to Congress and asks Congress for certain specific powers to meet a certain condition, and Congress proceeds to grant him those powers to meet that condition. Is that a surrender by Congress of any of its prerogatives, even though the condition named should be one eventuating in war?

Instead, sirs, of its amounting to an abandonment by Congress of its right to declare war it is the exercise by Congress for that right to become effective upon the happening of a contingency. Congress could undoubtedly confer upon the President the power to begin war upon the happening of a contingency and be as completely within its rights as it would be if it were directly to declare war itself.

So, it seems to me, under these conditions it can not be argued that Congress is abandoning its constitutional right when it declares that the President may employ the forces of the United States in a certain manner and under certain conditions, of the happening of which the President shall be the judge. I see no insurmountable difficulties in the way, so far as the Constitution is concerned.

When we come now to consider the three propositions that are before the Senate, while they are somewhat different in their terms, I can not see how they will be very different in their practical operation. This legislation must be considered with reference to the facts which confront this country and the world; and, applying those facts, I reaffirm that, at least in my humble judgment, if any one of three propositions is passed the same result will happen.

What are the three propositions? The House proposes in its bill to give the President the power and authority to arm merchant vessels and to give to the owners of merchant vessels full authority to defend themselves. The Senate bill proposes the same thing, employing a little broader language. The amendment offered by my distinguished colleague [Mr. STONE] permits the arming of merchant vessels and permits the merchant vessels to defend themselves, the single point of differentiation being that under the amendment offered by my colleague the Government would not "employ or direct any person to manage or operate any arms placed on any merchant vessel." I think that is a wise restriction. I am quite in accord with it. Then it is provided "that it shall not be lawful for any merchant ship supplied by the President with arms" to carry or convey "munitions or other supplies of war" as a part of her cargo; neither shall a vessel carrying munitions as a part of her cargo be convoyed.

All three of those restrictions, it seems to me, would improve this bill. I am in accord with them, but when we come to apply all of these measures to the practical facts before us, will there be much difference of result? I fear there will not be much difference.

What are the facts that confront us? If we can agree as to those facts, and if you see them as I see them, the phraseology of this bill is not of very great importance.

We know what this legislation is aimed at. It is aimed at the conditions which have been brought about by the recent action of the German Government. It is not directed at other countries; it is not directed at what has happened in the remote past. It is directed to a condition that now immediately confronts us; and what is that condition? The German Government has drawn a line around Great Britain; it has prescribed certain lanes through which, under certain conditions, it will permit the commerce of the United States to go. It has said that, if ships enter the forbidden zone under any other conditions than those laid down by the Imperial Government of Germany, these vessels will be sunk. Against that condition it is proposed now that we shall take some action; and the act which all concede is proper is to arm or to permit the arming of merchant ships; and it is conceded here upon the floor, indeed it has been asserted with great force by the Senator from Massachusetts [Mr. LODGE] and by the Senator from Montana [Mr. WALSH], and generally concurred in, that it will be the business of these armed ships to fire upon a German submarine the moment a submarine comes within gunshot.

Mr. President, let us apply these facts. Let us assume that any one of the bills now proposed, the House bill or the Senate bill, the Senate bill amended as the Senator from Iowa [Mr. CUMMINS] would amend it, or amended as my distinguished colleague [Mr. STONE] would amend it, is accepted and becomes the law. Immediately the merchant vessels of the United States will be armed. A part of them will be armed, we may assume, with guns from the navy yards, and upon those same vessels will go expert gunners from the Navy. If the amendment offered by my distinguished colleague is adopted, such vessels will carry no contraband; but other vessels, privately armed, may carry contraband. It seems to me, Mr. President, that this is what is bound to eventuate: If the privately armed vessel goes from an American port, especially if it happens to be one carrying no arms or munitions, and the moment it sees a submarine it begins firing upon that submarine and a battle ensues upon the high seas, where that vessel, sailing under the American flag, has a right to be—the moment that battle begins the war between Germany and the United States will have begun; and, if that vessel is sunk, the cry will go up from every quarter of the United States demanding that the blood shed by American citizens shall be washed out in other blood; and you can not, after these events I have spoken of have occurred, any more stop war than you can arrest the tides of the ocean.

We need not indulge in any fine legal distinctions as to what constitutes war and what does not. We need not trouble ourselves about our rights under international law. As Cleveland said, a condition and not a theory confronts us. Whenever the guns from the deck of an American ship over which floats the American flag shall have spoken with iron tongue to a German war vessel, whether it be a submarine or an ordinary man of war, and when that German war vessel has sent back its iron answer, war will exist; and once it has begun it will go on to the end.

Mr. President, the great question we have to settle to-night, I think, is not the form of these resolutions so much as the steps which will be taken under any of these resolutions. If we have arrived at a point where war with Germany is inevitable, then I am in favor of fronting that question in all its gravity. I have seen, I think, a little disposition, even in this body, to fail to appreciate the solemnity of the act we are called upon to perform. Men speak of this condition as though if we were to enter war all we had to do was to gather victory within our arms, as though it were a slight and trivial thing. They talk of it in the same spirit in which we might speak of some pleasant adventure, where we were to assert our gallantry and escape unscathed. And so we hear such expressions as "we will defend our rights," and "we will vindicate our rights," and "we will sink ships," "we will destroy vessels," as though there were no enemy to consider.

Mr. President, I hope no man is so much of a poltroon that he will sacrifice his country's honor to escape a danger; but I also hope no man is so thoughtless that he will not, on an occasion of this kind, give solemn consideration to the effects which may follow his act.

I tell you, Senators, if this war is begun, the youngest man in this body may be dead and in his grave before the effects of our action taken here to-night shall have passed away. No man can foresee the end. No man can prophesy with safety the end. How long will it last? How long will the present war in Europe last? How long will the present alignment exist? And when that war shall come to a close, will it be a permanent close, or will it mean a realignment, new battles, new wars, and new horrors? And shall we be able to extricate ourselves from all of this without even the smell of smoke upon our garments; or shall the intrigues of European courts plague us for a century of time, and shall the dragon's teeth still bring their crop of evil as the years go by?

What shall the immediate cost be? I tell you, sirs, if we are to engage in a conflict with Germany, we might as well understand now as understand later we are engaging in a desperate conflict with the most puissant power of this earth. We might as well now as later count the cost—the cost in blood and treasure; and I say, if we are to enter this contest, we ought to enter it with such force and with such mighty power, with such resistless energy, as to determine the result, and do it speedily. We can not afford, with such an antagonist, to trust to any halfway measures.

We can not afford to enter this contest and trust to other nations to win the victory. They may too soon compose their differences; they may not gain the victory; and we may find ourselves confronted by a mighty nation that has disposed of its enemies by treaty or by conquest; and in such a case, who will tell the end of the struggle, or count the cost in blood and treasure?

Mr. President, if we are going into this contest, we may as well get ready, not with one hundred million dollars, but with billions; not with a few guns from navy yards to be placed upon the thin shells of the decks of merchant vessels, but with all our armaments of the sea and with all we can create. We may as well get ready, sir, with all the vast resources of our land. We may as well prepare to call on every home for its best beloved. We may as well steel our hearts to the sound of grief that comes from the lips of wailing women. We may as well turn our eyes to doors the lintels of which will be sprinkled with the blood of our sons.

This is no idle thing we are doing. We may have occasion for regret. There was a time, a little over 24 months ago, when four or five men could have held up their hands and stopped a world conflict. But they heard the voices of ambition; they listened to the cry of "Onward" and "Victory"; they dreamed of triumphal marches; they heard the huzzas of the enraptured multitudes; they reached out hands in anticipation for laurel wreaths that were to be woven for their brows; and there is not one among them who has not prayed God a thousand times that he might escape the result of his act in plunging his country into war.

So, I say, if we must take these acts, let us take them with full knowledge of the gravity of that which we do. Let us not deceive ourselves with the thought that we are certain, by taking these acts, to gain for ourselves peace. We are very likely, sir, to be entering upon a crimson field, the horizon of which lies beyond the boundary of our vision, the agonies of which our souls can not conceive.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes.

NAVAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. SWANSON. Mr. President, I ask the Chair to lay before the Senate the conference report upon the naval appropriation bill (H. R. 20632). I filed the report several hours ago, so that Senators who were interested might find what action has been taken.

The PRESIDENT pro tempore. The Chair lays before the Senate the conference report on the naval appropriation bill, which will be read.

The Secretary proceeded to read the report. During the reading,

Mr. POINDEXTER. Mr. President, I should like to ask the Senator from Virginia what the purpose of the conferees was in changing the emergency appropriation of $115,000,000 so as to eliminate aircraft from the purposes for which it could be used, among others?

Mr. SWANSON. I will say to the Senator that the report does not do that. It increases the use.

Mr. POINDEXTER. Mr. President, the report does do that. It has the peculiar effect of authorizing the purchase of ammunition for aircraft without authorizing the purchase of aircraft.

Mr. SWANSON. No.

Mr. POINDEXTER. The original language of the emergency-fund appropriation did authorize the purchase of aircraft. This one does not. I regret it very much. I only desire to call attention to it. I do not desire to impede the adoption of the conference report for that reason, but simply to call attention to that omission and to express great regret that the conferees have omitted that from the provision, for the reason that aircraft are of constantly increasing importance—one of the greatest needs, in fact, in the enlargement of naval equipment.

Mr. SWANSON. If the Senator will examine the report he will find that he is entirely mistaken.

Mr. POINDEXTER. I am not mistaken, Mr. President. I have read the provision with the greatest care, and I am perfectly competent to understand what the language of it means.

Mr. SWANSON. After the reading of the report is finished, if I can get consent, I will explain it to the Senator.

The PRESIDENT pro tempore. The Secretary will resume the reading of the report.

The Secretary resumed and concluded the reading of the report, which is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 30, 31, 34, 38, 39, 48, 83, 87, 89, and 90.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 29, 32, 33, 35, 36, 37, 40, 41, 42, 43, 45, 50, 51, 52, 53, 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 84, 91, 92, and 94, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Page 3, line 5, of the engrossed amendments after the word "Government," insert quotation marks (") ; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out the word "removed" at the end of said amendment, and in lieu thereof insert "increased to $2,080,956"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "including the acquisition of necessary lands"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In said amendment strike out the words "acquisition, by" and "or condemnation"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Change total to "$16,976,255.01"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following: "The President, in his discretion, is authorized to reduce the course of instruction at the Naval Academy from four to three years for a period of two years from the date of the approval of this act and may during said two years, graduate classes which have completed a three-year course"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: Strike out all of the proviso in said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows: Strike out the following words "the present fund being inadequate to meet the requirements of the service at this time"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: Strike out said amendment and insert the following:

"That the President of the United States is authorized, by and with the advice and consent of the Senate, to appoint Leonard G. Hoffman, secretary to the late Admiral of the Navy, an assistant paymaster in the United States Navy, as an additional number in said grade or to any grade to which he may hereafter be promoted: *Provided*, That the services of the said Leonard G. Hoffman as secretary to the late Admiral of the Navy shall, for purposes of pay be credited to him as service in the Navy."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows: Strike out all of the proviso in said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows: Strike out said amendment and insert:

"NAVAL EMERGENCY FUND.

"To enable the President to secure the more economical and expeditious delivery of materials, equipment, and munitions and secure the more expeditious construction of ships authorized and for the purchase or construction of such additional torpedo-boat destroyers, submarine chasers, and such other naval small craft, including aircraft, guns, and ammunition for all of said vessels and aircraft and for each and every purpose connected therewith, as the President may direct, to be expended at the direction and in the discretion of the President, $115,000,000, or so much thereof as may be necessary, and to be immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: Strike out said amendment and insert in lieu thereof the following:

"In addition to the 18 submarines hereinbefore appropriated for, the Secretary of the Navy is hereby authorized and directed to proceed at once to cause to be constructed 20 coast submarines to have a surface displacement of about 800 tons each at a cost not to exceed $1,300,000 each, exclusive of armor and armament, on the most approved lines according to plans and specifications to be provided or adopted by the Secretary of the Navy. The same may be let by contract to private builders or constructed by the Government in navy yards, or both, as may be directed by the Secretary of the Navy. Said 20 submarines shall be constructed on the Pacific coast: *Provided*, That the cost of construction on the Pacific coast does not exceed the cost of construction on the Atlantic coast plus the cost of transportation from the Atlantic to the Pacific. Eighteen million dollars is hereby appropriated toward the construction of said submarines."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment, as follows: In lieu of the matter stricken out insert the following:

"(d) That whenever the United States shall cancel or modify any contract, make use of, assume, occupy, requisition, or take over any factory or part thereof, or any ships or war material, in accordance with the provisions of paragraph (b), it shall make just compensation therefor, to be determined by the President, and if the amount thereof so determined by the President is unsatisfactory to the person entitled to receive the same, such person shall be paid fifty per cent of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as added to said fifty per cent shall make up such amount as will be just compensation therefor, in the manner provided for by section twenty-four, paragraph twenty, and section one hundred and forty-five of the Judicial Code;"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In the proviso of said amendment strike out the word "*further*" and, at the end of said amendment, add the following proviso: "*Provided further*, That in computing said 10 per cent and 5 per cent increases of salaries, the specific increases of salaries made in this act shall be included as a part of such increase"; and the Senate agree to the same.

B. R. TILLMAN,
CLAUDE A. SWANSON,
N. P. BRYAN,
BOIES PENROSE,
H. C. LODGE,
Managers on the part of the Senate.

L. P. PADGETT,
J. FRED. C. TALBOTT,
ALBERT ESTOPINAL,
ERNEST W. ROBERTS,
Managers on the part of the House.

Mr. LODGE. In the amendment to amendment No. 85 there is a word left out by mistake.

Mr. POINDEXTER. It does not provide for aircraft.

Mr. LODGE. It has been left out by mistake. We can correct it by a resolution.

Mr. SWANSON. Let the Secretary read it again.

The Secretary read as follows:

That the House recede from its disagreement to the amendment of the Senate No. 85 and agree to the same with an amendment as follows: Strike out said amendment and insert:

NAVAL EMERGENCY FUND.

To enable the President to secure the more economical and expeditious delivery of materials, equipment, and munitions and secure the more expeditious construction of ships authorized and for the purchase or construction of such additional torpedo boat destroyers, submarine chasers and such other naval small craft, including aircraft guns and ammunition for all of said vessels and aircrafts and for each and every purpose connected therewith, as the President may direct, to be expended at the direction and in the discretion of the President, $115,000,000, or so much thereof as may be necessary, and to be immediately available.

Mr. SWANSON. The only mistake is that there should be a comma after "aircraft," so as to read "aircraft, guns and ammunition." If a comma is put in there, it will make it entirely correct.

The Secretary read as follows:

Including aircraft, guns and ammunition.

Mr. SWANSON. The purpose is to furnish guns and also ammunition for the aircraft. There was a comma left out. I ask unanimous consent that the unfinished business be temporarily laid aside and that we proceed to dispose of the conference report.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The question is on agreeing to the conference report.

Mr. JONES. I merely wish to ask the Senator from Virginia what the conferees did with reference to the provision relating to dry docks.

Mr. SWANSON. Where?

Mr. JONES. Out of the emergency fund.

Mr. SWANSON. That was eliminated. The House conferees were very insistent that it should be eliminated, and the Senate conferees had to recede.

Mr. JONES. I am very sorry that was done.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. SWANSON. The chairman of the committee has a statement prepared. He had to leave to-night, and I desire to have it printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The statement referred to is as follows:

STATEMENT OF SENATOR TILLMAN.

"Mr. President, the conferees on the naval appropriation bill have agreed, as you have been informed by Senator SWANSON. Owing to my feeble health, I asked him to take charge of the bill in the Senate, and he kindly consented to do so. He had a severe attack of grippe three weeks ago, which lasted 10 days or more, and he was so weakened by it that he almost gave up once or twice from sheer exhaustion. Senator BRYAN, whom we all regret to see leave the Senate, especially we of the Naval Committee, kindly took Mr. SWANSON's place and very ably, under most difficult circumstances last night, when the House of Representatives refused to accept the bill and sent it back, conducted it to its final passage.

"The situation seemed desperate, and was desperate; but by patience and tact he won and succeeded in passing the bill when it looked hopeless. I know I would have failed.

"But for the unwise unanimous-consent agreement we entered into night before last for the final vote on the bill yesterday an important item authorizing the new building for the clothing factory at Charleston would be in the bill. As it is, the Senate was unable to act upon it yesterday because of that unanimous-consent agreement. Nevertheless, the bill contains very many meritorious and valuable provisions. It is the most important ever enacted by any Congress.

"It will be noticed, however, that the House, although it has been laboring on the bill since December, sent such a loosely drawn and defective bill that its conferees could not but accept nearly all the Senate amendments. I grew tired of writing 'H. R.' which means 'the House recedes.'

"We are building ships or trying to build them feverishly, without preparing any way to repair or care for them, which is as foolish a procedure as buying blooded horses and not building stables in which to house them. I have given up the item of $1,085,000 for lengthening the Charleston Dry Dock, because I either had to do it or jeopardize the passage of the bill at all, and its failure to be enacted at this session can only be at-

tributed to stubbornness and prejudice. I have endeavored, so help me God, ever since it was established to develop the Charleston yard in a legitimate way for the good of the Navy and the American people. Had I not believed it the best yard on the South Atlantic coast and the best possible place for a great southern base, I would have not fought for it as I have. That dock is able to take in and care for only those battleships up to the *Utah* class, whereas if it were lengthened it could dock all the battleships now authorized and all the battle cruisers we have already built. In conference the managers on the part of the House refused absolutely to agree to any kind of a proposition in regard to this dock. I begged them to leave it to the discretion of the President and so word the provision for the $115,000,000 emergency fund as to allow him to lengthen it if, in his judgment, it was for the public welfare and the good of the Navy, but they would not do that even; so, rather than see the bill fail, I finally surrendered.

"The Secretary of the Navy has, in his annual report recommended the lengthening of this dry dock. It was in the bill last year. It was regularly estimated for, but because the estimate was a supplemental one, and not in the first estimates sent to Congress, the chairman of the House Naval Committee and his brother conferees were deaf to all pleas. There are many items in the bill which were not estimated for.

"We all know, at least the naval strategists tell us, that the next great naval battle in which this country is to be engaged will probably take place in southern waters, either north or south of Cuba or in the Gulf of Mexico. That we have a coast line reaching from Hampton Roads to the Mexican border in which there is only one dry dock, that at Charleston. Moreover, there is only one commodious deep-water land-locked harbor south of Hatteras, and that is Charleston, and should our vessels in that battle be damaged the dock at Charleston would be the only one in reach of a wounded ship. Naval strategists say that a dock south of Hatteras is vital to the Navy; but as soon as the Potomac is reached the Naval Committee heretofore, and many naval officers, have been unwilling to see any merit in anything this side of Guantanamo, over 1,500 miles away.

"All well-informed men know, too, that the Charleston dock can be lengthened for about one-third as much as a new one would cost, and can be done in 18 months, whereas it will take four years and three and a half or four millions to build a new one. Prudence and farsightedness show this dock should be lengthened, but prejudice and partisanship were too strong for me, because at the present time the Navy Department is dominated by a coterie of officers who are opposed to anything south of Cape Hatteras on the mainland. The southern Secretary of the Navy approves it and advises that it be done; the chairman of the House Committee on Naval Affairs, himself from Tennessee, is opposed to it bitterly, seemingly with unnecessary vindictiveness. My conscience would not let me defeat the whole bill, as I believe I could have done, for the sake of this one item.

"The chairman of the House committee seemed willing, and I believe would rather have seen the bill defeated than to allow the item for the lengthening of the Charleston Dry Dock to stay in. He is welcome to all the glory he can get out of it. I do not accuse him of lack of patriotism, nor do I accuse him of insincerity, but I do accuse him of a stubbornness and narrowness with which no statesman in a time of national necessity like this should be afflicted. My conscience is clear, because I fought for what I know was right, and owing to my sense of patriotism, knowing the country needed a naval bill so badly, I did not endanger its passage for the sake of that item.

"I put this statement on record so that in time if we ever have a war with a naval power and lose the control of the sea it will be shown whether a longer dry dock at Charleston would not be a most valuable asset for the Navy and the entire country.

"I spoke day before yesterday about the unwisdom of putting a great naval base anywhere except in continental United States, and I am sure time will prove the wisdom of that assertion, because, as I have already said, if we ever get at war with a naval power stronger than we are that base would be immediately seized by that power and be an asset to them rather than to us. Moreover, to put such a base out of the reach of railroads which can carry supplies to the fleet in southern waters it is proof positive of the lack of wisdom and foresight in such a failure."

Mr. SWANSON. Mr. President, I should like to say in this connection that the chairman of the committee has acted very generously and splendidly in yielding up the dry dock at Charleston, and other provisions in the bill, in order to secure its speedy passage in this emergency.

PUBLIC BUILDING AT PARIS, TEX.

Mr. SHEPPARD. Mr. President——

Mr. VARDAMAN. I yield for a moment to the Senator from Texas.

Mr. SHEPPARD. I ask the Chair to lay before the Senate the amendment of the House to Senate bill 5270.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5270) for a public building at Paris, Tex., which was, in line 3, to strike out "$200,000" and insert "$170,000."

Mr. SHEPPARD. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the President pro tempore:

S. 8075. An act for the relief of Marguerite Mathilde Slidell d'Erlanger; and

H. J. Res. 393. Joint resolution making appropriations for the construction and operation of railroads in the Territory of Alaska.

LIQUOR ADVERTISEMENTS.

Mr. BANKHEAD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. VARDAMAN. I yield to the Senator for a formal matter.

Mr. BANKHEAD. I ask the Chair to lay before the Senate House joint resolution 392.

The joint resolution (H. J. Res. 392) providing that section 5 of an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, shall not be in effect until July 1, 1917, was read the first time by its title and the second time at length, as follows:

That section 5 of an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, shall not be in effect until July 1, 1917.

Mr. VARDAMAN. I shall have to object to the consideration of the joint resolution. It proposes to suspend the famous Reed amendment to the Post Office appropriation bill.

Mr. BANKHEAD. Until the 30th of June. Surely the Senator from Mississippi will not object.

Mr. VARDAMAN. I do not see why it should be permitted to go.

Mr. BANKHEAD. I will state the reason of it. If the joint resolution does not pass, it will certainly bring great distress to a great many men in this country who are entitled to fair treatment. If the joint resolution does not pass, it means bankruptcy and ruin to many people who have been engaged in a business which has been heretofore recognized by the Government. It does seem to me that the Senate ought to pass the joint resolution extending the time until the 30th of June.

Mr. VARDAMAN. What is the purpose of it? The purpose of it is simply to throw the door open and continue the sale of liquor prohibited by the Reed amendment. Banks, and I suppose interests of that character, at the expense of the American people, who are to be protected by this sort of legislation. I do not like to do injustice to anybody, but the purpose of this proposed legislation is to prohibit the traffic in alcoholic drinks, and if we are going to extend the time why not make it a year until they can dispose of their stock?

Mr. BANKHEAD. Nobody has asked that the time shall be extended for a year. It is only until the 30th of June. I wish to say to the Senator from Mississippi, who is always fair and just, that if the joint resolution is not passed, conceding all he says, it means bankruptcy to a great many banks in the country, and it means bankruptcy to manufacturers of whisky that is in bond. It is just like the case of a cotton planter in Mississippi. He raises 10 bales of cotton. If he carries it to a warehouse and gets his receipt, he goes to the bank and borrows money, and you pass a law that he can not sell or ship his cotton. What is the planter going to do and what is the bank going to do? That is exactly this situation. I do not believe the Senator from Mississippi will object.

Mr. VARDAMAN. I will ask the Senator to let the matter remain as it is a little while and I will see about it later.

Mr. BANKHEAD. Then you object?

Mr. VARDAMAN. I do at this moment.

GRAND CANYON NATIONAL PARK.

Mr. ASHURST submitted amendments intended to be proposed by him to the bill (S. 8250) to establish the Grand Canyon National Park in the State of Arizona, which was ordered to lie on the table and be printed.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 3, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

How swift, O Lord, is the flight of time! And to what whitherward are we bound? Thou alone knowest the beginning and the end.

Behold, we know not anything;
We can but trust that good shall fall,
At last—far off—at last, to all;
And every winter change to spring.

Hold us to Thy heart and bear us on our way, keeping ever before us the one perfect man, the goal of all, that we may run the race with patience.

What though we have stumbled and fallen in the past, what though we have met defeat and disappointment, what though we have been overwhelmed with sorrow and grief; these are but angels in disguise to strengthen us for the future.

The end of the Sixty-fourth Congress is rapidly approaching, and we pray that its work may live a blessing to us and to coming generations. Grant that the coming together of these Representatives from widely different sections may be the means of uniting if need be the different States into a stronger union.

May the friendships formed in the last two years amongst the Members be a joy forever. Bless, we beseech Thee, the outgoing Members of this Congress and their families, and the incoming Members of the Sixty-fifth Congress and their families; that the work of this body may be a perpetual example of the wisdom in popular government through Him who taught us liberty, truth, justice, mercy, righteousness, and brotherly love.

We have heard with profound sorrow of the death of a Member of this House. Comfort us and his loved ones through faith and confidence in Thine Eternal Love. Amen.

The Journal of the proceedings of yesterday was read and approved.

COLUMBIA INSTITUTION FOR THE DEAF.

The SPEAKER announced the appointment of Mr. PORTER as a member of the Committee on the Columbia Institution for the Deaf.

COMMITTEE ON PRINTING.

The SPEAKER. The law requires that on the last day of the session the Chair shall fill any vacancy in the Committee on Printing, and the Chair appoints the gentleman from South Dakota [Mr. GANDY] in lieu of the gentleman from Illinois [Mr. TAVENNER], who retires.

THE LATE REPRESENTATIVE CONRY.

Mr. KITCHIN. Mr. Speaker, by direction of the Committee on Ways and Means I present the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 551.

Whereas death has again invaded our ranks and removed from the scene of his earthly activities our friend and colleague, the Hon. MICHAEL F. CONRY, of the State of New York:

Resolved, That in his death we experience a keen sense of personal loss. As a Member of the House for four terms, and many years a member of this committee, he discharged at all times with distinguished ability and patriotism the duties devolving upon him;

Resolved, That in his death the House and the committee have lost a wise, diligent, patriotic member and the district he represented, a citizen and a public servant devoted at all times to high ideals and prompted by those lofty purposes and motives which make for the very best type of American citizenship;

Resolved, That a copy of these resolutions be spread upon a page of the record of this committee to be set apart for that purpose, and that a copy of the same be presented to the House by the chairman of this committee for printing in the CONGRESSIONAL RECORD; and

Resolved, That a copy of these resolutions appropriately engrossed be transmitted by the clerk of this committee to the family of the deceased.

The SPEAKER. Without objection, these resolutions will be spread upon the record.

LEAVE TO EXTEND REMARKS.

Mr. MADDEN. I ask unanimous consent that my colleague [Mr. CHIPERFIELD] may be allowed to extend his remarks in the RECORD by printing a speech recently delivered by him before the New York Traffic Club.

The SPEAKER. The gentleman from Illinois asks unanimous consent that his colleague [Mr. CHIPERFIELD] be permitted to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MORGAN of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of national prohibition.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD on the subject of national prohibition. Is there objection?

There was no objection.

Mr. GARNER. I ask unanimous consent that my colleague [Mr. MCLEMORE] may extend his remarks in the RECORD by inserting a resolution passed by the Texas Senate.

The SPEAKER. The gentleman from Texas asks unanimous consent that his colleague [Mr. MCLEMORE] have leave to extend his remarks in the RECORD. Is there objection?

There was no objection.

LEGISLATIVE, EXECUTIVE AND JUDICIAL APPROPRIATIONS.

Mr. KEATING. Mr. Speaker, I desire to call up a conference report. We had a unanimous-consent agreement last night that after the reading of the Journal the House would take up the matter of the disagreement between the House and Senate on amendment 9 to the bill to pension survivors of the Indian wars——

Mr. MANN. I hope the gentleman from Colorado will permit a conference report on the legislative bill to be taken up.

Mr. KEATING. So long as we do not lose our place.

The SPEAKER. The gentleman will not lose his place.

Mr. BYRNS of Tennessee. I desire to call up a conference report on the legislative, executive, and judicial appropriation bill, H. R. 18542.

The SPEAKER. The gentleman calls up a conference report on the legislative, executive, and judicial appropriation bill. The Clerk will read the report.

The Clerk read the report, as follows:

CONFERENCE REPORT (NO. 1576).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 5, 23, 24, 25, 32, 33, 34, 37, 38, 39, 42, 43, 44, 51, 53, 55, 59, 61, 69, 70, and 71.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 6, 7, 8, 9, 10, 11, 14, 15, 16, 18, 19, 20, 21, 26, 27, 28, 29, 30, 31, 35, 36, 40, 41, 45, 46, 47, 48, 49, 50, 52, 54, 56, 57, 60, 63, 64, 65, 66, 67, and 68, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"Senate resolutions Nos. 561, Sixty-third Congress, third session, and 101, Sixty-fourth Congress, first session, are hereby repealed."

And the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"The Bureau of Efficiency shall investigate the methods of examining and auditing claims against the United States and accounts of disbursing officers, and of accounting for receipts and disbursements, and shall submit a report to the Secretary of the Treasury and to Congress, with recommendations, at its next regular session.

"The Bureau of Efficiency shall investigate the work performed by the Subtreasuries and report to the Secretary of the Treasury and to Congress at the beginning of the next regular session what part of the work of the Subtreasuries may be transferred to other offices of the Government, banks of the Federal Reserve System or farm-loan banks, and for the purpose of this investigation the representatives of the Bureau of Efficiency shall have access to all necessary books and other records of the Government.

"The Bureau of Efficiency shall investigate the methods of transacting the public business in the Civil Service Commission and report to Congress through the President at the next regular session of Congress. The officers and employees of the Civil Service Commission are hereby directed to furnish said bureau with such information as it may require to carry out this provision.

"The Bureau of Efficiency shall ascertain the rates of pay of employees of various State and municipal governments and commercial institutions in different parts of the United States, and shall submit to Congress at its next regular session a report showing how such rates compare with the rates of pay of employees of the Federal Government performing similar services.

"Officers and employees of the executive departments and other establishments shall furnish authorized representatives of the Bureau of Efficiency with all information that the bureau may require for the performance of the duties imposed on it by law, and shall give such representatives access to all records and papers that may be needed for that purpose."

And the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment, after the word "departments," insert the following: "and independent establishments of the Government"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For employees now paid from appropriation for emergencies arising in the Diplomatic and Consular Service, $4,140"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Federal Farm Loan Bureau: For 4 members of the board, at $10,000 each; secretary to the board, $4,500; chief, bond division, $3,000; 4 private secretaries, at $2,000 each; clerks—1 of class 4, 1 $900, 3 at $720 each, 1 $600; clerk and stenographer, $1,200; stenographers—7 at $1,000 each, 4 at $900 each, 3 at $720 each; messenger; and 3 assistant messengers; in all, $77,920;

"For salaries and expenses under the Federal Farm Loan Board created by the act approved July 17, 1916, including the actual necessary traveling expenses of the members of the board and such salaries, fees, and expenses as are authorized by said act, including farm-loan registrars, examiners, and such attorneys, experts, assistants, clerks, laborers, and other employees in the District of Columbia and elsewhere as the Federal Farm Loan Board may find necessary, $182,080; in all, $260,000. A detailed statement of expenditures hereunder shall be made to Congress.

"Estimates in detail for all expenditures under the Federal Farm Loan Bureau for the fiscal year 1919, and annually thereafter, shall be submitted to Congress in the annual Book of Estimates."

And the Senate agree to the same.

Amendment numbered 58: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment of the House to the amendment of the Senate numbered 58, and in lieu of the matter inserted by said Senate amendment, insert the following: ": *Provided*, That on and after July 1, 1919, no Government official or employee shall receive any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality, and no person, association, or corporation shall make any contribution to, or in any way supplement the salary of, any Government official or employee for the services performed by him for the Government of the United States. Any person violating any of the terms of this proviso shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $1,000 or imprisoned for not less than six months, or by both such fine and imprisonment as the court may determine"; and the House agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 8. The Bureau of Efficiency shall investigate duplication of service in the various executive departments and establishments of the Government, including bureaus and divisions, and make a report to the President thereon, and the President is hereby authorized, after such report shall have been made to him, wherever he finds such duplications to exist to abolish the same. Report of the action taken hereunder shall be made to Congress at its next regular session."

And the Senate agree to the same.

JOSEPH W. BYRNS,
T. U. SISSON,
JAMES W. GOOD,
Managers on the part of the House.

LEE S. OVERMAN,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate, except amendment No. 62, to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

On Nos. 1, 2, 3, and 4, relating to the Senate: Strikes out the provision, proposed by the Senate, for an additional assistant clerk at $1,440 to the Committee on Post Offices and Post Roads; appropriates $1,800, as proposed by the Senate, for rent of a warehouse for storage of public documents; inserts the paragraph, proposed by the Senate, repealing certain Senate resolutions, modified so as to eliminate from such repeal Senate resolution No. 421, Sixty-third Congress, second session.

On No. 5: Appropriates for clerk hire to Members and Delegates as proposed by the House instead of as proposed by the Senate.

On Nos. 6, 7, 8, and 9, relating to the Library of Congress: Appropriates $900, as proposed by the Senate, for an assistant in the reading room for the blind; makes the appropriations of $1,400 for waterproofing parts of the east driveway and $1,075 for fire hose and fittings, "immediately available," as proposed by the Senate.

On No. 10: Makes the appropriation of $12,000 for the Botanical Garden available for the purchase of "office equipment," as proposed by the Senate.

On Nos. 11, 12, and 13, relating to the Bureau of Efficiency: Appropriates $60,000, as proposed by the Senate, instead of $43,000, as proposed by the House; inserts the paragraphs, proposed by the Senate, for an investigation by the Bureau of Efficiency of auditing and examining claims and the accounts of disbursing officers, an investigation of the work performed by the Subtreasuries, an investigation of the methods of transacting public business in the Civil Service Commission, an investigation of the rates of pay of employees of State and municipal governments and commercial institutions as compared with rates of pay of the Federal Government for similar services, an investigation of the classification, salary, and efficiency of Government employees in the District of Columbia; and requires officers and employees of the Government to furnish representatives of the bureau with information necessary for the performance of the duties imposed upon it by law.

On No. 14, relating to the Civil Service Commission: Limits the appropriation of $7,500 for field examiners at the rate of $1,500 per annum to five persons, as proposed by the Senate.

On Nos. 15, 16, 17, and 18, relating to the State Department: Provides for a chauffeur at $1,080, and strikes out provision for a driver at $840 and a hostler at $720; appropriates $4,140, as proposed by the Senate, for employees now paid from the appropriation for emergencies arising in the Diplomatic and Consular Service; and makes the appropriation of $4,000 for an automobile, for official use of the Secretary of State, immediately available, as proposed by the Senate.

On No. 19: Abolishes the branch printing office in the State, War, and Navy Department Building, as proposed by the Senate.

On Nos. 20 and 21: Provides for an assistant to the Secretary of the Treasury at the rate of $5,000 per annum from March 1, 1917, to June 30, 1918, as proposed by the Senate.

On No. 22: Provides for the Federal Farm Loan Board, as proposed by the Senate, with the following exceptions: The salary of the secretary of the board is increased from $3,000 to $4,500, the salary of the publicity agent at $2,000 per annum is omitted, the salaries of the four private secretaries are increased from $1,800 to $2,000 each, and the lump-sum appropriation made available for personal services in the District of Columbia and elsewhere.

On No. 23: Strikes out the appropriation of $250, proposed by the Senate, for law books for the Comptroller of the Treasury.

On Nos. 24 and 25, relating to the office of the Auditor for the Navy Department; transfers a clerk of class 3 from the register's office, as proposed by the House, instead of a clerk of class 4, as proposed by the Senate.

On No. 26: Provides for an "unapportioned" check assorter at $900, as proposed by the Senate, in the office of the Auditor for the Interior Department.

On Nos. 27, 28, 29, 30, and 31, relating to the office of the Auditor for the Post Office Department: Appropriates $254,730, as proposed by the Senate, instead of $284,730, as proposed by the House, for compensation of employees auditing accounts and vouchers of the Postal Service; and makes permanent, as proposed by the Senate, the authority granted the Secretary of the Treasury to diminish positions as vacancies occur and use the unexpended balances of salaries for the payment of employees in auditing accounts.

On Nos. 32, 33, and 34: Omits a clerk of class 3 in the office of the register, as proposed by the House, instead of one of class 4, as proposed by the Senate.

On Nos. 35 and 36; Appropriates $1,400, as proposed by the Senate, for a private secretary for the captain commandant in the office of the Coast Guard.

On Nos. 37, 38, and 39: Appropriates $4,500 for the pay of the Chief of the Secret Service Division, and $3,500 for the assistant chief, as proposed by the House, instead of $4,000 and $3,000, respectively, as proposed by the Senate.

On Nos. 40 and 41: Strikes out, as proposed by the Senate, the language relative to per diem in lieu of subsistence, in appropriations for collecting internal revenue.

On Nos 42, 43, and 44: Provides for 61 assistant messengers, as proposed by the House, instead of 40, as proposed by the Senate, in the Office of The Adjutant General, and restores the language, stricken out by the Senate, requiring employees of The Adjutant General's Office to be exclusively engaged on the work of his office, during the fiscal year 1918.

On No. 45: Appropriates $5,000, as proposed by the Senate, for a blue-printing plant in the Bureau of Steam Engineering of the Navy Department.

On Nos. 46, 47, 48, 49, 50, and 51, relating to the General Land Office: Provides for two additional clerks at $1,600 each, three additional clerks at $1,400 each, four additional clerks at $1,200 each, and four additional clerks at $1,000 each, as proposed by the Senate, and strikes out the paragraph, inserted by the Senate, authorizing the use of $6,500 of the appropriation for surveying for the current year in the payment of field employees detailed to the General Land Office.

On Nos. 52, 53, 54, and 55, relating to the Pension Office: Strikes out a chief of division at $2,000, as proposed by the Senate; provides for a law clerk at $2,250, as proposed by the House, instead of a chief of the law division at the same salary, as proposed by the Senate; and strikes out the language, inserted by the Senate, modifying the limitation on the filling of vacancies occurring during the fiscal year 1918.

On Nos. 56 and 57, relating to the Patent Office: Appropriates $10,000 for special and temporary services of typewriters to keep current the work of furnishing manuscript copies of records; and inserts authority for the purchase of law books, as proposed by the Senate.

On No. 58, relating to the Bureau of Education and the General Education Board: Inserts a substitute for the matter proposed by the amendment of the House to the amendment of the Senate and the matter inserted by said Senate amendment which prohibits after July 1, 1919, Government officials and employees from receiving salary as such officials from any source other than the United States Government or State, county, or municipal governments, and affixes a penalty for the violation of the act.

On No. 59: Strikes out the appropriation of $20,000 for rent for the Geological Survey and $6,000 for the Bureau of Mines, proposed by the Senate.

On Nos. 60 and 61, relating to the Post Office Department: Appropriates for the officers and employees of the Post Office Department in the manner proposed by the Senate, instead of in the manner proposed by the House; strikes out the paragraph, proposed by the Senate, placing postmasters in the classified service.

On Nos. 63, 64, and 65, relating to the Census Office: Provides for an additional chief statistician at $3,000, as proposed by the Senate, and appropriates $647,000, as proposed by the Senate, instead of $512,000, as proposed by the House, for securing information for census reports.

On No. 66: Appropriates $120,000, as proposed by the Senate, instead of $110,000, as proposed by the House, for contingent expenses of the Steamboat-Inspection Service.

On No. 67: Increases the amount for personal services in Washington that may be used from the appropriation for the enforcement of wireless communication laws from $7,150 to $8,050, as proposed by the Senate.

On No. 68: Reduces the rate per day to be paid to experts and temporary assistants in Children's Bureau from $8 to $6, as proposed by the Senate.

On Nos. 69 and 70, relating to the Court of Claims: Provides for four stenographers at $1,200 each, as proposed by the House, instead of five stenographers at $1,200 each, as proposed by the Senate.

On No. 71: Provides for additional compensation to employees of the Government paid from appropriations in the legislative, executive, and judicial appropriation act for the fiscal year 1918, as proposed by the House, as follows:

"SEC. 7. That to provide, during the fiscal year 1918, for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate per annum less than $1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than $1,800 per annum and not less than $1,200 per annum, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to the employees who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of position, the original rates of compensation, and the increased rates of compensation provided for herein."

On No. 72, relating to the section authorizing the President to report upon the coordination of the work of the departments: Inserts a substitute for the Senate amendment requiring the Bureau of Efficiency to investigate the duplication of work and to report such duplication of service to the President; and gives the President authority to abolish duplications where they may be found to exist.

JOSEPH W. BYRNS,
T. U. SISSON,
JAMES W. GOOD,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MANN. I hope the gentleman from Tennessee will explain what the conference report is on these disputed items.

Mr. BYRNS of Tennessee. The Senate receded from its provision with reference to the increases of salaries of clerks in the various departments and agreed upon the House provision providing for a 10 per cent increase on all those carried in this bill who are being paid less than $1,200 and a 5 per cent increase to those receiving from $1,200 to $1,800, inclusive. The conferees report a modification of the amendment adopted by the Senate with reference to the Farm Loan Board. The appropriation is left the same—that is, $260,000. The Senate undertook to fix the salaries of the secretary and various employees of the board. The conferees agreed to the Senate amendment with an amendment fixing the salary of the secretary of the board at $4,500, retaining the salary of the chief of the bond division at $3,000, the amount fixed by the Senate.

The salaries of the private secretaries to the members of the board were fixed at $2,000 each and the salaries of the stenographers were left as was agreed upon by the Senate. The conferees struck out from the Senate amendment the provision fixing the salary of a publicity agent at $2,000 for the reason that the Farm Loan Board stated that such a position will not be needed after the end of this fiscal year.

An amendment was also adopted or agreed upon providing that the lump sum of about $180,000 can be used for the employment of special agents, experts, and attorneys and other employees in the District of Columbia and elsewhere.

Mr. MANN. Was there any limit fixed, as is frequently done, as to the amount which should be paid for compensation to any one person under the lump sum?

Mr. BYRNS of Tennessee. There was not. That was left to the discretion of the board, for the reason that the board state that they do not know just what particular employees will be needed in addition to those now employed. They were unable at this time to make a statement as to the character of the services that would be required, and the conferees thought that under those circumstances they should be given some latitude.

Of course, they will be expected to report to the next regular session of Congress.

Mr. NORTON. Mr. Speaker, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. NORTON. It would be reasonable to suppose that the Farm Loan Board would determine the salaries of the other employees of the board not enumerated here, according to the salaries set by the conference committee in this item.

Mr. BYRNS of Tennessee. I think that there is no question as to that. The board states that they will not need many additional employees here in Washington. It is not expected that they will require the services of many employees save a few bookkeepers, possibly, and a few additional clerks after these banks get into operation. Of course, they will have two or three examiners for the banks.

Mr. NORTON. Has the board given the committee to understand when the system is likely to be put into operation?

Mr. BYRNS of Tennessee. I think the board is busy now selecting the directors for the various banks over the country, and it is expected they will be announced almost any day.

Mr. AUSTIN. Mr. Speaker, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. AUSTIN. What became of the provision in reference to changing the manner of selecting first, second, and third class postmasters?

Mr. BYRNS of Tennessee. That went out. It was eliminated in view of the action of the House, which overwhelmingly voted to disagree to that amendment.

Mr. CAMPBELL. What is the number of employees under the control of the Farm Loan Board?

Mr. BYRNS of Tennessee. At the present time the Farm Loan Board has, I think, here in Washington 31 employees, which includes the secretary, the chief of the bond division, various stenographers, and the private secretaries and messengers and assistant messengers.

Mr. CAMPBELL. And the total expense for salaries is how much?

Mr. BYRNS of Tennessee. The total salaries paid by the Farm Loan Board, including their own salaries, which, as the gentleman knows, is fixed by statute at $10,000 a year each, would have amounted, as fixed by the Senate, to $77,620, but I am unable to say to the gentleman just how much they are paid in the aggregate at this particular time.

Mr. CAMPBELL. In the neighborhood of $75,000?

Mr. BYRNS of Tennessee. It is more than that, because they are paying to their secretary $6,000, and they are paying to their private secretaries $2,500, and to the chief of the bond division $3,600. It will probably amount to $85,000, possibly more.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. TOWNER. The gentleman spoke about two or three examiners. Does that mean that only two or three examiners will be employed for the whole United States?

Mr. BYRNS of Tennessee. I can not answer the gentleman definitely as to that. I have understood personally from some of the members of the board that probably no more than two or three examiners would be needed. The law provides that these examiners shall investigate not only the 12 banks but the various farm-loan associations, and the gentleman can see very clearly that it would not be necessary to provide a large corps of highly paid examiners to investigate the various farm-loan associations. I understand from the board that it is their purpose, if possible, to inaugurate a system whereby the land appraisers may perform some services of that kind with reference to the farm-loan associations under the supervision of the regular examiners.

Mr. TOWNER. Does the gentleman mean that what he calls examiners are really inspectors of the various banks, or are they to pass upon the lands that are offered for loan?

Mr. BYRNS of Tennessee. No; I was referring to the examiners who will examine the various banks just as the regular bank examiners examine the national banks throughout the country.

Mr. TOWNER. They would be analogous to bank inspectors?

Mr. BYRNS of Tennessee. Yes.

Mr. TOWNER. What provision is being made for the appointment of examiners for the various banks; that is, the ones who are to pass on the loans?

Mr. BYRNS of Tennessee. As I just stated, I understand from the board they are now engaged in selecting their directors and other officials for these various banks, and it is expected the announcements will be made shortly.

Mr. TOWNER. Is the officer called an appraiser, as the gentleman understands it, to pass upon the securities offered?

Mr. BYRNS of Tennessee. The land appraiser passes upon the value of the security that is offered, and the salary of that position will be paid by the bank. It is local in character and will be paid out of the receipts of the bank. The examiners of titles and the registrars will be paid out of the United States Treasury, and out of the sum which is appropriated in this bill.

Mr. TOWNER. There seems to be quite an apprehension as to who is to pass upon the securities offered in the first instance, whether or not it will be somebody, as they say here in Washington, who will go out there and pass on the value of their land or whether somebody will pass on it who will be presumed to have local knowledge of the values?

Mr. BYRNS of Tennessee. As the gentleman knows, the law provides that in the first instance securities offered are to be passed upon by a board chosen from the particular farm-loan association through which the loan is sought. After that report has been sent into the bank, as I understand, the security offered will then be examined or inspected by the land appraiser, and I understand from the board that it is their intention to appoint a number of land appraisers for each State.

Mr. TOWNER. Who will make an examination upon their request?

Mr. BYRNS of Tennessee. Upon their report, and as I understand it, neither the board here in Washington nor any official here in Washington will have anything to do with the question of passing on the security offered. That is for the bank and its officials.

Mr. TOWNER. That would seem to be the natural course, and I presumed it would be, and I am glad to have the gentleman's assurance.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. FESS. These banks are already in organization? Steps have been taken to establish them?

Mr. BYRNS of Tennessee. They have been located and steps are being taken now to name the five directors who are to organize each bank under the law.

Mr. FESS. And the capital stock has been subscribed for?

Mr. BYRNS of Tennessee. Yes.

Mr. FESS. I noticed in last night's paper that of the $9,000,000 of capital stock $120,095 had been taken by the banks or individuals, leaving the difference between that and the $9,000,000——

Mr. BYRNS of Tennessee. Which will be taken by the Government—either has or will be; I presume it has been.

Mr. FESS. It has been, and Secretary McAdoo has made his report. I want to ask the gentleman if there is any suggestion in that as to whether it is going to be workable—whether the public has confidence in it.

Mr. BYRNS of Tennessee. I do not think the fact that there has been but a small portion of stock subscribed by individuals is any indication that the system will not be workable. The gentleman understands that in subscribing for stock in any of these banks——

Mr. CALDWELL. Mr. Speaker, we can not hear the private conversation going on over there between the gentlemen.

Mr. FESS. Mr. Speaker, the question that I had asked was this: The amount of capital stock that has been taken by the banks or individuals, namely, $120,095, according to the report of Secretary McAdoo, out of the $9,000,000 was so small that I wanted to know of the gentleman from Tennessee whether there was an indication in that that there was not confidence in the system, or whether, since the Government would do it anyway, the banks and individuals hesitated to do it. I had a feeling when we discussed the measure that it would not be very workable in the Eastern States, and especially in my own State. I wanted to know whether this was an indication that the people were not interested in it as a profitable institution.

Mr. BYRNS of Tennessee. I think the best indication that the system will be workable is the fact that there are already great numbers of applications for many millions of dollars from farm-loan associations, which have been organized in various sections of the country.

Mr. FESS. Are the applications based on the conditions required by the system?

Mr. BYRNS of Tennessee. Naturally. The farm-loan associations have been organized and the applications filed.

Mr. FESS. That is definite evidence, I will say to the gentleman, but I was not sure about it.

Mr. SISSON. Mr. Speaker, if the gentleman will permit, these local associations are all tentative at the present time. They have to have a secretary and other officers.

Mr. PAGE of North Carolina. Mr. Speaker, we can not hear this private conversation going on between the two gentlemen.

The SPEAKER. The Chair is doing the best he can to keep order, and gentlemen will talk so that they can be heard.

Mr. SISSON. When the associations are organized they must be admitted to membership in one of these banks. Up until the

bank is organized and all officials ready to receive these local organizations, until they have the machinery necessary to inspect the organizations and the applications of the associations for loans, of course the $9,000,000 will not be subscribed for, because as the loans are made you are called upon to take 5 per cent of stock in the farm-loan bank, and when the 5 per cent shall be $9,000,000, you will have loaned out twenty times the $9,000,000. Does the gentleman follow me?

Mr. FESS. I understand that.

Mr. SISSON. The fact that as an investment only $125,000 has been subscribed may mean that the stock is not particularly attractive to the investors; but the fact that it is not will be perhaps the very reason that will make it attractive to men who want to borrow. In other words, if it is not attractive as an investment, it means that the interest and earnings are a little too small, but when you want to borrow money, it may be more attractive to the borrower.

Mr. GOOD. Will the gentleman from Tennessee yield me five minutes?

Mr. BYRNS of Tennessee. I will yield to the gentleman from Iowa five minutes.

Mr. GOOD. Mr. Speaker, it seems to me that we ought not to expect too much from the farm-loan organizations so soon. We must remember that this organization was created a very few months ago. The board has been very busy since it has been appointed. The work of organization was not easy, but the board has also been busy in fixing high salaries for some useless positions. For instance, they have a man down there that they pay $2,900 a year to take bulletins out of a pigeonhole, put them in an envelope, and hand them to clerks to address. He is called the publicity agent. His work is very simple. Any clerk could do it. They finally determined that they could get along without this position, but a man is, nevertheless, there drawing a salary of $2,900 a year for this kind of work.

When it came to fixing the salary for the secretary of the board, the Senate fixed that at $3,000. The managers on the part of the House seemed to feel—and I am not complaining of their action—that he ought to have considerably more than that. The board had fixed his salary at $6,000 a year and selected a man for that position who in his prime—and he is getting to be an old man—never received more than $3,000 a year, as I understand it; but the board fixed his salary at $6,000. We have fixed his salary in the bill at $4,500.

But that is not what I rose to talk about. It is this: That if this agency is ever to perform the great function that this Congress intended it to perform, it must economize. It can not organize on the same basis of the Federal Reserve Board. It is trying to follow in the footsteps of the Federal Reserve Board and fix large salaries. That board must remember that the Agricultural Department took a survey of three of the greatest agricultural States in the Union—Indiana, Illinois, and Iowa—and the survey cost a great deal of money. That department found that the farmers in those three States were making on an average less than 3 per cent on their investment. Yet here is an organization created to help the farmers, loading itself up with high-salaried positions, and some of them useless positions. Congress made a mistake when it fixed the salary of the members of the board at $10,000. We ought never to have fixed their salaries at more than $7,500 a year; but having fixed the salary of the members of the board too high, the board commenced to fix the salaries of every person employed by the board or contained within the organization, at considerable more than they should have paid. The conference report, it seems to me, fixes some of the salaries too high; and yet it is a reduction of the amount paid by the board of 50 per cent, and in one instance we dropped the publicity agent who performed little or no real services except to draw his salary.

Now, I think if this farm-loan system is to be successful, and I believe it will be successful in some instances in many parts of the country, not in agricultural communities like Indiana, Illinois, and Iowa, but in other places. It may have some, it must be economical, it must adopt a different program from the one it has started out on. It must economize, just as the farmers that it would help must economize, to make 3 per cent on their investments. So far in fixing salaries it has simply tried to ape the Federal Reserve System of paying large salaries. In that regard it is subject to severe criticism.

Mr. McCRACKEN. Will the gentleman yield at that point?

Mr. GOOD. I will.

Mr. McCRACKEN. But the gentleman would not urge that the Farm Loan Board in carrying on a great business should employ men at low salaries, because it can not get competent men to carry on this very important work at the salaries indicated?

Mr. GOOD. Now, let me give the gentleman an illustration, as the illustration answers the argument. The secretary of the board, formerly a joint employee of the House and Senate for a number of years, received $3,000 a year for all his time when he was a younger man than he is now. This board turned in and employed him at $6,000 a year, and he was very glad to get his former employment and salary.

Mr. McCRACKEN. But the gentleman is discussing an individual and not discussing the requirements of the position.

Mr. GOOD. Oh, I assume that the board selected a man who was competent to fill the place, and they thought he was so competent that they fixed his salary at $6,000. Does the gentleman mean to say he is not competent? Quite a contrary claim is urged for him. I say the position does not call for a salary of more than what this gentleman received when he was in the joint employ of the House and Senate; and I hope this board will realize that they can not advance by building up a costly and extravagant system. If they succeed they must economize.

Mr. BYRNS of Tennessee. Mr. Speaker, I am sure that the Farm Loan Board does not deserve the criticism offered by my friend the gentleman from Iowa [Mr. GOOD]. I think this board has shown that it has a true and proper idea of economy, and while there are some differences of opinion as to the salary which was fixed for one or two of the employees serving under them, notwithstanding an investigation of the record made by this board in the employment of those necessary to perform the duties here in Washington will show that they have a proper and due idea of economy. Now, this is a great law. In my judgment there are few, if any, statutes that have been placed upon the statute books under this administration which will do as much to benefit the great farming elements of this Nation as this farm-loan act. The board did fix the salary of its secretary at $6,000, but it did that because it thought that the position involved not only the supervision of clerical duties, but a man of some executive capacity, which warranted that kind of a salary, and I want to call attention to the fact that the Federal Reserve Board now has a secretary at $9,000 and an assistant secretary at $7,500, and I understand that the secretary of the Shipping Board gets $5,000, and likewise similar positions in the Federal Trade Commission. The conferees have fixed the salary of the secretary of the Farm Loan Board at $4,500, which, in my judgment, is a reasonable sum to pay a man qualified to perform the duties of that important position. Certainly, we ought not to discriminate against this board, charged as it is with the proper administration of this law, which means so much to the farmers.

Mr. HOWARD. Mr. Speaker, I desire to ask the gentleman this question.

Mr. BYRNS of Tennessee. I yield to the gentleman for a question.

Mr. HOWARD. I desire to ask the gentleman from Tennessee, and he has yielded to me for a question. Who fixes the salaries of the officers in the regions? Does not the Farm Loan Board fix them?

Mr. BYRNS of Tennessee. Yes; the Farm Loan Board fixes them.

Mr. HOWARD. And those salaries are paid out of the earnings of the regional banks to which the Government subscribed practically all the stock, eventually coming out of the Government?

Mr. BYRNS of Tennessee. Yes; it comes out of the receipts of the bank.

Mr. HOWARD. I understand that, but——

Mr. WINGO. I think the gentleman is in error. They are not all paid; some are paid by the Government.

Mr. BYRNS of Tennessee. The registrars and title examiners are paid by the Government, and the other positions——

Mr. HOWARD. The land appraisers.

Mr. BYRNS of Tennessee. They are not paid by the Government.

Mr. HASTINGS. I beg the gentleman's pardon——

Mr. BYRNS of Tennessee. They are paid by the banks.

Mr. HASTINGS. No; the land appraisers are not paid.

Mr. BARKLEY. Fixed by the Farm Loan Board.

Mr. BYRNS of Tennessee. The land appraisers are paid out of the receipts of the bank. I want to make this further brief statement simply in justice to the Farm Loan Board: The gentleman from Iowa refers to its publicity agent. This law was passed and the board organized only a few months ago, and it was absolutely necessary to have some position of this kind in order to bring to the attention of the farmers and the people throughout the sections of this country the advantages and benefits of this law when the board made its trip over the country for the purpose of having hearings with reference to the location of these banks. The board states it is not its

purpose to indefinitely continue the services of this agent, but they propose to dispense with his services. It was on this statement to the conferees that this was stricken out.

Mr. FERRIS. Will the gentleman yield?

Mr. GOOD. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman from Iowa for a question.

Mr. GOOD. The Senate put in a provision at the request of the Farm Loan Board, as I understand it, fixing the salary for the year ending June 30, 1918, for this very amount.

Mr. BYRNS of Tennessee. Quite the contrary, I will say to the gentleman. The Senate fixed the salary of a publicity agent for the reason that the board now has such an official, but a memorandum sent to the conferees—and I am sure the gentleman will recall it—by the Farm Loan Board stated expressly that it was not intended to have the publicity agent any longer than this fiscal year, and possibly not that long. And it was for that reason the conferees struck it out. In conclusion, I wish to commend this splendid board. They are without exception a set of earnest and most capable gentlemen, working diligently to make this great measure of the greatest possible benefit to the farmers and the country at large.

I yield 15 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I have no very important message for the House this morning, though I wanted to discuss a few of the items in this bill. It seems to me quite evident that the distinguished body at the other end of the Capitol has gotten into that frame of mind where, apparently, they are not likely to pass the Army appropriation bill, or the sundry civil bill, or the Military Academy bill, or the deficiency bill. And as it is impossible, apparently, to provide by resolution for the deficiency bill, or the sundry civil bill, or the Army bill, there is every probability that we will have the pleasure—that rare pleasure—of meeting each other again before December. Though the parting is hard when we separate, the coming together again is always a matter of joyful glee; and I hope that the other Members of the House will feel as I do, that Washington is a beautiful place in which to stay, though I am quite free to admit that I would be very well satisfied to deprive myself of that rare pleasure during the coming summer. [Applause.]

One of the first Senate amendments to this bill was to strike out an item which the House had passed in reference to the clerks of Members, and to vote in an amendment framed and agreed to by the distinguished body at the other end of the Capitol. That of itself showed a sort of a disorganization and looseness of mind which I suppose we might have understood then would probably result in the failure to attend to the business of Congress and give us an extra session, though I am free to admit, after a considerable experience here, I never have given any credence to the probability of a special session until yesterday, because I have heard many, many times the bluffs that are put up by certain distinguished gentlemen not Members of this House—I believe that is parliamentary—about what they would do if they did not have their own way. I have never known it heretofore to cause an extra session of Congress. I do not think it would this time if it had not been for the unusual emergency which the President called to our attention.

When this Senate amendment came over to the House the House took the only course that it could well take. It disagreed to the Senate amendment and sent word to the Senate that it adhered to its disagreement. There never was any further trouble about that amendment. It was handled just as easily as the resolution which the House sent to the Senate last night, where it said to the Senate, "We have received your kind letter, but return it to you because we will not read it. We have only read one item in it, and that is none of your business." And it was not; and they recognized the fact, because, whatever else you may say about the distinguished gentlemen at the other end of the Capitol, they are great men. [Applause.] It is a great legislative body. I recognize that fact, and in course of time, when they take time to deliberate about some of these important questions and learn the attitude of the House in regard to them, they usually reach a just final conclusion.

That was the case in reference to the amendment to this bill called Senate amendment 71, where the House, after due deliberation by the Appropriations Committee of the House, then by the House itself, inserted an item as to what the House believed it was proper to do in reference to some increase of compensation caused by the great prosperity of the country, resulting in the higher cost of living. And though we were told that the Senate would never recede from its proposition, and though that telling really influenced almost a majority of the House, and did influence, I believe, all of those who are usually referred to as leaders on the Democratic side of the House, yet there was a feeling on the part of all the Members of the House, notwithstanding the way some of them voted, that after all that was mainly talk, and that if the House would insist the Senate would recognize what was right and justice and would recede from its position. I congratulate the Senate upon coming to the conclusion that the action of the House was meritorious; that the action of the House attempted to give justice; that the action of the House was right; and that, whether it was or not, they had to give in.

The House is a great legislative body, a noisy body, with a large membership, but a great legislative body. [Applause.] The Senate of the United States is also a great legislative body. We write most of the legislation, not all of it, but very frequently in writing our legislation we forget to dot the "i's" and cross the "t's," and they perform that useful function for us. [Applause.]

All we need to do in the House is to be reasonable, and we have no right to be unreasonable, with the Senate. The Senate is frequently right where we have acted possibly wrongly, and their opinions are entitled to great consideration. They give long discussions frequently, which generally they do not listen to, to great questions, and gradually some of the conclusions soak into the minds of men both in the Senate and the House and throughout the country. But the House with its great membership, closer to the people than it is possible for the Senate to be, is, notwithstanding the newspaper opinion, a great legislative body.

And I will tell you why the newspaper opinion generally is that the Senate is the influential body. Nearly every great newspaper man of the country, of the greater newspapers of the country, have two representatives in Washington. One is the senior representative and the other is the junior representative. The junior representative is almost always the more active of the two. [Applause.] He is the one who really gets the information. But the senior representative, following the belief that came down when Congress was created, thinks that it is up to his dignity to go over on the Senate side, and there he hears what the Senate says. He writes from the senatorial point of view; and when his junior has given him the facts he usually colors them from the Senatorial point of view, because, with his dignity, he wants to carry out the idea that the body that he is waiting upon is the more dignified of the two. But the juniors always know, as a matter of fact, that the House is the real legislative body [applause], and that they themselves are the real news gatherers at the Capitol. [Applause.]

Mr. Speaker, how much time have I remaining?

The SPEAKER. One minute.

Mr. MANN. Well, I am in a liberal frame of mind. I have one minute, and I yield it to the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 18542. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes;

H. R. 20496. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors; and

H. R. 20827. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 334. Joint resolution authorizing the President to appoint delegates to attend the Tenth International Congress to the World's Purity Federation to be held in the city of Louisville, State of Kentucky, November 8 to 14, 1917.

The message also announced that the Senate had agreed to the reports of committees of conference on the disagreeing votes of the two Houses on the amendments of the House to bill of the following title:

S. 8296. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7766. An act for the relief of Guy A. Richards, Jesse L. Robbins, Isaac M. C. Grimes, William L. Irvine, and David Cox.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 778) to authorize an exchange of land with owners of private holdings within the Glacier National Park.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 20496. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 20827. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 18542. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes; and

H. J. Res. 334. Joint resolution authorizing the President to appoint delegates to attend the Tenth International Congress of the World's Purity Federation, to be held in the city of Louisville, State of Kentucky, November 8 to 14, 1917.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 778. An act to authorize an exchange of lands with owners of private holdings within the Glacier National Park; and

S. 135. An act for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

JOINT COMMITTEE ON PNEUMATIC-TUBE SERVICE.

The SPEAKER. It will be remembered by those gentlemen who know what happened that the Post Office appropriation bill contains a provision for the appointment of a joint committee on the aggravating question of pneumatic tubes. Originally the House conferees appointed by the Speaker were Judge MOON, Mr. BELL of Georgia, Mr. Cox of Indiana, Mr. STEENERSON of Minnesota, and Mr. MADDEN of Illinois. Now, these gentlemen, with a delicacy that does them honor and carries out the real intention of the House, suggest to the Speaker that, inasmuch as they have been mixed up in this earnest, not to say bitter, controversy about these tubes, they be excused from the service. I think they deserve a great deal of credit for it. [Applause.] The Chair appoints the next three——

Mr. MANN. Mr. Speaker, I do not think they ought to be excused. [Applause.] The mere fact that these gentlemen have delicacy and information does not seem to me to be a sufficient reason for excusing them.

The SPEAKER. Well, if the House thinks that——

Mr. MANN. I think that is the unanimous judgment of the House——

The SPEAKER. The Chair appoints Mr. MOON, Mr. BELL of Georgia, and Mr. STEENERSON, the original conferees. [Applause.]

SURVIVORS OF CERTAIN INDIAN WARS.

Mr. KEATING. Mr. Speaker, I call up the conference report on the bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January 1, 1891, inclusive, and for other purposes.

Mr. KEATING. Mr. Speaker, under the unanimous-consent arrangement entered into last night, I presume the motions made by the gentleman from Utah [Mr. MAYS] and myself are now pending. Is that correct, Mr. Speaker?

The SPEAKER. Yes.

Mr. KEATING. This bill, which is designed to pension the survivors of the Indian wars in the West, was passed by the House in February, 1916, and by the Senate in May of that year. Then the bill, with the Senate amendments, was referred to a conference committee. That conference committee has been endeavoring since last May to reach an agreement, and finally on yesterday decided to report an agreement on all the Senate amendments with the exception of No. 9, and to report a disagreement on No. 9 and to submit that amendment to the House.

I might say that the agreement on all the other Senate amendments was entered into last May. We never had serious controversy over those amendments. No. 9 was the only amendment that divided the conferees. No. 9 provides that if an applicant for pension finds it impossible to prove his service from the records in the War Department or the Treasury Department he may go to the State or Territorial archives for the necessary evidence.

It would appear that in 1865, 1866, and 1867 there was an Indian war in Utah known as the Black Hawk War because the Indians were led by a famous Indian chieftan named Black Hawk. At that time Gen. Sherman was in command of the Federal troops near Salt Lake.

Mr. HOWELL. Mr. Speaker, if the gentleman will permit, Gen. Sherman was acting Secretary of War.

Mr. KEATING. They appealed to Gen. Sherman, did they not?

Mr. HOWELL. Yes; they appealed to Gen. Sherman.

Mr. KEATING. Yes; the gentleman from Utah is correct. Gen. Sherman was acting Secretary of War, and the people of Utah appealed to him to furnish troops to protect the settlements.

Mr. HOWELL. The governor and the Superintendent of Indian Affairs made the request.

Mr. KEATING. The people of Utah, through the governor and the Superintendent of Indian Affairs made an appeal to Gen. Sherman, acting Secretary of War, to furnish troops to protect the settlements. Gen. Sherman replied that he could not furnish the troops because they were needed to guard the overland mail routes, and the Territorial governor proceeded to organize militia in the various towns of the Territory and that militia fought the Indians some two or three years. The State or Territory of Utah afterwards presented a claim to the Federal Government for the services of these men, but the claim was never allowed by the Congress of the United States.

As a consequence the men who served in those militia organizations would not be entitled to pensions under the bill as it passed the House, because under the House bill and under all other pension legislation that we have enacted in this country since Revolutionary times it has been necessary to show either that the applicant for pension had been mustered into the service of the Federal Government or that he had served in a State military organization and that the State had been compensated for the services of that organization.

Now, that is the issue before the House, so far as amendment No. 9 is concerned. Will you establish a new rule in pension legislation? Will you go to the State or Territorial archives to get the evidence to show that the service was rendered? There is no controversy on the proposition that these men rendered most important service in the operations against the Indians.

Now, Mr. Speaker, I would like to yield a few minutes to the chairman of the committee, Mr. KEY of Ohio.

The SPEAKER. The gentleman is recognized for how long?

Mr. KEY of Ohio. Five minutes.

The SPEAKER. The gentleman from Ohio is recognized for five minutes.

Mr. KEY of Ohio. Mr. Speaker, this is a very important amendment. The amendment provides that when there is no record of service or payment for same in the War Department or Treasury Department the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives.

There is a proviso in that amendment that the gentleman from Colorado [Mr. KEATING] failed to mention, and, in my opinion, it is the most vicious piece of legislation that was ever attempted in the way of pension legislation. It reads:

And provided further, That the want of a certificate of discharge can not deprive the applicant of the benefits of this act.

Now, do the Members of this House appreciate and realize what that means? It means that every deserter, provided he served 30 days or more can come in and be pensioned.

Mr. McCRACKEN. Will the gentleman yield at that point?

Mr. KEY of Ohio. I yield to the gentleman.

Mr. McCRACKEN. I think I can explain the reason for the submission of that amendment. That was simply this, that there were a number of men who were gathered up in an emergency, in the mountain country, who volunteered for service against the Indians, and probably served only a very short time, but participated in several engagements. Those men can not be provided with a discharge or any other papers, because they were never regularly mustered in.

Mr. KEY of Ohio. This amendment would include all that type of soldiers, and it is an innovation in pension legislation, and it is dangerous.

Mr. McCRACKEN. Admitting that it may be dangerous, I will say to the gentleman that I hope I may concur with the

conference committee; but the reason for it is what I have stated, and the gentleman should not charge that it is vicious.

Mr. SWITZER. Will the gentleman yield?

Mr. KEY of Ohio. Yes; I yield to my colleague.

Mr. SWITZER. Is there any way provided by which they can establish their identity and their connection with the service, and that they actually served?

Mr. KEY of Ohio. Yes; in the manner indicated by the gentleman from Colorado [Mr. KEATING].

Mr. KEATING. By evidence satisfactory to the Secretary of the Interior.

Mr. LANGLEY. What character of service is required?

Mr. KEY of Ohio. They must have served at least 30 days. I will say to the House that I have prepared a statement setting forth the amendment and the reasons why I think this amendment should not be adopted. I can not understand how the Senate of the United States could pass an amendment to a bill providing what this amendment does. I will ask the Clerk to read the statement to the House.

Mr. NORTON. Will the gentleman from Colorado yield?

Mr. KEATING. The gentleman from Ohio [Mr. KEY] has the floor. He wishes this statement read.

The SPEAKER pro tempore (Mr. SAUNDERS). The Clerk will read the statement.

The Clerk read as follows:

On page 5, line 17, amendment No. 9, the Senate added:

"*Provided*, That when there is no record of service or payment for same in the War Department or Treasury Department the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives: *And provided further*, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this act."

Your committee of conference on the part of the House objected and refused to concur in this amendment, for the reason that it is without precedent and an innovation in pension legislation which, it is believed, is most unwise and unjustified. This would recognize, if enacted into law, service established entirely by State or Territorial rosters, without one scintilla of record in the Federal archives of any department that Federal service was rendered. In this it is unwise. It would recognize, further, if enacted into law, a pensionable status of a State service every day of which was rendered subsequent to 1865, when such recognition has been denied thousands and thousands of State troops of the various States mustered into and who rendered some service of some character during the Civil War of 1861 to 1865. This would be unjust, and for this reason your committee on the part of the House has steadfastly refused to concur in the Senate amendment and asks the support of the House in this stand. That part of the amendment which waives the requirement of a discharge certificate as a requisite to pensionable status is pernicious, without precedent in any pension law, as it would directly provide for pensioning a man whose service was terminated by desertion or imprisonment for crime for which he was convicted and subsequently dishonorably discharged. And, furthermore, it is in conflict with the provisions requiring an honorable discharge in other portions of the section to the bill.

Mr. KEATING. Mr. Speaker, I yield five minutes to the gentleman from Utah [Mr. MAYS].

Mr. MAYS. Mr. Speaker——

Mr. SHERWOOD. Will the gentleman from Utah yield?

Mr. MAYS. I yield to the gentleman from Ohio.

Mr. SHERWOOD. How many soldiers are involved in this provision?

Mr. MAYS. Some two hundred, according to the best records.

Mr. Speaker, we have pending my preferential motion to recede and concur in Senate amendment No. 9, which relates to the sources of proof for the establishment of the fact and length of service.

After vain appeals had been made to the Federal Government by the governor of Utah, who was appointed by the President of the United States, these Indian fighters, in order to protect their settlements, went out and fought the Indians under the chief Black Hawk, furnished their own horses, their own guns, and their own supplies. As the gentleman has said, these Indian wars occurred at intervals from 1865 to 1867. It was a periodical war, lasting 15 days at one time, and 30 days at another, and so on.

Mr. MILLER of Minnesota. Will the gentleman yield for an inquiry?

Mr. MAYS. I yield to the gentleman from Minnesota.

Mr. MILLER of Minnesota. Could not the objection raised by the gentleman from Ohio [Mr. KEY] be removed by inserting after the word "applicant," in line 23, the words "who was not a deserter"?

Mr. MAYS. I think that would remedy the objection, and I see no objection to that amendment. Now, these people have never been compensated by the Government. The State of Utah appropriated at one time $50,000 to pay these old Indian fighters out of the State treasury. I have just this morning received a telegram stating that the Utah Legislature now in session has just appropriated $50,000 more for that purpose.

Mr. KEY of Ohio. Will the gentleman yield?

Mr. MAYS. Yes.

Mr. KEY of Ohio. Is it not true that practically every State in the Union has been reimbursed by the Federal Government where it made a proper showing, and is not the State of Utah about the only State that has never been reimbursed?

Mr. MAYS. That is all the more reason why this legislation should be enacted. There is no good reason why the State of Utah has not been reimbursed except that it was a Mormon community. That was the only earthly reason anybody has ever given. These men were mostly Mormon citizens of that State, but they were loyal and true to the country, and they fought to control Government territory; they fought for the United States Government and preserved the settlements of that territory. They defended the property of the United States, and the fact that the Government has never compensated the State of Utah is the reason that they can not now make the proofs that are necessary, but is no reason that justice to those pioneers should be longer withheld.

Mr. KEY of Ohio. If they can not make their proof, why should we waive that proof?

Mr. MAYS. Under this amendment they must make proof satisfactory to the Secretary of the Interior.

Mr. KEY of Ohio. They have never been able to do that.

Mr. MAYS. This will permit them to be able to do that.

Mr. SHERLEY. The gentleman says there are only 200 of them.

Mr. MAYS. Only about 200.

Mr. SHERLEY. Why do they not present individual claims to the committee so that each particular case can be investigated?

Mr. MAYS. That would multiply legislation.

Mr. SHERLEY. But you do not hesitate to pass hundreds and hundreds of pension bills every year.

Mr. MAYS. This bill is general in its terms.

Mr. SHERLEY. That is the vice of it.

Mr. MAYS. Not only this amendment, but the whole bill is general in its terms. It provides in a general way for pensioning the survivors of the various Indian wars of our history. The country's debt to these men who met and conquered the cruel, heartless savage of the West can never be fully repaid. They blazed the path of civilization. Other States have been compensated for such manly services of their citizens. The father of this bill [Mr. KEATING], who refuses to support my motion, admits that the services were rendered in full measure. Why not pay the bill? We should not invoke the aid of technicalities to avoid a just obligation.

Mr. HOWELL. As I understand it, they would not have any status before the Committee on Pensions. The Committee on Pensions will not consider these claims.

Mr. LANGLEY. Not unless there is some general legislation conferring a pensionable status upon that class. That is the rule of the committee. I do not agree with it, but have been unable to get it amended.

Mr. HAYDEN. Will the gentleman yield?

Mr. MAYS. I yield to the gentleman from Arizona.

Mr. HAYDEN. I have presented individual bills to the Committee on Pensions for soldiers who rendered service in the Indian wars in Utah. In each case I have been told by the committee that these men have no pensionable status and that therefore the committee could not report out a special bill for their relief, but that general legislation must be passed.

Mr. SHERLEY. Do I understand that what you would not do in an individual case after investigation, you are willing to do by wholesale, without investigation?

Mr. MAYS. We have made investigation. These pioneers rendered the services. The State has a just claim covering the expenses incident to defending the settlements against the savages who were the wards of the General Government. Gentlemen say, though the cause of these veterans may be just, it might prove a dangerous precedent to meet the obligation. Unjust claims might be encouraged. Honest men do not refuse to pay honest debts through fear of future fraudulent claims.

Mr. LANGLEY. We have encountered the same difficulty in trying to get relief for the Kentucky and Missouri Militia who rendered service for a much longer period than the gentleman says these men rendered. Some gentlemen think, as I said a while ago, that we ought not to pass a private bill for their relief, because general legislation ought to be enacted covering all of them, and others say, as my colleague from Kentucky [Mr. SHERLEY] says, that we ought not to have general legislation but special legislation, and between the two opposing contentions we have never been able to get any relief for them at all.

Mr. SHERWOOD. Was not the reason because they were never mustered into the service of the United States?

Mr. LANGLEY. Unquestionably; there is where all the trouble lies.

The SPEAKER pro tempore. The time of the gentleman from Utah has expired.

Mr. KEATING. I yield to the gentleman three minutes more. He has been interrupted.

Mr. MAYS. These men fought the Indians under orders, or at least under a suggestion from the United States Government. The governor of the Territory, a Federal appointee, appealed to the United States Government for protection of these settlements. The Acting Secretary of War replied, as the gentleman from Colorado [Mr. KEATING] has well stated, that he needed all the army he had under his control simply to protect the trails and keep the mail service open.

These old men—young men then, but old men now—200 or more of them, went out and fought the Black Hawk Indian wars. We ask only that evidence satisfactory to the Secretary of the Interior may be established by resorting to the State archives for such purposes, and we think that is just and fair. The records are reliable. The veterans ought to be compensated. The whole bill provides for general legislation to which gentlemen have objected. Various wars are mentioned, the Black Hawk Indian war among the number. The legislation would do the old Indian fighters no good unless some method other than that provided in other parts of the bill be established.

Mr. BURNETT. Will the gentleman yield?

Mr. MAYS. Yes.

Mr. BURNETT. Is there any particular length of service to be proved under the bill before they are entitled to a pension?

Mr. MAYS. The bill provides that they must have served 30 days, or through the entire Indian campaign.

Mr. KEY of Ohio. Mr. Speaker, I would like to ask the gentleman this question: In my State of Ohio there are now, I believe, in the neighborhood of 50,000 troops who served in the Civil War. In nearly every instance these men had from 50 to 70, and some 78 and 88, days' service. They were actually mustered in and were mustered out of the service. These men could not now be pensioned. Does the gentleman think it would be justice to the 50,000 or 60,000 troops who were actually in the service to be denied a pension while these Indian-war men who only had 30 days' service—were never mustered in—should get a pension? Does the gentleman think it is fair to throw down the bars at this time?

Mr. MAYS. The gentleman is making a speech in my time. That is another matter, and should stand on its own merits. The Government, however, furnished the men that the gentleman refers to with their horses, guns, and supplies. In the case of the Indian fighters, they furnished their own horses, their own guns, and their own supplies, and they never received a dollar for that service. They defended Government property, and that territory has been sold for millions of dollars since and the money covered into the Treasury of the United States. I think it is only fair that we should concur in the Senate amendment; otherwise the whole legislation will fail.

Mr. KEATING. I yield to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Speaker, I shall not take up much of the time of the House, because in this rush, with all the congested conditions surrounding us, I realize the House has not the patience, nor can we spare the time, especially since an amendment to this bill can not be made at this stage so as to include the State militiamen of Kentucky, Missouri, and other States who rendered valuable service to the Union cause during the Civil War, and realizing, as I do, that I can not by talking now advance the interests of these militiamen, whose cause is so near my heart. I am in sympathy with the general purpose of this bill. I have made a plea almost every session of Congress during the past 10 years for some general legislation which will widen the scope of the pension laws so as to reach those soldiers who, although not mustered into the United States service, rendered just as faithful and patriotic service to their Government in time of war as those who were mustered in. The gentleman from Missouri [Mr. RUSSELL] and myself and others have been earnestly seeking during all these years to get some relief for them. We even proposed to limit that relief to cases where the service was for 90 days or more, and still Congress has thus far denied us. We have tried to get a special rule adopted by the joint Pension Committees of the two Houses which would permit relief by special act in needy and deserving cases where the soldier is shown to have rendered that much service and is now in a dependent and helpless condition, and that relief was denied us. It is true that we secured the adoption of such a rule by the House committee, but the Senate committee contended that the relief ought to be extended to all by general legislation. We secured a favorable report once from the House committee on a general bill of that character, but we have never been able to get that through Congress. The cause of these militiamen has thus fallen between these two contentions: The one that these cases should be handled by special act and the other that they should be covered by general legislation.

If the Senate committee had agreed to the rule adopted in a previous Congress by the House committee, many cases of these old fellows would have been provided for by now. And yet here comes a proposition from the Senate to pension these militiamen who were engaged in the Indian wars if they rendered 30 days' service. I do not underestimate the valued and patriotic and unselfish service these Indian fighters rendered and I do not wish to put myself in the position of opposing recognition for them; but, Mr. Speaker, I have not up to this moment been able to get the consent of my conscience to vote for this Senate proposition to reward the 30 days' service of these western militiamen while Kentucky militiamen, many of whom rendered a much longer period of service, are left without recognition. It seems to me that it is unjust discrimination, and when I think about voting for it these old, needy, and helpless militiamen down in Kentucky come into my mind and my conscience seems to tell me that these Indian fighters, deserving as they are, who fought after the Civil War and are therefore presumably younger on an average than the Kentucky militiamen, ought to wait until they can all at least be treated alike and provided for in one general bill when the condition of the Treasury, now unfortunately depleted, will warrant such legislation. I dislike very much to vote against the Senate proposition, but I fear that I shall be compelled to do so in obedience to the sense of injustice which I feel over the unfairness of it. I give notice now that I shall bring this question of pensioning the militiamen of Kentucky, Missouri, and other States up again in the next Congress. I agree with all that has been said about our duty to those who have fought our wars, whether they were regularly mustered or not, and if my service as a Member of Congress was to close to-morrow, I would be proud of the privilege of making my last words on this floor an appeal in their behalf.

Mr. Speaker, I want to show that the service rendered by these Indian fighters, valiant and unselfish as it was, is no more deserving of the gratitude of this Republic than are the services rendered by these other militiamen, and that there is an additional argument in favor of the latter because most of them rendered a much longer service and certainly a service as important to the country. I know this is not the time to do that, and I therefore ask unanimous consent to extend my remarks in the RECORD on this question.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KEATING. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker and gentlemen of the House, let no man be swayed by the desire to do what doubtless is a justice to some individuals in passing a law that throws the door wide open to fraud. It is unfortunately true that our pension legislation and the liberality of the Federal Government toward its soldiers of all wars has been darkened and blackened by fraud in connection with the obtaining of pensions; and the ingenuity of the Government has had to be exercised in many ways to prevent men not entitled to anything except its condemnation from being made pensioners for life at the expense of the Federal Treasury.

The effect of the amendment is to throw away every safeguard heretofore put up against fraudulent claims; and, if it passed, instead of 200, there will be thousands of pension claims filed and many allowed, because of the inability of the Government to prove the fraud and perjury that will lie back of the claim. It is proposed practically that State records, in the absence of Federal Government evidence, shall prove the status of the soldier, and that he does not have to have even an honorable discharge. In the concluding days of this Congress we have passed some pension bills that, if I am correctly informed by a Member, I think, of the Committee on Invalid Pensions, ought never to have received the sanction of the House; bills that were originated in the other body, and then the House was told that unless we accepted what they offered us our own bills must fail, and under that plea they went through. I am advised by this member of the Committee on Invalid Pensions that within the last week we granted a pension to a man who not only had a dishonorable discharge, who had violated some of the most important rules of war, had been guilty of conduct so dishonorable that instead of being pensioned he should be scourged away from people of respect.

But that is all behind us; this is in front of us. I want the House to understand the proposition. Amendment No. 9 provides:

That when there is no record of service or payment for same in the War Department or Treasury Department, the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives: *And provided further*, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this act.

You are just throwing away the barriers to protect the Treasury. I repeat that if there were only 200 men affected, this Congress passes hundreds of pension bills every session. If the Committee on Pensions has made an arbitrary rule not to consider such individual cases as this, let them change that rule. That is no reason why by general statute we should throw away all of our safeguards. Let them come with the proof in each individual case. Let us have something more than these loose statements as to the number that are affected, to warrant us in disregarding all the requirements that we have placed around pension legislation heretofore.

Mr. LANGLEY. Will the gentleman yield?

Mr. SHERLEY. I will yield to the gentleman from Kentucky.

Mr. LANGLEY. I understood the gentleman to say that the alternative proposition put up to us was that unless we agreed to the bills of the Senate our bills could not pass.

Mr. SHERLEY. I did not say it was put up to the gentleman. I do not know what was put up to him. I simply say that I was told by a gentleman, I think a member of the Invalid Pensions Committee, that these bills went through from the Senate and that they had to take the Senate bills in order to get the House bills through, and that one of those bills was of the character I have described.

Mr. LANGLEY. I do not know. I am not personally familiar with every bill, but that did not occur.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. KEATING. Mr. Speaker, I yield to the gentleman from Utah [Mr. HOWELL].

Mr. HOWELL. Mr. Speaker, during my entire service in the House I have endeavored to secure just recognition and pension of the valiant pioneers who defended the outposts of civilization against Indian depredations and merciless Indian warfare. When this bill was under consideration in the House, as reported by the Committee on Pensions, it did not contain the provision covering the Indian wars in Utah during the years 1865, 1866, and 1867, inclusive. I offered such an amendment, and fully explained on that occasion the tragic history of early Indian wars in Utah, and the House accepted that amendment against the opposition of the chairman reporting the bill, and the bill passed the House. In due course of time it passed the Senate with certain amendments, all of which have been agreed to in conference but amendment No. 9, which reads as follows:

Provided, That when there is no record of service or payment for same in the War Department or Treasury Department, the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives: *And provided further*, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this act.

This is the only question now standing in the way of the bill becoming a law. This bill is in all likelihood the last pension bill for service in Indian wars that the Congress will be called upon to consider. The condition which confronted the pioneers on our frontiers and remote sections a half century ago have passed away forever, and but a small remnant of that heroic vanguard who carried the standard of civilization remains with us.

This bill, then, was intended to cover all Indian wars, for service in which the Government will justly and generously grant pensions. The Indian wars which occurred in Utah have been included in the bill, but without the liberal provisions of the Senate amendment, from the nature of the case and the unusual conditions under which the service was rendered many of these deserving veterans would be precluded from establishing their claims. To them the bill would make the promise to the ear but break it to the hope.

Now, what are these conditions? The pioneer settlers in the southern and central part of Utah were subjected to a most cruel and desolating Indian war during the period from 1865 to 1867. The Indians, emboldened by early successes in capturing booty, prepared to plunder the entire southern frontier.

The Superintendent of Indian Affairs, realizing the threatened danger, made a requisition through the Territorial governor upon the Secretary of War for an adequate military force to suppress the uprising and protect the people. The Secretary of War was unable to grant the request, stating that all available troops were imperatively needed to protect the overland mail and the settlers on the route, and suggested that the governor must rely upon the territorial militia to meet the emergency. Accordingly the militia was called out and right loyally responded to that call. To have a true conception of the time and surrounding conditions we must remember that these trying times occurred when these people were a thousand miles from the frontiers of so-called civilization. They were isolated and poor, struggling against the obstacles of nature in redeeming the wilderness and the desert. The perfection of the organizations of Government in older communities had not yet been attained, but of necessity the militia had been fully organized and embraced every able-bodied man in the community. Remembering these early conditions as a boy, and knowing of the awful fear that was in the hearts of women and children when these Indian uprisings were threatened, and knowing with what courage, self-sacrifice, and readiness the militia as minutemen rallied to the defense, the unjust criticism of the gentlemen who have referred to this amendment as vicious and opening a door to fraud in obtaining pensions sounds singularly incongruous and absurd. Deserters and frauds are not the stuff of which these voluntary brave defenders are made.

The hoary heads of these brave men are held in honor in every State where they toiled and fought in every way for progress. The part they played in laying the foundations of our Commonwealth is told in song and story. They are well known. The record of their service, including the muster rolls, is established in public documents of the Federal Government, as well as in the archives of the State.

It is contended that the adoption of this amendment will open the door as a precedent for pensioning State militia. Those making this argument are entirely wanting in that imagination that can place them in the situation of these veterans.

There is no complete analogy between the forces of a sovereign State which for reasons sufficient for them refuse or neglect to enter the military service of the United States and the militia of a Territory subject to the orders of the governor, their commander in chief, and himself the direct appointee of the President of the United States, the commander in chief of all Federal forces. The organization of a Territory is merely the agency of the Federal Government. Any gentleman who considers the matter a moment must differentiate between the militia of a Territory and that of a sovereign State.

Furthermore, I want to emphasize the fact that these Indian volunteers or militia could not be mustered into the service of the United States. There was no one to muster them in, even if there had been authority for it. The crisis had to be met, without regard to future personal considerations. They gave their strength and risked their lives in this cause.

Mr. LANGLEY. Will the gentleman yield to me there?

Mr. HOWELL. Yes.

Mr. LANGLEY. I have given a great deal of study to the militia question. A number of the Missouri and Kentucky Militia, under the command of Federal officers, performed service and were armed and equipped by the Federal Government, and we have tried to get recognition for those who served 90 days or more.

Mr. HOWELL. There is a marked difference in the pension policy of the Government in dealing with Indian and other wars. The very nature of Indian warfare and the atrocities and horrors involved in it, as well as its suddenness and temporary character, has always been recognized by Congress. Different rules of service and proof in Indian wars have been written into these laws from what is customary in all other wars. There has always been shown a liberality and spirit to mete out justice in these Indian wars without regard to a strict observance of all those precise channels of evidence which are so requisite and essential in a thorough and perfect military organization.

Mr. LANGLEY. Neither is there a difference between the Federal troops and the militia.

Mr. HOWELL. If the claim which Utah presented in 1869 for reimbursement and compensation for these services had been appropriated for this amendment would not be necessary in our particular case. Utah has undoubtedly a just and valid claim for reimbursement for these services, which Congress will some day acknowledge and pay, but it is cruel and unjust to argue because Congress has not made just and adequate compensation for this service that for that reason these survivors should be further deprived of a pension freely given to all others who rendered similar service. Such objections are flimsy and technical and ought not to weigh with this House under the circumstances.

Mr. BORLAND. Will the gentleman yield?

Mr. HOWELL. For a question.

Mr. BORLAND. It is customary in Western States, in case of a militia of this kind, to reward them by land scrip of various kinds, is it not? Was anything done in that way for these men?

Mr. HOWELL. To the best of my knowledge there has been no recognition of this service on the part of the General Government whatsoever. There is only the fact that it was performed under Territorial authority and in accordance with the demand of the Indian Superintendent at that time, who was in charge of the Indians and a Federal officer.

The magnitude of these Indian disturbances and the invaluable service rendered by those who served in them is fully recognized and admitted by the opponents of the amendment, but they strenuously resist the essential provision that will make them beneficiaries under the bill. They are content to make the promise to the ear in section 1 of the bill, but now seek to break it to the hope by refusing to concur in the Senate amendment.

Mr. LANGLEY. If the gentleman will permit me, there has been no land scrip issued by Congress since the Civil War, and this service was all performed, as I understand it, after the Civil War.

Mr. HOWELL. Yes. If there is any gentleman who can suggest a way by which these meritorious soldiers—these men who furnished their own arms, their own equipment, and went out to defend the settlers in that early day—can be rewarded; if there is any way by which you can amend this so that you can extend this bounty to those who are as deserving as any soldiers ever were in any Indian war, we have no objection to that. This talk about desertion and about corruption and seeking to get into the Treasury by this amendment, to those who know the conditions, is all subterfuge.

Mr. LANGLEY. That is right.

Mr. HOWELL. There is nothing in it. If this bill is passed with the amendment, or if this amendment may be amended to more surely safeguard the interests of the Treasury, I have no objection. But without this amendment as deserving a class of volunteers as ever shouldered a rifle will be denied the same recognition extended to other soldiers who rendered similar, but not superior, service. It will be a denial to men who furnished their horses, guns, and equipment, and freely responded to the call of danger and served the country in its defense.

There are no Indian fighters more deserving. The present bill embraces all the Indian wars, and is, in all likelihood, the last word on general Indian-war pension legislation. If you reject the amendment in the present congested state of the public business the bill will likely fail. If you accept it you bestow a boon on a most worthy and long-disappointed class of veterans. It may not be entirely perfect; but let us consider the good it will do and meet the promised evil when it appears.

Mr. KEATING. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. JAMES].

Mr. JAMES. Mr. Speaker, the gentleman from Utah [Mr. MAYS] has stated that unless this "Smoot amendment" goes through he believes that the bill will not pass. He is right—if one of his Senators has anything to state.

The Senator who put on this amendment in the Senate has told every veteran of the Indian wars who went to see him that unless we allowed his amendment to remain on the bill that this bill could not pass now or at any other time.

When these gentlemen came to me after seeing the author of this amendment, I read it to them:

Provided, That when there is no record of service or payment for same in the War Department or Treasury Department the applicant may establish the service by satisfactory evidence from the muster rolls in the several State or Territorial archives: *And provided further*, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this act.

I asked them if they were on the conference committee representing the House if they would want to see a law passed that would provide that you did not need to have been in the Army of the United States, that you did not need to have received a cent from the Treasury of the United States, and which also provides that you do not need to have a discharge, honorable or otherwise? Invariably they answered that, much as they would like this bill to go through, they would not vote for such an amendment to this bill.

Mr. MAYS. Mr. Speaker, will the gentleman yield?

Mr. JAMES. Not now. Mr. KEY of Ohio, the chairman of the Pension Committee, stated a few minutes ago that if this amendment went through it was not necessary that a man should receive an honorable discharge, and that it would directly provide for pensioning a man whose services were terminated by desertion or imprisonment for a crime of which he was convicted and subsequently discharged.

Mr. KEY of Ohio, chairman of the Pension Committee, on behalf of the conference committee representing the House, sent the following statement to the desk a few minutes ago, which was read by the Clerk:

On page 5, line 17, amendment No. 9, the Senate added:

"*Provided*, That when there is no record of service or payment for same in the War Department or Treasury Department, the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives: *And provided further*, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this act."

Your committee of conference on the part of the House objected and refused to concur in this amendment, for the reason that it is without precedent and an innovation in pension legislation which, it is believed, is most unwise and unjustified. This would recognize, if enacted into law, service established entirely by State or Territorial rosters without one scintilla of record in the Federal archives of any department that Federal service was rendered. In this it is unwise. It would recognize, further, if enacted into law, a pensionable status of a State service, every day of which was rendered subsequent to 1865, when such recognition has been denied thousands and thousands of State troops of the various States mustered into and who rendered some service of some character during the Civil War of 1861 to 1865. This would be unjust, and for this reason your committee on the part of the House has steadfastly refused to concur in the Senate amendment and asks the support of the House in this stand. That part of the amendment which waives the requirement of a discharge certificate as a requisite to pensionable status is pernicious, without precedent in any pension law, as it would directly provide for pensioning a man whose service was terminated by desertion or imprisonment for crime for which he was convicted and subsequently dishonorably discharged. And, furthermore, it is in conflict with the provisions requiring an honorable discharge in other portions of the section to the bill.

Personally, I will go further than that, judging from some of the bills that came over here from the Senate a week or 10 days ago.

About 10 days or two weeks ago we passed after 10 o'clock at night four Senate pensions bills—two Civil War and two Spanish War, and so forth.

Senate bill No. 8113 contained 266 items, and Senate bill No. 8296 contained 40 items. Both of these were reported out by the Committee on Invalid Pensions.

Senate bill No. 8295 contained 144 items, and Senate bill No. 8120 contained 106 items. These were reported out by the Committee on Pensions.

This is a total of 556 items. There was no discussion of these items and could be none, as we did not have a chance to examine the items. Many of these items contained in these bills had been introduced in the Senate over 12 months ago with no action by the Senate. They wait until the closing hours of the session.

Of the above bills—556 in all—279 of them were introduced in the Senate before September 7 last. Many of them in the early days of the session.

I want to serve notice on the members of the Invalid Pensions Committee and the Committee on Pensions now, so that they can inform the members of the Senate committee, that if any bills come in the closing days of the next session to be disposed of, with no chance to examine, I shall insist upon having a reasonable length of time to call attention to undesirable items.

Here is a bill—Senate bill 6298—introduced in the Senate by the chairman of the committee, Senator JOHNSON of Maine, for Henry Ramsdell. The evidence shows that Ramsdell was—

Tried by a general court-martial convened March 24, 1865, at the headquarters of the first division, Nineteenth Army Corps, on the following charges: (1) Robbery, (2) deserting his guard, (3) disobedience of orders, (4) violation of the forty-fifth article of war (drunkenness on duty), (5) assault and battery. The court found him guilty of all charges and sentenced him to be shot to death with musketry. The proceedings and findings of the court were approved and the sentence was mitigated to confinement at hard labor in such penitentiary as the Secretary of War shall direct for the period of five years.

And yet, in spite of all this evidence, the chairman of the Senate committee introduced a pension bill for him, and the bill has passed both the Senate and the House at the rate of $30 per month.

The other night we passed another bill, among the four Senate bills, which had been turned down by my subcommittee, and the Pension Committee as well, three times. The evidence showed that the widow was getting $75 as clerk in one of the departments.

The evidence clearly showed that the husband was killed while joy riding. The Secretary of the Navy wrote a letter to the effect that—

From the evidence adduced the department holds that the death was not occasioned by an act of duty—

And so forth.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. JAMES. Not now. And yet after the bill was turned down three times by our committee, the Senator who intro-

duced the bill wrote a letter to the chairman of the Pension Committee in the Senate stating, in part, that the widow "was almost destitute." What she should not get and did not get in the House she managed to get through in the Senate, and then again in the House when no one was looking.

The following letter from the introducer of the bill in the House shows whether or not there is any merit in the bill:

FEBRUARY 6, 1917.

Hon. W. FRANK JAMES,
House of Representatives.

DEAR MR. JAMES: I have pending before your subcommittee a bill to pension Mrs. Ethel M. Robards, widow of Capt. Frank F. Robards, of the Marine Corps, who was killed accidentally in Haiti a year or two ago. The facts in his case are these: Capt. Robards was in camp outside the town near which our forces were stationed and had been in to get dinner and was on his way back to his company when his horse stumbled, fell, and killed him.

I am told that your subcommittee is likely to take the view that as he was not killed while in the line of duty his widow is not entitled to a pension.

Let me call your attention to a precedent, and one which is precisely parallel to the Robards case. A few years ago Maj. Manley B. Curry, of the United States Army, who was stationed at or near Atlanta, had been to an entertainment of some sort in the city of Atlanta and with some friends was motoring later. My information is that they were really on a joy ride, and going through the streets of Atlanta at a very lively gait when their machine went over the aqueduct bridge in that city, falling some distance and breaking Maj. Curry's neck. Your examiner, Mr. Cobb, is familiar with all of these facts and can tell you of any feature of them that you would like to have information about. Congress granted a pension to the widow of Maj. Curry, who was a daughter of the late Senator A. O. Bacon, of Georgia, and who pressed the measure.

I will ask your attention to another feature of these two cases. Robards was serving with his troops among alien people, where the conditions of living were hard and where there was certainly more reason for going into town to get a decent bit of food than existed in the case of Maj. Curry, who was stationed near a large city and among his own people. Except that one man was killed by motor and the other by a horse, and that one happened in Haiti and the other in Georgia, there is absolutely no difference in the two cases.

Kindly confer with Mr. Cobb and see if you can not concede what I ask in this case.

Very truly, yours, JAMES L. SLAYDEN.

The original Indian pension bill, which we are now discussing, only provides for 30 days' service. As it passed the House it called for 90 days' service, and as a member of the conference committee I was against it being reduced to 30 days' service.

We have thousands of men who saw service in the Civil War 87, 88, and 89 days who can not get a pension. If you pass this bill, you can not refuse to grant pensions to these men. Neither can you refuse to grant pensions to the thousands of men who saw service in the State militia of Missouri, Kentucky, Tennessee, Ohio, and other States.

In 1861 one bill alone provided for an appropriation of $2,000,000 to provide guns and ammunition to men to protect their homes. You will have to pension these men also if you are going to be fair. The chairman of the Pension Committee, Mr. KEY, stated a few minutes ago that if passed, this bill with this amendment, it would be a dangerous precedent, and that by opening up the bars it might cost us $100,000,000 to take care of similar cases.

If you pass this bill, you can not refuse to grant a pension to a man who may have been a deserter, who never was in the Army, who never drew a cent from the United States Army; you can not refuse to pension anybody who saw a day's service in 1861. Gen. SHERWOOD said a year or so ago in criticizing the Key pension bill that it was unfair; that it made better provision for the widow of a Spanish War veteran than for the widow of a veteran of the Civil War. You are going a little further in this. I have letters from all over the country from these Indian war veterans asking me to vote for this bill, and I replied and explained the Smoot amendment and asked them what would they do under similar circumstances. In addition I have received letters from the soldiers' homes. I have yet to receive a letter from any of them, or a personal request, to vote for this bill if it contains the Smoot amendment. I hope that the bill will not pass with this amendment. It is a vicious proposition in every way, and one that will lead to much trouble in the future.

The SPEAKER. The time of the gentleman has expired.

Mr. KEATING. Mr. Speaker, I yield three minutes to the gentleman from California [Mr. RAKER]. How much time have I remaining?

The SPEAKER. The gentleman has 24 minutes.

Mr. MANN. I want a little time on this, and I think the gentleman from Utah ought to have a little time.

Mr. KEATING. I have been trying to get through as quickly as possible.

Mr. MANN. We have got the time.

Mr. NORTON. I want five minutes.

Mr. MANN. We will extend the gentleman's time.

Mr. KEATING. If that is the case, I will yield five minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Speaker, I want to see this bill become a law. There are only two provisions in the provisos under consideration, and that is that they may use the records on file now in the archives in the Territory or State for the purpose of proving service; and, second, that if a man can not prove that fact that his want of a record of discharge is not sufficient, if all the other conditions are in his favor, to defeat his right to a pension. The very provision in the bill provides—and I want to call the attention of the House to it—that a man who has been paid by a State, irrespective of whether there is any record, is a pensioner under this bill simply because the Government of the United States has paid him for his service during that time. If he can show a receipt of the payment, he is entitled to a pension under this bill if he can otherwise qualify under the law.

Mr. KEATING. Under all bills.

Mr. RAKER. That is all right; I am showing what is required. I want to call the attention of the House to the fact that I hold in my hand a record from the State of Utah that has been on file here since 1878, signed by the then governor of Utah, showing all the men who served in these Indian wars in the various companies. It has been something over 50 years since this list of men served, and there were only about 2,700 in all, commencing about that date, and the report was made at that time. Fifty years has elapsed and practically all of these men have passed and gone and only a few left. It was stated by all who had opportunity to investigate that there are not over 200 pensioners in this list, and if these men who did this service can show from a State record that they enlisted; that they served as provided and perchance have not their certificates of discharge, they must show to the Secretary of the Interior that they possess all of these qualifications; that they were actually in the service; that their record is on file with the secretary of state. Is there any reason why they should be denied proper consideration by their Government at this late day? Though it is many years, they should have the recognition that is granted in the other cases, and it seems that the only objection is that of the State of Utah, and we read in this report that Gen. Sherman himself requested the governor, requested these men for their services for the Government of the United States, because, as was natural at that time, the Government needed the men in other places. Ever since 1868 this record his been on file and nobody has ever questioned it. These people——

Mr. BURNETT. Will the gentleman yield?

Mr. RAKER. I can not now. These people, in addition to having given their services, every man took his horse, took his gun and his own ammunition. These people supplied over $1,121,037.38 for the purpose of protecting the Government, and while all the other States in the Union have been paid in return, the State of Utah has not been paid the amount of money they expended, and now at this late day when we are providing——

Mr. KEY of Ohio. Will the gentleman yield?

Mr. RAKER. I can not—providing for the rest of these Indian war veterans you say that because these men are relying upon their own State record on file, who actually performed the service, they did not desert, that they should be deprived of their rights of consideration under this bill.

Mr. SHERLEY. Will the gentleman yield?

Mr. RAKER. I yield to the gentleman.

Mr. SHERLEY. Suppose a man served a day or an hour and his name was on the roll, does the gentleman think he ought to be pensioned?

Mr. RAKER. Why, this bill says he must have served 30 days or during that war.

Mr. SHERLEY. Yes; during that war.

Mr. HOWELL. The bill sets out the campaign and the number of days which each soldier served in that campaign.

Mr. RAKER. And some of these people served from April to November——

Mr. KEY of Ohio. Will the gentleman yield?

The SPEAKER. The time of the gentleman has expired.

Mr. KEY of Ohio. If that is true, why did not these soldiers make a proper showing?

The SPEAKER. The time of the gentleman has expired.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. JAMES. Mr. Speaker, I make the same request, to extend and revise my remarks.

Mr. MAYS. Mr. Speaker, I make the same request.

Mr. STEPHENS of Texas. Mr. Speaker, I make the same request, to extend my remarks on this subject.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the time of the gentleman from Colorado [Mr. KEATING] on this bill be extended for 25 minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Colorado [Mr. KEATING] be extended 25 minutes. Is there objection?

Mr. SHERLEY. I do not think we should do that at this stage of the session. I do not think we can extend it 45 minutes in addition to the hour.

Mr. MANN. I said 25 minutes. The gentleman from Kentucky addressed the House on this bill and some of the rest of us would like to do so.

Mr. SHERLEY. How much time is remaining to the gentleman?

The SPEAKER. Twenty-one minutes.

Mr. SHERLEY. There are 21 minutes left to the gentleman.

Mr. MANN. The gentleman can not arrange all the time without knowing they have demand for it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. KEATING. I yield five minutes to the gentleman from North Dakota [Mr. NORTON].

The SPEAKER. The gentleman from North Dakota is recognized for five minutes.

Mr. NORTON. Mr. Speaker, this legislation proposes to extend to survivors of certain Indian wars the provisions of the act of July 27, 1892, covering survivors of the Black Hawk War, the Creek War, the Cherokee disturbances, and the Seminole War, as amended by the act of February 19, 1913. The act of July 27, 1892, provided a pension of $8 per month for the survivors of the Indian wars referred to in the act, and the amendment of February 19, 1913, to the act provides a pension of $20 a month to the survivors of these Indian wars. This bill proposes to extend these provisions to survivors of Indian wars mentioned in this bill. If this bill passes, the survivors of the Indian wars mentioned in the bill will receive a pension of $20 a month, and widows of veterans of these wars would be entitled to a pension of $20 a month.

Mr. KEATING. If the gentleman will permit, not $20 but $12.

Mr. NORTON. Is that according to some Senate amendment? It does not state in the bill as it passed the House that the pension of widows is to be but $12 a month.

Mr. KEATING. This is an amendment of an old law. It is $20 and $12. The gentleman is safe in accepting that.

Mr. NORTON. As I read the bill, it provides for $20 to survivors, and the widows of veterans of these wars are entitled to the same pensions as the soldiers. However, as far as the force of my argument against the bill is concerned, I am willing to take the gentleman's statement and consider that the bill provides a pension of but $12 for widows of soldiers of these wars.

I am very much interested in this general legislation; that is, legislation for pensioning survivors of Indian wars. In my section of country reside some of the most gallant Indian fighters who have ever fought in the Indian wars in this country. But I want to say that I do not believe that there is a single brave Indian fighter who actually fought in the service of his country and in the defense of his community who would approve the enactment of legislation of the character contained in Senate amendment numbered 9. To my mind this is vicious legislation. It opens wide the gate to fraud. It proposes to establish a precedent that should not be established.

The bill as it passed the House was most liberal in its provisions. It provided that pensions should be granted to those who were survivors of the Indian wars and had been in the service of the United States for 90 days. The amended bill now provides that survivors of these wars who served but 30 days may be entitled to pensions. Then it goes further and makes this provision, which already has been stated here, that there need be no record that the soldier ever mustered into or out of the service of the Unted States, any evidence that may be found in the archives of a State or Territory to show that the soldier served in one of these wars will be sufficient to entitle him to a pension. Some newspaper report that he was out in some Indian skirmish may place him on the pension rolls at $20 a month. Do you want to do that?

Mr. MAYS. Mr. Speaker, will the gentleman yield?

Mr. NORTON. Certainly.

Mr. MAYS. Does the gentleman believe that the State of Utah would pay $50,000 at one time and $50,000 at another time on mere newspaper reports?

Mr. NORTON. The gentleman seems to be prepossessed with the idea that the State of Utah is the only State in this Union, and the only one to be affected by this legislation. I want to say to the gentleman that if this legislation passes it will extend to all the States. It will establish a precedent under which every militia organization of the several States during the Civil War will come in here asking for pensions for soldiers who never fired a gun excepting probably a popgun.

Mr. LANGLEY. Mr. Speaker, will the gentleman yield?

Mr. NORTON. Certainly.

Mr. LANGLEY. Does the gentleman think that if such a proposition were made to a future Congress it would enact legislation to grant pensions in such cases?

Mr. NORTON. Well, I will say to the gentleman that, having confidence in this Congress—having confidence that this Congress will not adopt any such legislation as this, I am free to say that I have the same confidence in succeeding Congresses. But if this Congress adopts legislation of this character I do not know what I may be forced to think of the action of future Congresses.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield?

Mr. NORTON. Certainly; I shall be pleased to yield to my friend from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. I will say in reference to the Texas Volunteers, all serving on the frontier, that we excluded five years, from the year 1861 to 1865, long after the war closed, and hence the gentleman's strictures would not apply to Texas or her volunteers.

Mr. NORTON. No Indian fighter in the Sioux Indian Wars that I have ever known—and I know a great many of them—would want such legislation as proposed by amendment No. 9 enacted into law.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. NORTON. Certainly.

Mr. MONDELL. Is it not true that most of the Indian wars to which the gentleman refers, in the Dakotas, were fought by Regulars, and that the men we propose to pension under this act were not of that class of men—that is, many of them were not?

Mr. NORTON. In many of the Indian wars in the Dakotas and Montana were hundreds of volunteers, and among these volunteers were some of the bravest Indian fighters in the history of the western frontier. These men are too loyal, brave, and patriotic to ask for any such legislation as proposed in amendment No. 9 in this bill. The amendment should be defeated and would be defeated if understood by all the Members of the House who may vote for it.

The SPEAKER. The time of the gentleman from North Dakota has expired.

Mr. KEATING. Mr. Speaker, I yield one minute to the gentleman from Idaho [Mr. MCCRACKEN].

The SPEAKER. The gentleman from Idaho is recognized for one minute.

Mr. MCCRACKEN. Mr. Speaker, out of order, I desire to ask unanimous consent to extend in the RECORD my remarks briefly on the accomplishments of the Sixty-fourth Congress.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. MCCRACKEN. I also ask unanimous consent to extend my remarks by placing in the CONGRESSIONAL RECORD a joint memorial of the State of Idaho on the subject of pensions to volunteer retired officers.

The SPEAKER. The gentleman from Idaho asks unanimous consent to extend in the RECORD his remarks about pensions for volunteer officers on the retired list. Is there objection?

There was no objection.

Mr. KEATING. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. RUSSELL].

The SPEAKER. The gentleman from Missouri is recognized for two minutes.

Mr. RUSSELL of Missouri. Mr. Speaker, I have been understood to be reasonably liberal in the payment of pensions to men who have served their country in time of trouble. I am. I believe it would be a disgrace to this Government to permit any man who has left his home and risked his life in time of war to preserve the Union or protect the flag, to suffer for want of the necessaries of life. But it seems to me that this proposition is going very far and is very partial. It provides that a man shall have a pension who served 30 days without any record of service and without any discharge, while under the general pension law those who served in the Civil War are required to prove that they served 90 days and were honorably discharged. I know men in my district who served for 75 and

80 days in the Civil War as Union soldiers, who have always been denied pensions.

I want to say, further, that if this bill passes, I hope that Congress will never again refuse, as it has up to this time refused, to pay pensions to the Missouri and Kentucky Militia. I know men in my district, blind, poor, and helpless, who served for two years under the command of Gen. Schofield, a Regular officer of the Federal forces, during the Civil War, and who have never been able to get pensions. They wore the Government uniform. They fought with Government arms. They were paid by the State, it is true, but since that time the Government, recognizing their valuable services to the Union cause has returned to Missouri every dollar that Missouri paid to those militia. President Lincoln recognized them as part of his Army, and so stated at the time. Now, if this bill is passed, I hope that this Congress or no other Congress hereafter will deny pensions to the Missouri and Kentucky Militia.

Mr. KEATING. I yield two minutes to the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. Mr. Speaker, the State of Texas stands on a different footing from the other States that will be benefited by this bill. When Texas was annexed to the United States one of the articles of annexation provided that the United States should protect her frontiers against the Indian depredations. In 1866, immediately after the war, the frontier was entirely unprotected. The Indian wars in the Northwest called for as many cavalrymen as the United States Army could then well furnish, and we had only a few companies of United States Infantry soldiers in the State of Texas to protect a frontier nearly a thousand miles long. Consequently our State volunteers, always known as the Texas Rangers, were enlisted by our State authorities and sent to the frontier. They protected that frontier from 1866 to 1877, inclusive, and were commanded by Maj. John B. Jones, an officer of great energy and ability. Many of these men lost their lives in battles; many of them were wounded; all of them suffered great hardships. All of them lost more or less property, and there were more Indian depredations, murders, and outrages committed by these savages on the frontier of Texas during this period than on any other western frontier. I do not think there is any question about the justice of the claim of these rangers to a pension. It has been 40 years since these veteran Indian fighters served their country so well in these Indian wars. If they are ever to be rewarded by Congress, it must be done now and to-day; most of their number have already passed over. No braver, no better, no more faithful soldiers ever lived or fought for their country than these brave frontiersmen, known on the borders as Texas Rangers. They had the worst and bravest tribes of Indians in the United States to fight. We had the Mescalero Apaches and the Kicking Kickapoos from Mexico, and the Comanches, Kiowas, and Arapahoes and other small tribes from the western mountains and plains, and it is a fact that the United States at that time prevented our rangers from crossing the Red River into the Oklahoma country, then occupied by Indians, for the reason that they feared our troops crossing into the Indian reservations would inflame the Indians upon those reservations, so that all of them would go on the warpath. This restriction prevented the rangers from chasing these savages to their lairs in the Wichita Mountains and there punishing them for their crimes.

Mr. Speaker, the language of the act applicable to Texas is as follows, viz:

An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes.

Be it enacted, etc., That the provisions, limitations, and benefits of an act entitled "An act granting pensions to survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk War, Creek War, Cherokee disturbances, and the Seminole War," approved July 27, 1892, as amended on February 19, 1913, be, and the same are hereby, extended from the date of the passage of this act to the surviving officers and enlisted men of the Texas volunteers who served in defense of the frontier of that State against Indian depredations from January 1, 1859, to January 1, 1861, inclusive, and from the year 1866 to the year 1877, inclusive.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. KEATING. I yield one minute to the gentleman from Ohio [Mr. KEY]. How much time have I remaining?

The SPEAKER. The gentleman has 31 minutes left.

Mr. KEY of Ohio. Mr. Speaker and gentlemen of the House, I just want to make this one observation: I was not here last night, but I understood that some Member from Utah has offered a preferential motion for the House to concur. Now, I hope that preferential motion will be voted down. I want to state that I have made some little investigation since this amendment has been tacked onto the bill in the Senate. I have made some inquiries at the Bureau of Pensions, and I am satisfied that if the legislation should go through it will only be the stepping stone to legislation that will follow in the next Congress, which will cost the Government perhaps $100,000,000 or more.

Mr. KEATING. I yield one minute to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Speaker, I shall vote for the preferential motion and assist in passing this bill for the worthy men who ought to receive pensions.

I desire to consume the remainder of my time by reading to my Republican colleagues a notice received this morning by the Democratic Members of the House:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., March 2, 1917.

MY DEAR CONGRESSMAN: Since our letter to you of February 28 the situation has so changed that, unless something unforeseen should happen, there is no probability of an extra session of Congress before April 1, after which date you should hold yourself in readiness to come to Washington upon notice at any time.

Very respectfully,

THOMAS M. BELL,
Democratic Whip.
J. N. GARNER,
J. A. M. ADAIR,
Assistant Whips.

Mr. LANGLEY. Where does the gentleman get all this information?

Mr. BARKLEY. When was the gentleman appointed recording secretary of the Democratic Party. [Laughter.]

Mr. BENNET. If I can get time, I will answer these questions.

The SPEAKER. The time of the gentleman has expired.

Mr. KEATING. I yield two minutes to the gentleman from Ohio [Mr. SWITZER].

Mr. SWITZER. Mr. Speaker, I entered upon this debate feeling that this bill ought not to pass; but after listening to the explanations given by the gentleman from Utah [Mr. HOWELL] and others, I will say that I will heartily support the passage of the bill.

As to the suggestion that fraud may creep in, I take it that the Secretary of the Interior and the Commissioner of Pensions will provide such rules and regulations as will protect the Treasury of the United States along that line, just as they do in the administration of all pension laws. And it does seem to me that these soldiers who fought in these Indian wars occupy a different status even from those who served 30, 40, 60, or 70 days on the side of the North in the Civil War. They furnished their own arms and ammunition. They were paid nothing, as I understand, for their services. They were engaged in an Indian war, not what we would call a civilized war. They were protecting the settlements on the extreme frontier in those early days from the depredations of savages, and, of course, that is one reason why it is very hard for them to obtain any further evidence of the record of their services than is brought here, as is shown by the records of the Territory, now the State of Utah, in which they served.

I do not believe that we should hesitate to pass this bill, because Congress in the future may pass other pension laws that will cause us to pay hundreds of millions of dollars. Let that stand on its own merits.

The SPEAKER. The time of the gentleman has expired.

Mr. KEATING. Mr. Speaker, I yield two minutes to the gentleman from Kentucky [Mr. FIELDS].

Mr. FIELDS. Mr. Speaker, I have the utmost respect for all men who have defended this country, who have fought its wars. I have always believed in liberal pensions, but I am unwilling to make fish of one class and fowl of the other. Now, there are other militiamen in this country who have served the country, as Judge RUSSELL has said, almost 90 days. Many of them were wounded, many of them are decrepit to-day because of wounds sustained in that service, and yet they have not been recognized by the Government, they have not been granted pensions by the Government, and if we are to pension the militia forces of the country I say it is only fair and just that a general law should be enacted that will apply to the militiamen of Kentucky, Tennessee, Missouri, and the other State companies just the same as to the militiamen of the Western States.

Mr. HOWELL. Will the gentleman yield?

Mr. FIELDS. Yes.

Mr. HOWELL. Does not the gentleman differentiate between State troops who might have been mustered into the service if they wished and the Territorial troops out on the frontier where they had to defend the country against the depredations of Indians and could not be admitted into the service of the United States because there was no officer to muster them in?

Mr. FIELDS. I am talking about the equity of the proposition. Men who served in Kentucky or other States 85 days are as deserving at the hands of Congress as are the men who served in Utah 85 days. Therefore I shall vote against the bill.

Mr. KEATING. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, situations growing out of extraordinary and peculiar conditions require unusual remedies. Such is the case before us. The rule laid down in the Senate amendment, as a general rule, to govern the granting of pensions would not be a sound one, and yet it is sound and proper and right in the case at hand. The amendment authorizes the payment of pensions even though the men were not mustered into the service or paid by the United States.

Why, Mr. Speaker, many of these men gathered were organized, took the trail, struck the savage foe, drove him back into the wilderness, and returned to their homes in less time than it would have taken to notify Washington that there was a war, and that the settlements were in danger. If we are to legislate and pay pensions for a number of the wars or raids enumerated in this bill, we must either pay them in this way or not pay them at all. It is true they were local wars. The men fought often for the defense of their own settlements and to keep open the highways for emigrants, but they were, nevertheless, fought for the entire Nation. They were fighting the battles of civilization; they were keeping open the frontier; they were making possible that splendid development that was largely due to their loyal efforts. The conditions were unusual and extraordinary; the remedy, so far as we may provide one, must be unusual. These people gathered, organized, armed, fought, and then went back to their homes—their farms and their mines—as good citizens, without waiting around for somebody to give them a discharge. If we are to pass this bill at all and provide for the campaigns enumerated in it, we must as a matter of logic, in fulfillment of the very purpose we started out to accomplish by the bill, agree to the Senate amendment.

It is true that as to some of the campaigns enumerated in the bill no such provision as the Senate amendment is necessary, for the men who did the fighting were Regulars and can show Federal enrollment, pay, and discharge. They, of all the men who fought in the Indian wars, need this legislation, for to a considerable extent they are now pensionable. The men who need our help are the local and volunteer troops; they will be brought under the provisions of the bill by the Senate amendment, and so I am for it.

Mr. KEATING. I yield three minutes to the gentleman from Ohio [Mr. SHERWOOD].

Mr. SHERWOOD. Mr. Speaker, the statement was made on the floor by the gentleman from Kentucky that the passage of pension bills by our Committee on Invalid Pensions depended upon what the Senate did. I want to say that before we took up the last Senate bill every one of our bills had passed the Senate. That disposes of that question. Every item in the Senate bill was examined by the chairman of the Committee on Invalid Pensions, or the clerk of the Pension Committee passed upon them, and they found only six items that were questionable. I submitted that question to the gentleman from Missouri [Mr. RUSSELL] and other members of our committee whether we had better let the bill go through without amendment, and they said if it went into conference it would cause delay and eventually they would get everything, and we had better let the bill go through without amendment. Whoever made the statement to the gentleman from Kentucky made a mistake. That will be verified by every member of our Committee on Invalid Pensions.

Mr. KEATING. Mr. Speaker, I yield five minutes to the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Mr. Speaker and gentlemen, when the Civil War began Oregon was the only State organized in the Pacific Northwest. When the troops were withdrawn the Indians, who numbered thousands, very warlike, laid plans against the settlements, against the United States mails, against wagon trains, and the settlers organized for defense. For some time the local authorities and volunteer organizations endeavored to cope with the situation. It became so serious that the Secretary of War, at the instance of President Lincoln, appealed to the Legislature of the State of Oregon through its governor to raise a body of soldiers to care for all of the country in the Pacific Northwest.

The legislature complied with that request of the General Government, issued a large quantity of bonds, raised soldiers, equipped them, furnished them with ammunition, with food and other supplies, and sent them on campaigns in northern California, all through Oregon, into Idaho, into Washington, and made one campaign, if my memory serves me correctly, in western Wyoming. When the war was over the State of Oregon submitted her claim to the General Government for reimbursement for these services to the amount of some $191,000. After the Civil War was over the facts were submitted to the Court of Claims and a finding of fact was made by that court, which has been reported to Congress in the regular manner, but for reasons which I have not the time to narrate that claim remains unpaid. Oregon provided, as I understand, the only armed force in that Pacific Northwest at that time that was able to cope with the Indian outbreaks.

I was born and reared on the frontier. I have heard the stories of these times around the fireside. There would be a cry in the night, a thunder of horses' hoofs, a cry that the Indians had attacked a certain place, with men killed, women outraged, and children taken captive. The frontiersman would take his gun, his powder horn, his box of caps, his pouch of bullets and get his best horse and go to the rendezvous appointed. These men are not provided for in this legislation, although I think they are worthy of recognition by the Government, but the training they obtained in this volunteer service became of immeasurable benefit in the maintenance of the civilization and the protection of the settlements and people in the Pacific Northwest, especially as the soldiers raised by the State of Oregon were composed almost entirely of these men. During the period to which I have referred they entered the service of the State at the request of the General Government. These men not only fought Indians who were attacking settlements, but they rescued the property of the Government of the United States. In one instance they rescued some soldiers of the United States. They protected the mail of the United States, the wagon trains of the emigrants and freighters, and no body of men in an isolated part of the country ever rendered more magnanimous, more courageous, more self-sacrificing service than did those men. There are few of them left, and many of those who are left are in the greatest need, and to grant them a few dollars in their declining years would be an act of justice and mercy.

The remoteness from the seat of the Government and the great struggle in which it was then involved caused them not to be formally made a part of the enlisted troops of the United States. For this reason, and because the expenditures undertaken by the State of Oregon at the instance of the Government at Washington were not repaid to the State as the State understood they would be, these brave men are without pensionable status. I cite this instance in particular, and if time permitted could cite others equally worthy. I understand the pending amendment will enable them to obtain the recognition they justly deserve. The courageous men and women who settled the Pacific Northwest extended the area of the United States and added vast areas of fertile land, timber, and other natural resources to the United States valued at billions of dollars. That the United States should make the small provision for their declining years provided in this act, and the honorable recognition of public service it implies, seems to me an act of justice worthy of our great Government.

Many were killed in battle and others died later of wounds received. No act of ours can affect them, but by passing this act we can honor their memory and attest the appreciation of a grateful people. [Applause.]

Mr. KEATING. Mr. Speaker, I yield five minutes to the gentleman from Colorado [Mr. HILLIARD].

Mr. HILLIARD. Mr. Speaker, I wish only to speak briefly in this matter. I think I should not have asked for time at all but for some observations that have been made by gentlemen upon the floor. I noticed that during the remarks of the gentleman from Kentucky [Mr. SHERLEY] he took occasion to say that in doing justice to individuals we ought not to open the door to the perpetration of fraud. Gentlemen of the House, shall a great Government shut its door to the appeal of deserving veterans, a Government that has unlimited power and instrumentalities with which to protect itself, simply because other men, yea, and undeserving ones, may try to get by the bars and impose upon the bounty of the Government? Every man who walks on the earth and has property which may be taken from him is subjected all the days that he lives to the men who would despoil him of his property; but no honest man, no man in whom there is the spirit of justice, refuses to pay to other men what he owes them and deny to them what they ought to have because other men might, in some scheme, defraud him of something which he ought not to give them.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

Mr. HILLIARD. I have not the time, and the gentleman himself did not yield to the gentleman from Utah. Mr. Speaker, other distinguished gentlemen have said that because militiamen from certain States were not pensioned we ought not, therefore,

to pension the men who fought in the Utah Indian wars. I submit that a better statement is that the militiamen of other States should be pensioned, and these men as well. I favor extending justice as opportunity affords. Mr. Speaker, there have been some criticisms of the Senator from Utah, because it is charged that he says he will defeat the legislation altogether if this amendment be not adopted. I do not know whether he said that or not, but when appeals are being made to every man to stand by America and his home, I submit that if the Senator from Utah should refuse now to stand by his people he would be doing the unusual thing, and I commend him for his courage and power to do it.

I have nothing in sympathy with the Senator from Utah politically or much otherwise, but I do rejoice in this fact, that the other day when the Milwaukee Railroad Co. was making its drive through the Congress to pass a bill through this House, during which the distinguished gentleman from Kentucky [Mr. SHERLEY] was as silent as the tomb, when it got over to the Senate the man at that end of the Capitol, and who is now criticized here, had the discernment and the courage and, thank God, the power to stop the Milwaukee Railway special legislation; and I commend his courage now in standing by his people in this pension legislation. This is the final word in Indian pension legislation. Every other Indian war is provided for. Every man who served in an Indian war except those from the State of Utah is being protected in this very bill, and I say now those people from Utah ought to have this measure of justice, and every man who sits here should vote for this amendment. Pay them now. They fought, and they could not get on the rolls. They were a thousand miles beyond the outposts of civilization and double the distance from the seat of the Government. They had everything to contend with, many things to accomplish, and they did their work well. To-day they are grayheaded and stoop shouldered, and when only a mournful handful remains, why should they not be paid, why should they not be recognized now, the time when this great Government is making provision to pension all other survivors of Indian wars? I bespeak with all earnestness the adoption of the motion of the gentleman from Utah [Mr. MAYS]. [Applause.]

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. KEATING. Mr. Speaker, I yield seven minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, if this country owes a debt of gratitude to anyone, as it does, it owes that debt to the pioneers who wrested the country from disease and from the Indians. Those men went out into the wilds, and it took more courage to go there and settle upon the land and protect themselves from savage tribes than it takes in time of excitement to go into an army to fight the battles of the country in war. They were truly brave, and we owe the country to the pioneers. This bill proposes to give a pension now to the few survivors of the Indian wars. The bill has passed the House. A Senate amendment is still in dispute, and if we do not concur in the Senate amendment at this late period of the session the bill is dead.

Mr. SHERLEY. Will the gentleman yield?

Mr. MANN. No. I am in favor of giving to these few survivors in their old age the little pension granted by this bill in part repayment of the debt of gratitude which the whole country owes to them. [Applause.] My father served in the Civil War. He served in the Mexican War. He was a Texas Ranger; but the bravest thing he ever did was to go into the Black Hawk Indian war in Illinois, and yet he never went on the rolls of the country. He received a pension in his old age as a survivor of the Mexican War, but that was easy compared with the quick and sudden going to the front in the Black Hawk war in Illinois when the people were threatened with extinction and barbarity before destruction. He could not have received a pension, and never asked for one, and he could not have received a pension even under the terms of this bill, but it took more bravery for these men to go quickly to the front and fight the Indians than it did for them to go into the Mexican War or the Civil War. These people in Utah, way out on the frontier, beyond the protection of United States troops, beyond the control, really, of the Government, made the West. They made that country bloom and blossom. They went quickly into a war against the Indians where it was not possible to be enrolled as volunteers of the United States. I think we are justified in giving the few survivors of that Black Hawk war in Utah, the men who went to the front with their own arms, put upon the rolls of their own State—I say, I think we are justified in giving them, the few survivors in their old age, this little pension and to accept the rolls of the State which they served because it was not possible for them to be placed on the rolls of the Government of the United States. I believe we can well afford to give to these old people this little meed of reward. I am not afraid that it will create a precedent, which will compel the Congress to appropriate, as some gentleman has said, $100,000,000 or any sum in the future. When that question comes up as to other cases we will examine those cases on their merits, as I hope we will examine this case on its merits. In my opinion it has the merit of being worthy. [Applause.]

Mr. KEATING. Mr. Speaker, I yield one minute to the chairman of the committee [Mr. KEY of Ohio].

Mr. KEY of Ohio. Mr. Speaker, I hope that the membership of this House will not be swept off their feet by the plea of some Members from some of the Western States. I hope that the membership of this House will appreciate the far-reaching consequences of this legislation, and I want to say that if you pass this Smoot amendment you pass legislation that will cost this Government perhaps $100,000,000. It is the most vicious legislation, to my mind, that was ever proposed in the way of legislation. I refer to the provisions of amendment No. 9 by the United States Senate.

The SPEAKER. The gentleman's time has expired, and the question is on the preferential motion offered by the gentleman from Utah [Mr. MAYS] to recede and concur in Senate amendment No. 9.

The question was taken, and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. SHERLEY and Mr. KEATING) there were—ayes 83, noes 63.

Mr. KEATING. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and eleven gentlemen are present, not a quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 206, nays 177, answered "present" 2, not voting 48, as follows:

YEAS—206.

Anthony	Esch	Kincheloe	Sanford
Austin	Evans	King	Schall
Ayres	Fairchild	Kinkaid	Scott, Mich.
Bacharach	Farr	Konop	Scott, Pa.
Barchfeld	Ferris	Kreider	Shallenberger
Barnhart	Fess	Lafean	Shouse
Bealer	Focht	La Follette	Siegel
Bennet	Fordney	Lehlbach	Sinnott
Bowers	Foss	Lindbergh	Slayden
Britt	Frear	Lobeck	Sloan
Britten	Freeman	Loud	Smith, Idaho
Browne	Fuller	McArthur	Smith, Mich.
Browning	Garland	McClintic	Smith, Minn.
Buchanan, Ill.	Glynn	McCracken	Smith, Tex.
Buchanan, Tex.	Gould	McCulloch	Snell
Campbell	Gray, N. J.	McFadden	Snyder
Capstick	Green, Iowa	McKenzie	Steele, Iowa
Carter, Mass.	Greene, Mass.	McLaughlin	Steenerson
Carter, Okla.	Greene, Vt.	Madden	Stephens, Nebr.
Chandler, N. Y.	Griest	Magee	Stephens, Tex.
Charles	Guernsey	Mann	Sterling
Chiperfield	Hadley	Mapes	Stiness
Church	Hamilton, Mich.	Martin	Stout
Coleman	Hamilton, N. Y.	Mays	Sulloway
Connelly	Hamlin	Mecker	Sutherland
Cooper, Ohio	Haskell	Miller, Del.	Sweet
Cooper, W. Va.	Hawley	Miller, Pa.	Swift
Cooper, Wis.	Hayden	Mondell	Switzer
Cramton	Heaton	Moore, Pa.	Taggart
Crosser	Helvering	Morgan, Okla.	Taylor, Colo.
Curry	Henry	Morin	Temple
Dale, Vt.	Hernandez	Mott	Tillman
Dallinger	Hicks	Murray	Tilson
Darrow	Hilliard	Nichols, Mich.	Timberlake
Davenport	Hinds	Nolan	Tinkham
Davis, Minn.	Hollingsworth	North	Towner
Davis, Tex.	Hopwood	Oakey	Treadway
Dempsey	Howell	Paige, Mass.	Van Dyke
Denison	Hull, Iowa	Parker, N. Y.	Vare
Dewalt	Humphrey, Wash.	Peters	Volstead
Dill	Husted	Platt	Walsh
Dillon	Hutchinson	Powers	Ward
Doolittle	Johnson, S. Dak.	Pratt	Wason
Dowell	Johnson, Wash.	Raker	Watson, Pa.
Drukker	Kahn	Ramseyer	Wheeler
Dunn	Kearns	Randall	Williams, Ohio.
Dyer	Keister	Reavis	Winslow
Eagle	Kelley	Ricketts	Wood, Ind.
Edmonds	Kennedy, Iowa	Roberts, Nev.	Woods, Iowa
Ellsworth	Kennedy, R. I.	Rodenberg	Woodyard
Elston	Kettner	Rogers	
Emerson	Kiess, Pa.	Rowe	

NAYS—177.

Abercrombie	Aswell	Brumbaugh	Carlin
Adair	Bailey	Burnett	Cary
Adamson	Barkley	Byrnes, S. C.	Casey
Aiken	Beakes	Byrns, Tenn.	Clark, Fla.
Alexander	Bell	Caldwell	Coady
Allen	Blackmon	Candler, Miss.	Collier
Almon	Booher	Cantrill	Cox
Anderson	Borland	Caraway	Crisp
Ashbrook	Bruckner	Carew	Cullop

Dale, N. Y.	Hart	McLemore	Shackleford
Danforth	Hastings	Maher	Sherley
Decker	Haugen	Montague	Sherwood
Dent	Heflin	Moon	Sims
Dickinson	Helgesen	Morrison	Sisson
Dies	Helm	Nelson	Small
Dixon	Holland	Nicholls, S. C.	Smith, N. Y.
Dooling	Hood	Norton	Sparkman
Doremus	Houston	Oglesby	Stafford
Doughton	Howard	Oldfield	Steagall
Driscoll	Huddleston	Oliver	Stedman
Dupré	Hughes	Olney	Steele, Pa.
Eagan	Igoe	O'Shaunessy	Stephens, Miss.
Edwards	Jacoway	Overmyer	Stone
Farley	James	Page, N. C.	Sumners
Fields	Johnson, Ky.	Park	Tague
Fitzgerald	Keating	Parker, N. J.	Tavenner
Flood	Key, Ohio	Patten	Taylor, Ark.
Flynn	Kitchin	Phelan	Thomas
Gallagher	Langley	Pou	Venable
Gallivan	Lazaro	Price	Vinson
Gandy	Lee	Quin	Walker
Gard	Lenroot	Ragsdale	Watkins
Gardner	Lesher	Rainey	Watson, Va.
Garner	Lever	Rayburn	Webb
Garrett	Lieb	Reilly	Whaley
Gillett	Liebel	Riordan	Williams, W. E.
Godwin, N. C.	Linthicum	Rouse	Wilson, Fla.
Goodwin, Ark.	Littlepage	Rubey	Wilson, La.
Gordon	Lloyd	Rucker, Ga.	Wingo
Gray, Ala.	London	Rucker, Mo.	Wise
Gray, Ind.	McAndrews	Russell, Mo.	Young, N. Dak.
Gregg	McCorkle	Sabath	Young, Tex.
Griffin	McDermott	Saunders	
Hardy	McGillicuddy	Scully	
Harrison, Va.	McKellar	Sears	

ANSWERED "PRESENT"—2.

Black Foster

NOT VOTING—48.

Benedict	Good	Lewis	Padgett
Burgess	Graham	Loft	Porter
Burke	Hamill	Longworth	Rauch
Butler	Harrison, Miss.	McKinley	Roberts, Mass.
Callaway	Hayes	Matthews	Rowland
Cannon	Hensley	Miller, Minn.	Russell, Ohio
Cline	Hill	Mooney	Sells
Copley	Hulbert	Moores, Ind.	Slemp
Costello	Hull, Tenn.	Morgan, La.	Talbott
Crago	Humphreys, Miss.	Moss	Thompson
Estopinal	Jones	Mudd	Williams, T. S.
Glass	Kent	Neely	Wilson, Ill.

So the motion to recede and concur in Senate amendment No. 9 was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. HENSLEY with Mr. MOONEY.

Mr. HAMILL with Mr. HILL.

Mr. JONES with Mr. LONGWORTH.

Mr. LEWIS with Mr. ROBERTS of Massachusetts.

Mr. LOFT with Mr. MCKINLEY.

Mr. NEELY with Mr. MUDD.

Mr. PADGETT with Mr. ROWLAND.

Mr. BURGESS with Mr. GRAHAM.

Mr. BURKE with Mr. WILSON of Illinois.

Mr. TALBOTT with Mr. BUTLER.

Mr. CLINE with Mr. CANNON.

Mr. ESTOPINAL with Mr. COPLEY.

Mr. GLASS with Mr. COSTELLO.

Mr. HARRISON of Mississippi with Mr. CRAGO.

Mr. HULBERT with Mr. GOOD.

Mr. HULL of Tennessee with Mr. HAYES.

Mr. MORGAN of Louisiana with Mr. MATTHEWS.

Mr. MOSS with Mr. MILLER of Minnesota.

Mr. RAUCH with Mr. MOORES of Indiana.

Mr. CALLAWAY with Mr. SLEMP.

Mr. THOMPSON with Mr. SELLS.

Mr. HUMPHREYS of Mississippi with Mr. PORTER.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

RITTMAN PATENT, MANUFACTURE OF GASOLINE.

Mr. MORRISON rose.

The SPEAKER. The gentleman from Indiana is recognized.

Mr. MANN. Mr. Speaker, will the gentleman yield for five minutes? I wanted to ask unanimous consent that the gentleman from California [Mr. KENT], who is going out of the House, have leave to address the House for five minutes.

Mr. FITZGERALD. The gentleman from Indiana will yield him five minutes under this bill that he proposes to call up.

Mr. MANN. Very well.

The SPEAKER. Does the gentleman from Illinois withdraw his request?

Mr. MANN. Yes.

Mr. MORRISON. Mr. Speaker, by direction of the Committee on Patents, I ask the Speaker to lay before the House Senate joint resolution 125, now on the Speaker's table.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of Senate joint resolution 125. The Clerk will report it.

The Clerk read the Senate joint resolution, as follows:

Joint resolution (S. J. Res. 125) to authorize the Secretary of the Interior to accept assignment of patent for improvements in the manufacture of gasoline, and for other purposes.

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized to accept as trustee for the use and benefit of the people of the United States assignment from Walter F. Rittman of his entire right and title, or of any lesser interest, in, to, and under any letters patent of the United States which may be granted to said Rittman under applications Nos. 29019 and 29020 for patents for certain improvements in the manufacture of gasoline, benzene, toluene, etc., in so far as said applications or the letters patent issued thereunder cover and embrace the manufacture of such products from materials produced and manufactured within the United States, and the said Secretary of the Interior, or his successors, is hereby authorized to grant such licenses and take such steps as may be necessary to make such processes available to the people of the United State: *Provided*, That the Secretary of the Interior shall also be authorized to accept the assignment of any right, title, or interest in or to any patent issued upon any device, improvement, process, equipment, apparatus, or other matter or thing developed by any licensee in the use of the said Rittman processes.

SEC. 2. That the Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations as may be necessary to carry this resolution into effect.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. If the gentleman from Indiana is going to make a motion to suspend the rules, there is no use in reading the resolution two or three times.

Mr. MORRISON. I move, Mr. Speaker, to suspend the rules, take the resolution from the Speaker's table, and pass the same, with the amendments that I send to the Speaker's desk.

The SPEAKER. The gentleman from Indiana moves to suspend the rules and take the resolution from the Speaker's table and pass it with the matter that has been handed up read into it. The Chair will ask the gentleman from Indiana where these amendments are to come in?

Mr. MANN. It should be reported as a Senate bill with the amendments reported separately.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized to accept as trustee for the use and benefit of the people of the United States assignment from Walter F. Rittman of his entire right and title, or of any lesser interest, in, to, and under any letters patent of the United States which may be granted to said Rittman under applications No. 29019 and 29020 for patents for certain improvements in the manufacture of gasoline, benzene, toluene, and so forth, in so far as said applications or the letters patent issued thereunder cover and embrace the manufacture of such products from materials produced and manufactured within the United States, and the said Secretary of the Interior, or his successors, is hereby authorized to grant such licenses and take such steps as may be necessary to make such processes available to the people of the United States: *Provided*, That the Secretary of the Interior shall also be authorized to accept the assignment of any right, title, or interest in or to any patent issued upon any device, improvement, process, equipment, apparatus, or other matter or thing developed by any licensee in the use of the said Rittman processes.

SEC. 2. That the Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations as may be necessary to carry this resolution into effect.

With amendments, as follows:

Amend, page 1, lines 9 and 10, by striking out the words "numbered twenty-nine thousand and nineteen and twenty-nine thousand and twenty."

Amend, page 1, line 12, by striking out the words "so forth" and inserting in lieu thereof the words "similar products."

Page 2, line 7, strike out the words "by any licensee."

Page 2, at the end of section 1, add the following: "*Provided further*, That nothing contained in any assignment of patent to the Secretary of the Interior in accordance with the provisions of this act, or in any license or permit issued by the Secretary of the Interior, shall affect the rights of said Walter F. Rittman, or of any other inventor, to apply for, receive and retain letters patent, domestic or foreign, upon his own discoveries or inventions, except as such letters patent and the rights to accrue thereunder which cover and embrace the manufacture within the United States of the aforesaid products from materials produced within the United States."

The SPEAKER. Is a second demanded?

Mr. MANN. If nobody else demands a second, I demand it.

The SPEAKER. The gentleman from Illinois demands a second.

Mr. MORRISON. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Indiana asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Indiana is recognized for 20 minutes, and the gentleman from Illinois [Mr. MANN] for 20 minutes.

Mr. MORRISON. Mr. Speaker. I yield five minutes to the gentleman from California [Mr. KENT].

Mr. MANN. And I yield to the gentleman five minutes.

The SPEAKER. The gentleman from California is recognized for 10 minutes.

Mr. KENT. Mr. Speaker and my friends in the House, I do not believe that swan songs are popular, and possibly not interesting, and I shall emit no plaintive squeaks at this time.

Six years ago I came here with an erroneous idea about the House of Representatives, but I have learned a lot. I have discovered, Mr. Speaker, that this House is the finest organization of men, the finest club, that I have ever belonged to. [Applause.] I have found here a breadth of human sympathy, kindliness, and courtesy that seems to have come with the experience that men must have had before they got here.

The work has been intensely interesting. It is 99 per cent wasted. This body is the worst misunderstood body in the United States. People have an idea that because we come here and wrangle and jangle and talk and disagree and accomplish little that it is our fault. It is not our fault. It is the fault of the perfectly insane system that picks out people from all over the country each to represent his district as against the general welfare; and in spite of that, if they happen to be patriotic and happen to get together, that is to their credit, a credit that they merit, and not to the credit of a system that through biennial elections, through the issues of partisanship and all sorts of irrelevancies, falsely judges and crucifies the unfortunate Congressman and district errand boy.

Mr. Speaker, I am not here to throw bouquets, but I must say that you, in your kindliness, in your loyalty to this House, in your fairness, have contributed vastly toward making this the pleasantest human organization of which I have any knowledge. [Applause.]

I came here with the idea that men like the former Speaker, our dear Uncle JOE, were devils incarnate, because they disagreed with what I considered to be progressive legislation. I have found out that he represents the old pioneer type of thought and reasoning, which to his mind ought still to be dominant. I have learned that he, too, is one of the most lovable of human beings, and that he deservedly has the respect and the affection of this House. [Applause.]

I have learned to appreciate the Republican leader [Mr. MANN]. [Applause.] I have disagreed with him oftentimes, and he with me, but I have seen his devotion to the public service, and I have wondered how many hours there are in his day, that he may get over and understand the mass of national legislation. I do not believe there has ever been a more faithful legislator in this place. [Applause.]

Mr. Speaker, from time to time I have had radical differences of opinion with many Members of this House. I have not wasted very much time here in developing jaw muscle, and I think I have been reasonably free from taking my pen in hand; but after six years of service I must express my appreciation of the treatment I have received, the charity, the courtesy that here prevails, and I hope that all other Members feel as I do.

Mr. Speaker, I live 3,000 miles away, as shown by an ample mileage check. Out there on the Pacific coast I have a little patch of land, and a small tame railroad, a few cows, with here and there a sheep; and whenever a Member or Members of this House travel west till they can go no farther without wetting their feet my latchstring is out, the tame railroad is at their service, and I will go out and kill a cow or a sheep in accordance with the numbers present. [Loud applause.]

The SPEAKER. On the part of the House I accept that invitation. [Laughter and applause.]

Mr. MORRISON. Mr. Speaker, I do not care to occupy any of the time of the House if the House is ready to vote.

Mr. MANN. Mr. Speaker, I think the gentleman ought to explain this joint resolution.

Mr. MORRISON. Mr. Speaker, I will make this statement as brief as I can. Dr. Walter F. Rittman, an employee in the Bureau of Mines, discovered or invented a new process for the making of gasoline, benzene, and similar products. Thinking that it was proper that the country at large should have the benefit of his invention, he made an assignment of it to the Secretary of the Interior. The Secretary of the Interior accepted the assignment, and has issued certain licenses thereunder. It now becomes a question as to whether or not it was within the power of the Secretary to accept the assignment, to make the leases or issue the licenses, and the sole purpose of this resolution is to validate the assignment and his acceptance, to authorize the Secretary of the Interior to issue licenses, and to authorize him to accept hereafter assignments of any discoveries or inventions that may result from the use of the invention of Mr. Rittman.

Mr. BORLAND. Mr. Speaker, will the gentleman yield?

Mr. MORRISON. Yes.

Mr. BORLAND. I do not understand—perhaps the gentleman can explain—why if it is desirable to give the Rittman process to the American public it is necessary to have any patent on it or any assignment of the patent or any license issued under that patent?

Mr. MORRISON. If no patent is issued, there is no way in which to control the use of this process. Without the power to control the use of the process and to contract in relation to improvements upon it, the process may become obsolete and the improvements that grow out of its use may at once pass into private hands under the patent system, and this is intended not only to enable the Secretary of the Interior to hold this patent for the benefit of the people of the country, but to enable him to issue such licenses as will insure the assignment to him hereafter of those improvements that will certainly result from the use of this process.

Mr. DOWELL. Mr. Speaker, does this mean that the Government is to go into the purchasing of patents generally?

Mr. MORRISON. No, sir; it can not mean anything of that kind. It is limited to this particular assignment, and such improvements of this process as may result from the use of it under licenses that have been or shall be issued by the Secretary of the Interior.

Mr. DOWELL. Then the resolution merely relates to this one process?

Mr. MORRISON. To the one process and to the one assignment and to the licenses to be issued under it.

Mr. DOWELL. Has the patent already been issued to the department?

Mr. MORRISON. The applications are pending, but letters patent are not issued.

Mr. DOWELL. If the patents are not issued, can not any one use this process?

Mr. MORRISON. If the patents are not issued, so far as this application for a patent is concerned, it is in the public domain.

Mr. DOWELL. Then, as I understand it, the committee believe it is better for the public that the department own and control the patent than to throw it open to the use of every one who desires to use the process.

Mr. MORRISON. That is the opinion of the members of the Committee on Patents.

If no one else has any questions, Mr. Speaker, I will not take further time. I reserve the balance of my time.

Mr. MANN. Mr. Speaker, this matter has been pending before the House quite a while. The committee reported a House resolution on this subject last May, and there has been a controversy in a way going on ever since between the gentleman from Indiana [Mr. MORRISON], the chairman of the Committee on Patents, and the gentleman from Illinois, my colleague, Dr. FOSTER, the chairman of the Committee on Mines on the one side, and myself on the other side. We have reached an agreement, as far as we are concerned, which agreement is embodied in the motion, so that as the resolution stands I propose to vote for the motion to suspend the rules. I demanded a second because I wanted to make some remarks on this subject, but if anybody desires the time to oppose the motion, of course I yield the time, because I would not be entitled to it. [After a pause.] Apparently nobody desires the time.

Now, this is the situation: Dr. Rittman, an employee of the Bureau of Mines, discovered a process for the manufacture of gasoline which he believed would either reduce the expense of manufacture or increase the amount of gasoline, or both. He filed an application for letters patent and offered to convey or did convey to the Government his rights, under certain terms.

Mr. SHERWOOD. Is it possible to fix the price of the product?

Mr. MANN. This has nothing to do with fixing the price of the product. The question was asked of the gentleman from Indiana [Mr. MORRISON], why not just give the public the use of this without letters patent. But that is not the proposition. Dr. Rittman would not agree to that. The original bill contemplated that the patent should be turned over by Dr. Rittman to the United States; that the United States should give permits or licenses for the use of the patent on condition that the permittee or licensee, if he made any discoveries, should have the right to those discoveries in the United States, and that Dr. Rittman should have the benefit of those discoveries in foreign countries, and in the manufacture of gasoline in the United States made from oil imported from a foreign country. That is to say, that we accepted the patent from Dr. Rittman and proposed to permit other people to use it, and make those people pay tribue to Dr. Rittman on any oil or gasoline in connection with imports from Mexico, of which we made great quantities.

If we imported it, Dr. Rittman was to have a royalty not only on his own patent, but upon any discovery of anybody else who had used his patent. Or, if he went to Mexico with his patent he would have the right to have the patent there.

As far as I was concerned, I was not willing to accept a patent from anybody, and then say that anybody who used it, who himself made a discovery, should be required to turn that discovery over to the original discoverer anywhere. That is trading that we ought not to do.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. MANN. In just a moment. Now, the pending resolution will give to Dr. Rittman practically the benefit of any discoveries, so far as foreign countries are concerned, but the amendment that is now offered to the Senate bill provides that if anybody uses the Rittman process and makes a discovery himself, he shall have the benefit of that discovery and the right to take out letters patent on the discovery, but that he must give free use of it in the United States for oil that is produced in the United States and manufactured in the United States. So that under the amendment we do not require every user of the Rittman process to become an agent engaged in discovering something for the benefit of Dr. Rittman. Now I yield to the gentleman from Iowa.

Mr. DOWELL. I desire to inquire if a contract has been made by the department with the inventor on the terms suggested by the gentleman with reference to what he shall receive for this patent?

Mr. MANN. The assignment of the patent which Dr. Rittman assigned contains these provisions that I have referred to, and then the department got up a permit or license to be granted to licensees which contained those requirements, and that if they made any discoveries they should turn them over to the United States for free use in the United States, and for Dr. Rittman's benefit everywhere else.

Mr. DOWELL. May I inquire if there has been an estimate as to whether or not, or in what respect, this will affect the price of gasoline under this process?

Mr. MANN. Oh, well, the gentleman is trying to get me to indulge in a joke. I am never averse to that.

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. First let me have my little joke. When this matter was first brought before the House it was in the annual report of the Director of the Bureau of Mines. He said that the Rittman process was going to reduce the price of gasoline; but it has been going up ever since. That was just a long guess. The Rittman process is not being used to any extent by anybody. It is perfectly certain that, even under the terms of this bill, the Standard Oil Co. will not use the Rittman process. It is perfectly certain that under the terms of this bill the Texas Oil Co. will not use the Rittman process. They employ skilled scientists of their own to make a study for discoveries. They have the benefit of those discoveries. They probably spend very large amounts of money upon their skilled experts. They have no intention, as far as the patent laws remain in force, of paying scientists $500,000 a year to make discoveries to turn over for the benefit of somebody else—or, if they have, they have lost their good sense.

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. Yes.

Mr. FERRIS. I want to develop the joke the gentleman from Iowa raised, and what I want to know is the real, practical benefit of obtaining this patent. Will it be for any good when we get it? Has it progressed far enough to show whether it is worth anything?

Mr. MANN. I am not able to say; but the Bureau of Mines believes that under this process gasoline may be manufactured more cheaply, although I think it is largely the hope that the process may be used by licensees who will make discoveries which will further perfect the patents, so that it may become valuable. Of course, if that be done, there being no royalty in the United States for the use of it, it is a decided benefit to the country.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. MANN. Yes.

Mr. SMITH of Michigan. I understand that this is not patented yet, that letters patent have not been issued.

Mr. MANN. The gentleman did not understand me to say that. The gentleman from Indiana stated correctly that applications had been filed for patents, but letters patent have not been issued.

Mr. SMITH of Michigan. How long have they been pending?

Mr. MANN. Several years.

Mr. SMITH of Michigan. Was Dr. Rittman employed by the Government at the time he got this thing up?

Mr. MANN. He was.

Mr. SMITH of Michigan. What does the gentleman think about assigning the invention of a third person to the United States; would not that involve the right of that third person to say whether his invention should be assigned to Dr. Rittman or to the United States?

Mr. MANN. Oh, certainly; but we can grant a license to somebody that is to use the patent with the agreement that if that person makes any discovery it shall be communicated to the United States for the benefit of the discovery which was given to the United States. That is what is proposed to be done. This provision is that the discoverer, if letters patent are taken out, shall give them over to the use of the United States, but the discoverer will have the right of the patents abroad, and in addition will have the right to use the patent and the royalties on it on oil manufactured in the United States which is imported from abroad.

Mr. SMITH of Michigan. Has the Government given Dr. Rittman assurance that this process will be patented in case the assignment is not made?

Mr. MANN. That is a matter for the Patent Office to pass upon. Of course if letters patent do not issue it will not amount to anything.

Mr. HAUGEN. Will the gentleman yield?

Mr. MANN. Yes.

Mr. HAUGEN. I understand that the practice is in other departments that if an employee discovers and obtains a patent on his discovery or invention it is turned over to the Government unconditionally.

Mr. MANN. More or less. I think it ought to be the legal requirement—although it has nothing to do with this case—that if anybody in the employ of the Government makes a discovery while in the employ of the Government he shall assign it for the benefit of the Government. Although I suspect that if you had that legal requirement a man who discovered something very valuable would easily evade it either by resigning from the service of the Government or by communicating the information secretly to somebody else to take out a patent.

But I do not think there is any criticism of Dr. Rittman in connection with this matter. I do not wish to be understood as making any criticism of Dr. Rittman or the Bureau of Mines. Very naturally he would like some benefit from the patent, but he felt that as far as the United States was concerned he should turn over the benefit of his patent, but probably he did not fully appreciate what it meant to declare that every licensee who made a discovery should turn it over to the United States for Dr. Rittman's benefit except as to oil produced and manufactured in the United States.

Mr. SMITH of Michigan. I did not wish to make my inquiry so as to appear to criticize Dr. Rittman. My curiosity was aroused from the fact that the patent had been pending for a long time, and if it is a new device and a patentable invention the patent ought to have been issued.

Mr. MANN. I do not know what the facts may be, or, if I ever did know, I have forgotten. I suspect that it is held up in the Patent Office because these matters are pending. Of course the question of requiring the licensee to turn over any discovery he makes goes to the whole patent system. I am not an especially enthusiastic admirer of the patent system at all, but if the patent system is to be maintained, and I do not think many people have reached the conclusion yet that it ought to be wiped out, the same inducement or the same argument at least can be made in favor of letting the licensee make discoveries as could be made in favor of the original inventor making discoveries. The purpose of the patent system is not to benefit the discoverer; it is to incite the discoverer to make discoveries for the benefit of the public. That is the public side of it. We give to a man a limited patent or monopoly because we think when we do that we will get him to make discoveries which will benefit the rest of the public.

Mr. BENNET. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. BENNET. Are there many precedents for actions of this character?

Mr. MANN. I really do not know of any.

Mr. BENNET. I was going to suggest it seems to be rather a new thing.

Mr. MANN. Some years ago the Regents of the Smithsonian Institution organized a company—I do not know whether it is still in existence or not—for the purpose of accepting assignments from people who desire to be generous and give the people or the public their patents. That corporation was organized with a view to accepting those assignments, and possibly getting a slight royalty from them, but, in the main, to give them

really to the public. I do not know of any other instance where a precedent exists, although there may be many.

Mr. STEENERSON. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. STEENERSON. Has the gentleman any knowledge as to whether or not Dr. Rittman has applied for foreign patents on this same invention?

Mr. MANN. I have no information upon that subject, so far as I now recall; but I have no doubt that he has.

Mr. STEENERSON. Would not that fact be an explanation for the delay in issuing these letters?

Mr. MANN. I think not.

Mr. STEENERSON. I understand that letters patent must be issued in foreign countries before they are issued here.

Mr. MANN. I do not have any such understanding as that.

Mr. STEENERSON. I understand that you can wait only a certain time before it is too late to apply for a patent in a foreign country.

Mr. MANN. I am very sure that they are not required to delay the issuance of a patent here because a man has made an application abroad until they have issued the patent abroad.

Mr. MORRISON. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. Mr. Speaker, I want to add a word to what my colleague has said. Dr. Rittman, as we know, was an employee of the Bureau of Mines for quite a while, and during his time there was the discoverer of this process, not only for the manufacture of gasoline, but for other products, such as toluene, which is very useful in the manufacture of explosives for the Government. It has been the policy of the Bureau of Mines to induce its employees when making a discovery that is considered of importance to assign it to that bureau. Having made this discovery, it was the duty of Dr. Rittman, being a man of strict integrity and of high character, to immediately turn this discovery over to the Secretary of the Interior, which he did. Some licenses have been granted in a way to manufacture gasoline from this process, but it has not been done to any great extent, I will say. I think in the district in which I live a license was granted to one manufacturer of gasoline, but just what success has been had with it I am unable to say. This is a start in the right direction. We do not know, of course, how successful it is going to be, and, as was said by my colleague, discoveries or improvements upon this process may result in extracting a great deal more gasoline from crude oil than is now done. This is supposed to get possibly 70 or 75 per cent of the gasoline out of the oil, whereas now we get a much smaller per cent. I believe this resolution ought to pass, so that the Government may hold control of the process if it proves to be valuable, and improvements that will be made are to be assigned to the Government, where they will be under the control of the Secretary of the Interior.

Mr. LINTHICUM. Are they not getting a great deal more gasoline out of the crude oil now than they used to get?

Mr. FOSTER. I think that is true.

Mr. LINTHICUM. It has increased from 30 per cent to something like 55 per cent.

Mr. FOSTER. Yes; I think the gentleman is correct. If this proves what they think it will do, they will get a much larger per cent.

Mr. Speaker, before I take my seat I desire to say just a word in respect to our good friend from Indiana [Mr. MORRISON], who made this motion. He voluntarily retires at the close of this session from Congress. I want simply to speak of his high character and strict integrity, and the conscientious patriotism with which he has served in this House, and I am sure that he goes back to his home with the most kindly feeling of every man here who has served with him. We wish him long life, prosperity, and happiness. [Applause.]

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana may have five minutes out of order to make a few remarks.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the gentleman from Indiana, Mr. MORRISON——

Mr. FERRIS. No; Mr. BARNHART.

Mr. MANN. Each gentleman possesses the affection of the House.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the gentleman from Indiana [Mr. BARNHART] may address the House for five minutes. Is there objection?

There was no objection.

Mr. BARNHART. Mr. Speaker, when your gavel sounds the end of the Sixty-fourth Congress eight Members of the Indiana delegation will retire from congressional life—three of their own volition and five by the whirligig of Indiana politics. And I want to take just a moment of your time to say that in all of my acquaintance and experience I never was associated with a more companionable, honorable, and faithful group of men than ADAIR, CLINE, MORRISON, RAUCH, MOSS, CULLOP, LIEB, and GRAY. [Applause.] While all of them were members of important committees, they have not taken as much time of the Congress as some others in speech making, but in committee work, in constant attendance in the House, and in loyalty to duty they have records which we all know to be an honor to their State and a credit to those who sent them here. [Applause.]

And so, Mr. Speaker, I believe I bespeak the sentiment of all who have served with them, regardless of politics, when I say we regard their departure from us and from the important duties they have so well discharged with profound regret. Furthermore, I know we will all join in wishing them and theirs good health and good luck and that the fortunes of politics may return them to the work here they have performed so faithfully and efficiently. But if not, then when age and infirmity overtake them may they be comforted by the honors which they have won here, and may the evening twilight of life find them comfortable, contented, and happy. [Applause.] And let it be said for me that this is one instance in my life where old acquaintance shall never be forgot. [Applause.]

Mr. MORRISON. Mr. Speaker, how much time have I remaining?

The SPEAKER. Five minutes.

Mr. MORRISON. I yield four minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, while we are discussing this joint resolution I would like to have the membership of the House think with me for a little while of a young man who came from the northern part of Ohio near the place where was born that wizard of electricity, Thomas A. Edison, as we now see him in the application of the laws of electricity to modern life, from the same section of the State came a young man seeking an institution of learning where I was then a professor. I did not notice anything peculiar about his qualifications other than he seemed to be a plodder in the field of chemistry and other allied sciences. We watched him with a good deal of interest when we learned of his ambition as an investigator. We followed him from the university town in Ohio into Columbia University in New York City. It was easily recognized that he had the instincts of an investigator, and after having gone into the research in an intensive way as far as the university would permit he desired to extend that research in the same direction and saw no better field than that offered by the Government in its vast resources for such research here in Washington and engaged himself under the employment of the United States in the Bureau of Mines. Like many another discoverer, he was quietly and sedulously working, it is true under the employ of the Government, receiving the pay that the salary afforded, but his best efforts were those which saw him at work during the hours for which he was not paid, as he was pushing his investigation into these new fields. I shall never forget how one day as I sat here in the House one of the Ohio press boys came to me and said, "Have you read the morning paper?" Here was a dispatch, given out by the Secretary of the Interior, carried by every metropolitan paper of the Nation. That dispatch announced the achievement of the student boy who but a few years ago had come from northern Ohio from an humble home to begin a career of great pride to my State if not to the Nation. It is but another chapter in what we are proud to call American ambition for modern achievements. [Applause.] It added another item in corroboration of the statement of Emerson that "America is but another word for opportunity." I hope we will give this boy, who now is the distinguished Dr. Rittman, all that belongs to him. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MORRISON. Mr. Speaker, I call for a vote.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the Senate joint resolution was passed.

EFFECTIVE DATE OF POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I will ask the Clerk to report.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution 392.

Resolved, etc., That section 5 of an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, shall not be in effect until July 1, 1917.

The SPEAKER. Is there objection?

Mr. HOWARD. Mr. Speaker, I object.

The SPEAKER. The gentleman from Georgia objects.

Mr. MOON. Mr. Speaker, I move to suspend the rules and pass the resolution.

Mr. HOWARD. I object.

The SPEAKER. Is a second demanded?

Mr. HOWARD. Mr. Speaker, I demand a second.

Mr. MOON. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Georgia demands a second and the gentleman from Tennessee asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Tennessee is recognized for 20 minutes and the gentleman from Georgia 20 minutes.

Mr. MOON. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Speaker and gentlemen of the House, I do not know that I shall consume even the five minutes allotted me by the distinguished chairman of the committee. The resolution speaks for itself. I presume that every Member of the House knows what it is intended to do. You all know that the Post Office appropriation bill contained a provision, known as the Reed amendment, which prevented the shipment of intoxicating liquors into the various States of the Union where those States had prohibited the sale and manufacture of intoxicating liquors. It is useless, I think, for me at this late hour of the day to say I was heartily in favor of that provision, because I believe that prohibition means but one thing, and that is prohibition. You can not have prohibition in spots. You have to have it universally, operating upon all the people of every State where they prohibit the manufacture and sale of intoxicating liquors, before you have prohibition. But now, gentlemen of the House, in my opinion, we ought to be reasonable about the time when the Reed amendment goes into effect. The Post Office bill is now a law. It was signed this morning by the President, and the legislative provisions in that bill immediately go into effect, and therefore what is known to the House as the Reed amendment is the law at this time. I said a moment ago we ought to be reasonable. I believe I have a reason for making that statement. Now, Members may feel we do not owe the distillers or brewers anything. I may possibly agree with you upon that proposition, but for years and years, in fact since we have had an internal-revenue law in this country, the banks of the Nation have accepted the warehouse certificates of the distillers as collateral security and loaned to the distillers of the Nation tremendous sums of money on these certificates as security.

I am told by men who are conversant with this situation that in all human probability the banks of the Nation probably now hold not less than $300,000,000 worth of the certificates of the distillers of the country on which the banks have in good faith loaned money to the distillers. Now, gentlemen, if this bill goes into effect, if it should go into effect to-morrow, it will possibly carry some bank down into insolvency. But there is no question in my mind but that the banks will immediately begin to get out from under these warehouse certificates and immediately call upon the distillers for other securities, because if the distillers are pressed at the moment to give other security they will not be able to do it, and they may both go to the wall as well as the banks.

Now, gentlemen, I do not think you want to do that. On the other hand, if the banks are given to the 1st day of July, 1917, to get out from under this and give the distillers a chance and opportunity to give the banks other security, in my opinion nobody will be hurt by the bill at all. The banks will be saved and the distillers——

Mr. HOWARD. Will my good friend yield?

Mr. COX. For a question.

Mr. HOWARD. How can this affect the bankers and distillers to any degree except where by law all the States in which they are now shipping this liquor are affected?

Mr. COX. The banks have these warehouse certificates of the distillers, and on those certificates the banks have loaned to the distillers hundreds of thousands, yes, millions of dollars. Now then, if that property is destroyed and the distillers should be called upon by the banks to put up other collateral for their loans, the distillers will not be able to do it, and if the distillers are not able to do it, in all human probability many banks which to-day are perfectly solvent will go into liquidation or insolvency.

The SPEAKER. The time of the gentleman has expired.

Mr. COX. Will the gentleman from Tennessee give me about three minutes more?

Mr. MOON. I have but 15 minutes.

Mr. HOWARD. I will yield to the gentleman three minutes of my time.

Mr. COX. Now, there is an argument made by many men, and to some extent it is sound argument, that the liquor business has heretofore been regarded a legal or legitimate business. I would rather differ with them upon that point, because there never has been a moment of time but that the liquor business has been under the police power of the State and subject to the legislatures of various States. Therefore I would take it as a fundamental proposition that it is not a legal business. But where the banks accept these warehouse receipts or certificates as collateral security, that is not only a quasi legal business, but it is a legal business.

Now, I hope in the interest of the banks that this resolution will pass the House. The conferees on the Post Office bill could have inserted a provision in here that would have extended the time to the 1st day of July, 1917, but that point was not in dispute between the conferees of the two Houses, and would have been clearly subject to a point of order. That question was thoroughly debated by the Senate and House conferees, and not wishing to take any chances upon having the report defeated in this House on a point of order and sent back for further conference, we undertook to risk the sound judgment of the membership of this House to pass a resolution for at least three months' time in order to give the banks opportunity to get out from under.

Mr. GALLAGHER. Would you be willing to accept an amendment to this to recompense the saloon keepers of Washington that have property destroyed, or the distillers, or the brewers?

Mr. COX. No; I would not. They have got until November to get out from under their troubles.

Every State in this Union, I take it, that has enacted prohibitory laws has given the brewers and distillers in those States an opportunity to get out from under. And I want to appeal to every friend of prohibition here to support this resolution and especially give these banks a chance. Indiana has recently passed a bone-dry prohibition law, but the legislature of my State postponed the going into effect of this law 12 months, and I think it is but fair to give those affected by this bill 4 months' time in which to set their house in order.

The SPEAKER. The time of the gentleman has expired. The question is——

Mr. HOWARD. I thought the gentleman from Tennessee [Mr. MOON] might want to use some of his time. If he does not want to use it now, I will use some myself.

Mr. MOON. Mr. Speaker, I want only a few minutes, and that will be all.

The only provision in this bill that goes into effect to-day is section 5, that prohibits the publication in newspapers of liquor advertisements, and prohibits orders for liquor, even for medicinal purposes. This bill, strange as it may appear, does the latter. It also prohibits the transportation through interstate commerce of liquor after the signing of the bill. We thought this section ought to go into effect when the balance of the bill goes into effect, which is on the 30th of June. This is a bill for the fiscal year 1918, and this provision ought not to have been on here; but it was put here, and it becomes operative as a matter of law to-day, when the balance of the bill does not go into effect until June 30 next.

Now, right at this minute there are a thousand papers in the United States that are violating this law without knowledge of the fact that this bill had been signed, and are subject to a penalty of three years in the penitentiary and $1,000 fine. There are, perhaps, 10,000 shipments of liquor to-day, in violation of the law, going through interstate commerce. Why, every sensible and honest man knows it is not right to put people in that position. Not only for those reasons, but because an opportunity ought to be afforded to people of the United States who have taken liquor that was in bond and held it as security for millions of money. Shall you destroy two hundred and odd millions of dollars of values in the United States just for the purpose of giving effect to the views of contemptible political demagogues who do not want to do a just and honest thing?

This bill could have been vetoed this morning. This bill would, possibly, have been vetoed but for assurances that were made by gentlemen on the floor of this House that there would be no opposition to this extension.

I do not feel at liberty—it would not be within the rules—for me to mention rumors of that sort; but I have been disgusted with the opposition arising, disgusted with the statements that have been made, and, in view of the present condition and inevitable effect of the law, I do not believe it would be just, I do

not believe it would be right, and it is inconceivable to me that any man of common sense, of honor, of integrity, would attempt to put any part of the people of his country into the condition that this bill does if this single section shall be held to go into effect to-day when the balance of the law is not to go into effect until the 30th of June.

This section 5 is one that imperils the welfare and the interests, from a monetary standpoint, of the people, and more than that, the liberty of the people themselves, who unfortunately at this very hour may be violating the law, because the law excuses no man on account of his ignorance of its existence.

I think it is a work of supererogation to undertake to discuss this question here under these conditions. Of course I do not expect to reach the ears of the fanatics on this prohibition question. I have voted for every proposition that ever came before this House during my service in the interest of temperance. Away back 18 years ago, when there was a bare majority of 17 for the question in the House, I voted to sustain the movement to put liquor out of the Capitol. I voted repeatedly on the proposition here. I supported the Hawaiian amendments, the ordinance irrevocable for Oklahoma, the Webb-Kenyon bill, and the resolution to submit the constitutional amendment to the people, and the District bill. I have supported every temperance bill as these were on the principles of the Democratic Party, but I have never been unreasonable on these questions. To enforce this law under these conditions will be to discredit the cause of real temperance. Not to pass this resolution would discredit the cause it purports to favor. I know of no terms in the English language which would thoroughly express my contempt for a position that would destroy liberty at the instance of fanaticism. Men may on most questions be sensible and yet deficient in sense on some particular subject; upon this very question they are often lunatics, and yet wise men upon other questions. I do not believe that sensible men are going to listen to any man who seeks petty advantages in his State politically by standing against a position so sound and moral as this one. Conscientious, moral, and just men, and not unreasonable and insincere demagogues, if there are such here, should control our actions. [Applause.]

Mr. STEENERSON rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. STEENERSON. I want to ask the gentleman from Tennessee——

The SPEAKER. The gentleman from Tennessee has taken his seat.

Mr. STEENERSON. Will the gentleman yield me one minute?

Mr. MOON. I will try to recognize the gentleman in a few moments. Let the other side be heard awhile.

Mr. HOWARD. Mr Speaker and gentlemen of the House, I confess on the face of this proposition it looks fair It would have appealed to me in a spirit of fairness with much more force had not either of the gentlemen who have just preceded me taken the floor. Their entire argument is predicated upon the effect of an extension of this act upon those who may hold the collateral of those who distill liquors and of those who have large amounts of liquors undisposed of.

My opposition to an extension of this time, I hope, is predicated upon a higher and more logical plane. The news has just been received in Washington that the sheriff of one of the counties near my home in the State of Georgia was murdered by a man who went on a drunken tear on a bottle of Chattanooga, Tenn., liquor. [Applause.]

Now, let us see what this proposition is. Let us see if there is anything unfair about this bill going into operation immediately upon its signature by the President of the United States. They appeal to us to allow these liquor men for four months longer to pour their goods into the States where, under the laws of those States, the sale and manufacture of liquor is prohibited. Yet neither of these distinguished gentlemen, for whom I have the highest personal regard, have mentioned one word about the green pastures these liquor people can feed upon in 65 per cent of this Union where the liquor traffic is a lawful business.

The gentleman from Tennessee [Mr. MOON] talks about fanaticism. Yes; I probably am guilty of being a fanatic about some things, and they are law enforcement, morality, and the protection of innocent children and suffering women that have been damned by this curse. [Applause.]

Talk to me about a man that believes as I believe and as my people believe in temporizing with liquor! What right under the law of Georgia have they to send these things into that State? It is a misdemeanor for a person to personally solicit orders for liquor in my State. It is a misdemeanor within the confines of that State to take a jug of whisky from one place to another and even deliver it to a man as the agent of another; and yet the great Government of the United States has been aiding and abetting the liquor traffickers in interstate commerce by saying, until through a decision rendered in the Webb-Kenyon case, that you can not put your hand on those shipments. The Post Office Department has been doing a thing through its agency that is unlawful in Georgia, to wit, sending advertisements through the mails soliciting orders for liquor. They ask that they be permitted to violate the law of my State four months longer. This is no injustice to the whisky men. I will say to the gentleman from Tennessee that the liquor houses in his city can turn their eyes toward other States where it is lawful to sell liquor. He says they have 238,000,000 gallons of bottled hell on hand. Let them pour it in the cities and States that have not awakened to this great economic and moral question, that it may hasten the day when they will do as we of Georgia have done. Treat it as an outlaw in society and enemy to progress and happiness.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Illinois?

Mr. HOWARD. I will yield to my friend.

Mr. MADDEN. I would like to ask the gentleman from Georgia this question: The law becomes effective to-day?

Mr. HOWARD. Yes.

Mr. MADDEN. The penalty applies from this moment on?

Mr. HOWARD. Yes.

Mr. MADDEN. If no extension is allowed, what becomes of the man who innocently violates the law because he has had no opportunity to adjust himself?

Mr. HOWARD. I have implicit confidence in the fairness and integrity of district attorneys throughout this country, and I know and you know that no man will be prosecuted for a shipment of liquor that is put into interstate commerce to-day, or for a letter that is put into the mails to-day; but the great daily papers have been filled with this legislation, and even the little children of this land know it has passed Congress. Every man who has ordered liquor will not be hurt, but helped if his order of liquor never reaches him. [Applause.]

Mr. MADDEN. Will the gentleman yield for one more question?

Mr. HOWARD. Yes.

Mr. MADDEN. I understood the gentleman to say, in reply to my question, that he had faith in the fairness of the district attorneys of the United States, and he was sure they would not prosecute under the circumstances. I understand that to be a conclusion on the part of the gentleman, that he is not in favor of prosecuting until a fair opportunity is afforded to these men to adjust themselves to the law. Now, if immunity is to be granted, why not do it according to law instead of outside the law? [Applause.]

Mr. HOWARD. I will answer the gentleman by saying that what I have reference to is that no grand jury would indict for shipments that are now in transit to these dry States, and if a grand jury should indict, no jury of fair-minded men would convict. But what does this mean? It means that in the latter part of June these dealers will reduce the price of liquor going into these dry States, and they will sell it at half price, and men will sacrifice the food of their children and deny them clothes and shoes to buy a stock of liquor, and we will have a riot of crime following this period. You gentlemen from the dry States who voted for this bill, let me put you on notice now that the best thing for you to do—and as your friend I advise you to do it—is to let this law go into effect from the very minute that the President puts his signature to it, because the sooner people get acquainted with this particular piece of legislation the more they will approve your votes for it; the longer a man stays sober, the stronger he becomes an advocate of prohibition. The more he sees the radiant smile of his good wife in approval of his abstinence from strong drink, the more ashamed of himself he is that he caused her tears.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. HOWARD. With pleasure.

Mr. PAGE of North Carolina. The gentleman speaks of the probability that during the latter part of June there will be shipments of great quantities of whisky into dry territory. The gentleman, of course, is aware that nearly all of these States that have prohibited the manufacture and sale of intoxicating liquors already have statutes upon their books limiting to a very small amount the quantity of liquor that can be shipped into those States to any one person within a given time.

Mr. HOWARD. Yes; but these old soakers will get the limit, and then they will get as many dummies as they can—men who do not care very much about liquor—and they will say, "John, let me order half a gallon in your name; Bill, let me order half

a gallon in your name"; and they will store it up and buy it at these reduced prices, and these liquor men will reduce the price of it, and urge it on the people of these dry States; and with all the earnestness of my soul I appeal to you gentlemen who represent States that are interested, like my State, to vote against this joint resolution, and to let this law, that means more to the people of the State of Georgia than all the legislation that has been enacted by the State or the Federal Government for the control of liquor in this country for years, take immediate effect. [Applause.]

I reserve the remainder of my time.

Mr. MOON. Mr. Speaker, how much time have I remaining?

The SPEAKER. Nine minutes.

Mr. MOON. I yield two minutes of that time to the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. Mr. Speaker, I have practiced temperance all my life, I have voted for prohibition all my life, and I have never denounced or criticized any other person for voting against prohibition in my life. I am in favor of this concurrent resolution, and I do not believe that there is a single prohibitionist in my State who will criticize me or criticize any other sincere prohibitionist in this House for voting for this resolution. [Applause.] Sincere prohibitionists as a rule are fair-minded, and they believe in justice and right and square dealing; and I think they believe that it is nothing but right and fair to give the newspapers which have been carrying liquor advertisements, the circularizers and the producers and shippers of whisky themselves, an extension of a reasonable time in which to adjust themselves and their business. I hope the prohibitionists in this House will feel justified and warranted in voting for this resolution. I believe the time ought to be extended until July, and no doubt a large number of the men in this House who voted for this section in the Post Office bill and for the Reed proposition felt that just such a resolution as this should immediately follow the enactment of the Post Office appropriation bill. I so expressed myself at the time.

I hope this concurrent resolution will pass. [Applause.]

Mr. MOON. I yield to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Speaker, it seems to me that this resolution of the gentleman from Tennessee [Mr. MOON] ought to pass by practically a unanimous vote. This is a question of putting a penal statute in force immediately. That ought never to be done. There ought to be a time for men who have been engaged both in the newspaper-advertisement line and in the shipment of liquor, to make the necessary arrangements to comply decently with the law; and as a man who voted for the bone-dry bill from conviction, I trust I voice the sentiments of those, at least on this side of the aisle, who voted the same way, that the resolution of the gentleman from Tennessee ought to be adopted, in the name of fairness, decency, and temperance.

As a matter of fact we must now face certain phases of the prohibition question seriously. The "dry" States number 23, and their total urban population is 8,245,450. The "wet" States number 25, and their total urban population is 34,377,933. The 23 "dry" States have about 32,250,000 population, while the 25 "wet" ones have about 59,650,000, based in both instances on the 1910 figures. These figures are not strictly accurate, and the District of Columbia, Florida, New Hampshire, Utah, and Vermont are counted as "wet" territory. But the preponderance of city population and wealth is in the "wet" States. This raises the question whether compensation ought not to be made for the vast property interests to be destroyed by "bone-dry" laws.

There can be little doubt of the power of the States and of Congress to make the country "bone dry" in time. Mr. Lincoln was opposed to slavery, yet he proposed to free the slaves by purchase.

Our country, through the internal-revenue collections, has gone into partnership with the liquor business.

We suddenly exercise our power to ruin our partners, while at the same time hanging on to all of the billions of dollars which we have obtained through this partnership.

A decent scheme of compensation for the property interests which we propose to destroy would be much more to the credit of our moral sense.

That the liquor business is a bad business furnishes no excuse for treating it unfairly.

Under leave of the House I print an interesting table prepared for me by the Legislative Reference Division.

DATA RELATING TO "DRY" AND "WET" STATES.

GENERAL SUMMARY.

[For sources see notes following first table.]

Population in State-wide prohibition States (numbering 23), 32,306,331—24.9 per cent urban.

Population in States not having State-wide prohibition, 59,665,935—57.6 per cent urban.

Percentage of total population in State-wide prohibition States, 35.1.

Percentage of total wealth (not including $402,351,858, value of ships belonging to United States Navy, and $290,000,000, value of privately owned water-supply systems; in the census reports these items are not distributed by States) in State-wide prohibition States, 31.

State-wide prohibition States.

State.[1]	Population in 1910.[2]			Wealth in 1912.[3]
	Urban.	Rural.	Per cent urban.	
Alabama	370,431	1,767,662	17.3	$2,127,054,933
Arizona	63,260	141,094	31.0	501,852,186
Arkansas	202,681	1,371,768	12.9	1,829,521,733
Colorado	404,840	394,184	50.7	2,386,921,583
Georgia	538,650	2,070,471	20.6	2,382,600,866
Idaho	69,898	255,696	21.5	608,305,157
Iowa	680,054	1,544,717	30.6	7,868,454,211
Kansas	493,790	1,197,159	29.2	4,615,432,533
Maine	381,443	360,928	51.4	1,089,594,027
Michigan[4]	1,327,044	1,483,129	47.2	5,427,022,651
Mississippi	207,311	1,589,803	11.5	1,344,860,023
Montana[5]	133,420	242,633	35.5	1,149,732,985
Nebraska[6]	310,852	881,362	26.1	3,794,986,781
North Carolina	318,474	1,887,813	14.4	1,807,573,789
North Dakota	63,236	513,820	11.0	2,141,625,961
Oklahoma	320,155	1,337,009	19.3	4,581,091,918
Oregon	307,060	365,705	45.6	1,944,354,463
South Carolina	224,832	1,290,568	14.8	1,351,400,753
South Dakota[7]	78,673	507,215	13.1	1,398,573,425
Tennessee	441,045	1,743,744	20.2	1,920,348,261
Virginia	476,529	1,585,083	23.1	2,289,913,786
Washington	605,530	530,460	53.0	3,218,369,623
West Virginia	228,242	992,877	18.7	2,303,571,209
Total	8,245,450	24,060,881	24.9	58,063,156,651

[1] List of "dry" States is compiled from data in The American Issue, New York edition, of Nov. 18, 1916, pp. 1–2, and of Nov. 25, 1916, pp. 1, 3.
[2] From United States Department of Commerce Statistical Abstract of the United States for 1915, p. 39. Urban population is defined as that residing in incorporated places of 2,500 inhabitants or more and in New England towns of that size.
[3] Same, pp. 634–639.
[4] In effect May 1, 1918. See The American Issue of Nov. 25, p. 1.
[5] In effect Jan. 1, 1919. See the same.
[6] In effect May 1, 1917. See the same.
[7] In effect July 1, 1917. See the same.

States not having State-wide prohibition.[1]

State.[2]	Population in 1910.			Wealth in 1912.
	Urban.	Rural.	Per cent urban.	
California	1,469,739	907,810	61.8	$8,464,204,277
Connecticut	999,839	114,917	89.7	2,285,454,059
Delaware	97,085	105,237	48.0	307,948,613
District of Columbia	331,069	.....	100.0	1,173,857,112
Florida	219,080	533,539	29.1	1,049,138,228
Illinois	3,476,929	2,161,662	61.7	15,484,450,232
Indiana	1,143,835	1,557,041	42.4	5,194,682,500
Kentucky	555,442	1,734,463	24.3	2,267,777,525
Louisiana	496,516	1,159,872	30.0	2,164,437,746
Maryland	658,192	637,154	50.8	2,177,958,864
Massachusetts	3,125,367	241,049	92.8	6,302,988,392
Minnesota	850,294	1,225,414	41.0	5,547,327,017
Missouri	1,398,817	1,894,518	42.5	5,842,017,009
Nevada	13,367	68,508	16.3	457,008,910
New Hampshire	255,099	175,473	59.2	849,320,469
New Jersey	1,907,210	629,957	75.2	5,743,032,278
New Mexico	46,571	280,730	14.2	513,733,026
New York	7,185,494	1,928,120	78.8	25,011,105,223
Ohio	2,665,143	2,101,978	55.9	8,908,432,943
Pennsylvania	4,630,669	3,034,442	60.4	15,457,330,277
Rhode Island	524,654	17,956	96.7	970,802,690
Texas	938,104	2,958,438	24.1	6,859,909,141
Utah	172,934	200,447	46.3	781,613,390
Vermont	168,943	187,013	47.5	527,261,775
Wisconsin	1,004,320	1,329,540	43.0	4,487,725,258
Wyoming	43,221	102,744	29.6	353,844,827
Total	34,377,933	25,288,002	57.6	128,983,562,581

[1] From same sources as first table. [2] Also the District of Columbia.

Under general leave to print, I insert the following necessary but personally distasteful memorandum:

When the House was considering the general deficiency bill on Friday I offered an amendment to insert $1,000 for Aaron P. Prioleau, an unsuccessful contestant in the Sixty-second Congress. I sent to the Clerk's desk and had read a copy of the certificate of Hon. JAMES A. HAMILL, chairman of Elections No. 2 in the Sixty-second Congress. My colleague [Mr. FITZGERALD] made a point of order against the amendment, based on the ground that there was no evidence that there ever had been a cer-

tificate in the Sixty-second Congress. This placed me in the position of presenting to the House as an instrument of verity a doubtful paper. I told the House that the paper was in my colleague's own files. This my colleague would not admit (p. 4842).

The Chair sustained my colleague's point of order, because I could not produce a paper which was under the control of my colleague who made the point of order. Of course the ruling was wrong. We did not adjourn Friday's session until 2.20 a. m. Saturday.

I started in at once to get the certificate from my colleague's files, but though repeatedly promised it during the day, it was not delivered to me until after we had recessed on Sunday morning until Sunday, March 4, 1917, at 10 a. m. At that time I took the certificate to my colleague and asked him to have it read to the House and he refused, thus letting the Congress expire with the implication that I had placed a false paper before the House. When my colleague made the point of order he knew that there was such a certificate or that there had been. He and I had discussed the case in the long session and the late Mr. Courts had shown me the certificate. Furthermore, my colleague was present when the case was discussed in the Sixty-second Congress. He had inserted the Prioleau item in the general deficiency bill of that year. (CONGRESSIONAL RECORD, 62d Cong., 3d sess., pp. 4119, 4120, 4221, Feb. 26, 1913.)

Why my colleague did this unfair thing I do not know. I simply state that the certificate exists; that it was in my possession on March 4, 1917; that the copy I sent to the Clerk's desk appears to be a correct copy, and that I returned the original to the acting clerk of the Committee on Appropriations at about 11 o'clock on the morning of March 4, 1917. I hope that the next time the case comes up my colleague will not deny the existence of such a certificate, and will treat whoever handles the matter more fairly and justly than he treated me.

Mr. MOON. Mr. Speaker, I yield two minutes to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Speaker, all of us have heard of the laws which were placed so high that the people could not read them. This is almost a parallel case. The law has been written, and before the ink is dry on the paper people more than 3,000 miles away are expected to comply with the terms and provisions of a law about which they have not yet heard. I believe this is a case where it is better that 99 guilty should escape rather than 1 innocent should be punished. [Applause.]

The gentleman who preceded me [Mr. ALMON] has undertaken to make it appear that it is only the liquor interests that request for this extension of time. I know something about the business although I have never had a dollar invested in it. I do know that 90 per cent of all the straight whisky manufactured in the United States is pledged to the banks through the warehouse receipts. The bankers have been referred to. Who are the bankers? They are only the salaried men who handle and invest the money, not for the wide-awake man alone, but for widows and children as well. And when the property of the bankers is confiscated the property of the women and children who have their investments in the bank is also confiscated. It is they who ought to have some consideration in this matter.

Those who purchase bank stocks do so without knowledge as to whether the capital of the bank is invested in loans secured by whisky warehouse receipts or in loans secured by warehouse receipts for wheat or some other such product.

Unless this extension of time is granted the owners of such paper must suffer loss. In addition to this, it is known here in this Chamber, which is only a few blocks from the White House, that only about two hours ago the President affixed his signature to an act which passed Congress only two or three days ago, but it is impossible for the people throughout the length and breadth of this broad land to know in such a short time that such a law has been enacted.

It is an old and true saying that ignorance of the law excuses no man. It is my opinion that somewhere between the Atlantic and the Pacific hundreds of people do not know that Congress has passed any such law, and the assertion is certain that hundreds of them have violated the law, and perhaps are this very minute violating it in absolute ignorance that such a law has ever been enacted. Since this is true, it seems to me that before this law, of which the people are in ignorance, should go into effect the business men may have at least some opportunity to adapt themselves to the new condition and those who are ignorant of the passage of the law may have some reasonable time in which to learn of its existence.

The penalties of this new law are severe. Convictions under some circumstances bring terms in the penitentiary. Heretofore it has not been a penitentiary offense to send a bottle of whisky or wine from one place to another. Now it is. Before anyone should be so punished he should have some short time at least to hear that such a law has been passed. Nothing short of this is just.

Mr. MOON. I yield half a minute to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, for 30 years in Tennessee and for 20 years in this Capitol I have voted and worked for every prohibition measure that has been offered for either State or National action. The other day when this bill came over from the Senate with the Reed amendment attached to it I told my colleague from Tennessee, Judge MOON, chairman of the Committee on the Post Office and Post Roads, that if he would not oppose the motion to concur in the Reed amendment I would vote with him for the adoption of a joint resolution to extend the time in which this liquor provision was to take effect. I think we ought not to be unreasonable and vindictive in our action regarding this matter. [Applause.]

I was of the opinion that if the Reed amendment was changed in the slightest degree, and thereby causing the amendment to go to a conference, that the Senate would recede and no legislation along the line of that amendment would finally be enacted. And in order to make certain that the Reed amendment should be enacted into law without any real or substantial change in its form and effect I agreed to vote for a resolution of the kind now before us, and in agreeing to do so I believed then, and I believe now, that I was doing the best thing that could be done to secure the retention of the Reed amendment in the bill.

The SPEAKER. The question is on suspending the rules and passing the joint resolution.

The question was taken; and on a division (demanded by Mr. HOWARD) there were—ayes 158, noes 49.

Mr. HOWARD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 285, nays 86, answered "present" 2, not voting 60, as follows:

YEAS—285.

Adair	Dixon	Houston	Mott
Alexander	Dooling	Howell	Mudd
Allen	Doughton	Hulbert	Murray
Anderson	Drukker	Hull, Iowa	Nolan
Anthony	Dyer	Humphrey, Wash.	Norton
Ashbrook	Eagan	Humphreys, Miss.	Oakey
Aswell	Eagle	Husted	Oglesby
Ayres	Edmonds	Hutchinson	Oldfield
Bacharach	Ellsworth	Igoe	Olney
Bailey	Elston	Johnson, Ky.	O'Shaunessy
Barchfeld	Emerson	Johnson, S. Dak.	Overmyer
Barkley	Esch	Kahn	Page, N. C.
Barnhart	Estopinal	Kearns	Paige, Mass.
Beakes	Farley	Keating	Parker, N. J.
Bell	Farr	Kelley	Parker, N. Y.
Bennet	Ferris	Kennedy, R. I.	Patten
Black	Fess	Kettner	Peters
Blackmon	Flood	Key, Ohio	Phelan
Booher	Flynn	Kincheloe	Platt
Borland	Focht	King	Pou
Bowers	Fordney	Kitchin	Powers
Britten	Foss	Lafean	Price
Browne	Foster	Langley	Ragsdale
Browning	Freeman	Lazaro	Rainey
Bruckner	Fuller	Lee	Ramseyer
Brumbaugh	Gallagher	Lehlbach	Rauch
Burke	Gallivan	Lenroot	Reavis
Butler	Gandy	Lesher	Reilly
Byrns, Tenn.	Gard	Lewis	Ricketts
Cannon	Gardner	Liebel	Roberts, Mass.
Cantrill	Garner	Linthicum	Roberts, Nev.
Capstick	Garrett	Lloyd	Rogers
Carter, Mass.	Glynn	Lobeck	Rouse
Carter, Okla.	Godwin, N. C.	Longworth	Rowe
Cary	Gordon	Loud	Rubey
Casey	Gould	McAndrews	Russell, Mo.
Chandler, N. Y.	Gray, Ala.	McArthur	Russell, Ohio
Charles	Gray, Ind.	McCulloch	Sabath
Church	Gray, N. J.	McDermott	Sanford
Clark, Fla.	Greene, Mass.	McFadden	Saunders
Coady	Greene, Vt.	McGillicuddy	Scott, Pa.
Coleman	Gregg	McKellar	Scully
Collier	Griest	McKinley	Sears
Cooper, Wis.	Griffin	McLaughlin	Shallenberger
Costello	Guernsey	McLemore	Sherley
Cox	Hamilton, N. Y.	Madden	Sherwood
Crago	Hamlin	Magee	Siegel
Cramton	Harrison, Miss.	Mann	Sims
Crosser	Harrison, Va.	Mapes	Slayden
Cullop	Hart	Martin	Slemp
Curry	Haskell	Meeker	Sloan
Dale, N. Y.	Haugen	Miller, Del.	Small
Dallinger	Hayes	Miller, Minn.	Smith, Minn.
Danforth	Heaton	Mondell	Smith, N. Y.
Darrow	Heflin	Montague	Snell
Davis, Minn.	Helm	Moon	Snyder
Decker	Helvering	Moore, Pa.	Stafford
Dempsey	Henry	Moores, Ind.	Steagall
Denison	Hernandez	Morgan, La.	Stedman
Dent	Hicks	Morgan, Okla.	Steele, Iowa
Dewalt	Holland	Morin	Steele, Pa.
Dill	Hollingsworth	Morrison	Stephens, Tex.
Dillon	Hood	Moss	Sterling

Stiness	Temple	Walsh	Wilson, Ill.
Stone	Thomas	Ward	Wilson, La.
Stout	Tilson	Wason	Winslow
Sutherland	Tinkham	Watson, Pa.	Wood, Ind.
Swift	Towner	Watson, Va.	Woodyard
Switzer	Treadway	Webb	Young, N. Dak.
Tague	Van Dyke	Wheeler	
Talbott	Vare	Williams, W. E.	
Tavenner	Venable	Wilson, Fla.	

NAYS—86.

Abercrombie	Fields	Lever	Smith, Idaho
Adamson	Fitzgerald	Lindbergh	Smith, Mich.
Aiken	Garland	Littlepage	Smith, Tex.
Almon	Good	McClintic	Stephens, Miss.
Austin	Goodwin, Ark.	McCorkle	Sumners
Beales	Green, Iowa	McCracken	Sweet
Britt	Hadley	Mays	Taggart
Byrnes, S. C.	Hastings	Neely	Taylor, Colo.
Caldwell	Hawley	Nelson	Tillman
Campbell	Hayden	North	Timberlake
Candler, Miss.	Helgesen	Oliver	Vinson
Caraway	Hilliard	Pratt	Volstead
Carew	Hopwood	Quin	Walker
Carlin	Howard	Raker	Watkins
Chiperfield	Huddleston	Randall	Whaley
Cooper, Ohio	Hughes	Rayburn	Williams, Ohio
Crisp	Jacoway	Riordan	Wingo
Dale, Vt.	Johnson, Wash.	Rucker, Ga.	Wise
Dies	Keister	Rucker, Mo.	Woods, Iowa
Doolittle	Kennedy, Iowa	Sells	Young, Tex.
Dowell	Kiess, Pa.	Sinnott	
Edwards	La Follette	Sisson	

ANSWERED "PRESENT"—2.

Davis, Tex.	London

NOT VOTING—60.

Benedict	Dupré	Jones	Park
Buchanan, Ill.	Evans	Kent	Porter
Buchanan, Tex.	Fairchild	Kinkaid	Rodenberg
Burgess	Frear	Konop	Rowland
Burnett	Gillett	Kreider	Schall
Callaway	Glass	Lieb	Scott, Mich.
Cline	Graham	Loft	Shackleford
Connelly	Hamill	McKenzie	Shouse
Cooper, W. Va.	Hamilton, Mich.	Maher	Sparkman
Copley	Hardy	Matthews	Steenerson
Davenport	Hensley	Miller, Pa.	Stephens, Nebr.
Dickinson	Hill	Mooney	Sullowav
Doremus	Hinds	Nicholls, S. C.	Taylor, Ark.
Driscoll	Hull, Tenn.	Nichols, Mich.	Thompson
Dunn	James	Padgett	Williams, T. S.

So, two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. PARK with Mr. STEENERSON.

Mr. PADGETT with Mr. SULLOWAY.

Mr. TAYLOR of Arkansas with Mr. BENEDICT.

Mr. BUCHANAN of Texas with Mr. COOPER of West Virginia.

Mr. STEPHENS of Nebraska with Mr. COPLEY.

Mr. THOMPSON with Mr. THOMAS S. WILLIAMS.

Mr. SHOUSE with Mr. FREAR.

Mr. BURNETT with Mr. FAIRCHILD.

Mr. CONNELLY with Mr. GILLETT.

Mr. DAVENPORT with Mr. GRAHAM.

Mr. DICKINSON with Mr. HAMILTON of Michigan.

Mr. DOREMUS with Mr. HILL.

Mr. DRISCOLL with Mr. HINDS.

Mr. DUPRÉ with Mr. JAMES.

Mr. EVANS with Mr. KINKAID.

Mr. GLASS with Mr. KREIDER.

Mr. HAMILL with Mr. MCKENZIE.

Mr. HARDY with Mr. MATTHEWS.

Mr. HENSLEY with Mr. MOONEY.

Mr. HULL of Tennessee with Mr. MILLER of Pennsylvania.

Mr. JONES with Mr. NICHOLS of Michigan.

Mr. LOFT with Mr. DUNN.

Mr. SHACKLEFORD with Mr. ROWLAND.

Mr. MAHER with Mr. SCOTT of Michigan.

On the vote:

Mr. RODENBERG and Mr. SCHALL (for) with Mr. NICHOLLS of South Carolina (against).

Mr. HARDY. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. HARDY. I came in during the call, but I am not sure that I was here when my name was called.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. KREIDER. Mr. Speaker, I desire to vote. I do not know whether I can bring myself within the rule or not. I was called out while the roll was in progress and was here during the debate. I was called out on account of some Carlisle Indian girls being here.

The SPEAKER. The only question is, Was the gentleman in the Hall listening when his name was called?

Mr. KREIDER. No.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 12030. An act to amend an act entitled "An act to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.," approved August 3, 1914;

H. R. 19119. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes;

H. R. 19300. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918;

H. R. 19410. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes;

H. R. 18542. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes;

H. R. 20827. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 20496. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 20082. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914;

H. R. 20755. An act to provide a temporary government for the West Indian Islands acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916, and for other purposes; and

H. J. Res. 334. Joint resolution authorizing the President to appoint delegates to attend the Tenth International Congress of the World's Purity Federation, to be held in the city of Louisville, State of Kentucky, November 8 to 14, 1917.

FEDERAL BUILDING, PARIS, TEX.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 5270 and place it on its passage. It has the unanimous report of the committee and——

The SPEAKER. What is the motion of the gentleman?

Mr. GARNER. To take from the Speaker's table the bill S. 5270 and put it on its passage.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the sum of $200,000, or so much thereof as may be necessary, be, and the same is hereby, authorized to be expended by the Secretary of the Treasury for the purpose of supplying the necessary building for the Federal court, post office, and other Government offices at Paris, Tex.

The committee amendment was read, as follows:

In line 3, strike out "$200,000" and insert "$170,000."

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

Mr. GARNER. Will the gentleman from Wisconsin withdraw his objection until I can make a statement?

Mr. STAFFORD. I object?

Mr. GARNER. If the gentleman is going to insist on his objection, I do not care to make a statement.

Mr. STAFFORD. I will withhold it.

Mr. GARNER. Mr. Speaker, I desire to say to the gentleman there are two or three of these little bills that provide for emergencies, and in this case the city of Paris, Tex.—at least 80 per cent of it—a city of from 18,000 to 20,000 people, was burned up. One house of the legislature has passed an exemption bill exempting it from taxes for five years, on account of its distressed condition. Now, there can be no greater emergency than the erection of this building at Paris, Tex. If the gentleman wants to object, he has a right to do so, but I did not want to take up the time of the House to move to suspend the rules; but I appeal to the gentleman from Wisconsin that there can be no greater emergency than there is in this particular instance.

Mr. CLARK of Florida. Mr. Speaker, will the gentleman yield to me just a moment?

Mr. GARNER. I do.

Mr. CLARK of Florida. I just want to state, Mr. Speaker, that when we found it was utterly impossible to pass the omnibus building bill there were four of five of these matters, one being Paris, Tex., where they were burned out; Binghamton, N. Y., where they were burned out; and Pittsburgh, Pa., where they are in the worst fix of any city in any State in the Union; and it was determined that four or five of these greatest of all emergencies should be reported; and for that reason the committee has reported out, I think it is, four or five of these public-building bills.

Mr. LANGLEY. Five of them.

Mr. CLARK of Florida. One of them was Steubensville, Ohio.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. CLARK of Florida. I do.

Mr. MOORE of Pennsylvania. Does the gentleman know whether the public-buildings bill has any chance of passing?

Mr. CLARK of Florida. I think it has not the slightest.

Mr. MOORE of Pennsylvania. And these are emergency cases?

Mr. CLARK of Florida. These are the greatest of emergencies, we think.

Mr. MOORE of Pennsylvania. And they can not be provided for in any other way? I hope the gentleman from Wisconsin will permit the gentleman from Texas to make his statement.

Mr. CLARK of Florida. I hope the gentleman from Wisconsin will not make his objection for this reason. Take, for instance, Binghamton, N. Y. They are transacting the postal business in a garage, and in the case of Paris, Tex.——

Mr. GARNER. In inadequate and inconvenient quarters.

Mr. MOORE of Pennsylvania. Will Binghamton, N. Y., have consideration? Is that bill on the Speaker's desk?

Mr. CLARK of Florida. It is. I want to say that at this place the Federal courthouse was burned. The courthouse was burned and the Federal court has no place to meet at all. They can not rent a building. It is absolutely one of the greatest emergencies that exists.

Mr. MOORE of Pennsylvania. I trust the gentleman from Texas may have an opportunity to explain this bill.

Mr. GARNER. May I say to the gentleman from Wisconsin that I investigated this matter thoroughly before I would ask unanimous consent for its consideration. It has the unanimous report of the committee. It passed the Senate. The appropriation has been cut down from $200,000 to $170,000, and there is not any doubt on the face of the earth that it is one particular emergency proposition that is waiting for a Federal building.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object——

Mr. BENNET. Mr. Speaker, reserving the right to object, let me ask the chairman of the Public Buildings Committee is it the intention to get all these emergency measures through?

Mr. CLARK of Florida. It is my purpose to do all I can to pass them.

Mr. BENNET. Then I hope the gentleman from Wisconsin will withdraw his objection, because the Binghamton matter I happen to know personally to be an emergency where the post office burned down and where they are conducting the public business in a garage.

Mr. GARNER. May I say to the gentleman from Wisconsin it is impossible for the Federal Government to rent quarters for the Federal court. They have been transacting their business, as far as they can under the circumstances, because they were unable to get a building, 80 per cent of the entire city having been burned. I know the post office was conducted in a postal car for a while.

Mr. STAFFORD. That may have been immediately after the conflagration, but the report says that the present post office is being conducted in a rented building. I would like to ask the gentleman who represents this district, who has first-hand knowledge of the affair, whether quarters have been rented.

Mr. BLACK. I will say to the gentleman that nearly the entire city was destroyed, the Federal court building was entirely destroyed and the post-office building nearly so.

Since the fire they have patched up the old post-office building so as to use it temporarily, but it certainly is in very bad condition. The county courthouse was entirely burned, and they have not been able to rebuild yet. Of course, they will in time. It is my information that the Federal court has skipped two sessions on account of having no place in which to convene.

Mr. STAFFORD. Where are the postal facilities now being conducted?

Mr. BLACK. In the old building that has been patched up and on which has been put a temporary roof. The department itself has urged that this building be constructed as quickly as possible. The Assistant Secretary of the Treasury, in a statement in a letter to the chairman of the Committee on Public Buildings and Grounds, says:

> It is recommended that authority be granted at the earliest possible date to construct a building for all branches of the service on the present site.

Mr. STAFFORD. As I read the report, it does not carry any clear conviction to my mind that the old building is not capable of being repaired.

Mr. GARNER. I will say to the gentleman that I looked at that building myself.

Mr. STAFFORD. In the nighttime or in the daytime?

Mr. GARNER. In the daytime. And there is absolutely no chance for repair. It is burned to the ground—everything, except, as I should say, pieces of columns and other construction, about as high as the clock in this Chamber is above the floor, and things that you could not build on.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, this bill as amended carries an appropriation of $170,000 in lieu of $200,000, for not only the post-office building, but for a building to provide court facilities in a town that had a population of some 11,000 people in 1910, and where the postal receipts in 1915 were $46,000. Now, of course, everyone will agree that $170,000 merely to erect a building, not to purchase a site, is a pretty large sum of money for that purpose.

Mr. CLARK of Florida. Will the gentleman permit?

Mr. STAFFORD. I would like to have some information from the chairman of the Committee on Public Buildings and Grounds.

Mr. CLARK of Florida. Very well. The committee considered that was not exorbitant when you are to take care of a Federal court in addition to the post office. If it was simply a post office, we would not have allowed any such sum. The Senate passed it for $200,000, but our committee was of the opinion that $170,000 would be ample. But there is the post office, with nearly $50,000 of receipts per annum; and then the Federal court is meeting there. And I understand it is quite an important court now. So $170,000 is not exorbitant.

Mr. STAFFORD. What is the character of the material that was used in the present post-office building?

Mr. BLACK. I will say to the gentleman the present post-office building is of stone, and the courthouse was of brick.

Mr. STAFFORD. I am referring exclusively to the Federal building.

Mr. BLACK. They had two Federal buildings on the same site. One of them was entirely destroyed and the other damaged somewhat. This is to erect one building to house the post office as well as all the other Federal activities in one building.

Mr. STAFFORD. Which was the building that was completely destroyed?

Mr. BLACK. The Federal court building was entirely destroyed. Some of the walls were left partially standing after the fire, but the Government has had them torn completely away since the fire.

Mr. STAFFORD. For what length of time are the court sessions held there?

Mr. BLACK. They have two or three terms annually, is my understanding. I do not live at Paris and am unable to state positively as to that question.

Mr. STAFFORD. As I read the report, and as I stated before, the opinion was not clearly expressed that there was a complete destruction of the building so that it could not be repaired. When I first objected, I had read the report carefully, but the letter from the Assistant Secretary of the Treasury did not carry the conviction that the building was so destroyed that it would be good policy to raze the old building and erect a new one.

Mr. GARNER. That is impossible. I will say to the gentleman that I know of my own personal knowledge that it is simply impossible.

Mr. HENRY. And I will say the same thing. I have been there and examined that situation personally. The whole town was burned up. It is one of the most prosperous counties in the State and one of the most important Federal courts in the State, and Paris is one of the best towns in the State of Texas.

Mr. STAFFORD. I voted against the public-buildings bill. I was not in favor of lumping together worthy and unworthy

projects. I stated, when the bill was under consideration on the floor of the House here some time ago accepting the offer of the city of Ripon, Wis., to use the appropriation for a post-office building in that city for purposes of preparedness, that there was an instance where, under the public-buildings bill, an appropriation had been voted when there was no urgent need for the erection of the public building. On that occasion I said it was better policy for the Government to pass individual bills to provide for public buildings and have them considered on their merits. I believe the showing made by the gentlemen from Texas who know the conditions and that supplements the report of the Assistant Secretary of the Treasury makes an urgent case of this, and I am willing, Mr. Speaker, to withdraw the objection.

Mr. KELLEY. Mr. Speaker, reserving the right to object, I want to ask the chairman of the committee whether it is the policy of the committee to take care of other cases that are equally deserving with these five?

Mr. CLARK of Florida. Mr. Speaker, in reply I will say to the gentleman that it had been our hope to get the omnibus bill through, but yesterday, I think it was, it became absolutely certain that we were not going to get it through. Now, the gentleman from Texas [Mr. BLACK], the gentleman from New York [Mr. FAIRCHILD], and the three gentlemen from Pittsburgh [Mr. GARLAND, Mr. MORIN, and Mr. PORTER], and the gentleman from Ohio [Mr. HOLLINGSWORTH], and the gentleman from Wisconsin [Mr. NELSON] came to me—and these were all extremely urgent cases, by reason of the fact that there had been fires and other things of that kind—and insisted that their matters ought to be taken care of. They then told the committee, and the committee, a majority of it, agreed to report these different bills. I then called a meeting of the committee, and the committee ratified what they had agreed to separately; and in obedience to the order of the committee I reported the bills separately. That is all I can say to the gentleman.

Mr. KELLEY. Three or four days ago I asked the chairman of the committee whether or not any special bills would be reported to take care of emergency cases, and I was informed by the chairman of the committee that there would be no such bills reported. Had I known that anything of this kind was likely to be done by the committee, of course I would have gone before the committee, the same as other gentlemen did, and would have asked to have the case of the city of Flint, Mich., taken care of, which the department advised me is the most urgent case in the entire United States.

Mr. GARNER. I hope the gentleman from Michigan will not keep a meritorious matter from coming up on that account.

Mr. KELLEY. I certainly shall, much as I dislike to do so, unless I can have some assurance that the city of Flint will be taken care of.

Mr. CLARK of Florida. The gentleman is correct in the statement he has made. I told the gentleman I had no idea that any special bills would be reported. It was certainly not my desire to report them. But when these gentlemen, a majority of the committee, indicated to me as chairman that they desired these particular bills reported, I could do nothing else than call the committee together to consider them. And I will say this to the gentleman, that if a majority of this committee instructs me to report his bill, which is a meritorious bill, I shall be very glad to do it.

Mr. KELLEY. Will the chairman of the committee agree to get the committee together and consider the Flint bill?

Mr. CLARK of Florida. I do not know how I can get them together. I could call them.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. CLARK of Florida. I will.

Mr. MANN. The gentleman from Florida is somewhat familiar, I think, with the case of Flint?

Mr. CLARK of Florida. Yes; it is a good case.

Mr. MANN. He thinks it meritorious?

Mr. CLARK of Florida. It is.

Mr. MANN. Suppose the gentleman from Michigan [Mr. KELLEY] should get the opportunity, if these go through, to move to suspend the rules and pass his bill. Would the gentleman from Florida be opposed to letting that be done?

Mr. CLARK of Florida. Not in the least.

Mr. LANGLEY. I think every member of the committee would be glad to vote for it, I will say to the gentleman.

Mr. KELLEY. The chairman of the committee, as I understand, has not had a meeting of the committee on these other bills but has simply polled the committee?

Mr. CLARK of Florida. We did have a meeting. I will state to the gentleman that the committee did meet. There were 16 members present out of 19, and I submitted these matters to them, because I had understood the Speaker to hold that the mere polling of a committee was not sufficient. A meeting of the committee was necessary.

Mr. LANGLEY. Will the gentleman permit me to add a word?

Mr. COLLIER. Is this a Senate or a House bill?

Mr. CLARK of Florida. A Senate bill.

The SPEAKER. Is there objection?

Mr. GOOD. Reserving the right to object, Mr. Speaker——

Mr. LANGLEY. I think I ought to present Hazard, Ky., as an emergency case while these others are being taken up, but I guess I will wait until the next Congress, especially as I have to. [Laughter.] You may look for it then sure.

Mr. GOOD. Unless Hazard is presented, I shall have to object. [Laughter.]

The SPEAKER. Is there objection?

Mr. GOOD. Reserving the right to object——

The SPEAKER. The gentleman from Iowa reserves the right to object——

Mr. GOOD. I notice by the report that Paris had a population in 1910 of 11,269, and that the postal receipts for the year 1915 were only $46,498.85, and it is proposed now to authorize the erection of a building there, as I understand it, costing $175,000.

Mr. BLACK. I will just say to the gentleman from Iowa, Mr. Speaker——

Mr. GOOD. Unless the amount is very greatly reduced I shall have to object.

The SPEAKER. The gentleman from Texas is recognized to move to suspend the rules.

Mr. CLARK of Florida. The gentleman from Iowa has not objected yet. I want to make a statement to the gentleman, and when he hears it I think he will not object.

I want to state to the gentleman that, in addition to the large postal receipts and the population of that place, a Federal court is held there, and that this amount of $175,000, according to the rule established by the committee, is not at all excessive, when it is considered that we are taking care of the Federal court as well as the post-office and other governmental activities there.

Mr. GOOD. How have the receipts been growing in Paris?

Mr. BLACK. They have been growing regularly, I will say to the gentleman. It is one of the best towns——

Mr. GOOD. How much have they grown in the last year?

Mr. BLACK. I can not say exactly as to that, but it is one of the best cities in northeastern Texas. It is in one of the best and richest agricultural sections of the State.

Mr. GOOD. How often does the court meet?

Mr. BLACK. I said to the gentleman from Wisconsin [Mr. STAFFORD] that it met twice and possibly three times a year.

Mr. GOOD. In a great many places where we have authorized Federal courts to have sittings the Federal court will have meetings there once in a while, and the judges come and look over the calendar and adjourn court, but there is no business done.

Mr. BLACK. This is a good town.

Mr. GOOD. I know of several places of that kind where very little business of that kind is transacted by the Federal court, and it is a mistake to authorize a building to transact business of that kind where no business is ever transacted.

Mr. BLACK. If the gentleman will permit, this is to house not only the Federal court but the post office as well and all the Federal activities.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I do not intend to object. I think we all ought to look the situation in the face. The public-buildings bill passed the House, but it is not likely to pass the Senate and become a law. That has only been ascertained in the last few days. There are some very urgent emergency cases. It may be that they have not all been acted upon by the committee, and yet those that are perfectly plain cases might properly be acted upon by the House.

Now, everybody who has got a bill which he would like to pass will not have it passed at this session. That is always the case. But, after all, that is not a very good reason for not passing any of them. I think these emergency public-building bills, where the Government is interested, might well be considered, and if the emergency is shown the bills should be passed before we quit.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. BLACK. I ask unanimous consent, Mr. Speaker, that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Texas asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the sum of $200,000, or so much thereof as may be necessary, be, and the same is hereby, authorized to be expended by the Secretary of the Treasury for the purpose of supplying the necessary building for the Federal court, post office, and other Government offices at Paris, Tex.

With the following committee amendment:

Page 1, in line 3, strike out "$200,000" and insert "$170,000."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

Amended and passed the House.

LEAVE TO PRINT.

Mr. DENT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a statement showing the cost of the Military Establishment under the proposed plan for universal training which was introduced in the House the other day, together with a comparison of the cost of the Military Establishment under the present law, and certain brief comments.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Missouri makes the same request. Is there objection?

There was no objection.

Mr. HUDDLESTON, Mr. LONDON, Mr. SMALL, Mr. RAKER, Mr. HELGESEN, Mr. MCARTHUR, Mr. SISSON, Mr. LANGLEY, Mr. MANN, Mr. SLOAN, Mr. FESS, and Mr. SMITH of Michigan were given leave to extend remarks in the RECORD.

Mr. MONDELL. Mr. Speaker——

The SPEAKER. The other gentlemen who are on their feet, evidently for the purpose of making the same request, will be given an opportunity a little later. Is there objection to the several requests which have been made? [After a pause.] The Chair hears none.

EFFECTIVE DATE OF POST OFFICE APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I wish to make a request regarding the resolution (H. J. Res. 392) passed some time ago, introduced by the gentleman from Tennessee [Mr. MOON], extending the time when the Post Office appropriation bill shall take effect. That resolution had no title, and I ask unanimous consent that in engrossing the joint resolution the Clerk may be authorized to put a title upon it.

The SPEAKER. The gentleman from New York asks unanimous consent that the Clerk be authorized to put a title on the Moon resolution regarding the Post Office appropriation bill. Is there objection?

There was no objection.

QUESTION OF PRIVILEGE—THE RECORD.

The SPEAKER. If the gentleman from Ohio [Mr. KEY], chairman of the Pensions Committee, is here, the Chair will recognize him for the presentation of a conference report; if not, the Chair will recognize the gentleman from Indiana [Mr. DIXON].

Mr. DIXON. Mr. Speaker, I desire to submit a privileged report from the special committee heretofore appointed concerning House resolution 437.

Mr. FITZGERALD. What does the gentleman wish to do about it?

Mr. DIXON. Consider it.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

The special committee of the House to whom was referred House resolution 473, having considered the same, reports to the House thereon as follows:

House resolution 473 is as follows:

"House resolution 473.

"Whereas the report of the colloquy between Messrs. NORTON of North Dakota, FESS of Ohio, HEFLIN of Alabama, and RAGSDALE of South Carolina as printed in the RECORD of January 25, 1917, differs from the official reports of the colloquy, as will be shown by reference to the typewritten reports now on file and the printed report of the RECORD of January 25, 1917:

"*Resolved*, That the RECORD of January 25, 1917, be amended by printing the colloquies between Messrs. NORTON of North Dakota, FESS of Ohio, HEFLIN of Alabama, and RAGSDALE of South Carolina as reported by the Official Reporters of the House."

This resolution involves the question of the right of a Member of the House to demand that the words of another Member spoken in debate or discussion on the floor of the House be entered in the RECORD as reported by the Official Reporters of the House; but, by reason of the circumstances of the particular case in question, the issue is narrowed to that of the right of a Member to demand the printing in the RECORD words spoken in colloquial debate as reported by the Official Reporters of the House, including the interlineations made by the Official Reporters indicating laughter and applause during the course of the discussion.

The question at issue is divisible in two parts: First, the question of the right of a Member to demand that words shall be printed in the RECORD as reported by the Official Reporters, together with the official interlineations indicating laughter and applause where there is no controversy as to the substantial accuracy of the report; and, second, the right of a Member to demand that the words spoken in debate and the interlineations relative to laughter and applause as reported by the official reporters of the House shall be printed in the RECORD even though the substantial accuracy of the report as presented may be questioned.

The practice of editing and revising remarks, either with or without specific authority from the House in the particular case, is long established and quite generally—oftentimes quite freely—indulged in. When the revision involves no substantial modification of a statement, but simply improves or amplifies the form of statement or argument, your committee is of the opinion that such revision has the sanction of long and quite general practice.

In the case in question, however, the debate became colloquial and personal, and the question is as to the right of the Member or Members who participated in such a debate to insist that when a portion of the debate has been printed in the RECORD as reported by the Official Reporters of the House, without substantial modification, erasure, or addition, that the remainder of the debate shall also be printed substantially as reported.

After a careful reading of the official notes of the debate and the debate as printed in the RECORD, your committee finds that the remarks made by the gentleman from South Carolina [Mr. RAGSDALE], as printed in the daily RECORD January 25, 1917, pages 2271, 2272, 2276, and 2277, are substantially as reported by the Official Reporters of the House, and the interruptions and interlineations denoting laughter and applause are printed exactly as shown by the reporters' notes of his remarks.

We find that the remarks made by the gentleman from Alabama [Mr. HEFLIN] in reply to the gentleman from South Carolina [Mr. RAGSDALE], as printed in the RECORD of the aforesaid date, on page 2276, are substantially correct as to the words uttered and the statements made as reported by the Official Reporters of the House, the changes being such as are reasonably allowable in a revision.

We do find, however, that in connection with the remarks of the gentleman from Alabama, printed on page 2276, the words "laughter," the words "applause and laughter," the word "applause," and the words "applause on the Democratic side" appear in the printed RECORD where no such words are found in the official report of the reporters of the House. Relative to these words, however, it is claimed that while they did not appear in the official reports that their insertion in the RECORD was justified by what actually occurred. Your committee is of the opinion, from statements of Mr. HEFLIN and other Members of the House, that some laughter and applause did greet the speech of the gentleman from Alabama, as indicated in the printed RECORD.

The closing remarks of the gentleman from Alabama as printed at the top of the second column of page 2277 differs substantially both as to the language used and as to the character of the interlineations relative to interruption, laughter, and applause. The remarks of the gentleman from Alabama as printed in the RECORD are not only substantially different from those reported by the Official Reporters but a considerable portion of the remarks of the gentleman from Alabama [Mr. HEFLIN], as reported by the Official Reporters, do not appear in the printed RECORD, and the interruption by the gentleman from Oregon [Mr. MCARTHUR] is omitted from the printed RECORD, and the interlineations relative to laughter and applause differ.

In view of the facts thus stated, your committee begs to recommend and does recommend that, so far as the remarks of the gentleman from Alabama first referred to and printed on page 2276 of the RECORD are concerned, they should be held and considered as having been inserted in the RECORD without substantial modification or such change of statement as may properly give offense or justify a demand for the printing of the words spoken as reported by the Official Reporters, although it is admitted that the words as reported were substantially as uttered.

As to the interlineations in this part of the remarks of the gentleman from Alabama [Mr. HEFLIN] indicating "laughter," "laughter and applause," "applause," and "applause on the Democratic side," your committee is inclined to the opinion, from the statements of the gentleman from Alabama [Mr. HEFLIN] and other Members of the House who were present when the remarks were made, that there was some laughter and applause, as indicated in the RECORD, which the Official Reporters failed to note, and that, therefore, the insertion of these words in the RECORD was possibly justifiable under the practice of the House, though your committee respectfully suggests that the insertion of the words "applause" and "laughter and applause" is a practice that should be discontinued.

As to the portion of the remarks of the gentleman from Alabama [Mr. HEFLIN] printed in the RECORD on page 2277, at the top of the second column, your committee is of the opinion that the remarks as printed in the RECORD admittedly differ so substantially from the words spoken as reported by the Official Reporters of the House that it presents a case in which it is the privilege of any Member of the House, feeling that the dignity of the House or of any Member of the House is affected, to demand the printing in the RECORD of the language as reported by the House Reporters, the same being admittedly a substantially correct report of what was said. There may be some ground for difference of opinion as to correctness of the interlineations—at least some of them—but in the main the context and the words of the gentleman from Alabama himself in the debate clearly indicate that the interlineations relative to laughter and applause were substantially correctly reported by the reporters. Furthermore, the omission of the colloquy with the gentleman from Oregon [Mr. MCARTHUR] is contrary to the established practice of the House.

We therefore recommend that in lieu of the remarks of the gentleman from Alabama as printed at the top of the second column on page 2277 of the daily RECORD of January 25, 1917, there be inserted in the permanent RECORD the remarks of the gentleman from Alabama as reported by the Official Reporters of the House, a copy of which is herewith transmitted.

LINCOLN DIXON.
ALFRED G. ALLEN.
F. W. MONDELL.

Mr. DIXON. Mr. Speaker, I move the adoption of the report.

The SPEAKER. The gentleman moves the adoption of the report.

The motion was agreed to.

On motion of Mr. DIXON, a motion to reconsider the vote by which the motion was agreed to was laid on the table.

CORRESPONDENCE BETWEEN THE UNITED STATES AND FOREIGN POWERS.

Mr. FOSTER. I ask unanimous consent that certain correspondence taking place between the United States and the central powers and the allies may be printed as a House document. The gentleman from Ohio [Mr. FESS] has very kindly put this together in a form in which that can be done; and, inasmuch as this is a matter of considerable interest and will be in future times of interest to the people of the country, I hope it may be printed in this way.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent to print as a House document the correspondence between the United States Government and these foreign powers—the central powers, the allied powers, and all the rest of them. Is there objection?

Mr. OGLESBY. Reserving the right to object, I should like to ask the gentleman what period this correspondence covers, and whether it covers substantially all the correspondence?

Mr. FOSTER. All the correspondence from the time the war began up to the present time.

The SPEAKER. Is there objection?

Mr. MONTAGUE. Will the gentleman yield for a question?

Mr. FOSTER. I yield to the gentleman from Virginia.

Mr. MONTAGUE. Will it be printed in small type or in large type?

Mr. FOSTER. It ought to be in the larger type.

Mr. MONTAGUE. I suggest that to the gentleman.

Mr. TOWNER. It certainly ought to be printed in the large type.

Mr. FERRIS. Is this to be published as a document or in the RECORD?

Mr. FOSTER. It has been published in the RECORD. We want to make it a public document.

Mr. HELGESEN. Will this correspondence include everything up to this time—up to the adjournment of Congress?

Mr. FOSTER. Yes.

Mr. CLARK of Florida. How many copies is it intended to print?

Mr. MANN. When anything is ordered printed as a House document, without any other number being specified, there are 1,440 copies printed, of which about 500 come to the House.

Mr. CLARK of Florida. How will these be distributed?

Mr. FOSTER. Through the document room.

The SPEAKER. Is there objection?

Mr. GARDNER. Reserving the right to object, would it not be possible for the gentleman to include an index; to have an index prepared in connection with it?

Mr. FOSTER. That is a good suggestion.

Mr. MANN. Who is to index it? There is no authority for that.

Mr. FOSTER. The gentleman from Ohio [Mr. FESS] will index it.

The SPEAKER. The gentleman from Illinois asks to publish this correspondence, together with an index, as a public document. Is there objection?

Mr. MANN. Will the gentleman add to that some other correspondence which the gentleman from Ohio [Mr. FESS] has, which brings it up to date, and which has not been inserted in the RECORD?

Mr. FOSTER. That is the intention, to bring all this correspondence up to date, to the close of this Congress.

Mr. DOWELL. Is that to be in pamphlet form?

Mr. FOSTER. In pamphlet form.

Mr. DOWELL. In document form?

Mr. FOSTER. In document form.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMPULSORY MILITARY SERVICE.

Mr. MANN. Mr. Speaker, while we are on this subject of printing documents, will the Speaker entertain a request that there be printed as a House document a pamphlet in reference to the recommendations of the Army War College about the compulsory military bill that was introduced by the gentleman from California [Mr. KAHN]? Mr. KAHN has this, and I ask that it be published as a House document, not to be inserted in the RECORD. The cost, I think, will be $450.

Mr. FOSTER. Yes; if the gentleman thinks it best.

Mr. FITZGERALD. What is the request?

Mr. MANN. To print as a House document memoranda prepared by the War College in reference to the staff recommendations of the bill which the gentleman from California [Mr KAHN] introduced the other day, it being a live subject.

The SPEAKER. Is there objection?

Mr. GREENE of Vermont. Reserving the right to object, does that include the text of the bill as introduced by the gentleman from California [Mr. KAHN]?

Mr. CALDWELL. I object, Mr. Speaker.

The SPEAKER. To which request does the gentleman object? Is there objection to the request of the gentleman from Illinois [Mr. FOSTER]?

There was no objection.

Mr. MANN. It would undoubtedly be possible to have this printed in the RECORD, but probably it would cost ten times as much as if it was printed as a House document.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. MANN]?

Mr. CALDWELL. I object.

WITHDRAWAL OF PAPERS.

Mr. CHARLES, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of James Folensbee from the Committee on Claims, H. R. 10857, no adverse report having been made thereon.

REPORT ON THE LEAK INVESTIGATION.

Mr. HENRY. Mr. Speaker, I call up a privileged report (No. 1580) from the Committee on Rules. Before the report is read I desire to state that this has already been printed in the RECORD for the information of the Members, and I therefore ask that the reading of the report be dispensed with.

Mr. MANN. How long is it?

Mr. HENRY. It is the leak report, and I think it would take perhaps 20 minutes to read it.

Mr. MANN. I think no one has read it in the RECORD.

Mr. FITZGERALD. Let me suggest to the gentleman from Texas that there has been a bill introduced to-day to take up a bill, consider, and pass it without reading it. I am opposed to the beginning of that practice in the consideration of reports.

Mr. HENRY. Mr. Speaker, was there objection to my request?

Mr. MANN. If the report is not too long, I think we had better have it read.

Mr. HENRY. There were three resolutions referred to the Committee on Rules. The report is on resolution 446, and that is rather lengthy; the others, 420 and 429, are short and formal reports, and the report on 446 disposes of those and recommends that the three resolutions lie on the table.

Mr. GARRETT. Mr. Speaker, I call attention to the fact that under the rules of the House this report does not have to be read. What is really required is unanimous consent that it be read. It is a report on an investigation, and results from a resolution directing the creation of the committee to investigate. The motion which the gentleman from Texas will make is to lay these resolutions on the table in their order.

Mr. MANN. We do not adopt the report.

Mr. GARRETT. No; the report is merely a statement of facts.

Mr. MANN. I suppose properly the gentleman desires the House to go on record as adopting the report. I am sure I would if I was on the Democratic side of the House; but if the gentleman does not want to adopt the report and put the House on record as declaring in favor of the report, I do not object.

Mr. HENRY. The report recommends that the resolution lie on the table. It represents the views of both sides and we think that is sufficient, but if gentlemen want the report read I will ask for it to be read.

Mr. MANN. It seems to me that under the circumstances the House ought to adopt the report. I think that is the way to clear the thing up. Of course, technically, the gentleman does not have to make the motion, but as the report is in favor of laying the resolution on the table I think it is but justice to the President to adopt the report.

Mr. GARRETT. I think it would be a very proper thing to do, but we do not have to do it; it is a technical situation.

Mr. MANN. I think the gentleman from Tennessee is right about it.

Mr. HENRY. Is there an objection to my request that the reading of the report be dispensed with?

Mr. MANN. I think that the gentleman ought to make a motion that the report be adopted and have the report read and such discussion as may be wanted.

Mr. HENRY. Mr. Speaker, I move that the report be adopted.

Mr. MANN. I ask for the reading of the report.

The Clerk read the report, which will be found in House proceedings of February 27, 1917.

Mr. HENRY. Mr. Speaker, before making the formal motion, I wish to state that the committee in pursuance of the instructions of the House under the provisions of the resolutions have made a very diligent and painstaking inquiry into the matters that were called to their attention. The committee were a little less than two months in making the investigation, and I am glad to say that the expenditures of money for the entire investigation have not exceeded $22,000. A report was recently made in the newspapers, I do not know from what source, that the investigation had cost the Government $50,000. That is an error. Up to the present time, taking into consideration all of the items of expenditure that have come to the Committee on Rules and the Committee on Accounts, the expenses have not amounted to $22,000.

Mr. BRUMBAUGH. Does that include the payment of the attorney's fees?

Mr. HENRY. That includes the payment of the attorney and his assistants and the experts, witness fees, hotel bills, traveling expenses, and all other expenses incurred by the committee. I doubt if $1,000 of accounts are outstanding. I do not think the total amount will exceed $22,000.

Mr. Speaker, this is a unanimous report from the committee. After taking testimony and investigating every source of information that came to this committee, we have concluded that there is nothing to cast suspicion upon any Member of this House or of the Senate or upon any official of this Government. This committee desires to exonerate and does exonerate the Congress of the United States from the innuendo, suggestions, and charges that were made, and we are glad to report that we found nothing even suggesting that there should be criticism of the Members of Congress or of any Cabinet officer or any official of the Government. The report sets these things out at length. The report, speaking for itself, covers all of these points, and I believe there is nothing else that I can say or that I should say to the House, but we ask this body to adopt the report, and then the formal motions to lay these resolutions on the table will be made. Before doing that I desire to yield five minutes to the gentleman from New York [Mr. BENNET].

Mr. WINGO. Mr. Speaker, may I inquire if it is contemplated to take considerable time for debate upon this?

Mr. HENRY. I think we are about through.

Mr. WINGO. There are a great many of us who have bills of some importance. We have stayed here for several days, waiting our opportunity to have those bills considered. These bills amount to as much importance as the Paris, Tex., bill, and if they are not put through in the next few hours the public bills will crowd them out of the way.

Mr. MANN. There is a talk about taking a recess presently until 8 o'clock.

Mr. WINGO. I should object to that.

Mr. MANN. Is the gentleman's bill a bridge bill?

Mr. WINGO. Yes.

Mr. MANN. Is that all there is to it?

Mr. WINGO. Yes.

Mr. MANN. I do not think there will be any trouble about that. We will pass that bill. I think we shall have to take a recess until 8 o'clock.

Mr. MONTAGUE. Mr. Speaker, I will say to the gentleman that I have a matter of great importance also which I do not think will take more than a moment or two, but I shall not object to the recess.

Mr. HENRY. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Speaker, representing the minority members of the committee, we join in the hope that this report will be unanimously adopted. It is possibly no secret that the minority members when the investigation was entered into entertained a suspicion that either directly or indirectly there might have been profit to some one connected with the executive departments of the Government.

Mr. DOOLITTLE. Mr. Speaker, I did not hear the reading of the report, but may I ask the gentleman if the committee found that Mr. Thomas W. Lawson is an expert liar? Did the committee determine that matter?

Mr. BENNET. The committee did not state its determination in that unparliamentary fashion. The committee found that Thomas W. Lawson gave us two pieces of information which we believe to be correct. The first is his name and the second is his address. Outside of that, we were not prepared to believe without corroboration anything which he brought to our attention.

Mr. JAMES. Mr. Speaker, I would like to ask the gentleman if the address he gave is correct?

Mr. BENNET. So far as any information came to us, the address he gave us was correct. As I started to say, Mr. Speaker, the members of the minority possibly had a suspicion when the investigation commenced that some person or persons in the executive departments, either directly or indirectly, had profited by the very evident leak in connection with the President's note of December 18. I am very frank and very glad to say as a Representative in the Congress and as an American citizen that not only was there no evidence attaching any suspicion to any person in the public service but that the character of the evidence adduced was such as to bring me to the conclusion, to a definite certainty, that no one connected with the executive departments did profit, and that there was no leak of an improper character calculated to permit any friend of anyone in executive life to profit thereby—and we investigated every report that came to us, even anonymous reports, and investigated them in part by men of the minority's own choosing, without let or hindrance on the part of the majority. It all seems very simple to me now.

There were two newspaper men who, when this information was given out confidentially by Secretary Lansing, gave the information in such a way that it got to stock-brokerage houses. As these reports were sent out by the two newspaper men they seemed to indicate upon the face of them that they had come from different sources, but I have come to the conclusion that they did not, and for this reason: The report sent out by Mr. Price bears upon its face the evidence that it came directly from some one who was present at the interview with Secretary Lansing. Mr. Price sent out the report precisely as Secretary Lansing gave it out at 11 o'clock on the morning of December 20. Mr. Essary sent out a more elaborate report of a mere philosophical character, and in some respects the exact opposite of the Price report. The reason for that was this: Mr. Essary has been, properly, for the last five or six months in what might be called the atmosphere of executive thought, and he knew in a general way, as he has the right to know, what was the tendency and trend of the executive departments on this particular matter of peace. When the information came to him from his newspaper associates on the morning of December 20 that this note, which they all knew in their hearts related to peace, was to be made public at 5 o'clock in the afternoon, he made a very excellent mental calculation as to what, from the tendency of events, that note must contain, and he sent it out. That is all there was to it. We found abundant evidence, I am frank to say, that gentlemen in New York wanted to get this advance information, tried to get that advance information, and were unable to get it; and one gentleman who, during the month of December, profited by his stock-market operations to the extent of $999,940—and I shall always regret he did not make the odd $60 so as to make an even million—actually got the information through the Price leak, so called, and wired to Washington for a verification of it.

The Washington brokerage house told him it was not so, and he therefore did not act on the information which was actually in his grasp, and therefore lost hundreds of thousands of dollars. That is demonstrated by his stock account. I think it may interest the House to know that our committee, through those whom we employed, officials of the House whom we all trust, Republicans and Democrats alike, went over carefully the names of 300,000 men and women who were connected with stock-market operations to winnow out the people in public life. When we found a name that we thought was that of a public official we sent for the account and went over the account, and, with all that, we were unable to find one single scintilla of evidence that any man in public life profited directly or indirectly through any advance information as to the President's note of December 18. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BENNET. I ask for two minutes——

Mr. HENRY. I yield two minutes to the gentleman.

Mr. BENNET. For the purpose of saying this: I presume thousands throughout the country of my political party will be expressing disappointment that this committee was not able to attach something of a scandalous nature to somebody connected with an administration which is of an opposite political party. I want to say, and I am as partisan a Republican as breathes, that from the bottom of my heart as an American citizen I am gratified that, after a thoroughgoing and searching investigation, to which we devoted hours, days, and weeks, we are able to come back here and conscientiously say to the House of Representatives that we believe this Government, through its executive branches, in connection with this charge, is absolutely blameless. [Applause.]

Mr. HENRY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, when the gentleman from Indiana [Mr. WOOD] introduced his first resolution he was very severely criticized by a good many Democrats. The fact is that after the break in the stock market there were rumors floating around, not only around this Chamber but around the stock market itself and throughout a good many places in the country, that the Secretary to the President and the President's brother-in-law had profited by advance information of the President's intention. I have a good deal more faith in the honesty of public officials the longer I have come in contact with them. I have met some that I did not have much faith in, too. I urged the House to have an investigation. There was a good deal of opposition to having this investigation on the Democratic side of the House. I thought that those gentlemen were exhibiting less confidence in Democratic officials than we who were urging the investigation. I stated on the floor of the House in urging the investigation that I did not believe that an investigation would find these officials guilty of any bad faith or wrong conduct, but it was wiser to have the investigation than it was to have these rumors go uncontradicted to be repeated year after year until all of us probably had gone out of this House. I am glad we had the investigation. I am glad the resolution was introduced, and I am more glad of the findings of the committee and the general satisfaction, as I believe, of the country with the findings of the committee, because, after all, you can not besmirch high officials of the Government without besmirching our form of government. [Applause.] The President of the United States is more than a man. He is more than an official. He is the dignity of our form of government. We select a Chief Magistrate, selected by the people. That is the great American idea. The President typifies the office, typifies the Republic. When an official who holds it stands before the people they want to believe that his honor is above reproach. Though they differ with him in opinion and criticize his public acts, they want to have faith in the man as an honest man, and I am glad of the report. [Applause.]

Mr. HENRY. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. KING].

Mr. KING. Mr. Speaker, I listened with a great deal of interest and care to this report which has just been read, and I want to congratulate the committee upon going to the bottom of this affair; but there is one feature of this report which, I think, has been omitted, largely due to the modesty of the distinguished chairman of this committee.

I recollect very well being on the floor of the House during this investigation, at a time shortly after I had observed Mr. Thomas W. Lawson—whose real name is "Larsen," by the way, and who used to live in the West—have his picture taken on the Capitol steps by the "movie" men, and hearing that he, Larsen, had stated before the committee——

Mr. MANN. "Petty Larsen."

Mr. KING. Yes. That he stated before the committee that a certain Congressman, if you please, had given him the information in regard to this leak and given him the names of the individuals concerned therein, I thought that was a terrific thing to say at the time. Whispers were heard around this floor as to who it was. In a few minutes came the report that this man of Boston had confided in great secrecy and after much protestation to the committee that it was the Hon. "BOB" HENRY, of Texas, an honorable Member of this House.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENRY. I yield to the gentleman two minutes more.

Mr. KING. That it was the honorable chairman of the committee himself who in a conversation had made that statement; and he swore to God he was telling the truth before that committee. And he swore to God that he was not lying in his testimony at that time. He said if he was not telling the truth—and no man in this place believed he was telling the truth—that he would go to the penitentiary. Therefore he ought to be called upon in a nice gentlemanly way, this man "Larsen," to come here to the District of Columbia, go to a court of competent jurisdiction, and plead guilty to perjury. [Applause.]

Mr. HENRY. Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Mr. Speaker, I do not concur altogether in the sentiments expressed by the gentleman from Illinois [Mr. MANN] that it was fortunate to press this investigation from the very beginning of the hearing of the rumors which caused the gentleman from Indiana [Mr. WOOD] to introduce his resolution. I think, to be entirely candid with the House and entirely candid with the gentleman from Indiana, who is my friend, that he was entirely too precipitate in the introduction of his resolution. I think he took up rumors that reached him and made them the basis upon which to present a resolution the result of which has brought pain and distress to a number of gentlemen to whom pain and distress ought not to have been brought. And if the gentleman from Indiana had awaited even the passing of the holidays and not presented his resolution immediately following the rumor, and had made some slight investigation himself, I do not believe he would have presented or pressed the matter.

I remember very well, Mr. Speaker, when during the administration of a former President of the United States, of a different political faith, there was an effort made to involve his administration by the suggestion that there had been some improper expenditures in one of the departments. I never sympathized with it; I never believed in it. These rumors will come and go so long as Congress goes on. As I said in my remarks when we brought in the motion to lay resolution 429 on the table, these things will come and go. In the next Congress we will probably have something of the sort again. We have had it in the past. Irresponsible men, crazy or dishonest themselves, or desirous of getting in the limelight, will again and again, as Congress goes on, make these charges.

I think that this should be a lesson to us that we ought all to be scrupulously careful about involving ourselves immediately and being driven from our feet at once by baseless rumors that become current. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENRY. Mr. Chairman, I yield one minute to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, in six months or a year from now, after this report, the country will forget about it; will live in the present and look to the future.

From my standpoint, I think the criticism of the gentleman from Indiana [Mr. WOOD] by the gentleman from Tennessee [Mr. GARRETT] might well have been omitted. I am very well acquainted with Mr. WOOD. He is an honorable gentleman, and everybody seems to be happy now that, according to this report and after the investigation, nobody connected with the executive departments or with the House or the Senate was guilty of any leak or any improper action. Oh, we do not need a scapegoat.

Mr. GARRETT. If the gentleman will permit me, I did not desire to make the gentleman from Indiana [Mr. WOOD] a scapegoat, and I trust that nothing which I said may be construed as doing that. I do not think that anything I said was capable of that interpretation.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. HENRY. Mr. Speaker, I yield another minute to the gentleman.

Mr. GARRETT. What I said was really in response to the remarks made by the gentleman from Illinois [Mr. MANN], as I understood him to state that he was of the opinion at the very beginning that this investigation ought to have been had.

Mr. CANNON. The House is of that opinion.

Mr. GARRETT. He said that on the day immediately following the message the air was filled with these rumors. I said I thought if the gentleman had waited a little bit longer, until matters had cooled off, it would not have been pressed, because persons would have convinced themselves there was no basis for it whatever.

Mr. CANNON. That may be very true.

Mr. MANN. I do not think so.

Mr. CANNON. The House itself ordered the investigation, practically unanimously.

Mr. HENRY. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD of Indiana. Mr. Speaker and gentlemen of the House, I did not intend to say anything on this proposition, and would not say it but for the remarks of the gentleman from Tennessee [Mr. GARRETT]. And I do not wish now to criticize the gentleman from Tennessee for expressing the opinion that he entertains with reference to my introducing this resolution. I wish to say, however, that the only regret I have with reference to this whole business is that this resolution was not introduced by a member of the majority side, so that there might not even have been the suspicion that it was introduced for political purposes.

That there was occasion for the introduction of this resolution has been determined by this unanimous report. Rumors were rife all over this House and all over this city that were infamous, if true, and if not true, those against whom they were laid should have the world know that they were not true.

I believe that this investigation will do good. It has done good. That there was advance information of the President's note there is now no doubt, no manner of doubt, in the mind of anyone.

Had it not been for this investigation there would have been doubt in the minds of many as to whether or not even the suspicion of advance information was not based purely upon political assumption, and if it had not been for this investigation there would have been thousands upon thousands that would have believed these rumors to be true. Ugly charges were being made through the public press and by individuals, handed from mouth to mouth, gathering with every repetition.

Upon the afternoon of the day on which I introduced this resolution a charge was made in the Times of this city, and made before I introduced the resolution, far graver than this investigation has disclosed, even graver than the rumors were. Were we then to sit idly by and let these slanderous charges go unchallenged against those who are high in authority? Then followed what caused the introduction of the second resolution, the charge that the Members of this House were afraid to have this investigation; that if they dared to pursue it there would not be a quorum present on the following Monday, when we were to reconvene after the holiday recess.

Are Congressmen to sit supinely by and rest under accusations of this character? Are our reputations of no concern to us? Is the reputation of this House, the greatest lawmaking body in the world, of no concern to the public? If unrefuted, their charge would be believed, lessening the respect that the public should entertain for this body. I have been taught to believe that legislative bodies should protect their reputations as individuals should protect theirs, and I believe that that legislative body that is most jealous of its reputation is calculated to do the most good for the public it is called upon to serve.

I am heartily glad that this committee, unanimous in its report, has found that no one high in authority has in the least profited by this advance information, and that no one high in authority and who is charged with confidence was guilty of betraying it; so that I say now, as I did when I introduced these resolutions, my only purpose was that which every Member of this body should have, to protect the highest interests and integrity of this body. [Applause.]

Mr. HENRY. Mr. Speaker, just a word, and then I will have finished.

Mr. Speaker, no one has intended to indulge in any criticism of any Member here this afternoon. I do not believe there has been any intention of that kind. When the gentleman from Indiana [Mr. WOOD] first conferred with me in the Committee on Rules he stated very plainly that his information was hearsay and rumors, and that he had no first-hand information; and the committee has set out those things in their report.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore (Mr. GLASS). Does the gentleman yield?

Mr. HENRY. Yes.

Mr. CAMPBELL. I will ask the gentleman if it is not also true that the gentleman from Indiana asked the Committee on Rules to hear him in executive session?

Mr. HENRY. It is true.

Mr. CAMPBELL. In order that he might disclose fully the nature of the hearsay evidence that he did have?

Mr. HENRY. That is true; and this report does not undertake to criticize the gentleman from Indiana.

Now, Mr. Speaker, when Mr. Lawson, of Boston, came to Washington and conferred with the chairman of the Committee on Rules, as stated in the testimony, he was asked to give names and dates and facts, and he was unable to furnish any testimony; and all that he did was to make insinuations and engage in innuendo, and to make no definite charge, only slander by hearsay. The record takes care of Mr. Lawson; and here I wish to thank my friend from Illinois [Mr. KING] for his friendly allusion to me. I take it that the committee would have been willing to make a finding on that matter, but I requested the committee to make no finding, being perfectly willing myself to let the report speak for itself and let the country judge whether my word was truthful or whether Mr. Lawson had been perverting the truth.

This committee finds in its report that Mr. Lawson's charges are not sustained in any respect; that they were insinuations; that there was not one particle of evidence to support them, and that many of them were based upon malicious rumors; and he stands before this country, after all he has said and printed in the newspapers, unsustained in a single charge or in a single insinuation, and the record is here to speak for itself.

Now, Mr. Speaker, I am glad that we have this unanimous report. I am glad that we are able to exonerate the Congress of the United States and the public officials. So jealous was I of the honor and integrity of the membership of this House and the officials of this Government that when I first read of the charges in the newspapers, as the head of this committee, during the holidays and when the membership were away, many of them, at their homes, I tried to make some sort of a preliminary investigation, and after talking with this Mr. Lawson, who came all the way from Boston here to make his insinuations, I said then that there was no leak, as he charged, but that what he had said constituted nothing but a mirage. This report shows it and the testimony taken demonstrates it.

Now, Mr. Speaker, I ask for a vote on the report of the committee.

Mr. CAMPBELL. And lay the resolution on the table.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Texas [Mr. HENRY] to adopt the report of the committee.

The motion was agreed to.

Mr. HENRY. Mr. Speaker, I now move that House resolution 446 do lie on the table.

The SPEAKER pro tempore. The gentleman from Texas moves that House resolution 446 do lie on the table. The question is on agreeing to that motion.

The motion was agreed to.

Mr. HENRY. I will state that this report disposes of House resolution 420 and House resolution 429. I move that House resolution 420 do lie on the table.

Mr. MANN. I suggest to the gentleman that he ask unanimous consent that both these resolutions lie on the table.

Mr. HENRY. I ask unanimous consent that both these resolutions—House resolution 420 and House resolution 429—lie on the table.

The SPEAKER. The gentleman from Texas asks unanimous consent that both the resolutions designated by him lie on the table. Is there objection?

There was no objection.

SECTION 10 OF CLAYTON ANTITRUST ACT.

Mr. CARLIN. Mr. Speaker, I ask that Senate joint resolution 206 be laid before the House for consideration.

Mr. MANN. A similar House joint resolution being on the House Calendar, as I understand.

Mr. CARLIN. House joint resolution 336, identical with this Senate resolution, being on the House Calendar.

The SPEAKER pro tempore. The gentleman from Virginia calls up from the Speaker's table Senate joint resolution 206, extending until January 8, 1918, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, a similar House joint resolution being on the House Calendar. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the effective date on and after which the provisions of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, shall become and be effective is hereby deferred and extended to January 8, 1918.

Mr. DUPRÉ. May I inquire of the gentleman from Virginia in charge of this measure when this joint resolution was reported to the House?

Mr. CARLIN. It is a Senate joint resolution, taken from the Speaker's table.

Mr. DUPRÉ. I understand that. I would like to know whether a similar House joint resolution has been reported to the House?

Mr. CARLIN. Yes.

Mr DUPRÉ. When?

Mr. CARLIN. About two or three weeks ago. It is on the House Calendar.

Mr. DUPRÉ. I would like to have the comparative dates mentioned, as between the House joint resolution and the Senate joint resolution.

Mr. CARLIN. I will have to get that from the Clerk. It was, I think, about three weeks before the Senate bill came over.

Mr. DUPRÉ. We certainly ought to have that information before the gentleman concludes his remarks.

Mr. CARLIN. I will get it for the gentleman.

Mr. JAMES. Will the gentleman from Virginia yield?

Mr. CARLIN. I yield to the gentleman from Michigan.

Mr. MOORE of Pennsylvania. Mr. Speaker, is this a request for unanimous consent?

Mr. CARLIN. No; it is a motion to pass the joint resolution.

The SPEAKER pro tempore. It is a motion to pass the joint resolution.

Mr. JAMES. I want to ask the gentleman a question. My impression is that this refers to section 10 of the Clayton antitrust law?

Mr. CARLIN. Yes.

Mr. JAMES. Which applies to the officials and directors of railroad companies, prohibiting them to carry on business of any kind or do business of any kind with subsidiary companies of which they are also officers and directors.

Mr. CARLIN. Not business of any kind, but business of certain specified kinds.

Mr. JAMES. I am absolutely opposed to this proposition to postpone the time of that section taking effect, and if it was not for the fact that to make a point of no quorum would delay the business of the House, I would make the point of no quorum. I shall not do that, but I want to be recorded as being opposed to this joint resolution.

Mr. CARLIN. I understand the gentleman is opposed to it.

Mr. WINGO. Mr. Speaker, will the gentleman from Virginia yield three minutes to me?

Mr. CARLIN. I yield the gentleman from Arkansas three minutes.

Mr. WINGO. Mr. Speaker, the House will recall that when the gentleman from Virginia [Mr. CARLIN] attempted to get this resolution up under unanimous consent the other evening I objected. I have read the hearings before the committee containing the arguments in favor of the passage of this resolution. I have no desire to delay the public business by attempting to obstruct its passage, or by making any extended remarks upon it; for it is a privileged matter, and under the rules I can not by obstruction or debate prevent its passage. After all, the question will come up as an original proposition in the next Congress, when, I understand, an effort will be made to amend the statute. This joint resolution merely suspends the operation of section 10 of the statute from October until January next, and, of course, no really serious injury I suppose can come from that. My objection the other night was wholly for the reason that, not agreeing with the proposition, I did not care to be put in the attitude of agreeing to it by unanimous consent. It is claimed that the Interstate Commerce Commission has not had time to prescribe the rules provided for by the section of law which this resolution suspends for three additional months.

Mr. CARLIN. Mr. Speaker, I had intended to make an explanation of this joint resolution, but I reserve it until after the gentleman from Minnesota [Mr. VOLSTEAD] has spoken, and I yield five minutes to my associate on the committee [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Speaker, in the last session of Congress the railroads and supply companies to which this section applies asked us to extend the time when this section would take effect until this session of Congress. They told us it was necessary to have the section amended, and I think they satisfied a majority of the Judiciary Committee that the section might work hardship unless some change was made in it. They assured us that they would present to the committee the necessary data upon which an amendment could be prepared. I did not have much faith in their promises. They have made no attempt during this session to secure an amendment, and now they come to us and ask us for another extension.

This section 10 is a part of the so-called Clayton Antitrust Act. It is the one section that perhaps in a measure marks an advance in our antitrust laws. The other sections of the Clayton Act in effect reenact in less drastic form the provisions of the Sherman Act. This section places restrictions upon a person acting as an officer of one corporation in dealing with himself as an officer of another corporation. Personally I am not going to make any strenuous fight upon this measure, as it only postpones the effect of the section for a few months, but I want to call the attention of the House to the fact that this whole proceeding is in line with what has been going on during this administration. During this administration there have been practically no prosecutions at all under the Sherman Antitrust Act, while at the same time attempts have been made to eliminate or lessen the more drastic features of that act. For instance, in the shipping bill we have modified it by repealing that portion of the Sherman Antitrust Act which applied to shipping in our foreign trade. In the so-called Webb export bill, now pending, an effort has been made to authorize another monopoly by repealing the Sherman Act as applied to foreign export. The Clayton Antitrust Act is a distinct effort on the part of the administration to take the teeth out of the Sherman Act. It turns over to the Federal Trade Commission and other commissions the enforcement of vital features of this law—offenses that are the most frequent and most detrimental to the public.

These commissions appear to act as ambassadors from the public to the trusts. They negotiate for obedience to the law. They beg, beseech, entreat, implore, and even supplicate the trusts to be good. They have no power to impose a penalty and can send no one to jail. The old trust law, though somewhat modified, is still in force and can be made a terror to evildoers, but the officers in charge of its enforcement refer nearly all complaints for its violation to the Federal Trade Commission and sit quietly by watching the farce of trying to persuade the trusts to surrender their grip on the public. This reluctance to use the harsh remedy of a criminal punishment has been illustrated in many ways. A committee of the Senate found that sisal, of which binding twine is made, is controlled by a trust that has arbitrarily raised the price of sisal so as to more than double the farmers' twine bill. The Attorney General has been repeatedly appealed to for relief. After many months of delay he has at last brought an action; but what kind of an action? A criminal action in which the offenders might be sent to jail? Oh, no! An action in equity in which the trust magnates are to be told to quit, but retain their ill-gotten gains; an action which may be dragged along for years while the robbery still goes on.

The Paper Trust is another illustration. A combination of the paper manufacturers has doubled and trebled the price of paper. Relief was sought through the Federal Trade Commission, which in vain exhausted its persuasive powers. Compelled by public clamor the matter was a few days ago submitted to a Federal grand jury in New York, and as a result the trust has offered to surrender. The threat of a fine or a jail sentence compelled results.

The following excerpt from what appears to be an inspired publication in reference to this matter reads almost like an apology for this action:

> Discontinuance of the Department of Justice's criminal investigation has not been promised any manufacturers, it was made clear today, but it is not believed if indictments are found the cases ever will come to trial if, in the meantime, competition should be restored. The attitude of the commission toward offenders is that corrective measures sometimes are more in the interests of the public than are punitive measures.

I want to remind you that the cost of living is constantly increasing, that we are having food riots, and that no attempt is made to curb the trusts that are raising prices in violation of law. The Democratic Party in their platform of 1912 promised that they would see to it that offenders against the Sherman Antitrust Act were put in jail. Instead of doing that they have passed a law that has no penalties to protect the public, and they have practically abandoned the enforcement of the old law under which offenders may be sent to jail. It seems to me that if we are ever going to secure relief we shall have to go back to the old methods.

Mr. BORLAND. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. BORLAND. The gentleman has given considerable study to this. Does he think that prosecutions are not after all one means of regulating fair prices? Does not he think that the actions in regard to the Paper Trust, the power to prosecute, the potential force of prosecution has not brought about regulation?

Mr. VOLSTEAD. Yes. If instead of dickering with the trusts for obedience to the law the administration would carry out the policy which the Democrats in their platform said they were going to carry out, put offenders in jail, these men would never have dared to do what they have been doing. It seems to me that we have got to go back to the old policy of punishing the law breakers. This proposition is a surrender because this law has virtue in it, but instead of putting it in force action is postponed to give chance for further negotiations; no doubt in the hope that the section may eventually be repealed.

Mr. NOLAN. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. NOLAN. Is it not a fact that the Paper Trust did not yield until the Federal grand jury at New York proceeded to investigate the activities of this combination, and they feared indictment?

Mr. VOLSTEAD. Certainly. Moral suasion does not count. It was the threat of imprisonment that made them offer terms. Without adequate penalties the law is useless.

The SPEAKER pro tempore (Mr. FOSTER). The time of the gentleman has expired.

Mr. CARLIN. Mr. Speaker, it has been my purpose, if there had been opposition to the pending resolution, to go into a lengthy detailed explanation.

Mr. JAMES. The gentleman does not mean to say that there is no opposition to this. There is opposition, but we withdrew it on account of the proximity of the end of the session.

Mr. CARLIN. I had not come to that; but as there seems to be a disposition to take a recess in a few minutes——

Mr. MANN. There is to be no recess now.

Mr. NOLAN. I am going to insist on a roll call and a quorum to pass this resolution.

Mr. CARLIN. In view of that statement, Mr. Speaker, I will make an explanation, and then we can have a vote when the point of no quorum is made. When the Clayton law was passed, of course, we heard a great deal about its possible ineffectiveness. We had many prophesies as to its futility. Now, after trying it we find that what was prophesied by those who advocated the passage has been amply and abundantly verified. But I will not be led into the discussion of so complicated a measure now, because that is not the proposition before the House.

Mr. NOLAN. If the gentleman will yield, I will say that I will not insist on the roll call and quorum, as I understand this only advances the time about three months.

Mr. CARLIN. Mr. Speaker, with that statement by the gentleman from California I will not proceed further, although I have not spoken but once or twice during the session, and although I feel the country is about to lose the benefit of a great speech, I will move the passage of the bill.

The SPEAKER pro tempore. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was read a third time and passed.

On motion of Mr. CARLIN, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

BRIDGE ACROSS RED RIVER, NEAR INDEX, TEX.

Mr. WINGO. Mr. Speaker, I ask unanimous consent that the bill (S. 8228) be laid before the House, a similar House bill being on the calendar.

The SPEAKER. Is there objection?

There was no objection.

The bill (S. 8228) authorizing the Red River Bridge District to construct a bridge across Red River, near Index, Tex., was laid before the House.

The bill was read as follows:

Be it enacted, etc., That the commissioners of the Red River Bridge District be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto over the Red River at or near Index, Tex., for railroad and other traffic, at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and also the act of December 17, 1872, as amended by the act of February 14, 1883.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. WINGO, a motion to reconsider the vote by which the bill was passed was laid on the table.

The bill H. R. 20780, a similar House bill on the calendar, was laid on the table.

FEDERAL BUILDING AT FLINT, MICH.

Mr. KELLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 10751) to provide for the purchase of additional lands and for the erection thereon of an addition to the Federal building at Flint, Mich.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to acquire by purchase, condemnation, or otherwise, additional land adjoining the present Federal building site at Flint, Mich., and to cause to be erected thereon, according to plans and specifications to be approved by him, such an addition to said Federal building as will meet the needs of the Post Office Department in said city of Flint, Mich., at a cost of not to exceed $100,000 for said land and addition.

The SPEAKER pro tempore. Is a second demanded?

There was no demand for a second.

The SPEAKER pro tempore. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

FEDERAL RESERVE BOARD.

Mr. WEBB. Mr. Speaker, I present a privileged report (No. 1628) from the Committee on the Judiciary with reference to the impeachment of the Federal Reserve Board, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. WEBB, from the Committee on the Judiciary, submits the following report:

"Committee on the Judiciary, having had under consideration the articles of impeachment, impeaching the Federal Reserve Board and the members thereof of high crimes and misdemeanors, made on the floor of the House by Mr. LINDBERGH, on the 12th day of February, 1917, which appear in the CONGRESSIONAL RECORD of that day, and which were referred to this committee, report that the committee has heard Mr. LINDBERGH fully on his said charges, received all the information and facts which he had to lay before the committee, and find that no sufficient evidence has been shown to your committee to justify further proceedings against the officials impeached, and, therefore, recommend that no further proceedings be had in the matter."

Mr. WEBB. Mr. Speaker, I move the adoption of the report.

The report was agreed to.

UNITED STATES MARINE HOSPITAL, CHICAGO, ILL.

Mr. FOSS. Mr. Speaker, I call up from the Speaker's table the bill S. 7905, to authorize the Secretary of the Treasury, in his discretion, to transfer and convey to the commissioners of Lincoln Park, of Chicago, Ill., the riparian rights of the United States, as the owner of land fronting on Lake Michigan and occupied as the site of the United States marine hospital in Chicago, Ill., a similar House bill being on the calendar, and I ask the Speaker to lay the same before the House.

The SPEAKER. The Chair lays before the House Senate bill 7905, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to transfer and convey to the commissioners of Lincoln Park, of Chicago, Ill., the riparian rights of the United States, as the owner of land fronting on Lake Michigan and occupied as the site of the United States marine hospital in Chicago, Ill., upon such terms and conditions as he may impose, in order to permit the proposed extension of Lincoln Park across the water front of said site; and he is further authorized and empowered, in his discretion, in the name of the United States of America, to undertake or conform to any proceedings provided for under the statutes of the State of Illinois enacted for the purpose of enabling park commissioners to enlarge parks by reclaiming submerged lands under the waters of Lake Michigan and for the establishment and defining of the boundary line between the lands of shore owners and the park lands of such park commissioners.

Mr. FOSS. Mr. Speaker, this bill is on the Union Calendar and I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Illinois asks unanimous consent to consider the bill in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. Foss, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLAIMS AGAINST CHOCTAW AND CHICKASAW INDIANS.

Mr. RAYBURN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5427) referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims, which I send to the desk and ask to have read.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present.

Mr. MANN. Mr. Speaker, I shall fight this bill in every way that is possible, even if it causes an extra session of Congress.

Mr. CAMPBELL. There are some of us who are ready for a gage.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and eighteen Members present; not a quorum.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll and the following Members failed to answer to their names:

Anthony	Dickinson	Hardy	Lehlbach
Bacharach	Dies	Harrison, Va.	Lieb
Barchfield	Dooling	Hart	Liebel
Beakes	Doughton	Haugen	Loft
Beales	Driscoll	Heaton	Longworth
Benedict	Drukker	Heflin	Loud
Britt	Dunn	Henry	McAndrews
Britten	Dyer	Hensley	McArthur
Bruckner	Edmonds	Hernandez	McCulloch
Candler, Miss.	Estopinal	Hill	McFadden
Capstick	Fitzgerald	Hinds	McGillicuddy
Carew	Gardner, Mass.	Howell	Matthews
Carter, Okla.	Garland	Huddleston	Mays
Chandler, N. Y.	Garner, Tex.	Humphrey, Wash.	Miller, Minn.
Church	Gillett	Johnson, S. Dak.	Miller, Pa.
Clark, Fla.	Glass	Jones	Mooney
Cline	Good	Keister	Morgan, La.
Copley	Gould	Kennedy, R. I.	Morgan, Okla.
Crago	Graham	Kent	Morin
Dale, N. Y.	Gregg	Kiess, Pa.	Morrison
Darrow	Griest	Lafean	Mott
Dempsey	Hamill	Langley	Mudd
Dent	Hamilton, N. Y.	Lazaro	Nicholls, S. C.

Nichols, Mich.	Ragsdale	Slayden	Tinkham
Oglesby	Riordan	Smith, N. Y.	Van Dyke
Oldfield	Rowland	Snell	Venable
Olney	Russell, Ohio	Snyder	Ward
O'Shaunessy	Scott, Mich.	Stafford	Watkins
Parker, N. Y.	Scully	Stephens, Nebr.	Watson, Va.
Patten	Shackleford	Stout	Williams, T. S.
Platt	Sherley	Taggart	Winslow
Price	Shouse	Tague	

The SPEAKER. On this roll call 304 members, a quorum, answered to their names.

Mr. RAYBURN. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors.

Mr. RAYBURN. Mr. Speaker, I move to suspend the rules and pass the bill S. 5427.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Illinois demands a second.

Mr. MANN. But the bill has to be reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 5427) referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims.

Be it enacted, etc., That the Court of Claims is hereby authorized and directed to hear, consider, and adjudicate the following claims of J. F. McMurray, as assignee of the firm of Mansfield, McMurray & Cornish, against the Choctaw and Chickasaw Nations of Indians, or either of them, for professional services rendered, for said nations in the case of "The Choctaw and Chickasaw Nations *v.* The United States and the Chickasaw Freedmen," under act of Congress approved July 1, 1902, entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw Tribes of Indians, and for other purposes," and for expenses incurred under sections 31, 32, and 33 of the same act of Congress and for payment of two unpaid Chickasaw warrants issued by tribal authorities under act of legislature of the Chickasaw Nation approved by the governor of the Chickasaw Nation on September 20, 1899, and afterwards by the President of the United States; and to render judgment therefor in such amount or amounts as may be found to be due thereon, together with interest from the date of such services or payments at the legal rate of interest prevailing at the time and place of such transactions; which judgment, if any, against said nations or either of them shall be paid by the Treasurer of the United States out of the funds of said nations as their interests may appear: *Provided*, That as to any such claims so sued upon the Choctaw and Chickasaw Nations, or either of them, shall be permitted to interpose all proper defenses by way of counterclaim or set-off against either the assignors or the assignee of said claim, all statutes of limitations against said set-offs or counterclaims being hereby waived, and all amounts found due to said Choctaw and Chickasaw Nations, under the above provision, shall bear interest at the legal rate: *Provided further*, That any amount found to be owing, calculated upon a fair and equitable basis, by the said J. F. McMurray to the said Choctaw and Chickasaw Nations upon coal-mining leases held by him may be offset against any judgment that may be rendered in his favor upon such claims: *Provided further*, That if any of such leases are found not to be underlaid with merchantable coal, and all leases upon which royalties are not paid within 30 days after the final settlement of these matters, the same shall be canceled; and notice of filing of such suits by the said J. F. McMurray shall be served upon the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation, and said nations shall be represented therein by attorneys for said nations, respectively, and by the Attorney General of the United States: *Provided*, That the Secretary of the Interior is hereby authorized to adjust, by mutual agreement with the interested parties herein, under the terms of this act and within 60 days after its approval by the President of the United States, any or all of the matters covered by the above provisions, and should such agreement be made by the Secretary of the Interior he is hereby authorized and directed to make requisition upon the Treasurer of the United States for the payment of the same out of any funds of the Choctaw and Chickasaw Indians as their interest may appear, and the Treasurer shall pay the same: *And provided further*, That no suit shall be instituted in the courts under this act until the expiration of 60 days after its approval by the President.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered

The SPEAKER. The gentleman from Texas asks unanimous consent that a second may be considered as ordered. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the Chair appoints the gentleman from Texas [Mr. RAYBURN] and the gentleman from Illinois [Mr. MANN] as tellers. Those in favor of seconding this motion will pass between the tellers and be counted.

The House divided; and the tellers reported there were—ayes 74, noes 72.

So a second was refused.

Mr. NORTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NORTON. In a case of this kind, where a quorum is not disclosed, is there a roll call on the question of demanding a second?

The SPEAKER. Oh, there is a quorum here; it was developed a moment ago there are over 300 men here.

Mr. HELVERING. Mr. Speaker, I move to suspend the rules——

Mr. NORTON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. NORTON. I would ask if on the question of a second, if a quorum is not disclosed on that vote, is not a roll call in order?

Mr. MANN. Not unless the point of no quorum was made; and that was not made. It is too late now.

Mr. NORTON. I will not make it.

EDITH BLANKART FUNSTON.

Mr. HELVERING. Mr. Speaker, I move to suspend the rules, discharge the Committee on Pensions from further consideration, and take up for consideration the bill S. 8316.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 8316) granting a pension to Edith Blankart Funston, widow of the late Maj. Gen. Frederick Funston.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edith Blankart Funston, widow of Frederick Funston, late a major general in the United States Army, and pay her a pension at the rate of $100 per month in lieu of that to which she is entitled by law.

The SPEAKER. The gentleman from Kansas moves to suspend the rules and pass the bill just read. Where is the engrossed copy of this bill?

Mr. HELVERING. Mr. Speaker, this bill has been referred to the committee, and my motion coupled with it the discharge of the committee and to take the bill up for immediate consideration.

Mr. MANN. Well, the gentleman will have to get the engrossed copy.

Mr. HELVERING. Mr. Speaker, I ask unanimous consent to discharge the committee——

Mr. MANN. We want the gentleman to bring the engrossed copy before the House. The gentleman can withhold his motion until he gets the engrossed copy.

Mr. HELVERING. All right.

The SPEAKER. The gentleman withholds his motion for the present.

Mr. HELVERING. I understood it was on the desk, but it must be in the committee.

BRIDGE ACROSS THE MISSISSIPPI RIVER.

Mr. MANN. Mr. Speaker, if it would not break in, I will not ask for recognition to make the request if there is the slightest objection to it, but the gentleman from Minnesota [Mr. LINDBERGH] has had to go home on account of illness this evening. This is a little bridge bill—a Senate bill——

The SPEAKER. The gentleman calls it up by unanimous consent?

Mr. MANN. Mr. Speaker, I ask unanimous consent for the consideration of this bill on behalf of Mr. LINDBERGH.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the bill, which the Clerk will report.

The Clerk read as follows:

An act (S. 8003) authorizing the county of Morrison, Minn., to construct a bridge across the Mississippi River in said county.

Be it enacted, etc., That the county of Morrison, in the State of Minnesota, be, and it is hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, in section 8, township 127 north, range 29 west of the fifth principal meridian, and section 32, township 39 north, range 32 west of the fourth principal meridian, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendment was read as follows:

On page 1, line 5, strike out the word "highway."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

POST-OFFICE BUILDING, PITTSBURGH, PA.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6601) for the enlargement of the post-office building at Pittsburgh, Pa., one of the emergency cases we discussed when we passed the Paris, Tex., bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 6601) for the enlargement of the post-office building in Pittsburgh, Pa.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the present old post-office building at Pittsburgh, Pa., to be enlarged, extended, remodeled, and improved for the better accommodation of the post office and other governmental offices, at a cost not exceeding $50,000, including all changes in, extension of, or additions and repairs to the mechanical equipment which may become necessary by reason of, or incident to, such enlargement, extension, remodeling, or repairs of said building, or which it may be found expedient to make to such mechanical equipment because of such enlargement, extension, remodeling, or repair of said building; and the annual appropriations for the general maintenance of public buildings under the control of the Treasury Department shall be construed to be available for all other repairs to and equipment of said building, grounds, approaches, and mechanical equipment of such building as extended. And the Secretary of the Treasury is further authorized, in his discretion, to disregard the provisions requiring 40 feet open space for fire protection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

MARGUERITE MATHILDE SLIDELL D'ERLANGER.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 8075.

The SPEAKER. The gentleman from Louisiana asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (S. 8075) for the relief of Marguerite Mathilde Slidell d'Erlanger.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the following joint resolution.

Mr. DUPRÉ. Mr. Speaker, I move to suspend the rules and pass the bill S. 8075.

The SPEAKER. The gentleman from Louisiana moves to suspend the rules and pass the bill. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Marguerite Mathilde Slidell d'Erlanger be, and she is hereby, on her own application, unconditionally readmitted to the character and privileges of a citizen of the United States.

The SPEAKER. The gentleman from Louisiana moves to suspend the rules and pass the bill. Is a second demanded?

Mr. MANN. I demand a second.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on suspending the rules and passing the bill.

Mr. MANN. Not yet.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. MANN. I rise for the purpose of asking how long the gentleman from Louisiana is going to occupy the floor?

Mr. DUPRÉ. The gentleman from Illinois knows as well as I do the question under consideration, and does he desire to have it discussed between him and me, or does he desire to have the House enlightened on the subject? Or what is it?

Mr. MANN. I am going to do my part toward enlightening the House, and I am sure the gentleman will do his part. I want to make a brief observation. I do not want to take much time, I will say to the gentleman.

Mr. DUPRÉ. I reserve the 20 minutes to which I am entitled.

The SPEAKER. The gentleman from Louisiana reserves his time, and the gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Speaker, this is a private bill, reported from the Committee on Foreign Affairs, to naturalize a person as an American citizen in plain and flat violation of the Constitution. The Committee on Foreign Affairs, to begin with, had no jurisdiction over the bill.

Mr. DUPRÉ. The gentleman knows that I concede that, and I told him that I regretted the wrong reference.

Mr. MANN. I am glad to hear he concedes it; but whether he concedes it or not, it is a fact.

The Constitution of the United States—and I hope it will not be considered improper to refer to the Constitution—enumerates, among the powers of Congress, "to establish an uniform rule of naturalization." It is perfectly simple, the clause "to establish an uniform rule of naturalization." That is a power given to Congress. That power we have exercised.

Now, I am willing to admit, because I can not deny it, that we have passed several private bills at different times, including one at this session of Congress, purporting to naturalize a person as an American citizen. Those bills were reported from and considered by the Committee on Immigration and Naturalization. They at least had the merit of having received the approval of the committee which has legislative jurisdiction over the subject of naturalization.

Mr. DUPRÉ. Will the gentleman yield?

Mr. MANN. Not just yet. The gentleman has 20 minutes. He can take it all and answer.

Mr. DUPRÉ. I would like to puncture your inaccuracy.

Mr. MANN. The gentleman is not able to do that. He is not that size.

The law that we recently passed is plainly unconstitutional. It may secure a passport for the party, but it is a plain violation of the Constitution. But when the Committee on Foreign Affairs, which has nothing on earth to do with the naturalization of citizens, commences to report bills to naturalize persons as American citizens, I think it is time to call a halt. [Applause.] This bill, introduced as a private bill, might have been referred to the Committee on Expenditures on Public Buildings. They would have had as much jurisdiction over it as the Committee on Foreign Affairs has.

Mr. DUPRÉ. Will the gentleman yield?

Mr. MANN. I will yield this time to my esteemed friend, the estimable and beloved gentleman from Louisiana.

Mr. DUPRÉ. I appreciate very much the concession the gentleman is displaying.

The gentleman knows that if that bill was referred to the Committee on Foreign Affairs it was not because of any sinister purpose, but simply through an error on my part. I would just as soon have sent it to the Committee on Immigration and Naturalization. When I found out I had made an error—would it be proper for me to say—as I told you a day or two ago, I advised the chairman of that committee that I regretted I had made that mistake, and I would have been as glad to have that matter considered by the committee to which it should have gone.

Mr. MANN. I made no insinuation about any sinister motives. I have no doubt the gentleman marked his bill "Referred to the Committee on Foreign Affairs," either through inadvertence or momentary forgetfulness of the jurisdiction of the committees of the House. But the Committee on Foreign Affairs knew it did not have jurisdiction over the bill, and the rules of the House provide that where a private bill is referred to a committee which does not have jurisdiction it will put it back in the basket and refer it to the committee which does have jurisdiction. And if this bill had been referred to the Committee on Immigration and Naturalization it would be quietly reposing in the pigeonholes of that committee to-night.

Mr. DUPRÉ. Will the gentleman yield?

Mr. MANN. Yes.

Mr. DUPRÉ. I would have had no objection to the bill being returned to the House with the request that it be referred to some other committee.

Mr. MANN. I have not said the gentleman would. I am not complaining about the gentleman.

Mr. DUPRÉ. The gentleman is responsible for the reference of the bill, in a sense, inasmuch as he put it in the basket in the usual way. The gentleman had some conferences with the subcommittee on the subject, and the gentleman's recollection is, which he will probably continue to possess, unless he stays here as long as the gentleman from Illinois——

Mr. MANN. I hope he will.

Mr. DUPRÉ. I agree with you in that respect. [Laughter.] The gentleman told his secretary to refer it to the Committee on Foreign Affairs, and I wish very much that the gentleman from Illinois would leave any attack on this bill to the merits of the bill and not to the question of reference, as I think the gentleman should do, because I respect him and know him to fight in the open.

Mr. MANN. I can see no reason why I should favor the bill because the gentleman made an erroneous reference of it. The Committee on Foreign Affairs has no business to report such bills. It is bad enough to report a bill that is constitutional and which comes within their jurisdiction. This bill is in plain violation of the Constitution, and is reported by a committee which has no jurisdiction and, moreover, which has no knowledge of the subject. I do not think we ought to pass it.

Mr. DUPRÉ. Mr. Speaker, will the gentleman yield before he retires?

Mr. MANN. I reserve the balance of my time, and will permit the gentleman to use his entire 20 minutes if he wants to.

Mr. DUPRÉ. I ask if the gentleman will yield before he retires from the floor?

Mr. MANN. Oh, no; go ahead.

Mr. DUPRÉ. Mr. Speaker, in some seven years of congressional service here I have never approached this desk, and I would not come here now except that the gentleman from Illinois [Mr. MANN] refused to yield to me, although he had plenty of time, for I wanted to ask him a question. He stated that the Committee on Foreign Affairs had no knowledge about the bill. I want to ask him by what authority he made that statement?

Mr. MANN. If the gentleman will pardon me, I did not make that statement.

Mr. DUPRÉ. I decline to yield. [Laughter.] I commend to the gentleman from Illinois some quiet conversation with minority members of that committee. I would like especially for him to speak to the minority ranking member, Mr. COOPER of Wisconsin. I should like for him to speak to the gentleman from Pennsylvania [Mr. PORTER]. I should like him to converse with other minority members of the committee on the subject. The Committee on Foreign Affairs, to which, through my ignorance and inadvertence, this measure was referred, considered it very carefully and very thoroughly, and I am frank to say that there was no unanimous opinion originally on the subject of the report of the bill to the House, though it did come here with an absolutely frank and free report from that committee.

I have no interest in this bill at all except as an American citizen. The beneficiary of this measure is Marguerite Mathilde Slidell d'Erlanger, whose father was some time a Member of this House and thereafter a Senator from Louisiana, and became historic through his connection with the Mason and Slidell incident in the Civil War. She was the niece of Oliver Hazard Perry. She was born in Bonmet Carre, in my district, 75 years ago. She married a German in 1864. She thereby forfeited her American citizenship. She acquired thereby no German citizenship, because she and her husband lived constantly in France.

The report on this bill, prepared, if I violate no proprieties, by the senior Senator from Massachusetts, HENRY CABOT LODGE, states that when she and her husband had been absent from the Imperial Government of Germany for more than 10 years, under the laws of that Government she and he forfeited their citizenship. She swears in an affidavit submitted before the Committee on Foreign Affairs, to which the bill was inadvertently and ignorantly referred, but by which it was carefully considered [laughter], that she did not know that under the act of 1907 within one year she might have gone before an American consul and asked for repatriation.

I honor her. I know her. I know her brother. I have known her family; I have known them since I was 6 years old. The woman is marooned now in Zurich, Switzerland—a woman without a country; not an American, because she forfeited that citizenship; not a French woman, because she never acquired it; not a German woman, because she never went to Germany. She has a right, upon her request, to be repatriated. She wants to die, as she will, an American citizen. [Prolonged applause.]

Mr. Speaker, I reserve the balance of my time. How much time have I consumed?

The SPEAKER. The gentleman has consumed 10 minutes.

Mr. DUPRÉ. I yield to the gentleman from Virginia [Mr. FLOOD] such time as he may desire.

Mr. MANN. Wait a moment.

Mr. DUPRÉ. Pardon me——

Mr. MANN. Mr. Speaker, I think the bill is unconstitutional——

Mr. DUPRÉ. Pardon me just a moment.

The SPEAKER. The gentleman from Illinois has the floor.

Mr. MANN. I think the bill is unconstitutional. It is not the first that we have passed. But the plea of the gentleman from Louisiana [Mr. DUPRÉ] has converted me, and I wish to withdraw my opposition. [Prolonged applause.]

Mr. DUPRÉ. I want to ask the gentleman from Illinois whether he did not foster a bill like this some years ago?

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, I desire to call the conference report on Senate bill 8296.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

An act (S. 8296) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The Clerk will read the conference report.

The conference report was read.

The conference report is as follows:

CONFERENCE REPORT (NO. 1632).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the House to the bill (S. 8296) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 12, 17, and 20, and agree to the same.

JNO. A. KEY,
EDWARD KEATING,
SAM R. SELLS,
Managers on the part of the House.

CHARLES F. JOHNSON,
WM. HUGHES,
REED SMOOT,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

RAILROADS IN ALASKA.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which is at the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Joint resolution (H. J. Res. 393) making appropriations for the construction and operation of railroads in the Territory of Alaska.

Resolved, etc., That for carrying out the provisions of the act approved March 12, 1914 (38 Stats., p. 305), entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000,000, to continue available until expended.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of the joint resolution. Is there objection?

Mr. MANN. Reserving the right to object, I assume that this joint resolution is brought in now in the expectation that the sundry civil bill, carrying the appropriation for the necessary expenses to proceed with the construction of the Alaska Railroad, is not likely to become a law at this session?

Mr. FITZGERALD. Mr. Speaker, information has been conveyed to the House that the Army appropriation bill, the sundry civil appropriation bill, and the general deficiency appropriation bill will not be permitted to become laws before the expiration of this session of Congress. There are at present more than 2,500 men engaged in the construction of the railroad in Alaska. Unless this money is appropriated before this session adjourns, these men will suffer the pangs of starvation because of the inability to supply them with the subsistence necessary where they are employed. The situation is unique, and it is not paralleled by the failure to appropriate money for any other purpose. In order to obviate the possibility of from 5,000 to 6,000 persons who are dependent upon the continuation of this work suffering from hunger and privation, it is hoped that this resolution may be enacted even though the general appropriation bill fails.

Mr. MANN. If the gentleman will yield for a moment, my recollection is—and I think it is correct—that when the Alaskan Railroad bill was before the House it provided for a permanent appropriation of $35,000,000, or whatever the sum was, for the construction of the road; but the House changed that so as merely to authorize an upset limit of appropriations, and the statement was made from both sides of the House that so long as the work was progressing there would be no failure on the part of the House to provide the necessary appropriations in order that that work might progress in regular and steady order. I think I am right about that.

Mr. FITZGERALD. The gentleman has correctly stated what happened. Unless this appropriation is made, the work will be stopped. The expense incurred will be very great, and, more important than either of those conditions, several thou-

sand persons will suffer serious privation because of the failure of the appropriation.

Mr. MANN. And the practical pledge which the House made at the time will be broken.

Mr. FITZGERALD. The gentleman is correct in his statement.

The SPEAKER. Is there objection?

Mr. BORLAND. Mr. Speaker, reserving the right to object, I do not intend to object to this, because I know its imperative necessity, but it seems to me that there are other matters of equally imperative necessity embodied in these great appropriation bills, and it is rather startling that we are asked to pass this resolution at this time. I want to ask the chairman of the Appropriations Committee whether there will be other resolutions to take care of other urgent expenses of the Government, as, for instance, the expenditure of nearly $32,000,000 accumulated liabilities and expenses for the American Army on the Texas border?

Mr. FITZGERALD. Mr. Speaker, the House has done everything possible to make available the appropriations necessary for the support of the Government. While the American Army and the men enlisted in the National Guard will suffer some inconvenience, they are not in the same position as those employed in the construction of the railroads in Alaska. This appropriation is essential if those employed there are to be saved from suffering the pangs of hunger. This money must be appropriated at this session of Congress; and while I should be pleased to appropriate the money essential for all the functions of the Government, I hope this case will present such unique and peculiar characteristics that no objection will be made to the appropriation in either House.

Mr. BORLAND. Mr. Speaker, it is far from my purpose to object, but I simply want to call attention to a very startling condition in this legislative body of two branches, which makes necessary at this time such a resolution. I do not object.

SEVERAL MEMBERS. Vote! Vote!

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

STEAMER "FRED G. HARTWELL."

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 21037) to authorize the change of name of the steamer *Fred G. Hartwell* to *Harry W. Croft*.

Mr. MANN. I thought the Senate had passed a similar bill.

Mr. ALEXANDER. I wish to substitute the Senate bill for the House bill.

Mr. MANN. I suggest that the gentleman ask to take up the Senate bill instead of the House bill.

Mr. ALEXANDER. I make that request. The Clerk has the bill, S. 8300.

The SPEAKER. The gentleman asks unanimous consent to take from the Speaker's table a bill, which the Clerk will report.

The Clerk read the bill (S. 8300) to authorize the change of name of the steamer *Fred G. Hartwell* to *Harry W. Croft*, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application of the owner, the Headwaters Steamship Co., of Mentor, Lake County, Ohio, to change the name of the steamer *Fred G. Hartwell*, official No. 204,987, to the *Harry W. Croft*.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I should like to ask the gentleman——

The SPEAKER. If there is going to be any controversy about this bill and the other similar bill, the Chair will ask the gentleman to withdraw them.

Mr. MOORE of Pennsylvania. I do not want any controversy. I merely want to know if this vessel is of American register.

Mr. ALEXANDER. Both these vessels were built on the Great Lakes, and they belong to a Cleveland corporation.

Mr. MOORE of Pennsylvania. It is just a matter of a change of name?

Mr. ALEXANDER. Just a change of name, and the mortgagees give their consent.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

STEAMER "HARRY A. BERWIND."

Mr. ALEXANDER. I ask unanimous consent to take from the Speaker's table the bill (S. 8301) to authorize the change of name of the steamer *Harry A. Berwind* to *Harvey H. Brown*.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application of the owner, the Headwaters Steamship Co., of Mentor, Lake County, Ohio, to change the name of the steamer *Harry A. Berwind*, official No. 205072, to the *Harvey H. Brown*.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the votes by which the bill S. 8300, and the bill S. 8301 were passed was laid on the table.

By unanimous consent, the corresponding House bills 21037 and 21038 were ordered to lie on the table.

NAVAL CONSTRUCTION.

Mr. KITCHIN. Mr. Speaker, I ask for the immediate consideration of a privileged House joint resolution (H. J. Res. 390) with House report No. 1631.

The Clerk read the title of House joint resolution 390, to expedite the delivery of materials, equipment, and munitions, and to secure more expeditious construction of ships.

Mr. MANN. I think the gentleman's motion should be to go into Committee of the Whole.

Mr. KITCHIN. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of this joint resolution.

The SPEAKER. The gentleman from North Carolina moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideraion of House joint resolution 390.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the joint resolution, with Mr. SAUNDERS in the chair.

The CHAIRMAN. The Clerk will report the joint resolution.

The Clerk read the joint resolution, as follows:

Resolved, etc., That to enable the President to secure the more economical and expeditious delivery of materials, equipment, and munitions and secure the more expeditious construction of ships authorized and for the purchase or construction of such additional torpedo-boat destroyers, submarines, submarine chasers, and such other naval small craft, including aircraft and ammunition for all of said vessels, and for the construction of such dry docks as may be deemed necessary to meet the needs of the Navy, and for each and every purpose connected therewith, as the President may direct, to be expended at the direction and in the discretion of the President, the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time such sums as may be necessary to meet expenditures for the above purposes not exceeding $150,000,000, or to reimburse the Treasury for such expenditures, and to prepare and issue therefor bonds of the United States in such form and subject to such terms and conditions as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury is hereby authorized to issue serial bonds of the United States maturing in equal amounts from date of issue to 20 years from date of issue, bearing interest payable semiannually at a rate not exceeding 3 per cent per annum: *Provided further*, That such bonds shall be issued at not less than par, shall bear interest not exceeding 3 per cent per annum, shall not have the circulation privilege attached, and that all citizens of the United States shall be given an equal opportunity to subscribe therefor, but no commission shall be allowed or paid thereon; both principal and interest shall be payable in United States gold coin of the present standard of value and shall be exempt from all taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority. In order to pay the necessary expenses connected with said issue of bonds or any conversions thereof a sum not exceeding one-tenth of 1 per cent of the amount of bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time such sums as may be necessary to meet emergency expenditures directed by the President for naval construction or the expediting thereof as may be authorized by law, not exceeding $150,000,000, or to reimburse the Treasury for such expenditures, and to prepare and issue therefor bonds of the United States in such form and subject to such terms and conditions as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury is hereby authorized to issue serial bonds of the United States maturing in equal amounts from date of issue to 20 years from date of issue, bearing interest payable semiannually at a rate not exceeding 3 per cent per annum: *Provided further*, That such bonds shall be issued at not less than par, shall bear interest not exceeding 3 per cent per annum, shall not have the circulation privilege attached, and that all citizens of the United States shall be given an equal opportunity to subscribe therefor, but no commission shall be allowed or paid thereon; both principal and interest shall be payable in United States gold coin of the present

standard of value, and shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority. In order to pay the necessary expenses connected with said issue of bonds a sum not exceeding one-tenth of 1 per cent of the amount of bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct."

Mr. KITCHIN. Mr. Chairman, this bill provides for the issuing of $150,000,000 worth of bonds to meet and expedite such emergency expenditures for naval construction as is or may be authorized by law. It provides no new construction, authorizes no new construction or purchase, but makes available a fund of $150,000,000 to be used at the discretion of the President and under his direction, to facilitate and expedite the construction of ships authorized by law or which may be at this session authorized by law.

It enables him to expedite the delivery of material, to make purchases authorized by law. In other words, it gives him the necessary money now to expedite the equipment of the Navy, such equipment being authorized by law.

All recognize the necessity for this. I understand that the Senate has added to the naval bill $160,000,000, and that this $160,000,000 additional appropriation will in all probability become law. It is for new construction. In other words, this is for emergency construction. The construction will be authorized in the bill that will become law at this session.

Mr. MADDEN. Will the gentleman yield?

Mr. KITCHIN. Certainly.

Mr. MADDEN. Does the gentleman think it necessary to state the rate of this interest twice, once in each proviso?

Mr. KITCHIN. It may not be necessary, but we do not want to amend it. There is no harm in it.

Mr. MADDEN. On lines 17 and 18, page 3, it says "bearing interest payable semiannually at a rate not exceeding 3 per cent per annum," and then in lines 20 and 21 it says "shall bear interest not exceeding 3 per cent per annum, shall not have the circulation privilege attached." I think the last should be stricken out.

Mr. KITCHIN. I have no objection to that, but I will say that I can see no harm in it.

Mr. MADDEN. I do not want to complicate the situation, but I think the words in lines 20 and 21, page 3, "shall bear interest not exceeding 3 per cent per annum" should be stricken out.

Mr. KITCHIN. I do not think it complicates it. It is only a repetition.

Mr. MONDELL. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. MONDELL. I take it that the purpose of this is to expedite such naval construction as is now authorized by law.

Mr. KITCHIN. Or may be authorized by law. Authorized by law is the language.

Mr. MONDELL. The resolution does not seem to be very clear.

Mr. KITCHIN. If the gentleman will read the amendment—and I am speaking now of the committee amendment—he will see that it——

Mr. MONDELL. I am reading the amendment, but it does not seem to me very clear. As I read it it provides for such expenditures for construction as may be authorized by law, and if there is any expedition authorized it is authorized by this resolution.

Mr. KITCHIN. I do not see how you can put it more clearly than it is put in the committee amendment.

Mr. MONDELL. If the gentleman will allow me, I think I can suggest how it will be much clearer. If, after the word "for," in line 8, you would insert the words "expedite any such of" and strike out of lines 8 and 9 the words "or the expediting thereof," so it would read:

That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time such sums as may be necessary to meet emergency expenditures directed by the President for expediting any such naval construction as may be authorized by law, not exceeding $150,000,000.

Mr. KITCHIN. The committee carefully considered the language of the amendment and we all construed it just as I have construed it.

Mr. LONGWORTH. Will the gentleman yield?

Mr. KITCHIN. Certainly.

Mr. LONGWORTH. Is not the fault of the gentleman from Wyoming that he overlooks the fact that the words "authorized by law" refers back to naval construction and not to "the expediting"?

Mr. MONDELL. I realize what is understood and what is intended.

Mr. PHELAN. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. PHELAN. I notice in the bill that the bonds must be issued at par and can not carry more than 3 per cent interest. They are emergency bonds and will probably be issued when Congress is not in session. Suppose the Secretary of the Treasury should find that he could not issue 3 per cent bonds at par, then he could not get any money?

Mr. KITCHIN. I will say that he has the authority to issue $300,000,000 of certificates of indebtedness, but they can not run more than a year.

Mr. McKENZIE. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. McKENZIE. This bill simply provides for an authorization.

Mr. KITCHIN. Not for an authorization of any construction, but it is expediting what is already or may be authorized.

Mr. McKENZIE. It is an authorization for the issue of bonds, and the President is to determine whether the emergency arises?

Mr. KITCHIN. Yes; but it makes no difference whether it arises to-morrow or 6 months or 12 months from now. We have already appropriated the money in the naval appropriation bill, and we are providing for the funds.

Mr. McKENZIE. There is a possibility that it will never be used at all.

Mr. KITCHIN. Yes. I will say to the gentleman from Massachusetts [Mr. PHELAN], in answer to his query, that under the new revenue act recently passed the Secretary of the Treasury has power to issue certificates of indebtedness to the amount of $300,000,000, but not to run to exceed 12 months, and if the occasion should arise such as the gentleman suggested he could easily issue these certificates of indebtedness. These certificates of indebtedness could be issued for a period of one year. This would be at least until next March, but in the meantime Congress shall have met in regular session.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. BORLAND. I understand this money is to be used by the President in expediting naval construction. In what way is it to be expedited? Is it to be done by the payment of a bonus or by superprices or anything of that kind?

Mr. KITCHIN. I will say to the gentleman that I do not know, but I would say that he could use it in equipping navy yards or in buying material and equipment. There is no money available now for that purpose, because the money that will be appropriated in the naval bill will not be available until after July 1, and then there are no funds provided for this extra $160,000,000 included in the naval bill. We did not provide for that in our revenue bill. We provided only for a reasonable amount of appropriations which we thought the Senate would add to the naval bill, but instead of adding a reasonable amount they have added $160,000,000, which is at least $130,000,000 more than we anticipated when we passed the revenue bill, and I understand the Army bill has been increased some $30,000,000, and we did not calculate that they would increase that more than $10,000,000.

Mr. BORLAND. Will this permit in any way a change in the contract prices?

Mr. KITCHIN. Not at all.

Mr. LENROOT. I take it it is not the purpose of this joint resolution to authorize any expedition whatever, but merely to provide money?

Mr. KITCHIN. To provide the money. This is the money for the expedition or equipping of the Navy.

Mr. OLIVER. Is the gentleman informed as to the character of new construction provided for by the Senate in this increase of $160,000,000 to which he has referred?

Mr. LONGWORTH. Mr. Chairman, I make the point of order that the committee is not in order. It is almost impossible to hear the gentleman.

Mr. KITCHIN. Mr. Chairman, I will say to the gentleman from Ohio that until this preparedness excitement struck the country, when we discussed a matter of $10,000,000, every man in the House would look up and take notice; but since we have been shelling out in appropriations hundreds of millions extra every session, a little matter of $150,000,000 extra does not even interest the membership of the House; it is too ordinary. I read here from the naval bill, as passed by the Senate, which will most probably become a law, the Senate amendment. It is as follows:

NAVAL EMERGENCY FUND.

To enable the President to secure the more economical and expeditious delivery of materials, equipment, and munitions and secure the more expeditious construction of ships authorized and for the purchase or construction of such additional torpedo-boat destroyers, submarine chasers, and such other naval small craft, including aircraft

and ammunition for all of said vessels, and for the construction of such dry docks as may be deemed necessary to meet the needs of the Navy, and for each and every purpose connected therewith—

An so forth. That is the new provision.

Mr. OLIVER. It substantially follows the provision in the House bill which was stricken out.

Mr. KITCHIN. And the Senate amendments add about $160,000,000 to the House bill.

Mr. MONDELL. Mr. Chairman, the gentleman has just read from a provision in the naval bill.

Mr. KITCHIN. A Senate amendment.

Mr. MONDELL. Does the gentleman expect the naval bill to become a law at this Congress?

Mr. KITCHIN. It is a rather uncertain thing to expect anything of the Senate in its present condition; but I understand in all probability they will permit the naval bill to become a law.

Mr. MONDELL. And if it should not become a law?

Mr. KITCHIN. Then none of these bonds could be issued, except for construction already authorized.

Mr. MONDELL. On the other hand, if it should not become a law, by changing a word or two in the resolution it would authorize the President to expedite the construction of the ships now authorized, whether the naval bill passed or not?

Mr. KITCHIN. It would not change it at all; not a bit. I yield 20 minutes to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, I have voted for preparedness measures to put this country in proper shape to defend itself against aggression or to assert itself against any foreign nation, if necessary. As a Republican I realized, although certain deficiencies already existed, that in voting for these preparedness measures additional expenditures would have to be made. We can not well vote for preparedness without also voting to raise money to pay for it. The President has indicated that it is necessary to meet certain expenditures provided for in the naval program and that it is advisable to speed up that program.

The Senate attached an amendment to the naval appropriation bill to meet these conditions. It provided for a bond issue of $150,000,000, which was to be expended in a certain way. An issue was at once raised as to the prerogatives of the House. The House resented the intrusion of the Senate upon its constitutional right to originate revenue legislation, and the Senate took the revenue amendment out of the naval appropriation bill. The Ways and Means Committee of the House then met and to-day agreed upon a resolution which the chairman of that committee has reported and which is now before you for consideration. I am in favor of the passage of this resolution as the chairman of the Ways and Means Committee of the House has presented it. It is a resolution which proposes to make good the appropriations the House has made for speeding up the naval program. In fact, it keeps the faith of those who voted the appropriations to prepare this country to maintain peace, and, if need be, to engage in war. It is such a resolution as Republicans who voted for preparedness can vote for.

There were several features of the Senate amendment which I fear would not have been acceptable to the House. It is doubtful if we could have passed the Senate amendment with the unanimity with which it is hoped the House resolution will pass. One of the provisions of the Senate amendment was that certain purchases might be made and certain construction done that was not authorized by law. The Ways and Means Committee resolution provides that the proceeds of this $150,000,000 bond issue shall be expended to speed up, as authorized by law. The Ways and Means Committee resolution preserves the House prerogative as to revenue legislation and holds the expenditure of the $150,000,000 to such purposes as are authorized by law. Thus Congress maintains its status under the Constitution. Another feature of the Senate amendment which has been rejected related to a discretion intended to be conferred upon the Secretary of the Treasury to regulate the rate of interest as to other issues of bonds. That has been taken out and the interest rate is fixed at 3 per cent. As the resolution now stands every Republican can vote for it; every man who voted for preparedness can vote for it, knowing the expenditures are to be authorized by law and that the rights of Congress are being preserved. [Applause.]

Mr. FORDNEY. Mr. Chairman, I yield to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing certain letters and documents on a subject in line with the subject of this bill, to speed up the procurement of munitions, and so forth.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to print in the RECORD the article indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, taking up the matter of the interest upon the bonds to be issued, it is a matter of large concern to this country. It may be known to very few of the membership of this House that the armed neutrality bill carries a peculiar provision for the issuance of bonds and the bearing of interest. It provides:

That any bonds issued hereunder may, under such conditions as the Secretary of the Treasury may prescribe, be convertible into bonds bearing a higher rate of interest than 3 per cent per annum if any bonds shall be issued by the United States at a higher rate than 3 per cent per annum by virtue of any act passed on or before December 31, 1918.

And this bill, as at first presented, and to which we objected, contained a similar provision, which was stricken out. It provided in effect that the United States Government should guarantee at all times the market value of the bonds first issued. It provided that when a second or third issue was made then the purchaser of the first issue should have the right to have automatically the interest on the first issue of bonds increased to a basis equal to that the last should bear. That has been taken out of this proposition. This plan was never followed by the United States before. It is important to the gentlemen of this House to remember this so that should the Flood neutrality bill come before us again steps should be taken to change the interest provision. Because I believe there were few in this House who saw or understood distinctly what that interest provision meant when we voted upon that neutrality bill.

Some thought that this was necessary for the purpose of floating the bonds. These bonds can be readily sold to the American people. They can be floated independent of any bank, I mean any commercial, any savings bank, or even the citizenship of the United States. There is in cold storage in the reserve banks of the United States over one-half a billion dollars not earning 1 cent for the stockholders. There is now $48,000,000 in United States bonds and notes held by them which has been approved as a proper investment. It would be eminently proper for this Government to permit the reserve banks to invest freely in these bonds, so that these 3 per cent bonds would float and be kept at par and——

Mr. MADDEN. The gentleman realizes that the $500,000,000 in the reserve banks is the money of the national banks that they place there as capital of the banks and the reserve?

Mr. SLOAN. It is not there for that sole purpose. It is there to be earning. The primary purpose was to rediscount members' paper; but only $20,000,000, or 2¼ per cent of the resources of Federal reserve banks, is used for that primary purpose. It is growing less right along in percentage and actual value.

Mr. MADDEN. Then it must be made liquid, must it not?

Mr. SLOAN. It ought to be. It is a matter of cold storage now.

Mr. MADDEN. You can not keep it liquid if you put it in Government bonds.

Mr. SLOAN. Why do they put Government bonds there now, as the gentleman will see by looking over the last statement of the banks? They have now $48,000,000 in United States Government securities as an investment.

Mr. PHELAN. Does the gentleman know that the bonds have a circulation privilege?

Mr. SLOAN. The reserve act authorizes the Federal reserve bank to buy and sell United States Government bonds with no limitation as to circulating privilege or amount bought or sold. In fact, one of the arguments made by those who favored the reserve system was that in times like these the reserve system would by purchase of our bonds protect our credit. The only thing you get from these bonds in these banks is the interest borne upon them. More than that, these Federal reserve banks go beyond the investment of the Government bonds, and have something like $17,000,000 invested in city warrants.

Mr. WINGO. Does the gentleman think it would be wise to take the gold that is now in the Federal reserve banks and absorb all that gold in these Government bonds, thereby defeating the rediscount operations of the banks?

Mr. SLOAN. Oh, no; not all of it, or nearly all of it. There is $500,000,000, and this issue is only $150,000,000. Any amount that would not be immediately absorbed by the public the reserve banks ought to take care of as long as they have

$500,000,000 lying there in actual cold storage, which ought to be working and should be used to maintain our credit.

Mr. WINGO. Five hundred million dollars in gold?

Mr. SLOAN. Five hundred million dollars. The total resources of these banks is $890,000,000. The total earning assets $209,000,000. The reserve system having accomplished nothing practically for its stockholders, having performed no marked service for the public, it would be a matter of final regret that it could do no effective service now to maintain the national credit.

Mr. KITCHIN. Mr. Chairman, I yield three minutes to the gentleman from Massachusetts [Mr. PHELAN].

Mr. PHELAN. Mr. Chairman, I did not intend to speak on this bill, but the gentleman who preceded me made some remarks which I think ought to be corrected. The idea, with all due respect to him, of having the Federal reserve funds invested in United States bonds of this kind is absolutely absurd. The purpose of having funds in the Federal reserve banks is to have those funds liquid. The primary purpose of Federal reserve banks is to take care of the reserve funds of this country, so that whenever any bank is in trouble or needs cash or credit it can get it from the Federal reserve banks. The last thing the Federal reserve banks ought to do is to put their funds in anything but liquid assets. When they are putting them in United States bonds, they are putting them in what amounts to a permanent investment; it is not a good way to use their funds. The Federal reserve banks ought to keep their funds in liquid assets, and any man who is at all familiar with the purpose of these banks never should suggest an investment of these funds in United States bonds of this kind.

Mr. SLOAN. Are the bonds of the United States less liquid or do they have a less liquid-value market than municipal warrants or rediscounted paper of individuals in this country?

Mr. PHELAN. In answer to the gentleman, if he had read the Federal reserve act carefully he would not have asked that question.

Mr. SLOAN. That is absolutely unfair, because I have read it a number of times, and I asked the question fairly.

Mr. PHELAN. Then the gentleman does not understand. He will find if he will read the act carefully that the only municipal bonds in which the Federal reserve bank can invest are the bonds payable in six months—that is, having six months to maturity—and no Federal reserve bank can invest one copper in municipal warrants of any kind that have over six months to run.

That is all I have to say. [Applause.]

Mr. FORDNEY. Mr. Chairman, I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I congratulate the country upon the fact that this is a unanimous report from the Committee on Ways and Means, equally joined in by the Republican opposition party and by the Democratic administration party.

Mr. Chairman, in all times of national emergency when it becomes necessary for this country to present a solid front before the nations of the world in matters relating to international affairs partisanship is put to the rear and we all join together. [Applause.] I am one of those who believe we ought to keep out of war, but that we ought to be prepared if war should be forced upon us. [Applause.]

And when this emergency has arisen, and when the question comes before the House, we will pass a provision for the procurement of $150,000,000 as though you were dotting an "i" or crossing a "t." [Applause.] We have reached the point where all of us as patriotic citizens are determined that if the worst comes we will all join together in defense of our common country. [Applause.]

Mr. FORDNEY. Mr. Chairman, I yield four minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I see that the gentleman from Illinois [Mr. MANN] appreciates fully the magnitude of the questions that were presented to the Committee on Ways and Means when this bill was placed before it. In the course of the regular appropriation bills we had in this House we authorized the expenditure of over $600,000,000, an enormous sum, for military and naval preparation. In addition to that, we have recently passed a bill placing in the hands of the President $100,000,000 more, which I hope is soon to become a law. The Senate, taking into consideration the special condition and, indeed, I might say, the crisis which now confronts us, added an amendment to the naval bill which carried in two separate items, of $115,000,000 and $35,000,000, a total of $150,000,000 more. One hundred and fifteen million dollars of this sum was for smaller vessels in the nature of torpedo craft and submarine chasers, building docks to accommodate our larger vessels, and expediting construction.

It was in the course of striking while the iron was hot, of meeting the emergency which was upon us, by authorizing this sum, which I may say the Senate amendments provide shall be immediately available for this purpose which I have briefly described. One hundred and fifteen million dollars was provided for in the Senate amendment, as I have said, together with this $35,000,000 to be used for the purpose of building or buying additional submarines, which can be quickly constructed.

As the gentleman from Illinois [Mr. MANN] has said, realizing that this emergency was upon us, the Senate, and I hope the House will concur, has taken this opportunity to provide and place in the hands of the President $150,000,000 to be expended in accordance with his discretion and under his direction for expediting construction and for the increase of our Navy. When this is done we believe that our Navy will be able to meet the conditions which now confront us. Nothing less, we thought, would; and therefore the committee united, Democrats and Republicans—all Americans—in passing this emergency measure. [Applause.]

Mr. LONGWORTH. Mr. Chairman, I only want to add a sentence or two to what has been said. This bill bears the unanimous O. K. of both the Republican and Democratic members of the Committee on Ways and Means. There is not a bit of partisanship in it. There is only patriotism in it. [Applause.]

It has been suggested that another body may fail to pass a bill to which this bond issue principally applies, but it is not our duty to attend to matters on the other side of the Capitol. It is our duty to attend to our own affairs and to do the right thing; and this is the right thing to do. [Applause.]

I want only to say one word additional to what has been said as to the absolute and imperative necessity of passing a measure of this sort, and I call attention to it because I think the attention of Members of this House and of the country should be called to the condition of the United States Treasury this morning; I mention this in no spirit of captiousness at all. But, gentlemen, for the first time that I have seen, certainly for the first time in four years, the balance, the actual working balance in the Treasury, is less than one charge upon the Treasury.

Let me call your attention to this item: According to the report of the Treasurer this morning there is a net balance available for paying the debts of the United States of $67,559,000, in round numbers. There is in the hands of disbursing officers, appropriated for certain specific purposes and available only for those specific purposes, according to this morning's Treasury report, $68,648,000. In other words, gentlemen of the House, there is more money to-day by a million and one hundred thousand dollars in the hands of disbursing officers than there is in the Treasury in the way of an available balance. I am leaving out all other questionable items except the redemption fund of national bank notes, which is $47,000,000. In other words, gentlemen, to-day we have an actual deficit in the Treasury. We have $50,000,000 less than nothing.

Mr. KITCHIN. Mr. Chairman, will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from North Carolina?

Mr. LONGWORTH. Certainly.

Mr. KITCHIN. I know what the gentleman states is true, but I know that the gentleman would not wish his statement to go unexplained and a part of the truth withheld. The fact is that if we had not expended about $130,000,000 on account of the Mexican situation and had issued half as many bonds for Panama Canal construction in this administration as were issued under Republican administrations we would have in the Treasury to-day a larger general balance than there was in the Treasury at this time during any year of President Roosevelt's administration or President Taft's administration. [Applause on the Democratic side.]

Mr. LONGWORTH. I am sorry that my genial friend from North Carolina thought that I was intending to suggest a political advantage one way or the other. I was simply calling attention to the fact, however it may have arisen, that the situation is such that the gentleman's bill which he brings in to-day is necessary in order to run the affairs of this Government. I trust that the gentleman will not charge or even suggest that I have attempted to criticize the Democratic Party for its management of the affairs of this Government. [Laughter.]

Now, permit me one word more, at the risk of adding possibly a little levity to this occasion. The United States Senate has passed a bill to repeal the sinking-fund provision of the laws of the United States.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LONGWORTH. May I have two minutes more for a perfectly nonpartisan explanation of the financial situation? [Laughter.]

Mr. KITCHIN. If I give the gentleman three minutes instead of two minutes, will he put all the facts in his speech about the Treasury Department? [Laughter.]

Mr. LONGWORTH. How soon?

Mr. KITCHIN. I yield to the gentleman three minutes.

Mr. LONGWORTH. May I have 10 legislative days in which to extend my remarks? [Laughter.] Such latitude is not without precedent. I want to call attention to the bill recently passed by the United States Senate to repeal the sinking-fund provisions.

Mr. MADDEN. Does that mean they are going to repeal the national debt?

Mr. LONGWORTH. It is an act to authorize the Secretary of the Treasury to use, in his discretion, surplus money in the Treasury in the purchase or redemption of outstanding interest-bearing obligations of the United States. In a letter written by the Secretary of the Treasury the statement is made that the balance credited to the sinking fund in the Treasury is now about $991,096,000.

This is a bill to redeem these outstanding obligations of nearly a billion dollars out of surplus moneys in the Treasury. I want to leave it to the mathematicians of this House to figure out how long under present conditions it would take to redeem these outstanding obligations of $1,000,000,000.

I yield back the balance of my time.

Mr. MADDEN. Will the gentleman yield to me for a question?

Mr. LONGWORTH. Yes.

Mr. MADDEN. The Government owes about $990,000,000 now.

Mr. LONGWORTH. That is the sinking-fund credit on the books.

Mr. MADDEN. And, according to bills we have recently passed for bond issues, including this one, we are adding $890,000,000 more.

Mr. LONGWORTH. Not to that; no.

Mr. KITCHIN. If the gentleman will permit an interruption, of course he intended to say; that is, if he knew—it is possible that he is ignorant and did not know——

Mr. LONGWORTH. That is hardly possible——

Mr. KITCHIN. That this $990,000,000 sinking fund is simply a book account that has been accumulating since 1862, and that Mr. Wayne MacVeagh, Secretary of the Treasury under the Republican administration, recommended that the act requiring such sinking fund be repealed, because it was a pure myth; that while it showed $990,000,000 in the sinking fund, not a single dollar was there, and never had been——

Mr. LONGWORTH. I agree with the gentleman. I am in favor of the bill.

Mr. KITCHIN. Have I informed the gentleman?

Mr. LONGWORTH. No; I have no more knowledge on the subject than I had before the gentleman arose; but I want again to emphasize the fact that it is necessary to pass the bill brought in by the gentleman from North Carolina, and I compliment him upon the highly patriotic motives that have animated his action.

Mr. FORDNEY. Mr. Chairman, as a general practice I am opposed to raising money by bond issues for the ordinary expenditures of the Government. I am not opposed to the passage of this bill, under the existing conditions, but I want to call the attention of the House to the fact that there are to-day authorized but unissued $240,569,000 of so-called Panama Canal bonds yet to be sold and disposed of. In the recent revenue bill that passed this House there was an authorization of an additional $100,000,000 of long-time bonds, and $300,000,000 of short-time bonds or certificates of indebtedness. The flood-control bill that passed the House a day or two ago carried with it the authorization of another additional $100,000,000 of Government bonds. This bill now authorizes an additional $150,000,000 of bonds.

If this bill becomes a law, then the Secretary of the Treasury has the power and the authority to issue within the next year $890,569,000 of Government bonds to replenish the Treasury for expenditures of this kind. I am sorry to say that because of existing conditions over which we have no control, conditions which have recently been brought about, it is necessary that the Treasury of the United States be replenished by the proceeds of a bond issue to give available money to do the things authorized by this Congress because of this emergency or so-called war scare. Therefore, I am not opposed to this bond issue and will vote for it, and I hope all Members on both sides of the House will unanimously support the passage of this bill.

Mr. KITCHIN. Mr. Chairman, I move the adoption of the committee amendment.

The CHAIRMAN. The question is on the committee amendment.

The amendment was agreed to.

Mr. KITCHIN. Mr. Chairman, I move that the committee do now rise——

Mr. MANN. Was the bill read for amendment?

The CHAIRMAN. As a matter of fact, the amendment was read.

Mr. KITCHIN. Yes; the Clerk read the amendment.

Mr. MANN. I do not know whether anybody wants to offer an amendment. Members have the right to do so. I do not care to, if no one else does.

Mr. KITCHIN. I move that the committee do now rise and report the bill with the amendment favorably to the House.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House joint resolution 390 and had directed him to report the same to the House with an amendment, with the recommendation that the amendment be agreed to and that the joint resolution as amended do pass.

Mr. KITCHIN. I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. MANN. I ask for a division.

The House divided; and there were—ayes 225, noes 0.

Accordingly the bill was passed.

On motion of Mr. KITCHIN, a motion to reconsider the last vote was laid on the table.

MISS J. V. COLLINS.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 553.

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Miss J. V. Collins, clerk to M. F. CONRY, a Representative in Congress from the State of New York at the time of his death, March 2, 1917, the sum of $125, being an amount equal to one month's salary of a clerk of a Representative in Congress.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ARTHUR LUCAS.

Mr. LLOYD. I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 554.

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, $30 to Arthur Lucas for special janitor services rendered during the second session of the Sixty-fourth Congress.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

CERTAIN SESSION EMPLOYEES.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 529 (H. Rept. No. 1629).

Resolved, That the employment of the session clerks to the 11 expenditure committees, the assistant clerk to the Committee on Rules and the messenger to the Committee on Disposition of Useless Executive

Papers authorized by H. Res. 382, the additional page authorized by H. Res. 384, the clerk to the Committee on Education authorized by H. Res. 224, and the two janitors to committees and attendant for the ladies' reception room authorized by H. Res. 39, be continued to and including March 31, 1917, at the rate of compensation they now receive, the same to be paid out of the contingent fund of the House.

Mr. MADDEN. Mr. Speaker, I must object to that, if an objection will be of any avail. I realize that it is a privileged resolution——

Mr. LLOYD. Mr. Speaker, the session clerks who are provided for in the legislative appropriation bill receive pay up to the last day of March. The session clerks who have been provided for by the House itself, by this resolution will get paid just the same as the other session clerks.

Mr. MADDEN. I want to call the attention of the House to the fact that these session clerks in connection with the committees referred to in the resolution just presented by the gentleman from Missouri will have no work to do. They have no work to do now. They never ought to have been created, and they certainly ought not to be continued after the House adjourns.

Mr. LLOYD. I think, Mr. Speaker, that is saying rather too much. I do not know how much work they do. I take it for granted that when clerks are authorized they have work to do and that they perform whatever work is necessary to be done.

Mr. MANN. May we have the resolution reported again, to see what it is?

Mr. FITZGERALD. Let the resolution be reported again.

The SPEAKER. Without objection, the Clerk will report the resolution again.

The resolution was again read.

Mr. MADDEN. What are the two janitors to committees?

Mr. LLOYD. They are the two janitors who have charge of the various committee rooms in this building. There are seven or eight committee rooms that are cared for by two janitors specially employed.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

SEBE NEWMAN.

Mr. LLOYD. Mr. Speaker, I present the following House resolution.

The Clerk read as follows:

House resolution 453 (H. Rept. No. 1630).

Resolved, That there shall be paid, out of the contingent fund of the House, the sum of $600 to Sebe Newman for extra services rendered in connection with the sending out of blanks, receiving, filing, and compiling expense statements filed by candidates for Representatives in Congress, in accordance with H. R. 2958 of the Sixty-second Congress, entitled "An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected, and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses.'"

Mr. MADDEN. Will the gentleman yield for a question?

Mr. LLOYD. Yes.

Mr. MADDEN. Is the expenditure provided for in this resolution to be paid to some man already permanently employed?

Mr. LLOYD. Yes; the man who is to receive this pay is the clerk of the disbursing office, receiving $2,400 a year. This service was rendered outside of his regular service hours, the most of the work was done at night. This is a laborious job. Over 8,000 of the statements have been filed. The most of the membership of this House know how faithful the clerk has been in furnishing the information which you needed from time to time, and the blanks you needed. You can go to the clerk's office and find out how much has been expended in any district in the United States.

Mr. MADDEN. Yes; that is the business of the office clerk.

Mr. LLOYD. But this work has all been provided since he became a clerk. This is the amount that has been paid to the person who performed the services two years ago and four years ago.

Mr. MADDEN. I am not going to object, but I think it is bad practice to pay a man a salary and then pay him extra when he has any work to do.

Mr. MANN. I would like to ask the gentleman a question. This appropriation is for the preparation of contested-election cases?

Mr. LLOYD. No; it has nothing to do with contested-election cases.

Mr. MANN. I saw a resolution that I was told was to be reported making an appropriation in reference to the preparation of contested-election cases, and another one for the filing of publicity statements.

Mr. LLOYD. No; there was a resolution presented asking for an appropriation to pay Mr. Priorlieu.

Mr. MANN. That is not the one I am talking about.

Mr. MILLER of Delaware. I think I can explain what the gentleman refers to. The one that the gentleman refers to was in the deficiency bill yesterday. I called it to the attention of the gentleman from Illinois yesterday.

Mr. MANN. The gentleman is mistaken.

Mr. MILLER of Delaware. This resolution is the only one of that character that has been before the Committee on Accounts, and it refers to publicity returns for Members of Congress and not contested-election cases.

Mr. MANN. There was one resolution to pay the Clerk of the House $1,100 for preparation of contested-election cases.

Mr. MILLER of Delaware. Yes; and that item was in the deficiency bill yesterday.

Mr. MANN. And $500 for campaign publicity work. Was that in the deficiency bill?

Mr. FITZGERALD. No; nothing about the campaign in the deficiency bill.

Mr. MILLER of Delaware. That is true. The appropriation for the contested-election case to which the gentleman refers, and to which I called his attention yesterday—and the gentleman knows why I called his attention to it—was in the deficiency bill and not in a resolution from the Committee on Accounts.

Mr. STAFFORD. I would like to ask the gentleman from Missouri, has this honorarium been paid to this individual before?

Mr. LLOYD. No; not this individual, but some individual did perform the same service two years ago and four years ago.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

FISCAL RELATIONS OF THE DISTRICT OF COLUMBIA AND THE UNITED STATES.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution 518.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

House resolution 518 (H. Rept. No. 1617).

Resolved, That after March 4, 1917, the members of the Committee on the District of Columbia who are Members elect of the Sixty-fifth Congress, or a subcommittee thereof appointed by the present chairman of said committee, be, and are hereby, authorized to continue the investigation directed by House resolution 229 of the Sixty-fourth Congress and to expend for the purpose and as provided in House resolution 256 of the Sixty-fourth Congress, out of the contingent fund of the House, a sum not exceeding $7,500, in addition to the unexpended balance of the amount heretofore authorized.

The SPEAKER. Is there objection?

Mr. SANFORD. I shall object to that.

Mr. LLOYD. I want to say that this is simply providing by a House resolution that which we put into the general deficiency bill which passed yesterday. It is very evident now that the general deficiency bill will not become a law. That is the only purpose of offering this resolution.

Mr. FITZGERALD. How can the House by a simple resolution do any such thing?

Mr. SANFORD. I object.

The SPEAKER. The gentleman from New York objects.

Mr. LLOYD. Mr. Speaker, I move to suspend the rules and pass the resolution.

The SPEAKER. The gentleman from Missouri moves to suspend the rules and pass the resolution. Is a second demanded?

Mr. MANN. I demand a second.

Mr. LLOYD. I ask unanimous consent that a second may be considered as ordered.

Mr. MANN. I object.

The SPEAKER appointed as tellers the gentleman from Missouri [Mr. LLOYD] and the gentleman from New York [Mr. SANFORD].

The committee divided; and the tellers reported that there were—ayes 104, noes 104.

The SPEAKER. The Chair votes "aye." A second is ordered, and the gentleman from Missouri has 20 minutes and the gentleman from Illinois has 20 minutes.

Mr. LLOYD. Mr. Speaker, this resolution is intended to authorize those members of the District of Columbia Committee who are Members of the next Congress to continue the investigation which they have carried on for the last four or five years. That committee during this time has made an investigation which has resulted in greater achievements than any investigation that has been had in six years. If you have followed the course of the investigations conducted by Chairman JOHNSON, of that committee, you will find that there has been restored to the Treasury of the United States more than $2,000,000 as a result of their work during that time, and I am very sure that no com-

mittee has accomplished so much as that in the matter of ascertaining wrong accounting or a deficit in accounting or wrong statements with reference to accounts existing in this country. There were a number of accounts for which the United States should have received credit that it had not received credit for. It is not my purpose to undertake to explain fully what has been accomplished by this committee. I now yield five minutes to the gentleman from Delaware [Mr. MILLER].

Mr. MILLER of Delaware. Mr. Speaker, yesterday when this resolution was before the House the Speaker very aptly said from his chair that this was one of the few investigating committees that has really accomplished anything. Before the Sixty-fourth Congress convened there had been recovered by this committee from the Government Hospital for the Insane account $719,536.09; from the relief of the poor act of 1879, $3,825; from errors in deductions from revenue in 1897, $8,952.08; from interest paid on the last two items, $2,810.96; from the Washington Market Co. for past rentals, $166,012.50, and from the Washington Market Co. for future rentals, $202,500; from interest on the 3.65 bonds, $586,067.23; making a grand total of $1,689,703.86. Since the convening of the Sixty-fourth Congress there has been recovered from the Government Hospital for the Insane, second charge, $282,754.88; from court fines in United States cases, ascertained, approved, and included in the deficiency bill, $235,750.88; making a total for the Sixty-fourth Congress alone of over $518,000, and for the two Congresses of $2,208,209.

We all know that at the opening of the Sixty-second Congress a great number of investigating committees were created, 26 in number, as a partisan matter. This subcommittee of the Committee on the District of Columbia in the last Congress, for which $40,000 was appropriated to look into this work, caused to be refunded to the United States from the District of Columbia, where it was illegally deposited or collected, the sum of over $2,208,000. They come in here with this resolution and ask for $7,500 to continue their work after March 4, and they also ask to use the unexpended balance in the last appropriation, which amounts to only a few hundred dollars.

I am not taking issue on the point of order that was made yesterday by my distinguished colleague the gentleman from New York [Mr. SANFORD]. We all know the House voted this provision in the deficiency appropriation bill last year. It looks as if the deficiency bill would fail, and therefore when this House has decided to suspend the rules, or to consider this bill under suspension of the rules, in view of the evidence submitted as to what the committee has accomplished, I think we should waive whatever qualms we have about the parliamentary status, especially as the point was decided yesterday, when the resolution was brought up, but not under suspension, and can be used as a precedent. I have had the pleasure of serving on two committees which deal with out-of-the-way things—the Committee on Claims and the Committee on Accounts. The Committee on Claims, we all know, has bills coming before it which are meritorious and equitable, but which can not be paid by the Government for some reason or other. The Committee on Accounts likewise has a great number of bills and resolutions coming before it of extraordinary character. The Committee on Accounts takes care of legislation which a number of members will contend is more or less uncalled for, but nevertheless which is equitable and just, and your committee has thoroughly looked into this matter. They feel as our honored Speaker felt yesterday when he said from his chair that this is one of the investigating committees that has accomplished something, and we should brush aside any parliamentary qualms at this time and pass this resolution under suspension of the rules, and I trust it will be done. [Applause.]

I herewith append a table showing the figures I have given:

RECOVERED PRIOR TO SIXTY-FOURTH CONGRESS.

Government Hospital for Insane, first charge	$719,536.09
Relief of poor account, 1879	3,825.00
Error in deduction from revenue, 1897	8,952.08
Interest paid on last two items	2,810.96
Washington Market Co., past rentals	166,012.50
Washington Market Co., future rentals	202,500.00
Interest on 3.65 bonds	586,067.23
	1,689,703.86

RECOVERED DURING SIXTY-FOURTH CONGRESS.

Government Hospital for Insane, second charge	$282,754.26
Court fines in United States cases, ascertained, approved, and included in deficiency bill	235,750.88
	518,505.14
Recovered prior to Sixty-fourth Congress	1,689,703.86
Recovered during Sixty-fourth Congress	518,505.14
Total	2,208,209.00

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker no one denies the value of the work done by the Subcommittee of the Committee on the District of Columbia in its investigations and in the results which have come from its work. But that is not the question involved at this time. The question here to be determined is whether the House of Representatives will perform an idiotic act, whether the House of Representatives will ignore the Constitution of the United States and attempt, by a simple resolution, to do that which is required to be done by a joint resolution or a bill. It is the most astounding proposition that has been presented to this House in some time, that the House in its expiring moments should attempt to do that which requires the concurrent action of both Houses and the approval of the President of the United States. This House has no power to continue by simple resolution any committee that it has created; nor has it any power to create a committee out of Members elect to the next Congress. I sympathize with the gentleman from Kentucky [Mr. JOHNSON], and when the general deficiency appropriation bill was before the House I did not antagonize the motion to incorporate this provision in the bill, so that if it should receive the approval of the Senate and of the President of the United States the committee might continue. Never before has anyone attempted to do so ridiculous a thing as is proposed in this resolution. It might properly be entitled "What is the Constitution among friends?" because it is proposing the idle practice of adopting a House resolution purporting to accomplish something which the House has not the power to do.

I have too much respect for this body to sit silent and permit it to adopt such a resolution without expressing my protest against it.

Mr. MILLER of Delaware. Will the gentleman yield?

Mr. FITZGERALD. Yes; I will yield.

Mr. MILLER of Delaware. Did not the gentleman let it go on his deficiency bill last night?

Mr. FITZGERALD. Of course. The gentleman from Delaware apparently does not appreciate the difference between a legislative act, which is an act requiring the concurrence of the two Houses and the approval of the President or else a vote of two-thirds of each House after the President has declined to approve it, and the simple act of one House without the concurrence of the other House. It is an unfortunate thing that the Committee on Accounts has so little knowledge of what this House can do. It is not only unfortunate, but it is regrettable, that the House should be put in any such a lamentable position as to be asked seriously to pass such a resolution. To think that men occupying seats in this body should be so ignorant of their power under the Constitution [laughter] as to attempt by a simple resolution to provide for the performance, after the House expires, of an act by a committee to be created by this House! It is so absurd and so preposterous that it would be unworthy of youngsters in a preparatory school.

Mr. MILLER of Delaware. Did not the Speaker of this House just break a tie vote on the matter a few minutes ago?

Mr. FITZGERALD. Yes; but that does not help the situation any.

Mr. MILLER of Delaware. Would he place him in the same class?

Mr. FITZGERALD. The Speaker of the House very frequently, in recognizing Members for motions to suspend the rules, is confronted with embarrassments that do not confront the Members upon the floor of the House. He is besieged by Members. His relations with Members are such that he can not very well always interpose an objection that properly should be bestowed by the House, but the Speaker is not only informal, but assumes that the House is not only intelligent but that it is courageous enough not to put itself in so preposterous a position as the gentleman from Delaware invites it to do. [Applause.]

Mr. MILLER of Delaware. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MILLER of Delaware. The gentleman does not contend the present occupant of the chair, Speaker CLARK, is influenced at all by personal motives in his votes or decisions?

Mr. FITZGERALD. Not at all. I do not make any accusation against the present occupant of the chair. He has been my close personal friend for 18 years. He has not only been my friend, but I have been his protégé. I know he looks upon me with the affection of a father [laughter and applause], but I know what the Speaker of this House has to contend with. I know the pressure to which he is subjected, and he should not be expected to assume the responsibility for every idiotic act

of every ignorant Member of the House of Representatives. [Laughter.] It is a violent presumption, but the House itself is supposed frequently to exercise some judgment and possibly some intelligence, and the ordinary, reasonable, common sense that is expected of any men who have not been unfortunate enough either by accident or otherwise to have become Members in this body. [Applause.] I hope we will not adopt this resolution and make ourselves ridiculous.

Mr. LLOYD. Will the gentleman from Illinois use some time?

Mr. MANN. The gentleman may proceed.

Mr. LLOYD. We have used 10 minutes and the gentleman has used 5. Can the gentleman use some time now?

Mr. MANN. I yield five minutes to the gentleman from New York [Mr. SANFORD].

Mr. SANFORD. Mr. Speaker, after the thorough and somewhat delicate discussion of the personal element involved in this problem by the gentleman from New York, who I understand is not only one of the best judges of human nature but one of the best judges of legislation this House has, I would like to discuss briefly the merit of the proposition itself. There is a right and a wrong way to do all public business. This is the wrong way. It could not be further wrong if you studied to make it wrong. It is attempted to be justified by its results, but its results do not begin to justify it. It is contended that after the expenditure of something over $40,000 this committee has discovered that the District of Columbia has illegally obtained credits in its accounts with the United States Government to the extent of two and a half million dollars; that public officers employed by the Government under this administration, and holding public office in the office of the Auditor for the State and Other Departments, have closed their eyes and allowed these matters to be undisclosed, and that the gentleman from Kentucky, armed with the power and authority that this House has intrusted to him, has come back to the Treasury with the two and a half million dollars. Well, I do not know whether he has brought the money back or not, and I do not care. We can by law, in the usual, the ordinary, the regular, the old-fashioned open way provide that public officers shall attend to public business and shall guard our Treasury from improper attempts by any person. I do not mean to say that I agree with the Committee on the District of Columbia in their conclusion that the District of Columbia has taken two and a half million dollars, and that this committee has brought it back. I do not know, and you do not know, and you can only take their conclusions; I can only state that the gentlemen who have done this work have faith in themselves and believe that they have done the right thing, but no report has been made to you.

There is no record of what they have done. There is nothing to show for any of their work except the vouchers for their disbursements up in the office of the Clerk of this House.

Can we continue to do public business in this way? This resolution provides—and I am not discussing now the parliamentary side of it—that after this Congress adjourns one Member of this Congress can spend $7,500 for auditors and clerks to search these records and keep them honest. But we have a public auditor for that purpose. The precedent is bad, as my friend from New York [Mr. BENNET] pointed out yesterday, because it opens the way to temptation. We all would like $7,500 to spend in a little investigation of our own. The resolution provides that this money shall be spent and that this one gentleman from Kentucky shall determine how the money shall be spent. Of course the formal audit of his accounts will be with the ad interim committee. The resolution gives to the gentleman described the authority personally to control the expenditure of this money. I do not know that this auditor, who has $25 a day for this work, resides in the gentleman's district, but I would venture a guess that he does. I would venture a guess that any of us who had the right to hire somebody at $25 a day would hire somebody from our district. Neither do I claim that the gentleman who is hired on this job is not a competent auditor. Possibly he is. Probably he is. But we can not afford to make that kind of a precedent. Public business should be done in such a manner that the public will have confidence. The proper and the orderly way is to appoint a commission and invest that commission with the power to do work in a proper and fit fashion. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. LLOYD. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Speaker, I have been very greatly surprised at the two speeches which have been made against the adoption of this resolution. The gentleman from New York [Mr. FITZGERALD], like everybody else through all time, when he could find no other objection imagined a constitutional objection. He says, too, that it is without precedent, and that it is silly for this House to undertake to do what is now sought to be done, notwithstanding that the House has heretofore done exactly that which is now sought to be done by this resolution.

The gentleman from New York [Mr. SANFORD], I regret to say, has made insinuations which I did not suspect of him.

Mr. SANFORD. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. SANFORD. I thought I would try as clearly as I could to make it perfectly plain to the gentleman and to the House that I granted to the gentleman my full confidence that he had spent this money honestly and as he thought well. I made it as clear as I possibly could that it was the principle that I attacked, and if the gentleman does not see the principle I can not make it clearer. But I again make it clear to him and to the House that I know nothing whatever, nor does the House know, of the manner in which this work has been done. But in spite of that I grant the gentleman the presumption that it has been done competently, exactly, and thoroughly, and I have not questioned the personal end of it at all. If that is not clear, I can not make it clear.

Mr. JOHNSON of Kentucky. Unfortunately, the speech made by the gentleman a few moments ago is not in accord with what he now says.

Mr. SANFORD. Will the gentleman yield? I can not be more generous than I just was nor than I tried to be before. If the gentleman wishes still to be unpleasant, let him be unpleasant.

Mr. JOHNSON of Kentucky. It is beyond my ken, Mr. Speaker, to see how anybody having the public interest in view can vote against this resolution. With something more than $40,000 this committee has unearthed more than $2,000,000 owing to the United States, and has placed that money into the Treasury of the United States. We come and say that if you will give $7,500 more in order that this work may not be stopped in the midst of investigating certain items that we honestly and firmly believe that with that money we will restore at least $200,000 more to the Public Treasury. Or, in other words, every dollar you get in this way it has and will cost you less than 2 cents.

I regretted a few moments ago to see party lines drawn upon this question. I have been chairman of the Committee on the District of Columbia for six years. In those six years I have never referred to politics. I have endeavored, and I have succeeded, during those six years in making that committee not a political one, but strictly a business one, and its business has been successfully conducted.

The gentleman from New York [Mr. SANFORD] has just spoken of the money that has disappeared under this administration and which has been returned under this administration.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. JOHNSON of Kentucky. Will the gentleman from Missouri yield me two or three minutes more?

Mr. LLOYD. I yield two minutes to the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. I wish to enlighten the gentleman from New York who made that remark.

Mr. SANFORD. I did not say the money disappeared during this administration. I did not infer that, and I do not infer it now, or no one else, except you.

Mr. LOBECK. Did not the gentleman say that this disappearance of money was during the last six years?

Mr. SANFORD. It has been recovered since this work was begun, but not in the six years.

Mr. JOHNSON of Kentucky. The gentleman has so clothed his remarks that I understood him to say it disappeared under this administration. He disclaims having said so, and I accept what he says.

But, inasmuch as he did mention this administration in connection with this work, I can say that every dollar that has been collected has been collected under Democratic administration, and out of the two and a quarter million dollars which has been collected during this administration less than $50,000 has been collected because of unlawful acts committed during this administration.

Now, this is a cold-blooded proposition of business. It is nothing more, and I do not intend to make anything more of it or try to make anything more of it than that. I can not understand why any man who wishes to serve the country well will deliberately oppose the return of this money to the public Treasury when it can be done at a cost of less than 2 cents on a dollar.

The gentleman from New York [Mr. SANFORD] opposed this proposition at first by the interposition of a point of order. The Speaker decided that the rules stood in the way, and there the matter was dropped until last night, when this resolution was put upon the deficiency appropriation bill. Now, everybody knows that the deficiency bill is not going to become a law, and therefore the resolution will fail with it.

This is a motion to suspend the rules—the rules which the Speaker said forbade the doing of this. It has been done many times here to-night and to-day and yesterday; the rules have been suspended, I mean, to do that which the rules forbade. Why can not this be done? The gentleman from New York [Mr. FITZGERALD] says it must be done by act of Congress.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. JOHNSON of Kentucky. If the gentlemen of this House will pass this resolution, this work will be done, and another $200,000 will be put into your Treasury. [Applause.]

Mr. LLOYD. Mr. Speaker, will the gentleman from Illinois use the remainder of his time?

Mr. MANN. Does the gentleman from Tennessee [Mr. PADGETT] bring in a conference report?

Mr. PADGETT. Yes.

The SPEAKER. The Chair will state to the House that the proceedings on this particular bill will be suspended until we dispose of this conference report.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I submit the conference report on the naval appropriation bill, together with a statement, and ask that the statement be read in lieu of the report.

The SPEAKER. The Chair will inquire if this is a complete agreement?

Mr. PADGETT. It is.

The SPEAKER. The gentleman from Tennessee asks to have the statement read in lieu of the report.

Mr. MANN. In view of the fact, Mr. Speaker, that there are very important amendments in this conference report that the House has never seen, I think we ought to have the conference report read.

The SPEAKER. The Clerk will read the report.

The conference report was read.

The conference report and accompanying statement are as follows:

CONFERENCE REPORT (NO. 1633).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 30, 31, 34, 38, 39, 48, 83, 87, 89, and 90.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 29, 32, 33, 35, 36, 37, 40, 41, 42, 43, 45, 50, 51, 52, 53, 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 84, 91, 92, and 94; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Page 3, line 5, of the engrossed amendments, after the word "Government" insert quotation marks ("); and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out the word "removed" at the end of said amendment and in lieu thereof insert "increased to $2,080,956"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "including the acquisition of necessary lands"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In said amendment strike out the words "acquisition by" and "or condemnation"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Change total to "$16,976,255.01"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following: "The President, in his discretion, is authorized to reduce the course of instruction at the Naval Academy from four to three years for a period of two years from the date of the approval of this act and may during said two years, graduate classes which have completed a three-year course"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: Strike out all of the proviso in said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: Strike out the following words: "the present fund being inadequate to meet the requirements of the service at this time"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: Strike out said amendment and insert the following: "That the President of the United States is authorized, by and with the advice and consent of the Senate, to appoint Leonard G. Hoffman, secretary to the late Admiral of the Navy, an assistant paymaster in the United States Navy, as an additional number in said grade or to any grade to which he may hereafter be promoted: *Provided*, That the services of the said Leonard G. Hoffman as secretary to the late Admiral of the Navy shall, for purposes of pay, be credited to him as service in the Navy"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Strike out all of the proviso in said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: Strike out said amendment and insert:

NAVAL EMERGENCY FUND.

"To enable the President to secure the more economical and expeditious delivery of materials, equipment, and munitions and secure the more expeditious construction of ships authorized and for the purchased or construction of such additional torpedo-boat destroyers, submarine chasers, and such other naval small craft, including aircraft, guns and ammunition for all of said vessels and aircraft and for each and every purpose connected therewith, as the President may direct, to be expended at the direction and in the discretion of the President, $115,000,000 or so much thereof as may be necessary, and to be immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: Strike out said amendment and insert in lieu thereof the following:

"In addition to the 18 submarines hereinbefore appropriated for, the Secretary of the Navy is hereby authorized and directed to proceed at once to cause to be constructed 20 coast submarines to have a surface displacement of about 800 tons each at a cost not to exceed $1,300,000 each, exclusive of armor and armament, on the most approved lines according to plans and specifications to be provided or adopted by the Secretary of the Navy. The same may be let by contract to private builders or constructed by the Government in navy yards, or both, as may be directed by the Secretary of the Navy. Said 20 submarines shall be constructed on the Pacific coast: *Provided*, That the cost of construction on the Pacific coast does not exceed the cost of construction on the Atlanti coast plus the cost of transportation from the Atlantic to the Pacific. Eighteen million dollars is hereby appropriated toward the construction of said submarines."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment, as follows: In lieu of the matter stricken out insert the following:

"(d) That whenever the United States shall cancel or modify any contract, make use of, assume, occupy, requisition, or take over any factory or part thereof, or any ships or war material, in accordance with the provisions of paragraph (b), it shall make just compensation therefor, to be determined by the President and if the amount thereof so determined by the President is unsatisfactory to the person entitled to receive the same, such person shall be paid 50 per cent of the amount so determined by the President and shall be entitled to sue the United

States to recover such further sum as added to said 50 per cent shall make up such amount as will be just compensation therefor, in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In the proviso of said amendment strike out the word "further" and at the end of said amendment add the following proviso: "*Provided further*, That in computing said 10 per cent and 5 per cent increases of salaries, the specific increases of salaries made in this act shall be included as a part of such increase"; and the Senate agree to the same.

L. P. PADGETT,
J. FRED. C. TALBOTT,
ALBERT ESTOPINAL,
ERNEST W. ROBERTS,
Managers on the part of the House.

B. R. TILLMAN,
CLAUDE A. SWANSON,
N. P. BRYAN,
BOIES PENROSE,
H. C. LODGE,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and submitted by the accompanying report on the amendments of the Senate, namely:

On amendment No. 1: Increases from $50,000 to $100,000 the appropriation for obtaining information from abroad and at home, and the House recedes.

On amendment No. 2: Increases the limitation on the appropriation "Pay, miscellaneous," for clerical, inspection, and messenger service in the navy yards from $200,000 to $215,000, and the House recedes.

On amendment No. 3: Increases the appropriation for "Pay, miscellaneous," from $1,000,000 to $1,134,000, and the House recedes. This amendment provides for the rental of additional storage space in the vicinity of the navy yard, Norfolk, at an annual rental of $14,000 for three years.

On amendment No. 4: Provides for the consolidation of unexpended balances in the various subheads of the appropriations for "National Advisory Committee for Aeronautics" for the fiscal year ending June 30, 1917, and permits the expenditure by that committee of these unexpended balances for the purposes stated in the appropriation, and the House recedes.

On amendment No. 5: Increases the appropriation for "recruiting" in the Navy from $319,228.84 to $419,228.84, and the House recedes.

On amendment No. 6: Strikes out the proviso in the appropriation for "recruiting," which limits the amounts to be expended for motor-propelled passenger-carrying vehicles to $500, and the House recedes.

On amendment No. 7: Provides for the repeal of a paragraph in the naval appropriation act approved August 29, 1916, which provided for the discharge from the Navy of enlisted men upon first enlistment in the months of June and December after the completion of one year's sea service if the enlisted man so elects. The repeal of this section does not apply to any man enlisted in the Navy for the first time since August 29, 1916, and the House recedes with an amendment by inserting after the word "Government" at the end of the paragraph and before the last proviso quotation marks (").

On amendment No. 8: Provides that the Secretary of the Navy may authorize the senior officer present on a foreign station to order examining and retiring boards in the Navy and Marine Corps, and the House recedes.

On amendment No. 9: Increases the appropriation for the maintenance of the Naval Training Station, California, from $85,000 to $92,000, and the House recedes.

On amendment No. 10: Makes an increase for the same purposes at the Naval Training Station, Rhode Island, from $90,000 to $100,000, and the House recedes.

On amendment No. 11: Increases the appropriations for the same purpose for the Naval Training Station, Great Lakes, from $90,000 to $96,400, and the House recedes.

On amendment No. 12: Increases the House appropriation of $705,611 to $1,375,345 for projectile plant, and removes the limit of cost of $1,411,222 as authorized in the naval appropriation act of last year, and the House recedes with an amendment agreeing to the increased appropriation, but fixes a new limit of cost at $2,080,956.

On amendments Nos. 13, 14, 15, and 16: Increases the appropriation for batteries for merchant auxiliaries from $4,131,174 to $4,731,174 and increases the limit of cost for such purpose from $5,781,174 to $6,381,174 and makes the appropriation immediately available and available until June 30, 1920, and the House recedes.

On amendments Nos. 17, 18, and 19: Increases the appropriation for ammunition for merchant auxiliaries from $7,281,941 to $7,731,941 and makes the appropriation immediately available and available until June 30, 1920, and the House recedes.

On amendment No. 20: Provides for the further development of the submarine base at New London, Conn., including the acquisition of necessary lands, and makes an appropriation of $1,250,000 for that purpose, and the House recedes with an amendment striking out the authority to acquire any lands.

On amendment No. 21: Increases the appropriation for the maintenance Bureau of Yards and Docks from $2,000,000 to $2,709,000, and the House recedes.

On amendment No. 22: Increases the limitation on the appropriation for maintenance, Bureau of Yards and Docks, for clerical, inspection, drafting, and messenger service from $625,000 to $780,000, and the House recedes.

On amendments Nos. 23 and 24: Provides for the improvement of the central power plant, cost $150,000, and for the extension of the chain shop, costing $60,000, at the navy yard, Boston, and the House recedes.

On amendment No. 25: Increases the limit of cost of the gun shop at the navy yard, Washington, D. C., from $600,000 to $1,100,000 and increases the appropriation to complete that shop from $400,000 to $900,000, and the House recedes.

On amendment No. 26: Provides for the improvement of the central power plant and distributing systems at the navy yard, Washington, D. C., appropriation $772,000, and the House recedes.

On amendment No. 27: Is a change of total.

On amendments Nos. 28 and 29: Provides for the acquisition by purchase or condemnation of a strip of land along the south boundary of the marine recruiting station at Port Royal, S. C., and the House recedes with an amendment requiring that the land be obtained by purchase only, not to exceed $5,000.

On amendments Nos. 30 and 31: Appropriates $750,000 for the enlargement of the dry dock at the navy yard, Charleston, S. C., with a limit of cost of $1,085,000 for such purpose, and the Senate recedes.

On amendments Nos. 32 and 33: Appropriates $125,000 for two magazines and one building for the storage of torpedoes at the naval aeronautical station, Pensacola, Fla.; and the House recedes.

On amendment No. 34: Increases the appropriation for improvements at the powder factory at Indianhead, Md., from $150,000 to $172,000; and the Senate recedes.

On amendment No. 35: Strikes out the House provision for one building for ammunition storage, $35,000, at the naval magazine, Charleston, S. C., and appropriates $70,000 for two buildings for ammunition storage and $50,000 for a building and equipment for storage of torpedoes; and the House recedes.

On amendment No. 36: Appropriates $25,000 for three contagious wards at the naval training station, San Francisco; and the House recedes.

On amendment No. 37: Provides $50,000 for a barracks building and $12,000 for laundry, including machinery, for the marine guard, American Legation, Peking, China.

On amendments Nos. 38 and 39: Provides for a laundry to cost $12,000 at the marine barracks, Mare Island, Cal., and the Senate recedes.

On amendment No. 40: Provides that nothing in this act shall be construed as preventing or interfering with the continuation or undertaking of necessary experimental work during the next fiscal year as heretofore conducted by the Navy Department; and the House recedes.

On amendment No. 41: Provides for an increase from $550 to $755.01 to reimburse the owner of some property which was damaged by the firing of a 16-inch shell at the Naval Proving Grounds, Indianhead, Md.; and the House recedes.

On amendment No. 42: Appropriates $200,000 for the improvement of the lighting facilities to facilitate night work at the various navy yards and naval stations; and the House recedes.

On amendment No. 43: Provides an increase in the appropriation for "Repairs and preservations at navy yards and stations" from $1,250,000 to $1,705,000, and the House recedes.

On amendment No. 44: Is a change of total.

On amendment No. 45: Provides for the use by the Government for a period not to exceed six years at an annual compensation of $50,000 of a dry dock at Boston, being built by the Commonwealth of Massachusetts, capable of docking the largest vessel that can be passed through the locks of the Panama Canal. The right of the United States Government to the use of said dock in time of war to be prior and paramount. This dock is to be completed within 30 months after the entering into of this contract. The contract for the use of the dock is to provide for docking rates not in excess of commercial rates and for such other conditions as may be prescribed by the Secretary of the Navy, and the House recedes.

On amendment No. 46: Provides an additional midshipman at the Naval Academy for each Senator, Representative, and Delegate in Congress, and for a period of two years reduces the course at the Naval Academy to three years instead of four, graduating the two senior classes in March and September of this year, and also provides for an amendment to the personnel sections of the naval appropriation act of last year, waiving the requirement in certain cases that lieutenants, junior grade, shall serve in that grade for a period of not less than three years. The House recedes with an amendment striking out the extra appointee to the Naval Academy for each Senator, Representative, and Delegate in Congress and the provision relating to the service of lieutenants, junior grade, and amends the provision relating to the reduction of the course from four to three years by providing that the President may, in his discretion, reduce the course of instruction at the Naval Academy from four to three years for a period of two years from the date of the approval of this act, and may during that time graduate classes which have completed a three year's course.

On amendment No. 47: Adds a provision to the paragraph relating to the appointment of dental surgeons that the time served as acting or acting assistant dental surgeons shall be reckoned in computing the increased service pay and service for promotion of such as are commissioned; also a further proviso nullifying the above provision by requiring that increased pay shall be computed from the date of their respective commissions, and the House recedes with an amendment striking out the later provision.

On amendment No. 48: Provides that the act to provide for examination of Army officers dated October 1, 1890, shall apply to commissioned officers of the Coast Guard who have been or may hereafter be retired, and the Senate recedes.

On amendment No. 49: Makes an appropriation of $1,500,000 to be added to "Clothing and small stores' fund," stating that the present fund is inadequate, and the House recedes with an amendment striking out superfluous language.

On amendment No. 50: Makes an appropriation of $3,000,000 for "Reserve material, Navy," for procuring apparatus and materials other than ordnance materials and medical stores as a war reserve to be carried for the purpose of fitting out vessels of the fleet and merchant auxiliaries in time of war or when in the opinion of the President a national emergency exists. Perishable stores to be expended and replaced from time to time, and the House recedes.

On amendment No. 51: Increases the limitation from $1,400,000 to $1,650,000 for clerical, inspection, storemen, store laborer, and messenger service in the supply and account departments of navy yards and stations, and the House recedes.

On amendment No. 52: Increases the appropriation, "Maintenance, Bureau of Supplies and Accounts," from $2,750,000 to $3,250,000, and the House recedes.

On amendment No. 53: Provides that hereafter persons appointed to the corps of civil engineers of the Navy shall, from the date of their original appointment, take rank and precedence with lieutenants, junior grade, of the Navy, and the House recedes.

On amendment No. 54: Provides for the appointment of Leonard G. Hoffman, secretary of the late Admiral Dewey of the Navy to the position of passed assistant paymaster in the United States Navy, giving him credit for services as secretary to Admiral Dewey as service in the Navy, and the House recedes with an amendment striking out said provision and inserting the following: "That the President of the United States is authorized, by and with the advice and consent of the Senate, to appoint Leonard G. Hoffman, secretary to the late Admiral of the Navy, an assistant paymaster in the United States Navy, as an additional number in said grade or to any grade to which he may hereafter be promoted: *Provided*, That the services of the said Leonard G. Hoffman as secretary to the late Admiral of the Navy shall for purposes of pay be credited to him as services in the Navy."

On amendment No. 55: Is an increase in the working appropriation in the Bureau of Construction and Repair from $11,500,000 to $12,850,000, and the House recedes.

On amendment No. 56: Is an increase in the limitation of the appropriation, Construction and Repair of Vessels from $1,300,000 to $1,650,000, and the House recedes.

On amendment No. 57: Provides for an increase in the limit of cost for 3 Coast Guard cutters authorized in the naval appropriation act of last year, two to be increased from $700,000 to $900,000, and one from $125,000 to $185,000. The amendment also provides for three additional Coast Guard cutters, one for service on the Atlantic coast with headquarters at Buford, N. C.; one on the Great Lakes with headquarters at Detroit, Mich.; and one on the Pacific coast with headquarters at Honolulu. The total cost of the three vessels to be $1,250,000, and an appropriation of $675,000 is made, and the House recedes.

On amendment No. 58: Is a change of title for the officer in charge of the communication offices in the Navy Department from "Superintendent of Radio Service" to "Director of Naval Communications," and the House recedes.

On amendment No. 59: Is an increase in the limitation for clerical, drafting, inspection, and messenger service in the Bureau of Steam Engineering in navy yards from $885,000 to $1,035,000, and also provides for an appropriation of $8,000 for the installation of a pneumatic-tube between the communication office in the State, War, and Navy Department to the Navy Annex Building, and the House recedes with an amendment striking out the provision relating to the installation of the pneumatic tube.

On amendment No. 60: Provides for an increase in the working appropriation of the Bureau of Steam Engineering from $10,320,000 to $12,270,000, and the House recedes.

On amendment No. 61: Provides for a high-power radio station on the island of Porto Rico with an appropriation of $400,000, and the House recedes.

On amendments Nos. 62 to 73, inclusive: Provides for additional cooks, waiters, pantrymen, and other employees in the commissary department of the Naval Academy to care for the increased number of midshipmen at the Naval Academy as provided in the appropriation bill of last year, and the House recedes.

On amendment No. 74: Increases the current and miscellaneous expenses at the Naval Academy by $2,500 for extra textbooks and other material at the Naval Academy, and the House recedes.

On amendment No. 75: Is a change of total.

On amendment No. 76: Provides for an increase in the appropriation "Maintenance and repairs, Naval Academy" from $390,120 to $465,120, providing for an increase of $75,000 to fit the marine barracks at the Naval Academy as temporary quarters for housing and messing midshipmen, and the House recedes.

On amendments Nos. 77 and 78: Are changes of total.

On amendment No. 79: Provides for foreign-service pay on shore for warrant officers of the Marine Corps, giving them the same percentage of increase in pay as all other officers of the Marine Corps, and the House recedes.

On amendment No. 80: Increases the pay of a draftsman in the office of the Quartermaster of the Marine Corps from $1,800 to $2,000, and the House recedes.

On amendments Nos. 81 and 82: Are changes of total.

On amendment No. 83: Is a change of total, and the Senate recedes.

On amendment No. 84: Provides that in the case of a national emergency the President is authorized to suspend the provisions of law prohibiting more than eight hours labor in any one day of persons engaged upon work covered by contracts with the United States, provided that the wages of such persons shall be computed on a basic day rate of eight hours work with overtime work to be paid for at not less than time and one-half for all hours work in excess of eight hours.

On amendment No. 85: Provides a naval-emergency fund to enable the President to secure more economical and expeditious delivery of materials, equipment, and munitions, and secure more expeditious construction of ships authorized and for the purchase or construction of such additional torpedo-boat destroyers, submarine chasers, and other naval craft, including aircraft and ammunition for said vessels and for the construction of such dry docks as may be necessary, and for each and every purpose connected therewith, and provides an appropriation of $115,000,000 to be expended in the discretion of the President. The House recedes with an amendment which

makes the fund also provide for aircraft guns and ammunition for aircraft, and strikes out the provision relating to the construction of dry docks.

On amendment No. 86: Provides for the construction of 10 fleet submarines and 40 coast submarines and provides that not less than 5 of the fleet submarines and 20 of the coast submarines shall be constructed on the Pacific coast and provides an appropriation of $35,000,000 for that purpose, and the House recedes with an amendment changing the authorization to 20 coast submarines in all, in addition to the 18 appropriated for elsewhere in the bill. The 20 coast submarine are to be of a surface displacement of about 800 tons each and to cost, exclusive of armor and armament, $1,300,000 each. All 20 are to be constructed on the Pacific coast and the cost of transportation from the Atlantic to the Pacific is allowed in addition to the cost of construction on the Atlantic, and an appropriation of $18,000,000 is made toward the construction of the said submarines.

On amendment No. 87: Provides an appropriation of $1,500,000 toward the acquisition of a site for an additional navy yard in San Francisco Bay, and the Senate recedes.

On amendment No. 88: Strikes out the penalty clause in the paragraphs of the bill granting authority to the President in time of war or national emergency to require persons to comply with any order which he may give for the necessities of the Government in the manufacture of war material or construction of ships, and also strikes out the provision relating to authority granted the President to cancel or modify any contract or assume, occupy, or requisition or take over any factory or part thereof and provides for compensation to be paid therefor to be agreed upon and a right to recover a fair and reasonable damage by a suit in the Court of Claims, and the House recedes with an amendment which eliminates the penalty clause from the bill and modifies the remainder of the amendment so that if the owner deems the compensation unsatisfactory he shall be paid 50 per cent of the amount determined by the President and shall be entitled to sue the United States to recover such further sum as added to the said 50 per cent as shall make up such amount as will be just compensation therefor.

On amendment No. 89: Strikes out the House provision whereby an appropriation of $12,000,000 is made available for the fitting up of navy yards in the event that the Secretary of the Navy is unable to secure from private shipbuilders contracts for the expeditious construction of ships heretofore authorized at a fair and reasonable price and inserts a provision making the sum of $12,000,000 available for the fitting up of navy yards and the acquisition of additional land, notwithstanding whether the Secretary of the Navy is able to secure property contracts or not, and the Senate recedes.

On amendment No. 90: Provides an appropriation of $30,000 for tests and experiments of the Talbot boiler for use on board battle cruisers of the Navy, and the Senate recedes.

On amendment No. 91: Strikes out the House provision which reaffirms the policy of the United States to adjust and settle its international disputes through mediation or arbitration to the end that war may be honorably avoided, and the House recedes.

On amendment No. 92: Amends section 44 of the act to codify and revise the penal laws of the United States, approved March 4, 1909, so that whoever shall willfully trespass upon, injure, or destroy any of the works or property or material of any submarine, mine, or torpedo, or fortification or harbor-defense system owned or constructed or in process of construction by the United States, or violate any duly authorized order or regulation of the President within the limits of defensive sea areas, upon conviction in the district or circuit courts of appeals of the United States may be fined not more than $5,000 or imprisoned for a term of not exceeding five years, or both, and the House recedes.

On amendment No. 93: Provides for an increase of 10 per cent for all civilian employees in the Naval Establishment whose salary is less than $1,200 per annum and 5 per cent for employees whose salaries are $1,200 and not more than $1,800 per annum, and the House recedes with an amendment by adding a proviso which takes into consideration in the increase allowed any increase in the bill for specific salaries.

On amendment No. 94: Makes all appropriations in the act immediately available, but no appropriation shall be used for the payment of deficiencies, and the House recedes.

L. P. PADGETT,
J. FRED. C. TALBOTT,
ALBERT ESTOPINAL,
ERNEST W. ROBERTS,
Managers on the part of the House.

Mr. STAFFORD. Mr. Speaker, I reserve a point of order on the conference report.

The SPEAKER. The gentleman from Wisconsin reserves a point of order on the conference report.

Mr. STAFFORD. I think a number of the amendments are subject to a point of order. I think the gentleman ought to explain some of the amendments that have gone beyond the authority of the conferees. There was one such as I recall from hearing the reading by the Clerk. I ask the gentleman from Tennessee to give the House a résumé of the various amendments and agreements in conference.

Mr. PADGETT. There were 94 amendments to the bill. I do not know along just what line the gentleman wants information. If he will indicate it, I shall be glad to do my best to gratify him.

Mr. STAFFORD. Of course, the House is generally interested in those provisions of the bill under consideration commandeering the various business establishments of the country.

Mr. PADGETT. Yes.

Mr. STAFFORD. As I followed the reading of the report, some of the House provisions appeared to have been agreed to which had been stricken out by the Senate, and others disagreed to. That is a very important question, and I think the House would be interested in a detailed explanation by the gentleman of just what was done by the conferees.

Mr. PADGETT. Yes. The Senate struck out, on page 73, paragraphs C and D. Paragraph C was the paragraph imposing a criminal penalty for refusal or failure to comply with any provision of paragraph B. That is the direction or order of the President when taking over these plants. The Senate would not agree to a restoration of that paragraph and insisted that that paragraph must be eliminated; that there must be no criminal offense, and stated that under no conditions would they agree to the retention of that paragraph. So that was eliminated.

The next paragraph, paragraph D, was reinstated with an amendment providing that the Government when taking over the property should make compensation, and, in case of disagreement between the owner and the Government, the Government should pay 50 per cent of the amount which the President determined would be reasonable, and that the owner should have the right to sue the United States for the difference instead of waiting for a suit for the whole matter. It was provided that the Government should pay one-half of the amount which the President had determined was a reasonable amount, and the suit would be over the remaining portion of it.

Mr. STAFFORD. Why was 50 per cent decided upon? Why would you not grant the contractor 75 per cent or a larger amount? Was it the idea that you would penalize the contractor and force him to accept the amount that was determined by the President, so that in case he did not accept it he would get but 50 per cent down on the half-and-half principle and force him to wait until the court decided as to his right to the balance?

Mr. PADGETT. Not at all. On the contrary, that was suggested by some of the shipbuilders, and we accepted their figures.

Mr. STAFFORD. Of course, it was better to get 50 per cent than nothing at all.

Mr. PADGETT. That was the only suggestion they made. We took the one they made. They asked for nothing different and nothing more.

Mr. STAFFORD. The gentleman can understand that it might be better for the interest of private contractors that they be paid a larger percentage.

Mr. PADGETT. It may be, but they did not ask for any more, and they expressed satisfaction with this.

Mr. STAFFORD. Who were these interested parties that were taken into the confidence of the conferees?

Mr. PADGETT. I do not remember the name of the gentleman who was introduced to me this morning, but he said that he was a shipbuilder, and he asked me if we would accept that proposal.

Mr. STAFFORD. Did he have letters or credentials from the other private contractors of the country?

Mr. PADGETT. If he did, I did not know it. He did not disclose it.

Mr. KELLEY. Will the chairman of the committee kindly point out the chief increases that have been made by the conference committee over the House bill?

Mr. PADGETT. The conferees agreed practically to the Senate amendments increasing the appropriations for munitions and for the necessary improvement of the yards in order to enable them to execute and carry out the building program necessitated by the large program that has been adopted.

There was a provision for the enlargement of the dry dock at Charleston, S. C., and an appropriation of $750,000. That was eliminated.

Mr. BRITTEN. Just at that point, is there any understanding between the conferees that any money appropriated in this bill for repairs and improvements of yards is to be used, if in the discretion of the Secretary of the Navy it is deemed wise, to lengthen the dock at Charleston?

Mr. PADGETT. Absolutely not. On the contrary, that was proposed and was specifically rejected by the conferees.

Mr. BRITTEN. The reading clerk went over these amendments rather rapidly, and I could not follow him. What was done with Senate amendment 35, please, on page 31 of the bill, relating to certain increases for the Charleston yard?

Mr. PADGETT. That provides two buildings for ammunition storage and one building with the necessary equipment for the storage of torpedoes. That was agreed to.

Mr. BRITTEN. That was agreed to?

Mr. PADGETT. Yes.

Mr. BRITTEN. Then, with reference to Senate amendment 20, on page 24, I understood the reading clerk to state that certain language was stricken from the amendment. Was the amount reduced?

Mr. PADGETT. It was not.

Mr. BRITTEN. Will the chairman of the committee please advise the House what it is intended to do with this $1,250,000, which is explained in a general way in the bill? It is my opinion, as a member of the Naval Affairs Committee of the House, that that particular yard had been practically abandoned prior to last year, when some submarine activity began to take place there.

Mr. PADGETT. No; it was converted into a coaling station some years ago, but several years ago the present Secretary of the Navy converted it into a submarine base, and it is the principal and only submarine base on the Atlantic. Admiral Grant is in charge, and the submarines are there. The whole administration of the submarine upon the sea is from that point, and this was for the purpose of improving the yards, building the repair shops, and fitting it up for the care, repair, and handling of submarines, and the schooling of the men in that work.

Mr. BRITTEN. I could not ascertain if the Senate Committee on Naval Affairs had had any hearings on that particular part of the bill.

Mr. PADGETT. There was no hearing. There was a letter from the department setting forth the necessity for it, and the purposes for which the money was to be expended.

Mr. BRITTEN. Does Admiral Grant approve the location of this submarine base at this particular place?

Mr. PADGETT. He does, indeed.

Mr. BRITTEN. What was done with Senate amendment 61, on page 52, for a high-power radio station in Porto Rico?

Mr. PADGETT. It was agreed to.

Mr. BRITTEN. Will the chairman of the committee please advise us as to why that was agreed to? We have a very high-power radio station here at Arlington, and another one in Panama, that would cover all that entire territory.

Mr. PADGETT. No, sir. That is in the region that is the most important and vital in the Atlantic Ocean, in the Caribbean, and we have also lately acquired the Danish West Indies, and we have Porto Rico, and it is anticipated that if there should ever be any trouble that would be the scene of the trouble.

The ships of the Navy have radio apparatus, and they are able to receive long-distance communications, but are not able to send long-distance communications. This is for the purpose of having a station in Porto Rico that will be available for the fleet in the Caribbean Sea.

Mr. BRITTEN. What means have we for communicating with the fleet when they are in the Caribbean Sea now?

Mr. PADGETT. The high power-station at Arlington, a medium station at Key West, Fla., and then we have a high-power station on the Isthmus of Panama.

Mr. BRITTEN. Have we no medium station on any of the islands down there?

Mr. PADGETT. No, sir.

Mr. BRITTEN. Nothing at Guantanamo?

Mr. PADGETT. No, sir.

Mr. BRITTEN. Senate amendment 89—what was done with that $12,000,000?

Mr. PADGETT. It was agreed to. The Senate receded and it was kept in, in the language in which it was appropriated by the House.

Mr. BRITTEN. And then Senate amendment 90, at the bottom of page 75, for the testing of the Talbot boiler?

Mr. PADGETT. That was eliminated.

Mr. NOLAN. Will the gentleman explain as to Senate amendment 93, the 5 and 10 per cent advance in salaries?

Mr. PADGETT. That was agreed to just as it is written in the bill, except that, in line 12, where it says "*And provided further,*" the word "*further*" was stricken out, and following line 15 there was a proviso, providing that in the computation of the 5 and 10 per cent increases authorized, the specific increases of salaries made in this bill should be included as a part of the increase. There are various salaries that have been specifically increased in this bill. It went no further than that.

Mr. NOLAN. It does not affect the wage board?

Mr. PADGETT. No.

Mr. SISSON. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. SISSON. What was the gross amount added in the Senate to the bill as it passed the House?

Mr. PADGETT. About $166,000,000, if I remember definitely, and then this 5 and 10 per cent increase is an indefinite appropriation, and, of course, I can not answer about that.

Mr. SISSON. How much does the bill carry as agreed upon in conference?

Mr. PADGETT. I have not had time to figure it up. We reduced it between $19,000,000 and $20,000,000.

Mr. SISSON. Your bill, then, is somewhere about $20,000,000 less than when it came from the Senate?

Mr. PADGETT. Yes.

Mr. SISSON. What did the bill carry when it left the House?

Mr. PADGETT. $368,000,000.

Mr. SISSON. Then, it now carries about $500,000,000?

Mr. PADGETT. More than that; somewhere about $516,000,000 or $518,000,000.

Mr. CANNON. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. CANNON. I am a tenderfoot. I have listened with interest to the explanation given. What bothers me about this bill which carries between $500,000,000 and $600,000,000 is that I do not know how many seamen we have or how many mechanics we have. How many are authorized under the existing law? How many seamen and mechanics competent to manage a battleship?

Mr. PADGETT. The enlisted men do that.

Mr. CANNON. But they are mechanics, too, are they not?

Mr. PADGETT. We do not denominate them mechanics. Mechanics work in the shop, but the enlisted men up to the 29th of August authorized was 51,500. That was increased by the bill passed August 29 last to 78,000 men. Since then there has been a net increase running it up to between 58,000 and 59,000—since the 29th of August.

Mr. CANNON. Making a total of what?

Mr. PADGETT. Fifty-eight thousand or fifty-nine thousand men.

Mr. CANNON. Authorized?

Mr. PADGETT. No; there are authorized about 78,000.

Mr. CANNON. But the enlistment now is about 59,000? How many men would it take to man the ships now ready to be manned?

Mr. PADGETT. Full complement? I think the full authorization of the men we have now would man all the ships we have. I would say to the gentleman that we have something over 2,000 in the reserves, acquired since the 29th of last August, and then we have officers and enlisted men in the Naval Militia, in round numbers, 10,000.

Mr. CANNON. That may be brought into the service?

Mr. PADGETT. Yes; in the case of an emergency.

Mr. CANNON. Under the law?

Mr. PADGETT. Under the law.

Mr. CANNON. How much are we short between what is authorized and what we have or can get?

Mr. PADGETT. Between seven and eight thousand.

Mr. GARDNER. Will the gentleman yield?

Mr. PADGETT. I yield to the gentleman.

Mr. GARDNER. I was going to ask if it is not true that you need the Naval Militia to man the auxiliaries?

Mr. PADGETT. We have a large number of militia, enlisted men, that would come into the service.

Mr. GARDNER. Twenty thousand short of the regular enlistment?

Mr. PADGETT. Yes; but during the month of February there was a net gain in the enlistment of about 2,000.

Mr. BRITTEN. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BRITTEN. Is it not a fact that we are 23,500 short in the enlisted personnel to-day, and taking the reserves, the seamen who are on parole, those who are under arrest in one

form or another, are we not 20,000 short, and were we not the 1st of the month?

Mr. PADGETT. I do not think we are short that many.

Mr. CANNON. What I want to get at is this: Here is a bill with the prospect of war, or a possible war, with a large authority to the Executive. I take it for submarines and similar craft, power to seize the private shipyards, or to use the navy yards—I do not know whether the power to purchase or not. But if trouble is to come on us in the next 3 to 6 months or 12 months, and we go ahead and expend a large part of this money in getting additional ships or submarines, or whatever we can get, or on aviation, is there any other authority under the law to man these in an emergency beyond what the gentleman has stated?

Mr. PADGETT. Yes; there was a provision in the act of August 29 giving the President authority to enlist up to, I think, 88,000 men; that is, 10,000 above the 78,000.

Mr. CANNON. Precisely. But suppose there happened what the bill contemplates—and whether it happens or not, it is a good insurance policy—how many men at the end of 6 or 12 months, under the large expenditure in the discretion of the President, would be required to man what we have or what in the meantime will be constructed and ready for service?

Mr. PADGETT. I should say about 85,000 or 90,000 men.

Mr. CANNON. In addition?

Mr. PADGETT. No; all told.

Mr. CANNON. The gentleman does not contemplate that there will be any great increase under emergency in the next 6 or 12 months of smaller or other craft?

Mr. PADGETT. Not in the next six months; no. It takes longer than that to construct anything that we are authorizing.

Mr. CANNON. Is there a provision by which the President can increase the pay if it is necessary to get the enlisted men?

Mr. PADGETT. There is no provision in the law. In time of war the President could create a deficiency if he wanted to. There is no law against creating a deficiency for the Army and the Navy.

Mr. CANNON. He could legally increase the pay by bounty or otherwise?

Mr. PADGETT. There is no authority except the authority of war under which he as Commander in Chief could create a deficiency and come to Congress afterward. There is no law against creating a deficiency.

Mr. CANNON. Under that would he have the power to do it?

Mr. PADGETT. There is no legal authority for it.

Mr. CANNON. Then how could he do it?

Mr. PADGETT. He would just go ahead and do it in time of war and come to Congress for the money.

Mr. CANNON. Precisely. Could he go ahead and conscript men to man the ships under the same emergency?

Mr. PADGETT. We have a number of retired officers who are all subject to call in time of war. Then, there is the Naval Militia, and that has somewhere like seven hundred or a thousand officers, and they are subject to call.

Mr. CANNON. The gentleman has spoken of that.

Mr. PADGETT. Then, there is a reserve of officers that is being created as well as of men.

Mr. CANNON. I understand that; but what I want to know is whether the President can, in the event of war, either by law or in spite of law, conscript to thoroughly man the navy yards now or as they may be increased within 6 or 12 months or 2 years from these extraordinary appropriations?

Mr. PADGETT. We have no conscript law in this country.

Mr. CANNON. If the President can increase by bounty——

Mr. PADGETT. That would not be conscripting. They would enlist.

Mr. CANNON. Precisely. They would enlist. We could not conscript at all.

Mr. PADGETT. There is no conscript law—no authority to conscript.

Mr. CANNON. And no commander in chief would dare conscript?

Mr. PADGETT. No; he has no authority.

Mr. CANNON. I am not going to criticize, but I am anxious about one thing, and then I shall sit down. I am anxious, first, not so much about ships that will be created in two or three or four or five years from this time—battleships or cruisers—but I am anxious about submarines, and I am anxious about aviation, and I am anxious about ammunition, and I am anxious about thoroughly equipping what we have or what we can get. More than that, I am anxious about being able to utilize them after we have gotten them; and I must say, without criticism, because I am not an expert, that I feel that this bill, running up between five and six hundred millions of dollars, to some extent is like sounding brass and tinkling cymbals.

Mr. DOWELL. Mr. Speaker, I desire to ask the chairman of the committee a question. Will the gentleman yield?

Mr. BUTLER rose.

Mr. PADGETT. I desire to yield to the gentleman from Pennsylvania.

Mr. BUTLER. Mr. Speaker, will the gentleman yield to me for a few moments?

Mr. PADGETT. How much time does the gentleman want?

Mr. DOWELL. May I ask the gentleman a question or two first?

Mr. BUTLER. Yes.

The SPEAKER. To whom does the gentleman yield, if to anybody?

Mr. PADGETT. How much time have I remaining of my hour?

The SPEAKER. The gentleman has used 25 minutes.

Mr. BUTLER. I would like the gentleman to yield me 15 or 20 minutes. I may not consume all of the time, but I think perhaps that some of my colleagues would like to use a little time.

Mr. PADGETT. I will yield the gentleman 15 minutes.

Mr. DOWELL. I desire to ask the gentleman a question before he does that.

The SPEAKER. The gentleman from Tennessee has the floor.

Mr. PADGETT. I yield the gentleman from Pennsylvania 15 minutes, but first I am going to answer the question of the gentleman from Iowa if I can.

Mr. DOWELL. Mr. Speaker, I want to know under the enlistment at the present time how many we are short of being able to equip the ships that are already in commission or will be within the next 12 months?

Mr. PADGETT. I do not know about the next 12 months. I have not looked up as to how many will go into commission. The ships we have in commission at the present time, I think, as answered to the gentleman from Illinois [Mr. CANNON] would take somewhere about 85,000 men.

Mr. DOWELL. And we have 58,000 now?

Mr. PADGETT. Fifty-eight thousand or fifty-nine thousand. In addition to that we have the Naval Militia of about 10,000, and then we have 2,000 in the reserve. We have retired officers and a reserve officers' list.

Mr. DOWELL. Then they are more than 20,000 short of sufficient to man the ships already in commission on a peace basis?

Mr. PADGETT. There is something like that, but you must remember that up until the 29th of August the authorized enlistment was 51,500, and at that time the Secretary had overenlisted something like 200. There was a provision in the law legalizing that overenlistment so that it would not be necessary to discharge them. In the act of August 29 the authorized enlistment was increased to something like 78,000—a little above 78,000, I believe. During the month of February just passed there was a net gain in the enlistment of, I think, over 2,000.

We had about 1,200 or 1,300 net gain, and we had about six hundred and something in December.

Mr. DOWELL. Now, I desire to inquire, if we are this much short of sufficient men to man ships already in commission, what will be the situation in one year from now when we put more ships in commission?

Mr. PADGETT. We have authorized an increase up to seventy-eight thousand and some hundreds, and, as I stated, in an emergency up to 88,000, I believe it is that.

Mr. BUTLER. Eighty-seven thousand.

Mr. PADGETT. And the Chief of the Bureau of Navigation states that he thinks that in a short time he will have the enlistments up to at least 70,000.

Mr. DOWELL. But, as I understand, it would require an enlistment of 85,000 to man ships already in commission?

Mr. PADGETT. If they were all fully commissioned and on a war basis; but no nation in the world in time of peace and not in actual war keeps all the ships in full commission.

Mr. DOWELL. I wanted to inquire of the gentleman what he will do with those in reserve and in ordinary?

Mr. PADGETT. That is what I spoke of. I included that in the statement I made about the 85,000.

Mr. GARDNER. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. GARDNER. Does the gentleman mean to say 85,000 men will man the Navy that is now in commission and in reserve and in ordinary in time of war?

Mr. PADGETT. I think so.

Mr. GARDNER. What, with the war percentage added?

Mr. PADGETT. I think that 85,000 would take care of this. We would have to take the men off the shore stations.

Mr. GARDNER. Skinning your shore stations to the bone, I think the testimony shows it is a great deal higher.

Mr. PADGETT. I think it is about that.

Mr. DOWELL. No provision has been made in this bill for increasing the number of men to man the ships that have been provided in this bill?

Mr. PADGETT. No; as I stated to the gentleman a while ago, in the bill it gives 29,000 and increases it from 51,500 up to about 78,000, and with authority given to the President to increase it to 87,000.

Mr. AUSTIN. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. AUSTIN. I would like to know what disposition was made of Senate amendment numbered 47, providing for appointments to the Naval Academy?

Mr. PADGETT. That was eliminated. There was an amendment in there giving the President authority to reduce the course from four years to three years for two years and to graduate if they had made the three years' course. That was left with the President.

Mr. AUSTIN. Will that provide a sufficient number of officers for the increased number of ships that are going to be constructed?

Mr. PADGETT. No; but we could take about 600 off shore stations and get 400 or 500 out of retired officers, and then from the Naval Militia something like 800 or 900, which puts us in very good shape. Mr. Speaker, how much time have I remaining now?

The SPEAKER. The gentleman has 28 minutes.

Mr. PADGETT. I yield 15 minutes to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Mr. Speaker, I am obliged to our chairman for the 15 minutes yielded me. Mr. Speaker, if gentlemen will not talk I shall be greatly obliged. This bill puts a tax upon the Government of nearly $520,000,000, and I should think the American Congress could remain silent for a few minutes to understand the reason for it, as well as its uses. I very greatly regret that I did not feel myself able to join with my colleagues in making this conference report. I do not believe that anyone in this House who has any knowledge of any performance of mine relating to the expansion of our Navy will ever charge me with being a contractionist. I was unable to join in this report for the reason that I believe it is starting out upon an area of navy-yard expansion to which I am unable and unwilling to agree. I do not propose to enumerate the items of the bill to which I object, because it would require perhaps an hour to state in terms my objections. I am a poor conferee and I believe I have had my last service at that business. I imagine that when these conferees were appointed it was their business to understand what these Senate amendments covered, as well as the real necessities for them. The other conferees did; I did not. I am opposed to supplemental estimates submitted by either House after the different items in an appropriation bill of this character have been considered. I can readily appreciate there may be instances when under the stress of conditions we should surrender our views and make liberal appropriations without inquiry. I do not believe the demands here so urgent that the House conferees should have surrendered without making greater resistance and requiring further information.

Mr. Speaker, after this measure was passed and was reported to the Senate numerous amendments were made, very greatly increasing in amount a number of the items found in the bill. There may have been a necessity for it. I shall cordially vote for this bill, because I know it should become a law, and I hesitate to consume even the few minutes of time allotted me lest I might in some way endanger its passage. It was simply after consulting myself and after surrendering to my own views that I declined to join with my colleagues in their report.

I do not believe that the old navy yards which we have thrown to the winds should be revived at this time. I always understood that Norfolk, the most important point upon our coast, should be used as a base for submarines. Yet in this bill there is an appropriation of $1,250,000 for the resurrection of a naval station somewhere in Connecticut, a place that we have endeavored for 15 years to desert. This is one of the items in the bill to which I object, and which I do not believe we should make without knowledge and without complete estimate.

Another, to which my colleague, Mr. BRITTEN, called the attention of our chairman, is the radio station at Porto Rico. We have no ships there. We are not intending to have any there. The amount found in the Senate amendment is $400,000. Not a word of evidence given to any of us showing the necessity for it. I also learned that our esteemed Secretary of the Navy had said he could do without this station, but the appropriation appears in the bill—a small item of $400,000 for the beginning of an improvement at some particular point that I did not believe was necessary.

If I thought that my failure to agree to this report would in any way endanger the passage of this bill or delay it more than a few minutes, I would have gulped down my views and signed the report. I have no doubt that this House will adopt the report unanimously, as it should do under the exigencies of the present occasion. I know, and the gentlemen of the House will appreciate it as well as I do, that there may be an occasion within a short hour when we will have to use our implements of war. And therefore it is extremely embarrassing that one should appear in any way as an obstructionist or set his opposition against that of his fellows who are equally wise. I did not and I do not intend to commit myself for the future.

Again, a supplemental estimate appeared for the navy yard at Washington amounting to $1,300,000, and, without knowing one real substantial reason for it, it was included in the bill. It may be right. But why was the increase included in the estimate submitted to the House committee and considered for two months?

Now, the navy yard at Charleston has in it an increase of $85,000, as I count it. In the estimates submitted to the Naval Affairs Committee we allowed at Charleston, I believe, practically all that was asked of us. We may not, perhaps, have done so, but there is one thing sure—that it is allowed now, except the extension of the dry dock at that point.

I could go along through the bill and give you a number of instances. Where will these extravagances end and when will the Treasury revolt? But, above all, I do not mean to criticize my colleagues. The struggle has been a hard one from the beginning to the end. I am simply out of accord with their views, because I can not see the necessity for these enormous increases in the navy-yard expansions and the beginning of those already declared useless.

Furthermore, different bureaus have had great increases made by Senate amendments. The reasons for them might be told within an hour or two, but I am not capable of learning so quickly. I would liked to have had the time to learn. I have not been used to acting upon the mere explanation of a bureau chief that he needed the money. I can not oppose them, however, now. I dare not do it, because they may be necessary. It may be that Construction and Repair needs more money; the Bureau of Steam Engineering may need greater sums; but we had their complete estimates and fully considered necessities not more than two or three weeks ago, and I do not know the necessity for the excess allowed them.

Mr. CAMPBELL. What is the argument in behalf of these navy yards at this time?

Mr. BUTLER. I do not know.

Mr. BURNETT. Did you not have any hearing showing the necessity for these things?

Mr. BUTLER. For two months.

Mr. BURNETT. And there was nothing brought out to show the necessity for these things so suddenly injected into the bill by the Senate and the conferees?

Mr. BUTLER. I will say to my friend from Alabama, Do not criticize the conferees. They are doing the best they can under the circumstances as they see them, and have done well.

Mr. CAMPBELL. Is it not true that no reason was given for these large increases in the navy yards?

Mr. BUTLER. Yes; I suppose so.

Mr. BURNETT. The gentleman did not answer the question as to whether you did or did not have hearings authorizing these enormous increases before the House committee?

Mr. BUTLER. We had hearings covering, as I said to the gentleman, two months, and then made a report of the bill to the House.

Mr. BURNETT. These were not insisted on, then, before your committee at that time?

Mr. BUTLER. No, sir.

Mr. CRAMTON. Will the gentleman yield?

Mr. BUTLER. Yes, sir.

Mr. CRAMTON. May I ask the gentleman whether we are to understand it is his opinion or his fear that under cover of alleged present emergency a number of heavy appropriations are being rushed in that have only a very remote connection with any present emergency?

Mr. BUTLER. I wish I could answer my friend. I do not know. I have done the best I could. There is nothing in the conduct of any of these conferees that would warrant anyone having a suspicion that they subsided or surrendered because of any influence upon them that was not absolutely right. They can understand these subjects better than I can, I will say to

the gentleman from Michigan. They can grasp them more quickly. I am like the gentleman from Missouri. I not only like to be informed, but I like to be convinced.

Mr. CRAMTON. Without any criticism upon any Member of the House, may I ask the gentleman if he might be understood to have the fear that the bureaus were taking advantage of the situation?

Mr. BUTLER. Mr. Speaker, in answer to the gentleman, I did not see the necessity for some of the amendments touching these navy yards. I did not see the necessity for the increase of $500,000 or $600,000 toward the construction of a projectile factory, when even its location has not been selected.

Mr. CRAMTON. And hence it could have no connection with our present emergency.

Mr. BUTLER. They can not possibly use the money for another year. I would like to know more about the necessity for the great increase before I vote for it on a conference.

Mr. Speaker, when this session ends its work the service of my esteemed colleague, ERNEST W. ROBERTS, ends. This is his last official work, for a time at least; his association with Congress will end, I hope for a short time only, not forever. [Applause.] It will not increase the great esteem I have for him to speak of it publicly—he knows it privately—because I have spoken to him of it; no man has ever sat with us who has exercised more diligence than ERNEST W. ROBERTS. No man connected with this House, with one possible exception—our chairman—has a greater knowledge of naval affairs than has Mr. ROBERTS. [Applause.] No man has been more attentive in his work than he, and his constant, useful service will live as an everlasting monument to attest its value to our Government. The evidence to prove my statement can be found in the hearings before the Committee on Naval Affairs. I have never known in a service of 20 years upon this committee any member more diligent than he, anyone more intelligent, or anyone more desirous to make his service a benefit to the whole Republic than ERNEST W. ROBERTS. [Applause.] He and our chairman wrote the most important law of all the laws affecting the personnel of our Navy, and their great work has been fully approved.

Mr. Speaker, when that gentleman retires from Congress this House will lose a valuable and important Member. While he may not have led the horse, he always held the handles of the plow. I do not say this of him because he and I are friends, but I say it of him because he deserves to have it said. The House of Representatives will lose one of its hard-working Members, both able and civil; and I hope that some one among us may be found who can render to the chairman of the Committee on Naval Affairs service equal to that which has been rendered by my friend whose departure I so greatly deplore. [Applause.]

The SPEAKER. The gentleman from Pennsylvania yields back three minutes.

Mr. BROWNING. Mr. Speaker, I would like to have a couple of minutes.

Mr. PADGETT. I have how many minutes remaining, Mr. Speaker?

The SPEAKER. The gentleman from Tennessee has 15 minutes.

Mr. PADGETT. How much does the gentleman want?

Mr. BROWNING. I wish to yield five minutes to the gentleman from Illinois.

Mr. PADGETT. I yield to the gentleman five minutes.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, if there is any one thing which a nation ought to be certain about, it is when it announces a fixed policy of the nation in regard to foreign affairs. One of the criticisms of the President, whether well directed or not, is sometimes made to the effect that he wabbles. But the President is a fixed star in comparison with Congress and the Naval Committees on the subject of wabbling. [Laughter.] Last year, when the naval bill was under consideration in the Senate—and, remember, it was the long session of Congress; there was plenty of time to consider any proposition in both Houses—last year, I say, the Senate inserted in the naval bill this language:

> It is hereby declared to be the policy of the United States to adjust and settle its international disputes through mediation or arbitration, to the end that war may be honorably avoided.

That amendment was agreed to by the conferees on the part of the House, agreed to by the House itself, and signed by the President, and it went into the law.

Did it announce a wabbling policy? Do we state to the countries of the world our policies in international affairs to-day, only to be reversed to-morrow and changed about the next day? Has Congress no stability at all? This year, when the naval bill was under consideration, I offered as an amendment on the floor the identical proposition:

> It is hereby reaffirmed to be the policy of the United States to adjust and settle its international disputes through mediation or arbitration, to the end that war may be honorably avoided.

The gentleman from Tennessee [Mr. PADGETT] and his fellow managers on the part of the House and the Senate, which took this position last year, now strike that out of the bill and thereby declare it is not the policy of the United States to pursue this course.

Last year these gentlemen proudly announced to the world the fixed policy of the United States. Lo and behold, before the year had expired for the current law they reverse their position. How do they expect to have the respect of the world, much less the confidence of the world? If we say to-day that our policy in foreign affairs is so and so, how does anybody expect that the world will take us seriously?

Mr. TALBOTT. Mr. Speaker, will the gentleman yield for a moment?

Mr. MANN. Yes; but not for a dissertation.

Mr. TALBOTT. Is there anything in this law that takes back what we did last year—eh?

Mr. MANN. The gentleman from Maryland is one of the conferees.

Mr. TALBOTT. Is there anything in this bill that does that?

Mr. MANN. He announced last year that it was the policy of the United States, and he now strikes it out of the bill. Of course, we take it back.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

Mr. MANN. Well, I have not got much time, but I yield.

Mr. SHERLEY. What does the gentleman think of the wisdom of announcing such policies by putting resolutions into a bill of this kind, without any serious consideration of them? Ought a great nation do that? [Applause.]

Mr. MANN. I see the gentleman from Kentucky gets the applause of the gentleman from Massachusetts. [Applause.]

Mr. SHERLEY. I am glad to have his approval on a matter affecting my country. I wish I had the gentleman's information touching this matter.

Mr. MANN. Whether it is proper or not I do not undertake to say. I did not put the provision in the bill. It was the Senate that put it in the bill and the House accepted it, and the gentleman from Kentucky [Mr. SHERLEY] made no protest against it. It has been the law since the bill was signed last summer, and the gentleman from Kentucky has remained silent during all the time, not protesting against that being the policy of the country. What I am calling attention to is the fact that no one can expect the policies of the United States to be taken seriously when one day they assert that this is their policy and another day assert that it is not.

Mr. BARKLEY. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. BARKLEY. If it is the gentleman's view that this is the law, why is it necessary to repeat it every year?

Mr. MANN. It is a declaration of policy, no matter whether it is permanent law or not. They strike it out. That is a refusal to follow the policy.

Mr. GARDNER. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. GARDNER. In which one of the various wars of the United States has it been our policy to try to settle it by arbitration?

Mr. MANN. I do not know whether it is the policy or not.

Mr. GARDNER. I ask which one?

Mr. MANN. The gentleman always propounds a foolish question when a matter of this kind comes up. The gentleman was silent when this subject was under consideration on the naval bill.

Mr. GARDNER. The gentleman does not wish to misrepresent me——

Mr. MANN. Oh, the gentleman from Massachusetts can make his speech in his own time.

The SPEAKER. The gentleman from Massachusetts must not interrupt the gentleman from Illinois, except with his consent.

Mr. GARDNER. I am asking the gentleman's consent.

Mr. MANN. I am doing the talking. I will give the gentleman from Massachusetts the credit to suppose that he did not know it was in the naval bill last year.

Mr. GARDNER. Now will the gentleman yield?

Mr. MANN. No; I will not yield to the gentleman.

Mr. GARDNER. He has made a misstatement.

Mr. MANN. I have not made a misstatement. I do not follow the policy of the gentleman from Massachusetts. I never make a misstatement.

Mr. GARDNER. I will get you the speech.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of the point of order.

Mr. PADGETT. I yield five minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Speaker and gentlemen of the House, these are critical times that we are passing through, and what a Congress did a year or two ago certainly will not be binding upon us at this time, when conditions are quite different. I think that this Naval Affairs Committee has done the best that it could. Gentlemen suggest that we are about to bring into use old navy yards. I am not surprised at that. When half the world is at war, and when our rights and liberties are being assailed, I do not wonder that patriotic Members are seeking navy yards that have been out of use in order to equip this Government for any emergency. [Applause.]

The question that I want to ask the chairman of the committee now is, What assurance have we and what assurance has the House that the Senate will pass this bill? This House has passed the Army bill. It lies at the other end of the Capitol, throttled by an organized filibuster. Other measures that have passed this House, supply bills that must run the machinery of this Government, are throttled in the same fashion; and if the bill passed by this body almost unanimously, to give our Commander in Chief of the Army and Navy power to defend this Government when Congress is not in session if unlawfully attacked; is to be throttled by the same methods, I say it will be a national humiliation and a national tragedy. [Applause.]

I trust that this bill will pass, and I trust that the Army bill will pass, and that the supply bills will pass. I want to say, Mr. Speaker, as an American citizen hailing from the South, I am proud to-night to call the roll, and to say that not one man south of Mason and Dixon's line voted against that bill the other day. [Applause.] The vote from the South was unanimous to give this power to the President of the United States. [Applause.]

Gentlemen, these are critical times. I want the country to know who it is, and what propaganda it is, that is back of the movement to defeat that measure to confer this power upon our President. [Applause.] I want that responsibility lodged where it properly belongs, and I want this House to insist upon its rights and powers; and I ask the chairman of the committee to ask gentlemen at the other end of the Capitol if they are anxious for this naval bill to be passed, if it would not be wise for us to hold it back awhile and let them act on the Army bill and the other bills that we have passed, and the bills that will authorize the President to strike, if need be, against unlawful attack when Congress is not in session. [Applause.]

The SPEAKER. The gentleman yields back one minute.

Mr. PADGETT. Mr. Speaker, I yield three minutes to the gentleman from New Jersey [Mr. BROWNING].

Mr. BROWNING. Mr. Speaker, I am not going to speak on the merits of this conference report, as I shall vote for it. I do want, however, to pay a slight tribute to our friend, ERNEST W. ROBERTS.

Mr. Speaker, one of the greatest surprises to me in the November election—and there were many of them—was the failure of reelection of Mr. ROBERTS, of Massachusetts, and the only explanation of the matter that occurs to my mind is that the voters in the ninth district of that great State were not informed as to the splendid service of their Representative. Perhaps a few minor performances by Mr. ROBERTS, along popular or spectacular lines, might have served better to impress many people of his district than did his profound and concentrated study of great problems and his efforts and accomplishments in the interest of his district, State, and the whole Nation. During the important and prolonged hearings of the Naval Affairs Committee of this House I have constantly marveled at his almost endless questions, searching into the finest technical details and pursued to the development of the fullest information concerning the Navy in its every branch and particular. Knowing the man and his work as I do, it seems inconceivable that the majority of a constituency can desire to withdraw this past-master legislator when his State and his country have sore need of the services of men with the knowledge, experience, and worth of our good friend, ERNEST W. ROBERTS. [Applause.]

Mr. PADGETT. I yield one minute to the gentleman from Connecticut [Mr. FREEMAN].

Mr. FREEMAN. Mr. Speaker, the gentleman from Pennsylvania [Mr. BUTLER] has seen fit to criticize severely the pending appropriation of a million and a quarter to resuscitate an abandoned navy yard somewhere in Connecticut. It would be impossible in the short time allotted me to state all the strong and convincing reasons that justify and demand this appropriation. Nearly 300 years ago the Pilgrim Fathers landed on the shores of Massachusetts seeking a place to establish religious freedom, and they established this religious freedom so firmly and so thoroughly that only those who thought as they thought were at liberty to remain there, with the result that Roger Williams left for the land of the Narragansetts to establish the Providence Plantations, and John Winthrop and others went to southeastern Connecticut to the land of the Pequots. There where the waters of Long Island Sound meet and mingle with the waters of the Atlantic they discovered a beautiful estuary, not a river, but rather a broad and deep arm of the sea, and there they settled, and on the banks of a fairer Thames they laid the foundation of a newer London.

This city of New London, the city of my birth, has not in size as yet fulfilled their fond anticipation, but a fairer harbor and a better location for naval purposes, especially submarine training, does not exist to-day in the whole United States. In that harbor of New London the *Great Eastern*, the largest ship of its day, found safe and ample haven; on the banks of the River Thames was built and launched the *Minnesota*, the largest cargo-carrying vessel in the world to-day; in that harbor the submarine merchantman, the *Deutschland*, found unmolested and unobstructed entrance and exit; at New London transportation facilities are unequaled—the largest ships may enter and depart, and the Grand Trunk runs north and south, and the New York, New Haven & Hartford Railroad taps the east and west. Fort Michie, Fort Terry, and Fort Wright, modern forts, equipped with modern guns, afford safe and adequate protection. On the banks of that river the Electric Boat Co. has established a modern plant for the building and repair of submarine engines. There the Government of the United States now owns nearly 100 acres with over half a mile of water front. There it has established a submarine base and a submarine training school, the only one in the United States. The bill now pending provides for the building of many additional submarines. Admiral Grant, the commander of the submarine flotilla, has given this matter careful and thorough consideration; he has pronounced it an ideal location for a submarine base and a submarine training school, and the Secretary of the Navy has said that there should be available as early as practicable a complete submarine base and training school at the New London Naval Station. For these reasons this appropriation should command the unanimous support of the Members of this House. [Applause.]

Mr. PADGETT. I yield one minute to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, a nation's foreign policy should be a consistent one, and because it should be a consistent one it should not be lightly announced without consideration. Nothing is more pernicious than the putting in, on slight or no consideration, general statements touching the nation's policy in appropriation bills. The failure of this bill to carry the statement that was in the bill last year does not mean, either, that we have abandoned that policy or that we ever had it. It means that we have reached that degree of soberness where we do not undertake to announce great policies by the offering of a resolution without consideration, placed in the middle of an appropriation bill. [Applause.]

Mr. PADGETT. Mr. Speaker, I have two minutes remaining, have I not?

The SPEAKER. Yes.

Mr. PADGETT. I yield one minute to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Speaker, when the naval bill passed the House there was a provision in it known as the Hensley provision for arbitration. On that I made a speech in opposition. I called attention to the fact, as I have to-night, that that had never been our policy in the past. The Speaker himself came down on the flood and answered me. I remember it most distinctly. Then the bill went to conference, and in the conference the wording was slightly changed; or in the Senate the wording was changed, and in the conference still further changed.

I read from the conference report:

Change amendments 242, 243, and 244. Change the verbiage relating to peace commission to be appointed by President from completion of European war, and House receded.

Now, Mr. Speaker, the gentleman from Illinois is not always right; and while it is true that the President wabbles and Congress wabbles there is one person who has wabbled more than either, and that is the minority leader, both as to his position on preparedness, and in this very Congress, as to the question whether we should settle this matter by arbitration or whether we could authorize the President to take such steps as to settle it without arbitration.

Mr. PADGETT. Mr. Speaker, in the minute remaining I shall not undertake to argue the matter as to whether the conferees

had good reasons and good information for the agreement they entered into. I call for the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. PADGETT, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to address the House for two minutes. Is there objection?

Mr. TALBOTT. I ask for two or three minutes myself.

The SPEAKER. The two gentlemen can not both speak at once. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. PADGETT. Mr. Speaker, the closing session, like all closing sessions, brings separations in the Committee on Naval Affairs. There are seven members to retire from the Naval Committee. With each one of these Members I have maintained a friendship which has been to me a real pleasure, and I regret that the separation comes. I want to join with the members of the committee who have preceded me in speaking a word in behalf of Mr. ROBERTS, who is one of the oldest members of the committee in time of service. When I became a member of the comittee 12 years ago Mr. ROBERTS was then a member, and I think has served upon the committee 18 years. I have been thrown in very close and intimate association with him in the conduct of the business of the committee, and especially have I been thrown in close relations with him in conference and consultation work.

In addition to that in working upon the committee last year in the preparation of the personnel legislation he and I were thrown together very closely, and it gives me real, genuine pleasure to say that I have found Mr. ROBERTS at all times a studious, clean, well-minded, valuable member of the committee, and it affords me pleasure to speak this word of commendation and at the same time to express my real sentiments of personal regret at the severance of our association. [Applause.]

The SPEAKER. The gentleman from Maryland asks unanimous consent to speak for three minutes. Is there objection?

There was no objection.

Mr. TALBOTT. Mr. Speaker, a great many people have an idea that the naval appropriation bill is made on the floor of this House. It is not; it is made in committee. It is an important bill, and in the last two years has become in the eyes of the people the most important legislation of the Congress.

We have spent months investigating as to what was the best thing to do for the country in the way of preparation for anything that might happen. Mr. ROBERTS has attended all the hearings, has examined all the experts that have appeared before the committee, and his efforts have always been directed toward eliciting the best information for the use of the committee and of the Congress. Especially in the preparation of the legislation he was as useful as any man on the committee. In getting the proper language and expressing the idea of the committee in the legislation he was extremely valuable. His manner has always been courteous, polite, and kind. His intelligence was not surpassed by that of any gentleman on the committee. His knowledge of naval affairs and legislation was equal, if not greater, than anyone, and in losing him the State has lost a valuable Member of Congress, the committee has lost a valuable assistant in all our legislation, and the Nation has lost, in my judgment, a valuable legislator.

I want to say in this connection that there is very little politics in the Committee on Naval Affairs. We do differ when we vote on election day. But when we come to the consideration of the naval bill, as far as I am concerned, as far as Mr. ROBERTS was concerned, as far as a large majority of the committee was concerned, we have no politics. We have just one idea and that is to prepare a naval program for this Nation that will insure what I have always considered and believed a proper naval program to be, the best guaranty of peace for this Nation. I have always believed that if you had an adequate Navy we would have peace, and not only have it but the Nation would always be able to command peace. [Applause.]

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. GRIEST] may proceed for three minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Pennsylvania may proceed for three minutes. Is there objection?

There was no objection.

Mr. GRIEST. Mr. Speaker, I hold in my hand, and wish to make it a matter of record, a memorandum of respect and regard. It is subscribed to, regardless of party politics, by the Members from Pennsylvania in the Sixty-fourth Congress. It is a note congratulatory and commemorative of the completion in the Congress of 20 years of honorable service by the dean of the Pennsylvania delegation, the Hon. THOMAS S. BUTLER. [Applause.] Coming into this body with the Fifty-fifth Congress, March 4, 1897, his work here is conceded to have been characterized by industry, ability, conscientious endeavor, and patriotic purpose. His constituents, his State, and the Nation have benefited by his labors.

I place herewith in the RECORD the congratulatory letter sent him to-day by his colleagues from Pennsylvania:

The undersigned, Members of the House of Representatives of the Congress of the United States, who constitute the representation from Pennsylvania in the Sixty-fourth Congress, congratulate the Hon. THOMAS S. BUTLER, dean of our delegation, and Representative from the seventh district of Pennsylvania, upon the completion of 20 years in Congress, an event unprecedented in his district and unusual in the history of Pennsylvania. We congratulate not only Representative BUTLER and attest herewith our respect and regard for him, we congratulate as well his constituents in the counties of Chester and Delaware, and the State and Nation, all of whom he has served with ability, faithfulness, honor, and patriotic purpose since entering upon his duties as a Member of the Fifty-fifth Congress, March 4, 1897.

THOMAS S. CRAGO, MAHLON M. GARLAND, DANIEL F. LAFEAN, JOHN R. K. SCOTT, WILLIAM S. VARE, J. HAMPTON MOORE, GEORGE W. EDMONDS, PETER E. COSTELLO, GEORGE P. DARROW, HENRY W. WATSON, W. W. GRIEST, JOHN R. FARR, JOHN J. CASEY, ROBERT D. HEATON, ARTHUR G. DEWALT, LOUIS T. MCFADDEN, EDGAR R. KIESS, JOHN V. LESHER, BENJAMIN K. FOCHT, AARON S. KREIDER, WARREN WORTH BAILEY, C. WILLIAM BEALES, CHARLES H. ROWLAND, ABRAHAM K. KEISTER, ROBERT F. HOPWOOD, HENRY W. TEMPLE, MICHAEL LIEBEL, Jr., HENRY J. STEELE, S. TAYLOR NORTH, SAMUEL H. MILLER, STEPHEN G. PORTER, WILLIAM H. COLEMAN, JOHN M. MORIN, and ANDREW J. BARCHFELD.

Of all the many Members who, like Mr. BUTLER, first entered the House with the Fifty-fifth Congress, it is interesting to note that only 10 are yet in the House. All of these Members have attained high rank in this body. They are: WILLIAM C. ADAMSON, of Georgia; THOMAS S. BUTLER, of Pennsylvania; WILLIAM S. GREENE, of Massachusetts; EDWARD L. HAMILTON, of Michigan; ROBERT L. HENRY, of Texas; JAMES T. LLOYD, of Missouri; JAMES R. MANN, of Illinois; JOHN A. MOON, of Tennessee; JAMES L. SLAYDEN, of Texas; and JOHN H. STEPHENS, of Texas. It can truly be said that the Fifty-fifth Congress contributed liberally of youngsters who are now veterans in the ranks and who have made their impress on the legislative life of the Nation. [Applause.]

FISCAL RELATIONS OF THE DISTRICT OF COLUMBIA AND THE UNITED STATES.

The SPEAKER. When the conference report on the naval appropriation bill was taken up there was a discussion of a motion to suspend the rules and pass the resolution (H. Res. 518) respecting the District of Columbia Committee.

Mr. LLOYD. Mr. Speaker, I will ask the gentleman from Illinois to use his time now.

Mr. MANN. Mr. Speaker, the Committee on Accounts is a modest committee. They really have not quite measured up to their possibilities. They are an able committee, but they have not done all that they could have done. We passed the deficiency appropriation bill last night and inserted in it an item authorizing the distinguished gentleman from Kentucky [Mr. JOHNSON] to employ an accountant to proceed with certain investigations relating to accounts between the United States and the District of Columbia. The law of the land and the Constitution require that such an authority and appropriation should be made by an act of Congress. Hence we inserted it in the deficiency appropriation bill. I believe it carried $7,500. The deficiency appropriation bill carried over $62,000,000. Now, because the deficiency appropriation bill is not going to become a law, the Committee on Accounts undertakes to put one of the items for the next Congress into the contingent fund and have it paid out of the contingent fund. Why so modest? Why not include the other $62,000,000 and have it paid out of the contingent fund? The authority is just as much in one case as it is in the other. Possibly the contingent fund would not be large enough. Mr. Speaker, the Committee on Accounts has no more jurisdiction and this House has no more jurisdiction to order this sum paid out of the contingent fund of the House than it has to order any

other item in the deficiency appropriation bill to be paid out of the contingent fund of the House. It takes a law to do that.

The House by itself can not pass laws. It takes an act of Congress. We are one part of the Congress. We can not by a simple resolution appropriate money; we can not authorize the use of money except as it is connected with this House. The Speaker ruled yesterday, and he ruled correctly, that this House can not authorize a committee of the next House to use money. That will be a sad story to my sweet friend from Delaware [Mr. MILLER] but that is the fact, and if we commence the practice of having one Congress out of its contingent fund authorize the payment of money to be expended by a committee of the succeeding Congress, God knows how much the succeeding Congress will have left of its contingent fund. It is true that we frequently pass resolutions, whether they be legal or not, to provide for the payment of the employees of this House beyond the expiration of the Congress. I will not say that we have never done as it is proposed in this instance. Possibly we have. Very many improper things have been done at different times, and if it be alleged that a precedent has been made and we are following a precedent, that is one good reason why we should stop it.

Permit me to suggest this upon the merits of the proposition: The District of Columbia is not going to run away. The accounts are not going to run away. If this accountant does not go into these accounts and the District owes the United States, that can be ascertained by the next Congress under an appropriation made by law. I would like to know why the Republicans of this House should undertake to vote in a Democratic Congress to pay out of the contingent fund for services of the next House which is not going to be Democratic. That House will be quite competent to take care of its own contingent fund. We do not need the assistance of this House to dispose of the contingent fund of the next House, and I hope the gentleman's motion will not be successful.

Mr. LLOYD. Mr. Speaker, it may be true, as has been alleged, that some of the speeches that have been made in opposition to this resolution, that the District Committee is idiotic and ignorant, but I imagine that every man on the floor will give as much weight to the opposition that has been made to this particular resolution in other particulars as he will in that, because certainly there is not an individual on the floor of this House who for one moment believes that the District Committee is either ignorant or idiotic.

I want in the moment I have to spare to call attention to this, that so far as the merits of this resolution are concerned there is only one position taken, and that is that this committee from time to time has rendered splendid service to this House, and all that is asked by this resolution is that they be permitted to continue the work which they have so splendidly begun.

The SPEAKER. The question is on suspending the rules and passing the resolution.

The question was taken; and on a division (demanded by Mr. LLOYD) there were—ayes 94, noes 114.

Mr. JOHNSON of Kentucky. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Kentucky makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and thirty-six Members present, a quorum.

Mr. JOHNSON of Kentucky. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. All in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Twenty-four Members have risen, not a sufficient number.

So two-thirds not having voted in favor thereof, the motion to suspend the rules and agree to the resolution was rejected.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment joint resolution (H. J. Res. 393) making appropriations for the construction and operation of railroads in the Territory of Alaska.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 655. An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes; and

H. J. Res. 393. Joint resolution making appropriations for the construction and operation of railroads in the Territory of Alaska.

ENROLLED JOINT RESOLUTION AND BILLS SIGNED.

The SPEAKER announced his signature to enrolled joint resolution and bills of the following titles:

S. J. Res. 206. Joint resolution extending until January 8, 1918, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914;

S. 8228. An act authorizing the commissioners of the Red River bridge district to construct a bridge across the Red River at or near Index, Tex.;

S. 7905. An act to authorize the Secretary of the Treasury, in his discretion, to transfer and convey to the commissioners of Lincoln Park, of Chicago, Ill., the riparian rights of the United States, as the owner of land fronting on Lake Michigan and occupied as the site of the United States marine hospital in Chicago, Ill.;

S. 6601. An act for the enlargement of the post-office building in Pittsburgh, Pa.;

S. 8301. An act to authorize the change of name of the steamer *Harry A. Berwind* to *Harvey H. Brown;*

S. 8300. An act to authorize the change of name of the steamer *Fred G. Hartwell* to *Harry W. Croft;*

S. 8296. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. 8075. An act for the relief of Marguerite Mathilde Slidell d'Erlanger.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 655. An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes.

RECESS.

Mr. KITCHIN. Mr. Speaker, I move that the House stand in recess until 10 o'clock a. m. to-day.

The motion was agreed to; accordingly (at 12 o'clock and 53 minutes a. m., Sunday, March 4, 1917) the House stood in recess until Sunday, March 4, 1917, at 10 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Island End River, Mass. (H. Doc. No. 2109); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Newark Bay, N. J. (H. Doc. No. 2110); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the chairman of the Public Utilities Commission of the District of Columbia, transmitting the balance sheets of Auto, Livery, and Federal Taxicab Cos., Auto Livery Co., City & Suburban Railway of Washington, Federal Taxicab Co., Georgetown & Tennallytown Railway Co., Postal Telegraph Cable Co., Potomac Electric Power Co., Semmes Motor Line (Inc.), Washington Interurban Railway Co., and Washington Railway & Electric Co. for the year ended December 31, 1916, which were received by this commission subsequent to February 1, 1917 (H. Doc. No. 2038); to the Committee on the District of Columbia and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RANDALL: A bill (H. R. 21099) to establish rates of postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. REILLY: A bill (H. R. 21100) to secure an equitable classification and compensation of officers and employees in the executive civil service; to the Committee on Reform in the Civil Service.

By Mr. ABERCROMBIE: A bill (H. R. 21103) to provide Federal aid to the States in the promotion of education; to the Committee on Education.

By Mr. KENT: A bill (H. R. 21104) to add certain lands to the Sequoia National Park, Cal.; to the Committee on the Public Lands.

By Mr. JOHNSON of Kentucky: Resolution (H. Res. 552) providing for the consideration of House resolution 518; to the Committee on Rules.

By Mr. CHURCH: Joint resolution (H. J. Res. 391) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GANDY: Memorial from the Legislature of the State of South Dakota, proposing that a resident of South Dakota be named to consider, with Indian Office officials, application of South Dakota Indians for patents in fee to lands embraced in allotments; to the Committee on Indian Affairs.

By Mr. JOHNSON of Washington: Memorial of the Legislature of the State of Washington, favoring an appropriation for the purpose of protecting the lands of the Skokomish Indians within the Skokomish Indian Reservation from damage by flood waters of the Skokomish River; to the Committee on Indian Affairs.

By Mr. HADLEY: Memorial of the Legislature of the State of Washington, favoring legislation for the development of the water-power resources in Western States; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Washington, favoring an appropriation for the improvement of the Skokomish River for the protection of land in the Skokomish Indian Reservation; to the Committee on Indian Affairs.

By Mr. JAMES: Memorial of the Legislature of the State of Michigan, favoring the bill to save daylight and provide standard time for the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. FLYNN: Memorial of the Legislature of the State of New York, favoring the Civil War volunteer retirement bill; to the Committee on Military Affairs.

By Mr. CAREW: Memorial from the Legislature of the State of New York, favoring the passage of the migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. MORIN: Memorial of the Legislature of the State of Pennsylvania, favoring Volunteer retirement bill; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of Pennsylvania, expressing disapproval of the proposed plan to impose a Federal tax upon the profits of corporations, etc., or any other extension by the Government of taxes upon sources heretofore relied upon by the States for their revenue; to the Committee on Ways and Means.

By Mr. DILLON: Memorial of Legislature of the State of South Dakota, pertaining to allottees upon Indian lands; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KREIDER: A bill (H. R. 21101) granting a pension to Robert A. Ryder; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 21102) granting a pension to Ella S. Anderson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Knife and Fork Club, of Kansas City, pledging to support the President in any action he may deem necessary to take for the protection of American honor; to the Committee on Foreign Affairs.

By Mr. ASHBROOK: Evidence to accompany House bill 20909, Florence Marquis, for special relief; to the Committee on Pensions.

By Mr. BURNETT: Memorial of United Daughters of the Confederacy opposing war; to the Committee on Foreign Affairs.

By Mr. CAREW: Memorial of the Northeastern Association of Fish and Game Commissioners with reference to anadromous fishes; to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the University Club, of the city of New York, indorsing the action of the President in severing relations with Germany; to the Committee on Foreign Affairs.

Also, memorial of Republican County Committee of the County and State of New York, favoring universal military training; to the Committee on Military Affairs.

Also, memorial of Republican Club of the Twenty-ninth Assembly District of New York, favoring an adequate state of preparedness and universal military training; to the Committee on Military Affairs.

Also, petition of the Polish National Defense Committee, against passage of a bill which would deprive Irishmen and Poles of the assistance of the American people; to the Committee on Foreign Affairs.

By Mr. CHARLES: Petition of Joint Legislative Board of Railroad Employees of the State of New York against passage of House bill 20752 and Senate bill 8201; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Petition of William Verbeck, Manlius, N. Y., against rider to House bill 20783; to the Committee on Military Affairs.

Also, memorial of meeting of women of New York City, favoring immediate action on suffrage amendment; to the Committee on the Judiciary.

Also, memorial of the Society of Colonial Wars, relative to system of universal training for national defense; to the Committee on Military Affairs.

Also, memorial of the National Historic Society, pledging support to the President; to the Committee on Foreign Affairs.

Also, memorial of the board of managers of the New York Produce Exchange, urging such action as may be necessary for the protection of lives and property of American citizens; to the Committee on Foreign Affairs.

By Mr. FLYNN: Petition of citizens of Brooklyn, N. Y., against war; to the Committee on Foreign Affairs.

Also, memorial of Friends of Irish Freedom, against chapters 6 and 7 of Senate bill 8148; to the Committee on Foreign Affairs.

Also, memorial of the executive committee of the National Association of Life Underwriters, against tax on life-insurance premiums; to the Committee on Ways and Means.

By Mr. FULLER: Petition of Eastern Cuba Plantation Co. & Schoch, of Ottawa, Ill., concerning the insurrection in Cuba; to the Committee on Foreign Affairs.

Also, petitions of citizens of Illinois, protesting against war; to the Committee on Foreign Affairs.

Also, petition of Chamber of Commerce of the State of New York, favoring preparedness and universal military training; to the Committee on Military Affairs.

Also, petition of 300 citizens of Streator, Ill., opposing any declaration of war, except on a referendum vote by the people; to the Committee on Foreign Affairs.

Also, petition of Society of Colonial Wars in the District of Columbia, favoring universal military training; to the Committee on Military Affairs.

Also, petition of Emergency Peace Federation, opposing grant of power to the President to arm ships; to the Committee on Naval Affairs.

Also, petitions of Rev. C. W. Boardman and John Carlyon, of Oglesby, Ill., favoring prohibitory legislation; to the Committee on the Judiciary.

By Mr. GALLIVAN: Memorial of Society of Colonial Wars in the District of Columbia, relative to universal training for national defense; to the Committee on Military Affairs.

Also, petition of sundry citizens of Boston and Roxbury, Mass., against mail-exclusion bills and prohibition legislation; to the Committee on the Post Office and Post Roads.

By Mr. GARD: Petition of Hon. G. W. Shroyer, mayor of Dayton, Ohio, in behalf of himself personally and the citizens of Dayton, Ohio, in defense of American rights; to the Committee on Foreign Affairs.

Also, memorial of Members' Council of the Hamilton Chamber of Commerce, pledging loyalty to the country and support to the President; to the Committee on Foreign Affairs.

By Mr. GARDNER: Petition of C. C. Carstens and other patriotic citizens of Massachusetts, pledging support to the Government in the present crisis; to the Committee on Foreign Affairs.

By Mr. GRAY of New Jersey: Memorial of Chamber of Commerce of the city of Bayonne, pledging loyal support to the Nation in any emergency; to the Committee on Foreign Affairs.

By Mr. HAYES: Petition of 27 people of Paso Robles, Cal., for a Christian amendment to the United States Constitution; to the Committee on the Judiciary.

By Mr. HULBERT: Declaration of 2,000 Americans, assuring the President and Congress of their support of measures upholding American rights; to the Committee on Foreign Affairs.

Also, resolutions of the Chamber of Commerce of the State of New York, indorsing preparation for national defense, protection of American lives and property at sea, and restriction of war profits; to the Committee on Foreign Affairs.

Also, memorial of Public Service Commission Association Rifle Club, favoring immediate establishment by Federal Government of a rifle range near New York City to be available for use of civilian rifle clubs; to the Committee on Military Affairs.

Also, memorial of Republican Club of the Twenty-ninth Assembly District, asking that a proper system of military training be instituted and favoring an adequate state of preparedness; to the Committee on Military Affairs.

By Mr. McDERMOTT: Petition signed by Charles J. Vojteck, George Novak, Thomas J. Charvat, Anthony Yansky, John J. Macken, Frank Snekhaus, and others, all of Chicago, Ill., protesting against Webb prohibition amendment; to the Committee on the Judiciary.

Also, petition signed by Anton Svadlenka, E. Stroner, Maurice J. Wall, John D. Frawley, Anton Vecek, Louis J. Ceithaml, William Basta, and others, all of Chicago, Ill., protesting against the passage of the Webb prohibition bill; to the Committee on the Judiciary.

By Mr. MORIN: Petition of Allegheny County Branch, State League German Roman Catholic Societies of Pennsylvania, Mr. John E. Loibl, president, and Mr. Sebastian Reich, secretary, urging that everything possible be done to keep us out of war; to the Committee on Foreign Affairs.

By Mr. NORTON: Petition of sundry citizens of Mott and Minot, N. Dak., against removal of tax on oleomargarine; to the Committee on Ways and Means.

By Mr. PLATT: Petition of residents of Lagrangeville and Arlington, N. Y., for national prohibition; to the Committee on the Judiciary.

Also, petition of residents of Southfields and Harriman, N. Y., for national prohibition; to the Committee on the Judiciary.

By Mr. RAINEY: Protest of C. A. Weiss, Petersburg, Ill., and 24 other citizens of Menard County, against war with Germany; to the Committee on Foreign Affairs.

By Mr. RIORDAN: Petition of 2,616 citizens of New York City, in favor of the passage of the Fitzgerald food-embargo bills; to the Committee on Interstate and Foreign Commerce.

By Mr. RUSSELL of Ohio: Petitions of citizens of Lima, Allen County, Ohio, favoring passage of the migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. SCULLY: Memorial of the New Jersey Society, Sons of the American Revolution, favoring universal military training; to the Committee on Military Affairs.

Also, memorial of Society of Colonial Wars in the District of Columbia, relative to universal training for national defense; to the Committee on Military Affairs.

By Mr. SNYDER: Petition of various residents of Utica, N. Y., against national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Memorial of 2,000 Americans, assuring the President and Congress of their support of measures upholding American rights; to the Committee on Foreign Affairs.

By Mr. TEMPLE: Petition of Women's Missionary Union of New Castle, Pa., favoring antipolygamy amendment to the United States Constitution; to the Committee on the Judiciary.

Also, petition of public meeting at New Castle, Pa., February 19, 1917, favoring antipolygamy amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, petition of public meeting at New Castle, Pa., February 23, 1917, favoring antipolygamy amendment to the United States Constitution; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Petition of sundry church organizations of Colorado, favoring national prohibition; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of A. M. Hauser and 108 other citizens of Anamoose, N. Dak., against war; to the Committee on Foreign Affairs.

SENATE.

SUNDAY, *March 4, 1917.*

(Continuation of proceedings of legislative day of Friday, March 2, 1917.)

PENSIONS AND INCREASE OF PENSIONS—CONFERENCE REPORT.

Mr. HUGHES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8120) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 3, 10, 11, 15, 16, 18, 19, 23, 28, 30, 33, and 34.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 4, 5, 6, 7, 8, 9, 12, 13, 14, 17, 20, 21, 22, 26, 27, 29, 31, and 32, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 24, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"The name of George J. Ham, late of Troop C, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25"; and the House agree to the same.

WM. HUGHES,
REED SMOOT,
Managers on the part of the Senate.

JOHN A. KEY,
EDWARD KEATING,
S. R. SELLS,
Managers on the part of the House.

Mr. JONES. Can the Senator from New Jersey state whether the report contains the matter in which the junior Senator from Idaho [Mr. BRADY] is interested?

Mr. HUGHES. This is the conference report.

Mr. JONES. I spoke to the junior Senator from Idaho about it to-day. He does not seem to be here now. I understood him to say that he wanted to put some matter in the RECORD, at any rate. I do not see myself that the report ought to be held up any longer, because there are many persons interested in it. I do not feel like asking to have it go over.

Mr. HUGHES. I will ask unanimous consent that the Senator from Idaho be permitted to put in the RECORD any statement in connection with the conference report that he cares to have inserted.

Mr. STONE. Of course I have no objection to that, but it is very unusual.

Mr. HUGHES. I understand it is a statement he desires to put in. I ask that permission be given to him not to extend his remarks in the RECORD, but to print in the RECORD in connection with the conference report certain documents that bear upon the report.

Mr. STONE. I think that is all right.

The PRESIDENT pro tempore. Is there objection?

Mr. STONE. I have no objection to that.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

Mr. STONE. I wish to ask the Senator from New Jersey whether this bill contains the item authorizing the payment of a pension of $24 a month to Mrs. Boyd.

Mr. HUGHES. I think it does. I will state that if it does not the conference report containing that item has already been acted upon. I am not certain. This report has been held on my desk for four or five days, and if it does not contain that item the conference report which does contain it has already been acted upon.

Mr. STONE. What I desire in a word to say is that if that item is in this report I would be very glad if there was any way by which it might be eliminated. I fear it can not be done without sending it back to conference. I say that because Mrs. Boyd would prefer not to have any pension at all granted by Congress rather than to have a pension of $24 per month.

Mr. KENYON. I will ask the Senator if this is Mrs. Boyd, the widow of Capt. Boyd who was shot to death at Carrizal?

Mr. STONE. Yes; I am speaking of her.

Mr. KENYON. She was granted a pension of $24 a month?

Mr. STONE. Twenty-four dollars. I was just saying that in her name I desire to register here a protest against the action of the committee, the Senate, and the Congress in allowing her a pension of only $24 a month for the loss of her husband in the battle at Carrizal, in Mexico. He was a splendid young man, in the prime of life. He was ordered to do what he did and it cost him his life, and he left a widow and two children.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

EX-SOLDIERS' REUNION AT VICKSBURG, MISS.

Mr. VARDAMAN. Mr. President, I shall take but a moment of the time of the Senate to-night to execute a very pleasant commission from the people of the city of Vicksburg and State

of Mississippi. I have received this morning the following telegram:

VICKSBURG, MISS., *March 2, 1917.*

Hon. JAMES K. VARDAMAN,
Washington, D. C.:

Please extend for us to the Members of the United States Senate a most cordial invitation to participate in the reunion of the Federal and Confederate reunion to be held in Vicksburg October 16 to 18, 1817, on behalf of the city of Vicksburg and all its citizens. We promise them a hearty welcome.

VICKSBURG PEACE JUBILEE COMMITTEE,
By J. J. HAYES, *Chairman*,
FRANK H. ANDREWS, *Secretary*.

Mr. President, this is the first national reunion of the Blue and the Gray, I think, that has taken place in the South since 1865.

It will be a reunion of the participants in that great war between brothers which drenched this fair land with blood and tears between the years 1861 and 1865. The lesson of that fateful conflict can not be contemplated now without profit. It is pertinent in these hours of stress and trial. That was a war fought to vindicate a national right on the one side, and on the other, to testify in a most heroic way, devotion to principle. There were no sordid questions of private profits, no prostitution of the governmental functions or taking advantage of a national disaster to coin the blood of the soldier on the field of battle and the tears and broken hearts of the women and children in their unhappy homes into dollars, but rather to settle a great national question. Up to the time of this war the nationality of our Government was a matter of dispute. Inherent autonomy—the States' sovereign right to secede from the General Government was a matter about which the most patriotic and wisest of American statesmen differed. In the natural process of evolution the time at last arrived when this difference had to be settled. Unfortunately, it seemed that only by the court of might the question could be determined definitely. To that great, cruel court the Confederate presented his case with all the power inherent in him, but after four painful and bloody years he failed of his purpose, and when the stars and bars—that sacred emblem of government by free consent, as it was regarded by those who moved beneath its sacred folds—trailed in the dust of defeat on that fateful day at Appomattox, and the court of might handed down its decision, the Confederate soldiers accepted the arbitrament as irrevocable; and from that unhappy day to this they and their sons have ever been ready, if need be, to shed their blood in defense of the Stars and Stripes. And speaking for them to-night, as one whose father gave four of the best years of his honorable life to the Confederacy, you will permit me, by paraphrasing the language of another, to say we thank God that—

The war drums throb no longer,
And the battle flags are furled
In this reunited country,
The greatest country in the world.

The meeting to be held in Vicksburg on the 16th of October next will be for the purpose of bringing together the men who wore the blue and the men who wore the gray; to urge forgetfulness of the trials, hardships, sufferings, and disappointments of the past, and like brave men shake hands and be friends, not only for their own good but for the good of posterity and all the world. I do not believe that any other people beneath the stars could have fought that war, suffered the sacrifices therein endured, and within one-half century thereafter present a state of united constituency as that which we find in America to-day. Mr. President, I desire to say in this presence to-night that sectionalism should have no place in the heart of an American citizen. He who hates hurts himself, and the spirit of sectionalism is the prolific seed of discord and disintegration. In defense of the flag and for the Nation's welfare sectional leanings should be discouraged, and all unite in one broad comprehensive purpose for the glory of our common country. It is going to take all the learning and all the patriotism and all the wisdom of all the people of every section standing shoulder to shoulder, keeping step, with elbows touching, to meet and solve the problems and overcome the difficulties that confront us as a Nation. I believe that it is only through and by united patriotic efforts and lofty purposes of the white people of all America that this Republic shall be saved, if it indeed it shall be saved at all, from the fate that has befallen the republics of the past whose skeletons mark the shores of time to-night. In behalf of the people of Vicksburg and the entire State of Mississippi, I want to extend to the Members of the Senate a most cordial invitation to visit us on the 16th of October next. Your coming will give us great pleasure, and I assure you that you will find in all of Mississippi, as well as in the classic little city of Vicksburg, that cordial hospitality which is the perfume of the fairest flower of the finest civilization. Will you not be kind enough to come to see us?

AGRICULTURAL APPROPRIATION CONFERENCE REPORT.

Mr. SMITH of South Carolina and Mr. MYERS addressed the Chair.

The PRESIDENT pro tempore. The Senator from South Carolina.

Mr. SMITH of South Carolina. I now move that the Senate proceed to the consideration of the conference report on the Agricultural appropriation bill.

The PRESIDENT pro tempore. The Senator from South Carolina moves that the Senate proceed to the consideration of the conference report on the Agricultural appropriation bill.

The motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918.

Mr. GRONNA obtained the floor.

Mr. LEWIS. Mr. President, will the Senator from North Dakota yield to me for one moment for a parliamentary inquiry?

Mr. GRONNA. Yes.

Mr. LEWIS. I tried to get the attention of the Chair when the conference report on the pension bill was before the Senate. I addressed the Chair at the time the motion was made to approve that report, but the Chair announced the approval, and I did not have an opportunity of presenting the query which I now desire to present.

The PRESIDENT pro tempore. Of course the Senator from Illinois knows that the Chair did not see him.

Mr. LEWIS. It was not intentional, of course. I am merely mentioning this now to give an excuse for interrupting at this time. I am being very much urged by all those interested in what is known as the Spanish-American War widows' pension bill to try to have it considered this evening. I know the condition of the business of the Senate; I realize the difficulty under which we are laboring. I desire to ask, as a parliamentary inquiry, if that bill, being on the calendar, having passed the other House, could be brought before the Senate in connection with the conference report, to be considered with the conference report or with other subject matters than that of the bill itself? Could it be tendered as an amendment in any form to the conference report on the Agricultural appropriation bill which is now under consideration?

The PRESIDENT pro tempore. The Chair is not aware of such a procedure being possible under the rules.

Mr. LEWIS. Then only by unanimous consent could the bill be taken from the calendar.

The PRESIDENT pro tempore. The Chair thinks that is so.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. The Senator from North Dakota has the floor. Does he yield to the Senator from Washington?

Mr. GRONNA. I desire to make a parliamentary inquiry, Mr. President. I understand that I can not yield except for a question. Otherwise, I should be glad to yield, but I do not wish to lose the floor.

Mr. POINDEXTER. I desire——

Mr. GRONNA. I want the ruling of the Chair as to whether or not I shall lose the floor by yielding.

The PRESIDENT pro tempore. The Chair understands that the rule has been rather strictly enforced during this debate, and the Chair will try to conform to the precedents in such cases, and will have to rule, if that has been the ruling heretofore, that the Senator from North Dakota would lose the floor by yielding.

Mr. GRONNA. I should be very glad to yield, but I do not wish to lose my opportunity of addressing the Senate on this conference report.

Mr. POINDEXTER. I desire to make a statement in regard to the point of order. It will only take a moment, not affecting the matter on which the Senator from North Dakota wants to speak, but relating to a matter to which the Senator from Illinois [Mr. LEWIS] referred.

Mr. GRONNA. I understand that; but I will say to the Senator——

The PRESIDENT pro tempore. The Chair will recognize the Senator from North Dakota when the Senator from Washington has concluded, if the Senate consent to that arrangement.

Mr. GRONNA. Very well.

The PRESIDENT pro tempore. The Chair hears no objection.

Mr. POINDEXTER. Mr. President, I should like very much indeed to see passed the bill for the pensioning of widows of Spanish War veterans, being calendar No. 203, and I will say

to the Senator from Illinois that it can be taken up upon motion. It is in order for any Senator who has the floor to make a motion to proceed to the consideration of that bill, and I very much hope that that will be done. If the Senate will adopt that motion, we can take up and consider the bill.

Mr. GRONNA. Mr. President, I will say at the outset that I prefer not to be interrupted during the course of my remarks. I regret exceedingly that I am compelled——

Mr. HITCHCOCK. Before the Senator from North Dakota proceeds I should like to have this matter a little better understood. Will the Senator yield to me for a moment?

Mr. GRONNA. If I am permitted to yield without losing the floor, I will do so.

Mr. HITCHCOCK. Do I understand that the Senator from South Carolina asked unanimous consent temporarily to lay aside the pending bill for the consideration of the conference report?

Mr. GRONNA. No; I did not so understand it.

Mr. HITCHCOCK. Was not that the Senator's request?

Mr. SMITH of South Carolina. No.

Mr. GRONNA. That was not the request. The Senator from South Carolina moved to take up the conference report.

The PRESIDENT pro tempore. The Senator from South Carolina moved to take up the report for consideration.

Mr. SMITH of South Carolina. Oh, I hope the Senate will understand that that was merely through an inadvertence on my part. I should have asked unanimous consent to lay aside the pending bill.

Mr. GRONNA. I decline to yield any further, Mr. President.

The PRESIDENT pro tempore. The Senator from North Dakota has the floor.

During the delivery of Mr. GRONNA'S speech,

The PRESIDING OFFICER (Mr. JAMES in the chair). If the Senator from North Dakota will suspend a moment, the Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 390) to expedite the delivery of materials, equipment, and munitions, and to secure more expeditious construction of ships, in which it requested the concurrence of the Senate.

NAVAL CONSTRUCTION.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. GRONNA. I said at the outset of my remarks that I should decline to yield, to show my good faith and that I do not intend to conduct a filibuster. I do not wish to be discourteous to the Senator.

The PRESIDING OFFICER. The Senator will allow the Chair to lay before the Senate the joint message from the House of Representatives.

The joint resolution (S. J. Res. 390) to expedite the delivery of materials, equipment, and munitions, and to secure more expeditious construction of ships, was read twice by its title and referred to the Committee on Finance.

Mr. SIMMONS. Mr. President, from the Committee on Finance I report back favorably to the Senate, without amendment, the joint resolution (H. J. Res. 390), and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. GRONNA. Mr. President, a parliamentary inquiry. Will that take me off the floor?

The PRESIDING OFFICER. It will not take the Senator off the floor.

Mr. SIMMONS. If it does, or if it should lead to any undue debate, I will withdraw it.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Joint resolution to expedite the delivery of materials, equipment, and munitions and to secure more expeditious construction of ships.

Resolved, etc., That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time such sums as may be necessary to meet emergency expenditures directed by the President for naval construction or the expediting thereof as may be authorized by law, not exceeding $150,000,000, or to reimburse the Treasury for such expenditures, and to prepare and issue therefor bonds of the United States in such form and subject to such terms and conditions as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury is hereby authorized to issue serial bonds of the United States maturing in equal amounts from date of issue to 20 years from date of issue, bearing interest payable semiannually at a rate not exceeding three per centum per annum: *Provided further*, That such bonds shall be issued at not less than par, shall bear interest not exceeding three per centum per annum, shall not have the circulation privilege attached, and that all citizens of the United States shall be given an equal opportunity to subscribe therefor, but no commission shall be allowed or paid thereon; both principal and interest shall be payable in United States gold coin of the present standard of value, and shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority. In order to pay the necessary expenses connected with said issue of bonds a sum not exceeding one-tenth of one per centum of the amount of bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

During the delivery of Mr. GRONNA'S speech,

N. I. STONE.

Mr. LEA of Tennessee. I ask unanimous consent to reconsider the vote by which Senate resolution 385 was adopted, in order that I may present an amendment.

The PRESIDING OFFICER. Without objection the motion to reconsider will be agreed to.

Mr. LEA of Tennessee. I move to amend the resolution by striking out the words "the Committee to Audit and Control the Contingent Expenses of the Senate," in line 1, and insert in lieu the words "the Secretary of the Senate."

The PRESIDING OFFICER. Without objection, the amendment will be agreed to.

The resolution as amended was agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to pay out of the contingent fund of the Senate the sum of $325 to N. I. Stone, in payment of his services as an expert for 13 days, at $25 per day, pursuant to his employment by the Committee on Finance of the Senate of the United States and assignment to Senator ROBERT M. LA FOLLETTE, member of the Committee on Finance.

LIQUOR ADVERTISEMENTS.

Mr. BANKHEAD. I desire to call up the joint resolution (H. J. Res. 392) providing that section 5 of an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, shall not be in effect until July 1, 1917. I think there will now be no objection to it.

Mr. VARDAMAN. I have had a conference with the friends of prohibition, and we have agreed to interpose no objection to the consideration of the joint resolution, because we do not desire to do an injustice to anybody; and in order to give those people an opportunity to readjust their business to meet new conditions, we are going to permit the joint resolution to pass.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That section 5 of an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, shall not be in effect until July 1, 1917.

Mr. LEA of Tennessee. Mr. President, I just want to say one word on the joint resolution. As one who has very consistently advocated the enactment of a prohibition statute, I am very glad to agree to the passage of this measure. It follows the policy that was adopted in the State of Tennessee of always giving a reasonable time for the people engaged in that business to accommodate themselves to the new conditions. Recently the State of Tennessee enacted a "bone-dry" law and made it to take effect on July 1, the same date as this, and I am glad to consent to it.

Mr. GRONNA. As I understand it, the time is extended until July 1?

The PRESIDENT pro tempore. Yes; until July 1.

Mr. GRONNA. I was intensely interested in that same subject myself, but I think it is only fair to those people who are engaged in this business to give them time to adapt themselves to changed conditions.

Mr. VARDAMAN. I understood the Senator from North Dakota [Mr. GRONNA] has been conferred with as one of the friends of prohibition in this Chamber, and that he and others consented to the passage of the joint resolution.

Mr. GRONNA. I will say that I have not been consulted; I do not know anything about the joint resolution; but I can see the justice of passing a measure of this sort. I think perhaps it would be doing an injustice to these people if it should go into effect immediately, and I shall interpose no objection.

Mr. VARDAMAN. I think the Senator is right about that.

Mr. JONES. Mr. President, I was conferred with in reference to the measure. I think it but just and fair that this extension should be had, and I trust there will be no objection to it.

Mr. WATSON. I hope nobody will object, because the proposition is so manifestly fair. There certainly ought to be no objection to it.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GRONNA. I want to say, Mr. President, that I regret at half past 1 o'clock in the morning to address the Senate upon the conference report on the Agricultural appropriation bill. Of course those Senators who are not familiar with the importance of the question will perhaps believe that I am not going to discuss this measure because of its importance, but for the purpose of consuming time. I want to assure the Senate that such is not my purpose. I regret, Mr. President, that I have been unable to impress upon the conferees the importance of some of the legislation which has been excluded from this bill.

The Committee on Agriculture, of which I am a member, was kind enough to insert a provision in the bill providing for what is known as a milling test for fixing standards and grades of grain. It seems, however, that the conferees on the part of the House objected to this legislation. Now my purpose is to call the attention of the Senate to the importance of the amendment which was stricken from the bill.

It is possible that at this time, when the public mind is inflamed with questions of war, an industry like that of agriculture is not to be considered. I do not think, however, that it is possible for a great nation like the United States to be fully prepared unless we take into consideration this great industry. We appropriate in the naval bill alone some seven hundred million dollars for our national defense. We seem to have gone mad on the question of appropriating money out of the Treasury of the United States to be expended for war material to be used for the purpose of destroying human lives. However, there are a few of us who are unwilling to plunge this country into war. It would be better to take a small portion of these vast appropriations for the encouragement of the agricultural industry. The farmers of this country have been charged with being responsible for the high prices of food products. I am going to take the time this morning to show that, although certain grades of wheat command a high price, the farmer does not receive that price for his grain, but that the consumer, on the other hand, pays the high price based upon No. 1 grade of wheat, and that the consumer of bread is charged a high price on that same basis.

Mr. President, there has been a great deal said about the production of agricultural commodities. During the year 1915 we produced in this country more than 1,100,000,000 bushels of wheat; we produced more than 3,000,000,000 bushels of corn, more than 1,500,000,000 of oats, and more than 800,000,000 bushels of rye. There was a vast surplus in this country and we had to seek foreign markets for our products. We have appropriated money to improve our marketing conditions and it has been left to the Department of Agriculture to institute new and better methods of marketing grain.

Mr. President, farming is an old industry; it is an historic industry; it is an indispensable industry. I do not think that the people of the United States can say that they are fully prepared, either in times of war or peace, unless this great industry is taken care of. Yet, Mr. President, when we who live in the agricultural sections of the North and Northwest ask for an appropriation for what we consider and for what we know to be of the greatest importance to this industry we are met with opposition.

I do not think that I am revealing any secret when I say that I told the committee of conference that, so far as the appropriation contained in the amendment to which I refer is concerned, I believed the people of my State would be glad to make the contribution and appropriate the money asked for, but I insisted upon the legislation because it recognized a great fundamental principle.

As everyone knows who is familiar with the standarization of grain, wheat and other grains are standardized by a physical test, by weighing the grain and judging it by its appearance. I am going to show to the Senate that in the year 1915 the people of my State alone lost more than $55,000,000 because of the present system.

I am first going to discuss wheat. Wheat to-day is sold on contract, based upon No. 1 northern. It must weigh a certain number of pounds to the bushel; it must contain a certain amount of the hard variety of spring wheat; it must have a certain color; it must be free from foreign matter. Everyone who knows anything about wheat and about the product of flour will realize that wheat contains first the epidermal cells, the outside of it, that is manufactured into what we call bran; then it has the aleurone, or the glutinous cells, and that is the most valuable ingredient of wheat. It also has the endosperm, or the starchy cells, which is the interior part of wheat, and which is not as valuable for flour as the aleurone, or the glutinous cells.

Now, why am I trying to show to the Senate that this is of any importance? In 1916 we had in my State and in the western country a great deal of hot weather, which caused the immature ripening of grain, and we had a great deal of light wheat. All this light-weight grain is sold, not by the mensured bushel, but by weight. It is sold according to the standard fixed either by the grain trade or by the standards promulgated by the Department of Agriculture. That standard is at present based upon a physical test. I am prepared to show that this light-weight grain is worth nearly as much for milling purposes or for flour per bushel by weight as No. 1 northern wheat. I am going to introduce here this morning testimony which can not be contradicted by anybody. I am prepared to show that this light wheat contains nearly as much protein, or gluten, as we commonly call it, as the No. 1 northern wheat. Then I am going to show that the farmers in my State and in the State of Minnesota, in fact in all the Western States where the light-weight wheat was produced last year, received only 50 per cent of its actual value. I am going to show that out of 600 samples ground at the agricultural college of our State, and tested by that distinguished gentleman Prof. Ladd, who is a recognized authority as a chemist, there was a difference between the milling value of that grain and the actual price that the farmers received for it of 85 cents per bushel, and that the consumers paid for that product at a price based upon No. 1 northern; and yet you are wondering why I want to take up an hour or so, or two hours, to explain this proposition. It is a proposition that affects every farmer in the West who produces grain.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER (Mr. JAMES in the chair). Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. GRONNA. Yes; for a question.

Mr. CLAPP. I was not in the Chamber when the report was brought in. Do I understand that the conference report has dropped out the Senate amendment with reference to the mill test?

Mr. GRONNA. Yes; I am sorry to say that it has.

Mr. CLAPP. I do not blame the Senator.

Mr. GRONNA. I will say to the Senator from Minnesota that it is not only a question of having left this amendment out of the bill, but, if I am correctly informed, it has not received even what I will call consideration——

Mr. POINDEXTER. Decent consideration.

Mr. GRONNA. Decent consideration, as the Senator says, by some of the conferees. Of course, Mr. President, I can not help the fact that some of these men are not familiar with the importance of this question. I am not to blame because these men have not been able to qualify themselves to judge of the importance of this matter.

I said a moment ago that I was going to show to the Senate the enormous loss to the farmers of my State; and the condition is the same every year. Every year, I say to the Senators, we have some shrunken wheat. The Senators on the other side of the Chamber have talked a great deal about the "high cost of living"; and when an honest effort is made to try to help you to solve the problem, you refuse to consider it. The consumers of this country, I say, pay the price based upon the highest-grade wheat; and it is not a small matter when you take into consideration the cost of bread to the American people. The legislative assembly of my State passed a bill on this subject, and it was signed by the governor of our State on the 14th of February. It is a matter of sufficient importance for the State to ask Congress to recognize this matter; and accompanying this concurrent resolution was a report—an estimate—showing that in the year 1916 the farmers of my State had lost $55,000,000, due to the fact that the system of standardization is faulty and is working an injustice to the farmer.

Now, then, if you are going to take this $55,000,000 from the farmers of my State, why do you not help me to make it possible to pass that on to the consumer? But you refuse to do that; you refuse to do it, because I have on former occasions called attention to this important matter. But you are making it possible for the middleman, the man who deals in secondary products, to enrich himself to this enormous amount, taking it out of the pockets of the people of my State and not passing any of it on to the consumer. What grieves me more than anything else, Mr. President, is that the Department of Agriculture, in its ignorance, if you please, does not realize the importance of this matter both from the standpoint of the producer and from the standpoint of the consumer.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. GRONNA. I do, for a question.

Mr. OWEN. I wanted to ask the Senator if I correctly understood him to say that by this modern method of standardization on the basis of its flour value, this shrunken grain would be worth very much more in the market than was paid on the old standards?

Mr. GRONNA. No; the Senator misunderstood me. I am making no criticism of the new standardization. The new standardization is the same as the old standardization. They have simply adopted the rules adopted by various chambers of commerce and boards of trade. I am not saying that it is due to the new standardization. This system has been going on ever since these chambers of commerce and boards of trade were organized, I will say to the Senator. Do not understand that I am trying to make it appear that this is a political question, because it is not.

Mr. OWEN. I did not so understand it. I thought the Senator said that on the basis of flour value shrunken wheat would be worth nearly as much as No. 1 wheat.

Mr. GRONNA. Well, here is what I said a moment ago, but perhaps I did not make myself clear: A kernel of wheat contains various ingredients, as the Senator knows. The outside of the wheat is what we call the epidermal cells. That is the bran, valuable for feed unless you grind the whole wheat and make it into what we call whole-wheat flour. But the cells next to the outside cells, which are commonly known as the glutinous cells, and which in the spring wheat are more valuable than in the winter wheat, are the most valuable for flour. Now, lightweight wheat may contain as much gluten as heavyweight wheat, or nearly as much; and I have the evidence here to show it.

The Senator knows that wheat is supposed to weigh 60 pounds to the bushel, and it is sold by the bushel—sold by weight; and whether the wheat weighs 35 pounds or 40 pounds to the measured bushel, it always contains 60 pounds by weight. Now, I said a moment ago that I am going to show that wheat that weighs as low as 37 pounds to the bushel——

Mr. OWEN. Measured?

Mr. GRONNA. Measured would by weight make nearly as much flour as No. 1 northern wheat, due to the fact that it has practically the same amount of gluten but a less amount of starch, which is not so valuable for flour as gluten.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Jersey?

Mr. GRONNA. Wait until I get through answering the Senator from Oklahoma.

The farmer is paid for this low-grade wheat on the standardization of a physical test. It has no grade at all. It is called feed wheat. These are abnormal times. A great war is going on in Europe and wheat has been exceedingly high, as the Senator knows—$2 a bushel and more. At the time that wheat was worth $2 and $2.02 a bushel in the terminal markets this same wheat brought $1 or $1.10 a bushel to the farmer.

Mr. OWEN. You are speaking now of shrunken wheat?

Mr. GRONNA. Of shrunken wheat.

Mr. OWEN. Then the Senator's complaint, as I understand it, is that by that physical standard the farmer loses an important value which he would receive upon the flour-test standard?

Mr. GRONNA. Yes; and the most important point is that the consumers pay the high price for the flour.

Mr. OWEN. As I understand it, the Senator was trying to have inserted in the bill a provision that the test should be made upon its flour-value basis?

Mr. GRONNA. That it should be made upon the milling test or baking test.

Mr. OWEN. And that was dropped out of the bill?

Mr. GRONNA. Yes.

Mr. OWEN. The Senator feels that that will result in a harmful valuation upon this shrunken wheat? Is that the point?

Mr. GRONNA. Absolutely; the Senator is correct.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Jersey?

Mr. GRONNA. I will yield to the Senator from New Jersey, if I may, for a question.

Mr. HUGHES. I rose for the purpose of asking the Senator if he would have any objection to a request for unanimous consent to close the debate on this conference report at half-past 2?

Mr. GRONNA. I do not think that is necessary. It is not a new matter and I shall not unduly delay the Senate. I realize that this is a question that perhaps is not appreciated by some Senators here.

Mr. President, I made certain statements as to the value of this grain and I shall proceed to furnish the testimony.

Dr. E. F. Ladd is, as I said a moment ago, one of the greatest chemists in the United States. He is well known not only in our country but in the East, not only in the United States but in foreign countries. We have been fortunate enough to keep this great man in our State. He has for a quarter of a century been opposing the influences that have been reaping the benefit from the systems inaugurated by these associations. I do not know how many times he has been sued. I know that a suit was brought against him for $100,000 at one time. Some of the great corporations of this country have instituted suits against him because he has made it known to the public that their products have not at all times been pure, and it has taken not only every dollar that he has been able to earn, but the farmers of my State have had to contribute to carry on these suits. As a rule they have been taken to the highest courts; they have not succeeded in getting him behind the bars or imprisoned as they have tried to do. I read from the report of Dr. Ladd.

I find that on October 7 Mr. P. Torvis brought in wheat weighing 39 pounds to the bushel, the weight of that wheat being 34 bushels and 36 pounds. There were 213 pounds of screenings, leaving net weight of 31 bushels and 3 pounds of clean wheat. This same wheat made, when ground into flour, 846 pounds of straight flour, 40 pounds of low grade, 610 pounds of bran, 305 pounds of shorts, and there was a loss of 3.38 per cent in milling. The mill value of this wheat was $1.88 per bushel.

On October 10 Mrs. A. Holm brought in wheat that weighed 46 pounds, gross weight 39 bushels and 51 pounds, 140 pounds of screenings, making 37 bushels and 31 pounds of clean wheat. This lot of wheat made 1,127 pounds of straight flour, 50 pounds of low-grade flour, 666 pounds of bran, and 333 pounds of shorts. There was a loss in milling of 3.45 per cent. It had an actual value of $1.96 per bushel, or 4 cents less than No. 1 northern wheat; yet this same grade will be what we call D feed wheat, and it has been sold by the farmers of my State all the way from 85 cents to $1.10 a bushel, and it is sold by the farmers of every State in the same way at a great loss where they raise shrunken wheat.

I think that Senators from the southwestern country, where you always will have some shrunken wheat, should be considerate. I will say to you that it is worthy of some consideration. But for fear that you might think that my statement that the farmers were only receiving 50 per cent of the actual value of this wheat is incorrect, I am going to give you a few more cases, although I am not going to take the time to go into it in detail. I am going to give a few of these tests.

On the same day, October 10, Mr. T. Bailey brought in wheat that weighed 39 pounds to the measured bushel. He brought in 30 bushels and 33 pounds gross.

Mr. LEA of Tennessee. Will the Senator yield to me while I make a parliamentary inquiry?

Mr. GRONNA. Yes; just as soon as I get through with this item I will yield to the Senator.

There were 400 pounds of screenings, leaving 23 bushels and 53 pounds of clean wheat. This lot made 770 pounds of straight flour, 62 pounds of low grade, 369 pounds of bran, 184 pounds of shorts. There was a loss in milling of 3.48 per cent. This wheat had a milling value of $2.12 a bushel, worth as much as any No. 1 northern wheat brought on the market that day.

[At this point Mr. GRONNA yielded to Mr. LEA of Tennessee.]

Mr. GRONNA. Mr. President, I realize that this is a mighty dry subject, to go into some of these statistics, and yet I feel that it is important, because I am going to try if I can to make an impression not only upon the Members of the Senate, but upon the Agricultural Department who, I think, will need some information upon the subject, just as much so as the Members of this Senate. I do not expect, Mr. President, that it is possible for the Senators to be familiar with a subject of this kind, because it is a question that requires years of study. I am only deploring the fact that I have been unable to impress upon the House conferees the importance of this amendment.

I find that on October 10 Mr. Tweeten brought in wheat that weighed 47 pounds to the bushel. He brought in 28 bushels and 18 pounds. It contained 68 pounds of screenings, leaving a balance of 27 bushels and 10 pounds of clean wheat, which made 850 pounds of straight flour, 36 pounds of low grade, 460 pounds of bran, 230 pounds of shorts, and there was a loss in milling of 3.38 per cent. This wheat had a milling value of $2.01 a bushel, and this is what they call D feed wheat, which has been sold in the terminal markets in Minneapolis, Duluth,

Chicago—in fact, all the terminal markets—for about 50 cents on the dollar.

The consuming public has paid the real milling value of the wheat. I think it is about time for Congress to take some action upon a matter so important—a matter affecting every individual in the United States, because this is a food product which is used by every citizen of our country.

I find that on the 11th day of October Mr. P. R. Sande brought in wheat that weighed 41½ pounds to the measured bushel. He brought in 38 bushels and 39 pounds gross, containing 272 pounds of screenings, making 34 bushels and 7 pounds net. This made 885 pounds of straight flour, 57 pounds of low-grade flour, 692 pounds of bran, 345 pounds of shorts; it lost in milling but 3.32 per cent, and had a milling value of $1.85 per bushel. This wheat weighed to the measured bushel only 41½ pounds instead of 60 pounds. No. 1 northern must weigh not less than 57 pounds to the measured bushel. This wheat was worth for milling purposes within 15 or 16 cents per bushel as much as the best wheat.

On this same date Mr. A. Swanson brought in wheat that weighed 49½ pounds to the measured bushel. He brought in 30 bushels and 3 pounds gross, making 29 bushels and 27 pounds net; the screenings, 36 pounds; leaving 29 bushels and 27 pounds. This lot made 950 pounds of straight flour, 38 pounds of low-grade flour, 481 pounds of bran, 340 pounds of shorts, and there was a loss in milling of 3.28 per cent. The value of this wheat was $2.03 per bushel.

On the same date Mr. Olaf Isakson brought in wheat that weighed 49½ pounds to the measured bushel. He brought in 29 bushels and 32 pounds gross; screenings, 39 pounds; leaving 28 bushels and 53 pounds net. This lot made 911 pounds of straight flour, 40 pounds of low-grade flour, 483 pounds of bran, 241 pounds of shorts. There was a loss in milling of 3.31 per cent. This wheat had a milling value of $2 per bushel.

On October 13 William Lutch brought to the mill wheat that weighed 52.5 pounds to the bushel. He brought in 32 bushels 24 pounds gross; screenings, 88 pounds; leaving 30 bushels and 56 pounds net. Out of this lot there was manufactured 1,025 pounds of straight flour, 90 pounds of low-grade flour, 453 pounds of bran, 226 pounds of shorts. There was a loss in milling of 3.45 per cent. This wheat had a milling value of $2.08 per bushel.

On October 14 Mr. Carl Johnson brought in wheat that weighed only 38 pounds to the bushel. He brought in 39 bushels and 20 pounds, containing 225 pounds of screenings, leaving 35 bushels and 35 pounds of clean wheat. Out of this lot was manufactured 1,090 pounds of straight flour, 29 pounds of low-grade flour, 630 pounds of bran, 315 pounds of shorts. There was a loss of 3.25 per cent in milling. This wheat was worth $2 a bushel, though weighing only 38 pounds a bushel.

Now, you will observe that while this lot of wheat made 1,090 pounds of straight flour there were only 29 pounds of low-grade flour, which corroborates my statement that shrunken wheat contains less endosperm, or what is commonly known as albumen or starch, showing absolutely that it is the glutinous portion of the wheat that is valuable for flour.

I would not take the time of the Senate this morning and attempt in my feeble way to give you this information were it not for the fact that I want the RECORD to show that the Agricultural Department needs education in order to enable their experts to do justice not only to the farmer, but in order to benefit the consumer. We who know something about wheat and about other grain realize that the conditions are not always so bad as they were in 1916. When we produce plump heavy wheat we of course receive better prices, because it is impossible—but perhaps I should say that it is not good policy—for the men who absolutely control and dictate the prices of the products of the farm to attempt to pay the producer 50 cents on the dollar for products that everybody knows are worth more.

We have for many years in my State known the value of a milling test. It is not a new subject to us. Those of us who are living in the spring-wheat belt know that shrunken wheat, lightweight wheat, contains nearly as much gluten and is worth nearly as much for milling purposes as is the plump, heavyweight wheat. But what is the practice of the boards of trade or chambers of commerce? Senators who are familiar with the transactions in the grain trade will know that I am telling the truth when I say that they are paying pretty close to the real market value for the high grades, and then there is an immense spread between the higher grades and the lower grades.

I argued before the Agricultural Committee of the Senate and tried to tell the expert who was charged with the duty of fixing these standards of the value of the system which I proposed; and if I had the linguistic ability of the Senator from Illinois [Mr. SHERMAN] I would undertake to characterize the expert referred to, but, as I have not that ability, I shall not attempt a proper characterization, but will content myself by saying—and I have said it in the committee, as the chairman of the committee knows—that it occurs to me that these great experts who are employed at the expense of the Government appear to be more friendly to those who are dealing in the secondary products than they are to the men who are the real producers. When I said the other night that I had received letters from my constituents suggesting that the name of the Agricultural Department be changed to the Department of Packers and Millers, I was only stating what was proposed by men who realize that these experts are not the friends of the producers. Neither are they the friends of the consumers. If North Dakota loses $55,000,000 in one year, and that in a year when we have a small crop, and it is charged to the consumer, I ask what is the loss to the American farmer and what is the additional expense to the hundred million consumers in the United States?

I want to say to Senators that it is a serious proposition. There is a cry for cheaper bread. The Democratic Party said that if we took the tariff off of wheat and off of grain that would reduce the cost of living; that it would furnish the American people with cheaper products for their breakfast table. Have you brought that about? No; and yet when we who know the value of these things propose to assist you you refuse to hear us. I know the farmer has no paid lobby, and the farmer has no time to complain, because he is kept busy on the farm. It takes from 4 o'clock in the morning until late at night for him to do his work.

Talk about preparedness! Is there any industry that is more valuable to the country in time of war than the agricultural industry? What did Germany do after the war which she had with France? Did she not immediately proceed to take care of her agricultural interests? What is England doing to-day, even during the time that the war is going on? Read the records and you will see that she is expending hundreds of thousands of dollars for the purpose of improving agricultural conditions in England. Yet, when we come to Congress and ask for the paltry sum of $25,000 we are denied. We care not for the $25,000; we will subscribe that and donate it to the Government, but we do ask you to recognize the system, for we know how important that is to us and to you. The Senator from South Carolina knows how long it took him to make certain officials recognize the value of his proposition for standardizing cotton. The principle is the same in the case of wheat. It is a fundamental proposition; it is not a pork proposition; it is a proposition with which every individual of this country is concerned.

We appropriate over $20,000,000 a year for the Agricultural Department to carry on its work. I am not here to make criticisms of all the officers of the Agricultural Department, but I do think that some of the experts who have been so aptly and picturesquely described by the distinguished Senator from Illinois ought to begin to realize that we in the West are not asleep. Our boys and our girls are being sent to institutions of learning. While it is true that every farmer can not afford to give his boy and his girl a college education, many college graduates will be found on the farm, not because there is any profit in it, but because they love the industry. But when I heard Senators tell me the other day that anybody can farm I gave them no reply, because it was not worthy of a reply.

Mr. SHERMAN. Mr. President, will the Senator permit an inquiry?

Mr. GRONNA. Yes.

Mr. SHERMAN. Perhaps the experts of the Agricultural Department have mistaken the "shorts" that the Senator has been reading about in connection with the yield of wheat for the "shorts" in the peace-note leak.

Mr. GRONNA. I do not know, Mr. President. I do not want to attribute any motives to the men, but I do think many of them are ignorant of these things. Now, in olden times, away back during the time of Abraham, in days of old, agriculture was considered not only an honorable industry——

Mr. SHERMAN. He was a live-stock man.

Mr. GRONNA. Yes; Abraham was a live-stock man. I know that. I know that Job had 500 yoke of oxen, too—patient Job—but it was in a crude form that agriculture was carried on, as I say, at that time, and yet it was recognized by those who enacted the laws in those days as a very important industry.

The nations of antiquity ascribed to agriculture a divine origin. Brahma in Hindustan, Isis in Egypt, Demeter in Greece, and Ceres in Italy were its founders. Ceres, the god-

dess of agriculture, especially in the cultivation of grain, was the goddess of earth in the capacity of bringing forth fruits, especially watching over the growth of grain. This, of course, is all mythological history, but it nevertheless shows that agriculture has at all times and in all ages been regarded as important. Some of those countries really believed that agriculture was more important than any other industry, and I think it is to-day. It is not the only industry to be considered, but it ought to receive more consideration than it does receive at the hands of Congress, and especially at the hands of those who are supposed to look after the welfare of the farmer.

I said a moment ago that these tests were being made by Dr. Ladd. If I had the time I could show you that tests were made on a small flouring mill in the State of Minnesota, in Senator CLAPP'S State, and that these same tests were being made at Phelps, Minn., at a commercial mill. The statement of Dr. Ladd is corroborated; and this report, Mr. President, I will ask unanimous consent to print, because I do not wish to delay the Senate by reading it.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair hears none.

The matter referred to is as follows:

ANOTHER BROADSIDE FROM LADD—FOOD COMMISSIONER ISSUES NEW OFFICIAL BULLETIN ON LIGHTWEIGHT WHEAT GROUND AT MINNESOTA COMMERCIAL MILL.

Dr. E. F. Ladd, North Dakota pure-food commissioner and president of the agricultural college, has issued another broadside in regard to the 1916 crop of lightweight wheat. The new bulletin, out last week, tells of the milling of rust-hit, lightweight wheat at the now famous Maine Roller Mill at Phelps, Minn. It is an official report, with official tests and figures, confirming the unofficial investigations of the nonpartisan newspaper which had a series of articles on this and other custom Minnesota mills which have proved that the so-called poorer grades of wheat, especially that bought by elevators and mills since last year, make in most instances as good, and sometimes better, bread than heavier wheat, though the farmers are forced to part with it for a song.

Dr. Ladd's latest bulletin follows:

THE MAINE MILL.

[By Dr. E. F. Ladd, State food commissioner.]

There has been a feeling that the tests made upon the experimental mill at the agricultural college might not represent the results which are obtained in the commercial milling of wheat. For the purpose of gathering information on this point, and to determine to what extent there might be a variation in results in the commercial mill from those secured in the experimental mill at the college, it has seemed best to gather some data. We were informed that at Phelps, Minn. (Underwood post office), was located the Maine Roller Mills, with W. E. Thomas as proprietor, from whom much valuable information might be gathered. On writing for information, the following letter was received:

MILLER OF MAINE WRITES TO LADD.

PHELPS (UNDERWOOD POST OFFICE), MINN.,
November 27, 1916.

Prof. E. F. LADD,
President North Dakota Agricultural College.

DEAR SIR: Replying to your inquiry of the 21st instant, regarding value of lightweight wheat and amount and quality of flour it will produce, will say that I am grinding for the farmers, running night and day, on wheat which tests from 35 pounds to 53 or 54 pounds to the bushel, and it is surprising what an amount of flour some of the lightweight wheat is turning out. Wheat that tests 37 pounds per bushel, perfectly clean and ready for milling, is turning out 25 pounds flour per bushel. Some wheat testing 38 pounds in the dirt is making 28 to 30 pounds, and it is good flour, too; it is strong and rises quick and makes light, nice bread, but it is a trifle more yellow than flour made from the best grades of wheat.

I am grinding for cash and asking the farmers to bring me 30-bushel grists and am making them flour out of their own wheat as nearly as possible. I charge them 15 cents a bushel for grinding, and I give them back their screenings and all the flour the wheat will make and bran and shorts enough to make up 58 pounds for every 60 they bring here.

The wheat is cleaned through six different cleaning machines before it is ground, and from three of these machines the dust is blown out of the mill, so I am sure there is from 1½ pounds to 2 pounds waste in cleaning and grinding.

The farmers are all well pleased with this way of grinding and are getting more flour from their wheat than they expected to get. Some of them wonder where it all comes from. They are coming 30 to 35 miles from all directions, and some of them waiting for their grists three or four days. We are swamped with wheat, and lots of it is piled up on the ground outside of the mill. The farmers are finding out that this low-grade wheat will make flour, and lots of it.

Yours, respectfully,

W. E. THOMAS.

INVESTIGATORS SENT TO OBTAIN FACTS.

Having received the foregoing it was deemed desirable to have a personal inspection made and more complete data gathered. Therefore Thomas Sanderson and W. C. Palmer were requested to make the investigation. They report that they found farmers coming with grists from 30 to 35 miles from all directions, some coming through towns and villages in which are located up-to-date commercial mills. The wheat came faster than could be ground and there were accumulated outside of the mill at least 1,000 sacks of wheat.

In reply to requests for information, Mr. Thomas stated:

"My customers all know now that I want, if possible, a grist of at least 30 bushels. Of course, I get some that are smaller, but I like them to run not less than 30 bushels, if possible. Each farmer's grist is taken in and weighed, and then run over six different cleaning machines, the screenings taken out of the wheat, weighed, and returned to the farmer. The clean wheat is run through the mill, and we return to the farmer all the flour from his grist and feed enough to make 58 pounds for every bushel of wheat he has after deducting the weight of screenings from the gross weight for grinding, and I find the farmers are all well satisfied."

The mill is run by water power and has a capacity of 85 barrels of flour in 24 hours when working on good wheat. The building is three stories above the basement, heated with hot water.

GRIST-BOOK DATA SHOW THE RESULTS.

The following data were taken from the grist book at the mill office and is a copy of about 2½ pages of the same. The first 19 entries were taken from work done the first part of October when the bran and shorts were weighed separately. The balance of the data was taken just prior to and during the time Messrs. Sanderson and Palmer were at the mill. Mr. Carl Shole, who had a grist at the mill and got the results of the last grist as shown in Table I, informed us that the best offer he could get on the market for his wheat was $1.50 per bushel when No. 1 northern was selling at $1.81 per bushel. This would give him a market value of $1.37 for his wheat based on values shown in the table below, or a gross profit of 68 cents per bushel. On this grist of 31 bushels and 10 pounds this would be $21.19 less 15 cents per bushel for grinding, leaving $16.51 and a profit over value of wheat of 38.66 per cent. The average of these 49 grists, as shown by the table, and based on local values quoted in Fergus Falls December 2, 1916, would be a gross profit of 87 cents per bushel; and on the average grist of 29 bushels and 23 pounds would be $25.56 less 15 cents per bushel for grinding, leaving $21.15, a profit over value of wheat of 65.44 per cent.

MARKET VALUES AT FERGUS FALLS DECEMBER 2, 1916.

As quoted to Messrs. Sanderson and Palmer at one of the commercial mills, were as follows:

Patent flour, $5.15 per sack of 98 pounds; straight flour, $5.05 per sack of 98 pounds—very little going out; low grade, $2.50 to $3 per sack of 98 pounds; bran, $30 per ton; shorts, $32 per ton; mixed feed, $31 per ton; No. 1 wheat, $1.68 per bushel; no grade, test weight, 40 pounds, 96 cents per bushel.

EXPLAINS METHODS OF FIGURING USED.

The values used in the deductions in the following tables are the same as above, except the straight flour, which we assume to be worth $5 per 100 pounds, low grade $2.50, screenings 75 cents per 100 pounds, and as the average test weight of the samples on which this data was obtainable was 45 pounds we have assumed the wheat to be worth $1.10 per bushel.

Of the data in the following table, No. I, the first 10 columns were taken from Mr. W. E. Thomas's grist book, the next 6 columns are the percentages of the different mill products of each lot of wheat, and the last column the value of the mill products from a bushel based on the percentage of products as shown and at the market values above quoted.

In Table II will be found the milling and baking results of five different grists that were milled while Messrs. Sanderson and Palmer were at the mill. These represent a fair average of the wheat coming to the mill.

TABLE I.—*Milling results taken from Phelps Mill grist book, Dec. 1, 1916.*

Date.	Name of producer.	Weight per bushel.	Before cleaning.		Screenings, clean.	Clean wheat.		Straight flour.	Low-grade flour.	Bran.	Shorts.	Per cent lost in milling.	Value, mill products.
			Bushels.	Pounds.		Bushels.	Pounds.						
								Pounds.	*Pounds.*	*Pounds.*	*Pounds.*		
Oct. 7	P. Torvis	39	34	36	213	31	3	846	40	610	306	3.38	$1.88
10	Mrs. A. Holm	46	39	51	140	37	31	1,127	50	666	333	3.45	1.96
10	T. Bailey		30	33	400	23	53	770	62	369	184	3.48	2.12
10	Tweeten	47	28	18	68	27	10	850	36	460	230	3.38	2.01
10	T. Mokler		30	7	307	25		705	34	474	237	3.35	1.96
11	P. R. Sande	41.5	38	39	272	34	7	885	57	692	345	3.32	1.85
11	A. Swanson	42.5	30	3	36	29	27	950	38	481	340	3.28	2.03
11	Olaf Isakson	43.5	29	32	39	28	53	911	40	483	241	3.31	2.00
13	William Lutch	52.5	32	24	68	30	56	1,025	90	453	226	3.45	2.08
14	Carl Johnson	38	39	20	225	35	35	1,090	29	630	315	3.25	2.00
14	Halverson		27	18	72	26	6	866	26	416	207	5.50	2.06

TABLE II.—*Milling and baking results from wheat secured at Phelps, milled at North Dakota Experiment Station, and milling results of the same wheat milled at Phelps, flour from same baked at North Dakota Experiment Station.*

SAMPLES MILLED AT NORTH DAKOTA EXPERIMENT STATION.

Laboratory number.	Weight per bushel.		Loss in cleaning.	Flour.	Feed.	Loss in mill.	Water absorbed.	Loaf volume (c.c.)	Score.		Receipts.
	Before cleaning.	After cleaning.							Color.	Texture.	
	Pounds.	*Pounds.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*				*Per bu.*
3381	44	47.5	13.61	57.45	38.39	4.16	54.7	2,370	89	90	$2.1418
3382	50	54.5	6.85	62.97	33.19	3.84	54.1	2,335	93	92	2.2086
3383	33.5	39	21.66	47.91	45.09	7.00	57.1	2,380	79	85	1.9541
3384	40.5	46	15.67	57.63	36.85	5.52	56.5	2,290	55	68	2.1421
3385	56.5	57	.77	62.93	32.33	4.74	52.9	2,340	93	95	2.1920

SAMPLES MILLED AT PHELPS, MINN.

3381	44	47.5	12.43	46.27	49.67	4.06	51.5	2,370	91	89	$1.9060
3382	50	54.5	4.88	51.04	42.13	6.83	50.0	2,400	94	88	1.9450
3383	33.5	39	14.31	38.52	58.20	3.28	51.8	2,410	91	88	1.7613
3384	40.5	46	13.66	51.33	45.50	3.17	51.5	2,735	89	88	2.0245
3385	56.5	57	.96	59.18	37.57	3.25	51.5	2,215	92	90	2.1291

Having secured a sample of the flour and a sample of the wheat from each of these five grists they were given the following laboratory numbers:

SAMPLES GIVEN LABORATORY NUMBER.

3381. Wheat from Emil Schieske, Fergus Falls, Minn., R. R. No. 5.
3381a. Milled at Phelps mill—same wheat as 3381.
3382. Peter O. Jensen, Dalton, Minn., R. R. No. 3—wheat.
3382a. Milled at Phelps mill—same wheat as 3382.
3383. C. J. Damlo, Richville, Minn.—wheat.
3383a. Milled at Phelps mill—same wheat as 3383.
3384. Emil Stub, Elizabeth, Minn., R. R. No. 1—wheat.
3384a. Milled at Phelps mill—same wheat as 3384.
3385. L. Reinhart, Richville, Minn., Box 16—wheat.
3385a. Milled at Phelps mill—same wheat as 3385.

In compiling the data for these samples the percentage of low grade flour is added to the percentage of straight flour and the sum is used as total flour in the data from the Phelps mill, and it is assumed to be worth $5 per 100 pounds. And in the data for the samples milled in the experimental mill the percentage of bran and shorts are added together, using the sum as total feed and assuming it to be worth $1.55 per 100 pounds.

The baking results as shown are for the straight flour without the low grade added for the Phelps mill, and, as will be observed by the percentage of flour obtained, the amount represented by the baking results as shown are for this total flour for the experimental mill.

COMMERCIAL MILLS GET BETTER SHOWING.

To compare actual results as shown by the figures from the Phelps mill with the work done in a commercial mill would hardly be a fair comparison, because the commercial miller has a much better chance to make a good clean-up than a mill running under the conditions existing in this one. In the commercial mill the wheat is all blended, and the stream of wheat coming on the rolls is kept as nearly alike as is possible to do for days or even weeks at a time, giving the miller a chance to make determinations and know exactly what he is doing in the matter of quantity as well as quality of products obtained, whereas a mill doing a gristing business may have fairly good wheat for a while, and other grists may go to the other extreme. The matter of adjusting the mill to suit the two extremes in this crop is almost a physical impossibility and get the best results possible from each grist. If this mill was doing an exchange business and could keep the amount of wheat ahead which they had piled up in sacks with a chance to blend so as to make an even run of wheat on the mill, it would be possible to make a better clean-up and a more satisfactory flour to all of their customers. This method, however, would not be as fair to the individual farmer.

All of the farmers who came to the mill while there were interviewed. Many of them were having wheat ground every year; two had the second grist in this year; others had tried their flour at home; and they were all satisfied with the results of their business transactions at the mill, also with the bread obtained from the flour at home. These statements seem to be conclusivtly proved by the figures in the table showing individual results of the samples milled at the Phelps mill. The samples milled in the experimental mill at the college do not show quite as good baking results in some of the factors, but a study of the milling results will show the reason. It will be noticed that a higher per cent of flour was secured in each case, together with no purification of middlings which would make some difference in color, the average color score being about three points below the minimum allowed for a Minneapolis standard patent. Individually two of the five wheats in the experimental mill at the college score below a standard straight flour and only one of those milled at Phelps scores below a standard patent.

The average market value of this wheat is $1.10 per bushel; the average value of the mill products from a bushel milled here is $2.13, or a gross gain of $1.03 per bushel; and the average value of the mill products from a bushel as milled at Phelps is $1.95, or a gross gain of 85 cents per bushel.

The amount of wheat milled during the 24 hours spent in the vicinity of the Phelps mill was 319 bushels 3 pounds, gross weight, from which the farmers received the following mill products:

Screenings—1,613 pounds, at 75 cents per 100 pounds	$12.10
Straight flour—8,309 pounds, at $5 per 100 pounds	415.45
Low-grade flour—408 pounds, at $2.50 per 100 pounds	10.20
Feed—8,138 pounds, at $1.55 per 100 pounds	126.14
Total	563.89

Total number of pounds, 18,468.

Value—319 bushels 3 pounds, at $1.10 per bushel	350.96
Gross gain	212.93
Less grinding charge, 15 cents per bushel	47.86
Net gain to farmers	165.07

or 47.03 per cent over cost of wheat, or a net gain per bushel of clean wheat of 56.5 cents and a cost of 16.4 cents per bushel for milling the clean wheat.

As stated, the average value of this wheat, according to the local market, would be $1.10 per bushel. With the 16.4 cents per bushel for grinding the clean wheat would make $1.264 the actual cost value of the mill products per bushel. According to the table the average market value to the consumer is $1.97 per bushel, or about 71 cents per bushel as middlemen's profit and cost of distribution. Or, in other words, the cost of distribution of mill products from the mill door to the consumer is 56.7 per cent over cost of raw material and manufacture.

GET GOOD BREAD FROM THIS FLOUR.

From the data already given it would seem that the results at the commercial grist mill do not differ materially from the data secured at the experimental mill. The higher percentage of total flour, being due to a better cleaning up in the experimental mill at the end of each cut-off than in the case of the commercial grist mill.

From the cut illustrating the loaves of bread it is clearly evident that the flour produced at both the commercial and the experimental mills is capable of producing a good loaf of bread. The upper row in the cut shows the bread produced from flour made at the experimental mill, while the lower row is from that produced at the commercial mill at Phelps, Minn. At the extreme left in each case the loaf of bread is made from the standard flour of the crop of 1909, and does not show any advantages over the bread produced from some of the other flours of the commercial mill or of the experimental mill.

Mr. GRONNA. This report shows that this commercial mill, which is doing custom work for the farmers of that country, corroborates the statement made by the food commissioner of our State; and he is not only food commissioner, but he is president of our agricultural college.

I do not expect to be able to get this provision enacted into law at this time, but I do hope that those who have listened and heard my remarks on this important question will take sufficient time during the next session of Congress so that they will be willing to deal more fairly with us in the next Congress than they have during this Congress. I do not wish to see the Agricultural bill defeated. I realize that it carries a very important provision, and that is the provision which increases the salaries of the clerks in the Agricultural Department, who really need it. I believe the bill ought to pass, and I want it to pass. I realize, Mr. President, that the people who are employed in these departments, who are paying 100 per cent more for their flour, who are paying $5 per hundred pounds for flour that the farmer has sold for $2.50—I realize that they deserve, and are entitled to, an increase. I believe in the great industries of this country. I believe that we ought to manufacture all of our products here at home. I am willing to deal fairly with these great industries. But, sir, I do not want them to rob the producer at the expense of the consumer. If ten hundred million bushels of wheat were to be ground into flour, based upon a price of $1 per bushel, there would be $500,000,000 loss to the American farmer, and it would be taken out of the pockets of the American consumers, would it not? Yet you wonder why I want to establish a milling test.

I realize, Mr. President, that the Members of this Senate know very little about the great industry of agriculture. I have long ago discovered that very few of the Members of this

body take into consideration the great possibilities and the great future of that industry, and the possibility, I say, of lowering the cost of living to the consumer away below what it is to-day. We realize that the press is against us. We never expect to be able to get even a pleasant smile from the press. "It is only a farmer, and anything is good enough for a farmer." Yet I do not want you to forget that there are 35,000,000 good, honest souls living on the farms of this country, and progressive North Dakota has seen the light; and I am proud to say we do not even let partisanship interfere with us. We have organized in our State a nonpartisan league. We ask no questions as to a man's party or as to his politics. We have to-day three newspapers of our own. We have built in the city of St. Paul, right on the banks of the Father of Waters, a terminal elevator having a capacity of a million bushels, at a cost of a quarter of a million dollars, and it is all paid for.

We are meeting with the same opposition in trying to handle our own products that we are meeting with here when we are asking for legislation beneficial to everybody. We find that these great milling concerns refuse to buy from us direct. "Unless you belong to the Board of Trade, we will not buy your wheat." We have been told that, and not only been told it, but it is an actual fact; and what is true of wheat is true of all the products raised on the farm. It is just as true with reference to live stock as it is to grain; and we have been compelled to organize and establish stockyards of our own in the city of St. Paul. But do you suppose that Swift & Co., Armour & Co., or any of the large packing concerns will buy live stock from this farmers' concern? No. The only market we have is the farmer and the small packer.

Now, we intend in North Dakota to establish our own packing plants. We realize that what we have done in the marketing of grain we must do with reference to live stock; and if I wanted to consume time I could show you that right in the stockyards in the city of Chicago the same thing is practiced with reference to live stock that is practiced with reference to grain. You will see the headlines in the papers where prime steers brought a tremendously high price, and then read on down and see what 95 per cent of the sales that day averaged. I know, because I have had the experience.

I have no criticism to make against these people who have made millions of dollars at the expense of the toiling farmer of this country; but I want them to leave us some of the profits which they are making. I want to make it possible for these men who are living upon the farms to give the same opportunity to their children, to send them to school, and to educate them, as do the men who are engaged in other industries.

I do not want you to think that it is from a personal standpoint that I make reference to these great corporations, because it is not. I have always welcomed their opposition, and I am thankful that I have always had it. But I want to call attention to the fact that the day has come when the American farmer is going to be heard, and this old bogy of "Liverpool fixing the prices" is not going to continue much longer. The American farmer will insist that his business shall be organized and based upon sound business principles, the same as any other business or any other industry; and I want to say to you people that they will not care to which party you belong. They are well aware of the fact that the great corporations, men who are engaged in these great industries, do not care who represents them, just as long as they are faithful to their interests. The farmers are beginning to know that these great corporations do not care what your politics are so long as they can go on and reap these great, these enormous profits, and levy a tax upon the bended backs of the toiling millions of this country, and, worst of all, make the consumers pay for it.

Mr. President, I feel that I ought to take more time, because this is a question of such great importance. I want to say, before I close, that when the Senator from Florida introduced his amendment the other day—an amendment so important to the industries not only of his part of the country but to other sections of the country, and it was a question that is fundamental to the producers—you found that I voted for it, and that I spoke in favor of it.

Now, Mr. President, I hope that what I have said on this question, while it has not entered the minds of a great many Senators here, will be read by these great experts in the Department of Agriculture, and that it will enlighten them sufficiently to cause them to give some attention to this publication, because I know what I am talking about. I think I understand this question both from the standpoint of the producer and the standpoint of the consumer. I have only discussed it in a very brief manner; I have hardly touched upon one of these great cereals, but what is true of one is true of them all, and I hope that when the next Congress shall meet the members of the Agricultural Committee of this body and of the other body will give it at least respectful consideration, and that it may be possible to make an impression upon these learned men, these experts in the Agricultural Department. If what I have said will accomplish that, I shall feel justified for taking this time to explain as I have to those who have honored me with their presence. I do not care to further prolong the debate, and unless some other Senator wishes to discuss it I am ready for a vote.

NEWS-PRINT PAPER INVESTIGATION.

The PRESIDENT pro tempore laid before the Senate the report of the Federal Trade Commission relative to the news-print paper investigation, which was referred to the Committee on Printing.

RIVER AND HARBOR APPROPRIATIONS.

Mr. FLETCHER. I ask to have printed in the RECORD a statement from Gen. Black, Chief of Engineers, as to the effect of the failure of the river and harbor bill (H. R. 20079).

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 24, 1917.

1. It is practically impossible to give any reliable estimate of the loss to the Government or of the damage to navigation interests that might be caused by the failure of the pending river and harbor bill to become a law, but it can be positively stated that the loss would run into hundreds of thousands of dollars, and that serious consequences to shipping would result. The loss in dollars and cents results from disorganization of working forces, as well as loss of work partially done. Every large work which involves the employment of day labor is much more effectively prosecuted after the work is well organized and the men are accustomed to their various duties, and the closing down of the various works involves the scattering of the well-organized forces and the loss of competent men. The competent men find employment elsewhere, and it is only by a long process of sifting, requiring several months, upon resumption of the work, that the forces again become well organized and as effective as when the work was closed down. This fact is so well recognized that in many districts the nucleus of the main organization has been held as long as possible, even though higher priced employees are performing work which might equally well be done by lower priced employees.

2. In some cases it is especially important that the work proposed in the bill be carried on without loss of time. This is particularly true, for instance, with reference to such an item as that relating to East River, which is of urgent importance on account of its relation to national defense. The joint board has recommended, as immediately needed for operations of the fleet of defense, that there be provided a depth of 40 feet to the Brooklyn Navy Yard and a depth of 35 feet through East River. The pending bill, as amended by the Committee on Commerce of the Senate, makes provision for this important work. If the channel to the navy yard is first deepened to only 35 feet, as now authorized, and later to 40 feet, it is probable that the loss on this one item will be over a million dollars.

3. There is also work of urgent importance carried by the bill with reference to the Hudson River Channel, in order to provide access to the new piers being built by the city to accommodate the steamships of great length that come to this harbor. Another urgent item relates to the Narrows of Lake Champlain, where improvement is necessary in order to take advantage of the facilities that the State of New York has provided in its new Champlain Barge Canal after an expenditure of millions of dollars. Another item of special urgency is that relating to the Passes of the Mississippi River, where work has just been inaugurated under modified plans to secure a project depth of 35 feet through Southwest Pass.

4. There are many cases where work of maintenance is essential in order to accommodate commerce of great importance which may be seriously affected by deterioration of the channels. This is illustrated on the Delaware River, where continuous operation of Government dredges is necessary to keep open the channel to the port of Philadelphia. The maintenance to full project dimensions is doubtless more important now than ever before, on account of the shortage in tonnage of shipping available and the necessity of employing it to the maximum draft to which it can be loaded.

5. There are a number of other improvements where work has been under progress and the benefits of the improvement can not be obtained until the project is completed; the delay in carrying on the work postpones securing any return on the investment made. Some improvements, such as that of the Ohio, the Missouri below Kansas City, and the upper Mississippi, are being prosecuted with large annual expenditures in accordance with programs of construction, to which Congress has practically pledged itself with a view to completion within a definite term of years. The large forces engaged on these rivers would, of course, become scattered if no funds are provided; and the enforced delay, due to lack of appropriations, would be still further prolonged by loss of time in getting the forces organized again. On the Mississippi and Missouri Rivers, a stoppage of work will cause an absolute loss of many revetments and levees now in place. This to a greater or less extent will also be the case for all unfinished work of construction, such as locks and dams.

6. The monthly cost of the operation of Government seagoing dredges runs from $3,000 to $10,000 per month, according to the size of the dredge. Many of these dredges would have to be laid up on account of exhaustion of funds. New crews would therefore be necessary when the dredges resume work. It takes at least two or three months to break in a dredge crew properly so that they can do effective work. This, therefore, is equivalent to the loss of one or two months in the cost of operation of each dredge which is laid up.

7. It may be of interest, in this connection, to give the results of an inquiry made in 1915 to ascertain the loss to the United States caused by the delay of about three months in the passage of the river and harbor act which was approved on October 2, 1914. A tabulation of the data submitted by the various district engineer officers throughout the United States indicated that the late passage of the act caused a definite loss to river and harbor appropriations of $395,554.23 and an indefinite loss of $486,911.86, making a total of $882,466.09.

8. The definite losses included such items as the dismantlement of plant, its storage and care during period of suspension of work, and reinstallation; definite increased cost of work due to unfavorable conditions during which it was prosecuted later in the season; losses of work which was partially completed and which had to be replaced; and other similar definite items.

9. The indefinite losses included such items as a higher percentage of cost of office expenses, superintendence, etc., due to the smaller amounts available for work, losses in efficiency due to the training of new crews, depreciation of plant while laid up, and other similar items.

10. From an examination of the data available, it was believed that the total was an underestimate rather than an overestimate of the actual loss due to the failure of the bill to become a law at the proper time.

11. Attention is also invited to the importance of some of the items of general legislation, particularly with reference to section 9, which gives the Secretary of War much-needed authority to prescribe regulations for navigable waters of the United States. Lack of this authority has prevented action that should be taken to safeguard life and property and the interests of navigation, especially in congested waterways.

W. M. BLACK,
Brigadier General, Chief of Engineers.

FOREIGN POLICY.

Mr. MYERS. I present a petition from citizens of Butte, Mont., which I ask may be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

Resolved, That we, people of Butte, Mont., in meeting assembled this 21st day of February, 1917, to honor the memory of Washington, pledge anew our loyalty and devotion to this great Republic and its democratic institutions.

Resolved, That we are unalterably opposed to any alliance, entangling or otherwise, between the United States and any European or Asiatic power, or to any league of nations to enforce peace which shall include the United States.

Resolved, That we condemn as un-American and unpatriotic the persistent and malignant efforts of certain tories and tory newspapers in New York and elsewhere to involve us in the horrors of the sordid European war, not for the purpose of serving any American interest or the cause of liberty and justice anywhere, but of insuring victory, if possible, to Great Britain.

Resolved, That we earnestly urge Congress to use every reasonable and honorable means to keep the country at peace with the rest of the world, and particularly with Germany.

ED. FITZPATRICK, *Chairman.*

VOLUNTEER OFFICERS' RETIRED LIST.

Mr. BRADY. I present a joint memorial of the Legislature of Idaho, which I ask may be printed in the RECORD.

There being no objection, the joint memorial was ordered to be printed in the RECORD, as follows:

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, W. T. Dougherty, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of Senate joint memorial No. 8, by Curtis and Atherton, to the honorable the Senate and the House of Representatives of the United States of America, in Congress assembled, which was filed in this office on the 23d day of February, A. D. 1917, and admitted to record.

Passed the senate on February 10, 1917.

Passed the house of representatives on February 19, 1917.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 23d day of February, in the year of our Lord 1917, and of the Independence of the United States of America the one hundred and forty-first.

[SEAL.] W. T. DOUGHERTY,
Secretary of State.

Senate joint memorial No. 8. (By Messrs. Curtis and Atherton.)

To the honorable the Senate and the House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Senate and the House of Representatives of the State of Idaho, respectfully represent: That—

Whereas there is now pending and upon the calendars of both the Senate and the House of Representatives a bill known as the volunteer officers' retired list bill; and

Whereas full pay for life was granted to all survivors of the Revolutionary War, the War of 1812, and the Indian wars, in accordance with rank; that this is a measure of justice and in harmony with policy and should be speedily taken up and put upon its passage: Now, therefore, be it

Resolved, That we, your memorialists, earnestly recommend that the above-mentioned bill be taken up and voted on at the earliest possible date.

The secretary of state of the State of Idaho is hereby instructed to cause a copy of this memorial to be forwarded to each of the members of the congressional delegation from the State of Idaho to the Congress of the United States.

This senate joint memorial passed the senate on the 10th day of February, 1917.

ERNEST L. PARKER,
President of the Senate.

This senate joint memorial passed the house of representatives on the 19th day of February, 1917.

B. HARVEY ALLRED,
Speaker of the House of Representatives.

I hereby certify that the within senate joint memorial No. 8 originated in the senate during the fourteenth session of the Legislature of the State of Idaho.

RICH'D BURKE,
Secretary of the Senate.

HIRAM MARSHALL.

Mr. CHILTON introduced a bill (S. 8334) granting an increase of pension to Hiram Marshall (with accompanying papers); to the Committee on Pensions.

AGRICULTURAL APPROPRIATIONS—CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918.

Mr. JONES. Mr. President, if the Senate were not anxious to consider the bill giving to the President the power to arm ships, I think I would take the time to prevent the passage of this conference report. The other day, when it was sent to conference, I had about decided in my own mind that unless the Bryan amendment was adopted, in substance at any rate, by the conferees, I would use every means in my power to prevent the passage of the bill. But I do not want to do that under the circumstances, because I know it would be considered simply as an attempt to defeat the other bill, and that I am not doing, and do not intend to do. But I do want to speak for three or four minutes to say a few things about that amendment. I would have no hesitation about defeating the report if I could if the other bill were not in the way, because we are going to have an extra session, and the bill could be taken up and be properly considered and enacted into law before the 1st day of July, when it is to take effect.

The amendment to which I have reference is amendment 79, on page 79 of the bill. The original House provision read as follows:

To make investigation relating to the production, transportation, storage, preparation, marketing, manufacture, and distribution of agricultural food products, including the extent, manner, and methods of any manipulation of the markets or control of the visible supply of such food products or any of them by any individuals, groups, associations, combinations, or corporations, $50,000.

There was no serious objection to that provision, but in order to get it into conference in connection with the amendment that was proposed by the Senator from Florida [Mr. BRYAN], that language was stricken out and the following was inserted:

To enable the Secretary of Agriculture to investigate and certify to shippers the condition as to soundness of fruits and vegetables when received at markets under such rules and regulations as he may prescribe, $25,000: *Provided*, That certificates issued by the authorized agents of the department shall be received in all courts as prima facie evidence of the truth of the statements therein contained.

Mr. President, that was put in the bill to meet a very serious situation which confronts the producers and shippers of farm products. For example, take my own locality, which is a great fruit-producing country. The fruit is shipped largely to the East, to the large markets. Very frequently a carload of fruit is sent to Chicago and word comes back to the shipper or owner of the fruit that it arrived in bad condition. He has no way to controvert that statement and the result is that he loses a great deal upon his fruit. It has been shown in some instances that these reports are actually false, that the products or fruit, arriving in good condition, have as a matter of fact been reported as being in bad condition, thus resulting in great loss to farmers and producers. The purpose of the amendment was to place a representative of the Government in the different large markets who could examine the fruit when it arrived, or the products when they arrived, and make a report with reference to the character and condition of the shipment. Then, of course, when the consignee should report the condition of the fruit to be unsatisfactory, there would be a very reliable record made showing the condition of it. The result would be that unless the fruit or the product did actually arrive in poor condition there would be no report to the shipper of the bad condition of the fruit. That, in my judgment, would result in very great benefit, and it would not cost the Government very much.

This is all the time I am going to take with reference to the proposition now under the circumstances, but I do hope that in the next agricultural appropriation bill we shall be able to get something of this sort inserted, so that that can be covered. It ought not to be permitted to exist for another year but under the circumstances we shall have to put up with it, I suppose.

As I said, I would like to defeat this conference report, under the circumstances that we are going to have an extra session, but this other bill I know is desired to be taken up, and I do not want to delay it and I do not want to prevent its passage; therefore I shall not take further time upon this matter.

The PRESIDING OFFICER (Mr. JAMES in the chair). The question is on agreeing to the conference report.

The report was agreed to.

REPUBLIC COAL CO.—CONFERENCE REPORT.

Mr. MYERS. Mr. President, I rise to a privileged matter, the making of a conference report. I send the conference report to the desk and ask that it be read.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Jersey?

Mr. MYERS. No; I do not desire to yield. I ask that the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 50) authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation, having met, after full and free conference, hereby report to their respective Houses that it is impossible for the managers on the part of the respective Houses to agree upon any report that would secure legislation in the premises.

They find themselves at such variance on the provisions of the Senate act and the House amendments thereto that they have agreed on a general disagreement, and hereby report to the Senate and House that they can not reach any agreement upon the Senate act and the House amendments thereto under consideration.

H. L. MYERS,
C. S. THOMAS,
REED SMOOT,
Managers on the part of the Senate.

SCOTT FERRIS,
EDWARD T. TAYLOR,
IRVINE L. LENROOT,
Managers on the part of the House.

Mr. MYERS. Mr. President, I move that the Senate conferees be discharged and that the Senate concur in the House amendments, and on that motion I wish to be heard for a few minutes. This measure has been before Congress for quite a long while. It is a joint resolution to supply, for a compensation, a certain amount of coal under a certain area of land in Montana to the Republic Coal Co., which is a subsidiary company of the Chicago, Milwaukee & St. Paul Railroad Co. It is really to furnish the Chicago, Milwaukee & St. Paul Railroad Co. with the fuel with which to operate its trains across Montana. It has no other visible source of supply for obtaining fuel. It passed the Senate. As it passed the Senate it proposed to sell the coal under 1,440 acres of land to this company.

It passed the Senate in that form and went to the House, and the House amended it by reducing it to 640 acres and making it a lease. The principal dispute between the House and the Senate is whether it shall be sold or leased, but the conferees are unable to come to an agreement. I believe this legislation is necessary, and the right ought to be granted, even if it has to be leased under 640 acres of land. That is all. There are precedents for this kind of legislation.

Mr. MARTINE of New Jersey. May I ask the Senator how long is the term of the lease?

Mr. MYERS. Until they get the coal out from under 640 acres of land.

Mr. MARTINE of New Jersey. Suppose it should take a thousand years?

Mr. MYERS. It is under such conditions and terms as may be prescribed by the Secretary of the Interior.

Mr. MARTINE of New Jersey. No definite term is fixed?

Mr. MYERS. The Secretary of the Interior may fix it at 10 days if he wants to do so.

Mr. SMOOT. Mr. President, may I inquire if this is a conference report?

Mr. MYERS. Yes; this is a conference report.

Mr. SMOOT. Mr. President, this conference report can not be passed at this session. I do not want to be forced into the position of taking the time of this session at this time to defeat the joint resolution.

Mr. MYERS. I do not give up the floor, Mr. President; I yield for a question.

Mr. HARDWICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Georgia will state it.

Mr. HARDWICK. What is the pending parliamentary status?

The PRESIDING OFFICER. The Senator from Montana [Mr. MYERS] presented a conference report and had it read at the Clerk's desk.

Mr. HARDWICK. After that is done, the only motion regarding it that is in order is to proceed to its consideration, and it has to be decided without debate.

Mr. CURTIS. Mr. President, I understood the Senator to move that the Senate conferees be discharged from further consideration of the report and that the House amendment be concurred in.

The PRESIDING OFFICER. That was the motion of the Senator from Montana.

Mr. SMOOT. Of course, it is debatable if the motion is agreed to; and if the Senator insists upon his motion and it is agreed to, I shall discuss the resolution.

Mr. WILLIAMS. A parliamentary inquiry. What is the regular order? Is not the bill to arm the merchant ships of the United States the regular order? Can anything else be taken up?

The PRESIDING OFFICER. That bill was displaced by the motion made by the Senator from South Carolina [Mr. SMITH].

Mr. WILLIAMS. I move, then, that we proceed——

Mr. MYERS. Mr. President, I do not yield. I have the floor and I do not yield.

Mr. SMITH of Georgia. The Senator from Montana can not hold the floor with nothing before the Senate.

Mr. MYERS. But there is something before the Senate.

Mr. SMITH of Georgia. There is not.

Mr. WILLIAMS. I move to proceed to the consideration——

Mr. MYERS. I decline to yield.

The PRESIDING OFFICER. The Senator from Montana [Mr. MYERS] presented a conference report and it was read by the Secretary. He then made a motion that the Senate recede from its disagreement to the House amendments and concur in the action of the House. There was no unanimous consent asked, no point of order made, and no objection raised at the time against the consideration of the conference report. If any Senator objects, of course the question is whether the Senate shall proceed to consider the conference report.

Mr. WILLIAMS. I object.

Mr. MYERS. I move that the Senate proceed to the consideration of the conference report. I do not yield the floor.

The PRESIDING OFFICER. The Senator can not hold the floor against a point of order.

Mr. MYERS. I have not heard any point of order made.

Mr. WILLIAMS. I make the point of order and object to unanimous consent to take up anything except the bill to arm the merchant vessels.

Mr. SMITH of Georgia. Mr. President, I move that the Senate proceed to the consideration of House bill 21052.

Mr. MYERS. I have the floor.

Mr. SMITH of Georgia. I make the point of order that there is now nothing before the Senate and that the Senator from Montana can not hold the floor with nothing before the Senate.

Mr. MYERS. I claim that there is something before the Senate.

The PRESIDING OFFICER. The Senator from Montana did not move to take up the conference report. He presented it and asked that it be read, and he then stated that he moved to reject the report of the conferees and that the House amendments be concurred in.

Mr. MYERS. That is a legitimate motion.

The PRESIDING OFFICER. But the Senator must get it before the Senate.

Mr. MYERS. It was brought before the Senate by the order of the Presiding Officer.

The PRESIDING OFFICER. That does not constitute bringing it before the Senate. The Chair allowed the matter to be brought to the attention of the Senate. If the Senator from Montana desires to do so, he can move to proceed to the consideration of the report, and the Chair will put the question.

Mr. MYERS. I move that the Senate proceed to the consideration of the report.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Montana to proceed to the consideration of the conference report.

Mr. SMOOT. I want to say now that if the motion is agreed to the report is debatable, and I shall discuss it.

Mr. MYERS. I do not yield the floor.

Mr. ASHURST. The motion is not debatable under Rule XXVII.

Mr. SMOOT. The Senator can not hold the floor.

Mr. MYERS. I made the motion, and it is before the Senate.

Mr. BRYAN. I raise the point of order that no debate is in order upon a motion of this kind.

The PRESIDING OFFICER. Debate is not in order. The question is on the motion of the Senator from Montana, to proceed to the consideration of the conference report.

The motion was rejected.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 7710. An act to amend the irrigation act of March 3, 1891 (26 Stats., 1095), section 18, and to amend section 2 of the act of May 11, 1898 (30 Stats., 404);

S. 7766. An act for the relief of Guy A. Richards, Jesse L. Robbins, Isaac M. C. Grimes, William L. Irvine, and David Cox;

S. 8316. An act granting a pension to Edith Blankart Funston, widow of the late Maj. Gen. Frederick Funston; and

S. 4384. An act providing for the refund of duties collected on flax-preparatory machines, parts, and accessories imported subsequently to August 5, 1909, and prior to January 1, 1911.

The message also announced that the House had passed a bill (H. R. 358) providing for the construction of a public building at Binghamton, N. Y., in which it requested the concurrence of the Senate.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the President pro tempore:

S. 5270. An act for a public building at Paris, Tex.;

S. 8120. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

H. R. 19359. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918;

H. R. 20632. An act making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes;

H. J. Res. 390. Joint resolution to expedite the delivery of materials, equipment, and munitions, and to secure more expeditious construction of ships; and

H. J. Res. 392. Joint resolution providing that section 5 of an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, shall not be in effect until July 1, 1917.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

H. R. 358. An act providing for the construction of a public building at Binghamton, N. Y.; and

H. R. 10751. An act to provide for the purchase of additional land and for the erection thereon of an addition to the Federal building at Flint, Mich.

ARMED MERCHANT SHIPS.

Mr. HITCHCOCK. Mr. President, I move that the Senate proceed to the consideration of House bill 21052.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes.

Mr. HITCHCOCK. Mr. President, I ask the Senator from Arkansas [Mr. ROBINSON] to present to the Senate at this time a statement which is signed——

Mr. CLAPP. May I ask the Senator's attention for a moment?

Mr. HITCHCOCK. Not until I finish.

Mr. CLAPP. I think I ought to——

Mr. HITCHCOCK. I decline to yield.

Mr. CLAPP. Very well.

The PRESIDING OFFICER. The Senator from Nebraska declines to yield.

Mr. HITCHCOCK. This is a statement which has been signed by nearly 80 Members of the Senate, and it embraces about all the names of Senators who can be reached this evening except 12. The statement is signed in this way by virtually all but 12 Members of the Senate here present, and it speaks for itself. It is desired to place it in the RECORD at this time, in order that the country may know and a record may be made of the fact that practically nine-tenths of the Senate of the United States are anxious to proceed to a vote on the pending bill and that nine-tenths of the Senate desire an opportunity to place the bill upon its passage.

Mr. CLAPP. Mr. President, I rise to a question of personal privilege.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLAPP. I think it is unfair and unjust to men who have no purpose to delay this bill, who have sat here for over 24 hours seeking to get an opportunity to make a fair speech upon this question, to put them in the attitude of being responsible for delaying the bill, when the fact is we have not had an opportunity to speak upon the bill. The bill came into the Senate Friday afternoon and was displaced time and again by the party in control of the Senate, and now at this juncture, when Senators are waiting, with no purpose of delaying it, but simply for the purpose of presenting their views to the Senate and to the country, to put them in the attitude of being responsible for this situation I regard as unjust and unfair.

Mr. HITCHCOCK. In order that this matter might be tested by the Senators who are so anxious, I remind the Senator from Minnesota that at 12 o'clock I asked his consent to proceed with the consideration of this bill, and that after six hours of debate all further debate cease, and that we come to a vote upon the bill, and the Senator from Minnesota objected.

Mr. CLAPP. I did; but——

Mr. HITCHCOCK. I decline to yield at this time.

Mr. CLAPP. Very well.

Mr. HITCHCOCK. I am making my statement in reply to his. Therefore, at this hour, when the defeat of this measure by exasperating and procrastinating debate, simply for the purpose of delay, threatens to prevent Senators from going on record—at this hour, when that seems to be imminent, we propose by putting this statement in the RECORD to show that nine-tenths of the Senate are ready to vote and anxious to vote and want to vote for this bill, but that they are being prevented by 12 Senators, practically, of the Senate who refuse us an opportunity to vote.

Mr. CLAPP. We should like to be heard on it.

Mr. HITCHCOCK. Then the world will know that the Senate is with the President, as the House of Representatives was with the President, nine to one.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. HITCHCOCK. I yield.

Mr. ROBINSON. The statement referred to by the Senator from Nebraska is as follows:

UNITED STATES SENATE,
Washington, D. C., March 3, 1917.

The undersigned United States Senators favor the passage of S. 8322, to authorize the President of the United States to arm American merchant vessels and to protect American citizens in their peaceful pursuits upon the sea. A similar bill has already passed the House of Representatives by a vote of 403 to 13. Under the rules of the Senate allowing debate without limit it now appears to be impossible to obtain a vote prior to noon, March 4, 1917, when the session of Congress expires. We desire this statement entered in the RECORD to establish the fact that the Senate favors the legislation and would pass it if a vote could be had.

F. M. Simmons, Joe T. Robinson, Henry Cabot Lodge, William E. Borah, G. M. Hitchcock, George Sutherland, Hoke Smith, George T. Oliver, John W. Kern, J. W. Wadsworth, jr., Thomas Sterling, James H. Brady, William P. Dillingham, LeBaron B. Colt, Frank B. Brandegee, Clarence D. Clark, P. J. McCumber, Morris Sheppard, Atlee Pomerene, Willard Saulsbury, Charles E. Townsend (with Cummins amendment), Bert M. Fernald, Albert B. Fall, Duncan U. Fletcher, Reed Smoot, Ollie M. James, Claude A. Swanson, Thomas S. Martin, N. P. Bryan, Thomas W. Hardwick, E. D. Smith, Charles Curtis, Knute Nelson, W. G. Harding, T. B. Catron, John Sharp Williams, Joseph E. Ransdell, Blair Lee, J. Hamilton Lewis, T. J. Walsh, J. C. W. Beckham, H. L. Myers, Paul O. Husting, Henry F. Hollis, James D. Phelan, Miles Poindexter, John K. Shields, George P. McLean, F. E. Warren, Carroll S. Page, W. L. Jones (with Stone, McCumber, or Cummins amendment), James E. Martine, Charles S. Thomas, George E. Chamberlain, Lawrence Y. Sherman, William Alden Smith, W. E. Chilton, J. H. Bankhead, Henry F. Ashurst, O. W. Underwood, John F. Shafroth, William Hughes, John W. Weeks, James A. Reed, John Walter Smith, Luke Lea, Key Pittman, Robert F. Broussard, James E. Watson, H. A. du Pont, Robert L. Owen, Francis G. Newlands, Lee S. Overman, Ed. S. Johnson, William H. Thompson.

Senator LIPPITT is out of the city.

The following Senators are detained from the Senate on account of sickness:

Mr. GALLINGER and Mr. GOFF.

The following Senators have not had an opportunity to sign this statement:

Mr. GORE, Mr. STONE, Mr. TILLMAN, Mr. JOHNSON of Maine, Mr. SMITH of Arizona, and Mr. CULBERSON.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Jersey?

Mr. ROBINSON. I do.

Mr. MARTINE of New Jersey. I merely want to say that I signed that document after reading it, being thoroughly satisfied with it, but I desire to vote for the Stone amendment. I did not think it necessary to place in brackets after my name, as some other Senator did "with amendments." I shall vote for the Stone amendment; I believe that it would safeguard the measure, and altogether improve it; but should that amendment be defeated, I shall vote for the bill anyway.

Mr. ASHURST. Mr. President, the name of my colleague [Mr. SMITH of Arizona] was read, and I feel that I should say to the Senate that, if my colleague were present, he would sign this paper. He is detained from the Senate by reason of illness.

Mr. SHEPPARD. Mr. President, I wish also to express the same sentiment with regard to my colleague, the senior Senator from Texas [Mr. CULBERSON]. I will say that he would have attached his signature to the paper if he had had the opportunity to do so.

Mr. WORKS obtained the floor.

Mr. JONES. Mr. President, I rise to a question of personal privilege.

The PRESIDING OFFICER. The Senator from Washington will state it.

Mr. JONES. The Senator from Arkansas [Mr. ROBINSON] in reading my name stated that it was signed "W. L. JONES, with amendments." I placed it there "W. L. JONES, with Stone, McCumber, or Cummins amendment."

Mr. President, I did not sign that paper with the understanding or idea that it would be read in the Senate here and used in such a way as to reflect upon any Senator who did not sign it.

Mr. ROBINSON. Will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Arkansas?

Mr. JONES. I will yield in just a moment.

Mr. WORKS. I believe I have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Washington rose to a question of personal privilege.

Mr. WORKS. Very well.

The PRESIDING OFFICER. And the Chair recognized the Senator from Washington, as he understood that he rose to a question of personal privilege.

Mr. JONES. I do not think that the Senators who have not signed the paper and who have not spoken should be considered as having treated the Senate unfairly. I do not understand that the paper indicated anything of that sort; but that it indicated simply the personal views of the Senators who signed it. I did not expect it to be commented upon, as has been done here, and reflections cast upon other Senators, because I think there is nothing in the RECORD in connection with this bill that shows that there has been any undue debate, or that there has been any undue delay or any indication of a desire upon the part of any Senator to prevent the passage of this measure by filibustering methods. The time for its consideration has been entirely too short. Senators who desire to speak upon it should have an opportunity to do so. In my judgment, they should not be censured or any reflection cast upon them because of asking for time to debate this measure, which came in here at midnight last night.

Mr. WILLIAMS. If the Senator will allow me to interrupt him, Senators knew that if they debated it they would defeat the bill.

Mr. JONES. They have a perfect right to debate this bill, and they ought to have the privilege to do so as Senators.

Mr. WILLIAMS. But they know that when they do it it will beat the bill.

Mr. JONES. No; they do not beat the bill, if the President of the United States will do what we think he ought to do, and call us here to pass this legislation, if he thinks he needs it. It will rest upon the President of the United States, if anything goes wrong and we do not pass this bill, and not upon the Members of the Senate.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. ROBINSON. Mr. President, the Senator from Washington rose to a question of personal privilege, and stated that he did not expect the statement I have just submitted to the Senate for the RECORD to be read in the Senate.

Mr. JONES. I did not expect it to be commented upon as it was by the Senator.

Mr. ROBINSON. The Senator made the statement that I have just attributed to him, and he made that statement notwithstanding the fact that in the paper he signed is contained this sentence:

We desire this statement entered in the RECORD to establish the fact that the Senate favors the legislation and would pass it if a vote could be had.

Mr. JONES. Mr. President, there is nothing wrong in that——

Mr. ROBINSON. Now, Mr. President, this paper does not reflect upon anyone. It simply places in the RECORD of the United States Senate the names of the Senators who would vote for this legislation if Senators who are opposed to it would abandon their dilatory tactics and permit a vote to be had. It also gives the names of the Senators who have not had an opportunity of signing the statement. It does not mention the names of Senators who refused to sign the statement. It does not come with good grace from the Senator from Washington, who has this evening charged the President of the United States with responsibility for the *Lusitania* incident, to rise on the floor of the United States Senate and, after subscribing his name to that document, to declare that he expected it to be kept secret and withheld from the records of the Senate——

Mr. JONES. I rise to a question of order.

Mr. ROBINSON. When the document itself states it is made for the RECORD.

Mr. JONES. Mr. President, I rise to a question of order——

Mr. ROBINSON. Let men of courage rise now to speak. The hour has arrived when Members of the United States Senate ought to be afforded an opportunity to say how they stand on this question.

Mr. JONES. Mr. President——

Mr. ROBINSON. It is a fateful hour, an important issue, Senators.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Washington?

Mr. ROBINSON. I yield to the Senator from Washington.

Mr. JONES. The Senator knows that I did not say that I expected the statement to be kept secret in the United States Senate.

Mr. ROBINSON. But the Senator said he did not expect it to be read in the Senate. That is my recollection of his statement.

Mr. JONES. No.

Mr. ROBINSON. I think the RECORD will show it.

Mr. JONES. I expected it to be printed in the RECORD, but did not expect it to be commented upon, as the Senator has done.

Mr. ROBINSON. As suggested by a Senator in front of me, the Senator stated he did not expect it to be used in this way. What can be the objection of an officer of the United States who signs a document like that to having the world know how he stands? The Senator from Washington has said that the President of the United States is to blame for the difficulties that now confront us in our international situation; he has said that by taking one of two courses the President could have prevented the present complication with the Imperial German Government; that he ought either to have warned American citizens to stay off the *Lusitania*, or should have protected them upon the *Lusitania;* but when asked by the Senator from South Dakota [Mr. STERLING] which course he would have taken, even in view of subsequent events, he was unable to answer that question. Whatever may be our views upon this question, let us not overburden and press down to earth the Chief Executive of this Republic, who we all believe, and who, God knows, has done his best to preserve peace and at the same time maintain the honor and the dignity of the United States. Let Senators come out in the open and take the responsibility for the defeat of this bill. This statement which has been put in the RECORD discloses the fact that but for the dilatory tactics pursued by the Senator from Washington and others associated with him the United States Senate would have already voted to uphold the President and sustain him in his efforts to maintain the honor and dignity of the people of the United States, and to preserve the lives and property of its citizens.

Mr. HITCHCOCK. Mr. President, will the Senator yield to me?

Mr. ROBINSON. I yield to the Senator.

Mr. HITCHCOCK. I ask unanimous consent that at not later than 6 o'clock a. m. of this day all debate on this bill and amendments thereto shall cease, and that the Senate shall proceed to vote upon the bill and all amendments offered thereto, through the regular parliamentary stages, to its final disposition.

Mr. WEEKS. Mr. President——

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. HITCHCOCK. I yield to the Senator.

Mr. WEEKS. I signed that paper——

Mr. HITCHCOCK. Does the Senator object to my request for unanimous consent?

Mr. WEEKS. I do not know whether I am going to object or not. I signed that paper because I want this legislation to pass, but I did not suppose the paper was to be used until it was demonstrated that a vote could not be obtained in the Senate to determine whether legislation could be adopted or not.

Mr. HITCHCOCK. We are going to ascertain that now; that is my purpose.

Mr. WEEKS. Just wait a moment, please. There are eight and a half hours before the end of the session. I did not intend in any way to reflect on any Senator. There is the Senator from Minnesota [Mr. CLAPP], for instance. I have not any idea that he intends to prevent the passage of this legislation, but he has been sitting here waiting for an opportunity to address the Senate on the subject of this legislation, and I really think it is an unfair proceeding to incorporate that statement in the RECORD eight and a half hours before the end of the session. I would not have signed it if I had supposed it was to be used in that way.

Mr. JAMES. Mr. President, I should like to suggest to the Senator from Nebraska that if we get a vote on the bill, of course that will exonerate all Senators, so that there will be no trouble about that.

Mr. ROBINSON. Certainly; that is true.

Mr. GRONNA. Mr. President, I will say to the Senator from Nebraska that the statement was shown to me, and I said to the Senator who handed it to me that I had not spoken a single word upon this bill; I had not taken a minute's time of the Senate in discussing the bill, and for the present I did not care to sign it. I am not afraid of letting the country know that I have not signed this statement, and the Senator will find out that there will be others who can not be bulldozed by the Senator from Nebraska.

Mr. HITCHCOCK. The Senator is entirely mistaken. I am not proceeding to bulldoze anyone. I am entreating; I am asking for consent; I am asking a favor. Will the Senator permit the Senate to vote on the bill not later than 6 o'clock this morning?

Mr. GRONNA. I object.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. The Senator from Mississippi.

Mr. WORKS. Mr. President, I have been endeavoring for some time to secure recognition. I addressed the Chair on two or three occasions and at one time had obtained the floor.

The PRESIDENT pro tempore. The Chair has recognized the Senator from Mississippi. He will recognize the Senator from California when the Senator from Mississippi concludes.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had appointed three members to join a similar committee to be appointed by the Senate to wait upon the President of the United States and inform him that the two Houses are ready to adjourn unless he has some communication to make to them, and that in accordance with the resolution the Speaker had appointed as the committee on the part of the House Mr. KITCHIN, Mr. LLOYD, and Mr. MANN.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 4384. An act providing for the refund of duties collected on flax-preparatory machines, parts, and accessories imported subsequently to August 5, 1909, and prior to January 1, 1911;

S. 7710. An act to amend the irrigation act of March 3, 1891 (26 Stat., 1095), section 18, and to amend section 2 of the act of May 11, 1898 (30 Stat., 404);

S. 7766. An act for the relief of Guy A. Richards, Jesse L. Robbins, Isaac M. C. Grimes, William L. Irvine, and David Cox; and

S. 8316. An act granting a pension to Edith Blankhart Funston, widow of the late Maj. Gen. Frederick Funston.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his clerks, announced that the President had approved and signed the following acts and joint resolution:

On March 3, 1917:

S. 8317. An act to authorize the Legislature of Alaska to establish and maintain schools, and for other purposes;

S. 8295. An act granting pensions and increases of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 778. An act to authorize an exchange of lands with owners of private holdings within the Glacier National Park;

S. 8307. An act authorizing the granting of patent to certain lands adjacent to the agricultural experimental station at Scottsbluff, Nebr., to the regents of the University of the State of Nebraska for dry-land agricultural experimental purposes; and

S. 1082. An act to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes.

On March 4, 1917:

S. 4384. An act providing for the refund of duties collected on flax-preparatory machines, parts, and accessories imported subsequently to August 5, 1909, and prior to January 1, 1911;

S. 7710. An act to amend the irrigation act of March 3, 1891 (26 Stat., 1095), section 18, and to amend section 2 of the act of May 11, 1898 (30 Stat., 404);

S. 7766. An act for the relief of Guy A. Richards, Jesse L. Robbins, Isaac M. C. Crimes, William L. Irvine, and David Cox;

S. 8316. An act granting a pension to Edith Blankhart Funston, widow of the late Maj. Gen. Frederick Funston;

S. 8120. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 5270. An act for a public building at Paris, Tex.;

S. 135. An act for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863;

S. 8075. An act for the relief of Marguerite Mathilde Slidell d'Erlanger;

S. J. Res. 206. Joint resolution extending until January 8, 1918, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914;

S. 6601. An act for the enlargement of the post-office building in Pittsburgh, Pa.;

S. 7905. An act to authorize the Secretary of the Treasury, in his discretion, to transfer and convey to the commissioners of Lincoln Park of Chicago, Ill., the riparian rights of the United States, as the owner of land fronting on Lake Michigan and occupied as the site of the United States marine hospital in Chicago, Ill.;

S. 8228. An act authorizing the commissioners of the Red River bridge district to construct a bridge across the Red River at or near Index, Tex.;

S. 8296. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 8300. An act to authorize the change of name of the steamer *Fred G. Hartwell* to *Harry W. Croft;* and

S. 8301. An act to authorize the change of the name of the steamer *Harry A. Berwind* to *Harvey H. Brown.*

ARMED MERCHANT SHIPS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes.

Mr. WILLIAMS. Mr. President, one of the most humiliating spectacles in the course of American history will be presented if there be an adjournment of this Congress and this bill, whether amended or unamended, with this object and with this purpose in view, shall have been defeated by the United States Senate. It will be the most humiliating page in the history of the Senate itself.

This is the only absolutely impotent legislative branch of any Government in the world. We have been reduced to the point of where we can not get a vote in the Senate except by signing a round robin, where the country can not be permitted to know how Senators stand except by signing a paper saying how they stand; and if this body shall adjourn on the 4th of March, and this law shall not have been put upon the statute books, or a law with this purpose, then the effect upon the minds of the military autocratic classes in Germany will be about this: A shrug of the shoulders and a smile, and "They have done just what we thought the money-grubbing, money-hunting, cowardly things would do."

We are not responsible for this situation. It has been going on from the time of the sinking of the *Lusitania*, the sinking of the *Arabic*, the sinking of the *Sussex*, followed up here the other day by the sinking of another ship with two American women upon it. We have been advised by the strongest military power in the world that if we dare send a ship, with or without contraband, armed or unarmed, a merchant ship of our own, or if any of our citizens dare to take passage upon a merchant ship of any other nation and come within a certain circle of fire that has been drawn about a part of Europe, our ships shall be sunk and our citizens shall be drowned upon the high seas, unsung, unknelled, unshriven, and unavenged, and all over the world the news will go: "Finally the President of the United States was awakened to the fact that American honor and American self-respect were at stake; finally the President of the United States was awakened to the idea that patience had ceased to be a virtue, and insult and injury and humiliation had gone far enough, but the Senate of the United States could not be awakened to it at all." The House was awakened; the country is awakened; and here stand a corporal's guard of men who deny the right to me, the Senator of a sovereign State—to you, the Senator of another—to express by a vote in this body our opinion of the necessity of asserting and maintaining the right of an American ship to travel the high seas, the right of an American woman to go aboard a ship which is not a public ship nor a ship of war, but a ship of merchandise; that that right shall only be limited by the other rights of visit and search and the destruction of contraband, and under certain circumstances destruction of the ship, with the safety guaranteed of the noncombatant crews and passengers.

Now, that is all there is to it. You may stand here and talk forever, and all that there is in this paper is this: That being deprived by the rules of this body—this impotent body, legislatively impotent; we can not do a thing by talk—having been deprived by the rules, or rather by the lack of rules, of this body—because there is no rule of this body that says debate may go on forever, but there is merely a lack of rule to move the technical thing called the previous question—all this paper means is that being deprived of any other method of voting, we vote by paper, and put it on the records.

Now, there is not a man in this body—and he knows it—for whom I have a warmer personal affection and respect, and in whom I have more confidence, than the Senator from Minnesota.

Mr. CLAPP. Mr. President, may I ask the Senator a question?

Mr. WILLIAMS. Wait one second; let me finish this, and then I will yield to the Senator for a question. There is not one thing in this that was intended by me, when I signed it, to reflect upon anybody who held a different view and who wanted time to talk; and in the unanimous-consent agreement asked by the Senator from Nebraska, time is given to talk from now to 6 o'clock, and I think I can say that no man in favor of the bill will consume one minute of that time.

I would be the last man in the world to sign anything or to say anything or to do anything that could be properly construed as a reflection upon a man like the Senator from Minnesota, who, I know, does not desire to filibuster this bill to its death. It is not his desire; it never has been. I have never for a moment thought that it was. Now, there will be time for the Senator from Minnesota to speak, if this unanimous consent is granted, between now and 6 o'clock; and I hope, for one, that he will be recognized, and I shall be glad to hear him.

Mr. CLAPP. Mr. President, I believe every word that the Senator from Mississippi says. I believe there are others who would never have signed this paper if they had realized the situation it would create. Does the Senator from Mississippi know that of the Senators who signed the paper either 10 or 11—I would not be positive as to the number; I could only gather it from hearing it read—had already made speeches upon this question?

Mr. WILLIAMS. I do not; but I do know this, Mr. President: I am a member of the Foreign Relations Committee. My heart is in this bill. My very soul is in it. I believe it is the very least distance we can go in preserving the national honor; and I have not opened my lips merely because I thought that if I did open them at all it took that much time away from those who wanted to oppose the bill and who might complain that they did not have time. I have seen man after man upon that side and upon this, and they promised me to take the same course, and I said that I would not open my mouth upon the bill unless its defeat seemed to be determined upon.

This evening the question came up as to what this document we signed means. Now, all the document means is what is says. It says: "We, the following Senators, being apparently deprived by the rules"—it ought to have said "the lack of rules"—"of the Senate from voting in any other way, in any way so as to indicate to the country our wishes, hereby indicate them in this way, so that the country may know, without any reflection upon anybody else, that if there be any to blame, it is not we who have signed this document."

Now, that is all there is in it. That is all that can be tortured out of it. That is all that can be possibly put into it by the most ingenious intellect in the world.

All that it does, if it makes a reflection upon anybody, is to reflect upon those who, if any such there be, intend to beat this bill by tactics of delay and filibustering. If that be a reflection upon men who have that intention then they can put the cap on and wear it because it fits them, and the country will put the cap on their heads and make them wear it because it fits them; and it ought to be put there, and they ought to be made to wear it.

Mr. President, if I were sitting in that chair, and the motion were made to me that this Senate should at a certain hour, after reasonable debate, at 6 or 7 o'clock this morning, proceed to vote upon this bill and pending amendments, I would rule the motion in order, upon these two grounds: First, that any body of intelligent men, anywhere, upon general principles, have a right to indicate an hour at which talking shall stop and action shall take place; and secondly, upon the ground that the United States and its honor and its commerce are larger than the rules—or lack of rules—of the United States Senate.

Mr. SMITH of Georgia. Mr. President——

Mr. WILLIAMS. I would sweep them aside, and I would do it with as clear a conscience of having performed a patriotic act as I ever had about any act that I ever performed in my life.

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. WILLIAMS. I do.

Mr. SMITH of Georgia. I wish to ask the Senator if he will yield for a moment, in view of the statement of the Senator from Minnesota, in whom we all have great confidence, and for whom we have great respect, that there is no purpose by speeches to prevent a vote. Will he allow me, in view of that statement, to ask if at any time we can agree to vote?

Mr. WILLIAMS. At any time?

Mr. SMITH of Georgia. Say, 9 o'clock.

Mr. WILLIAMS. Well, wait a minute; at any time far enough in advance to let the bill get to the House and be acted upon by the House and become a law.

Mr. SMITH of Georgia. Yes; say 9 o'clock. That would give five hours for debate, and I am sure that it would all be used by the opponents of the bill. Would there be any objection by Senators to a vote not later than 9 o'clock?

Mr. FALL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from New Mexico?

Mr. WILLIAMS. I do.

Mr. FALL. Answering for one the suggestion, Mr. President, I will certainly most heartily support the suggestion of the Senator. It must be apparent to the Senate that not simply for one day, but for several days, there has been a filibuster going on in this body, the object among some people possibly being to force a special session—among some three or four, possibly, in this Senate.

Mr. WILLIAMS. I have yielded only——

The PRESIDENT pro tempore. Does the Senator decline to yield further?

Mr. WILLIAMS. Mr. President, I will accept the suggestion made by the Senator from Georgia; and I will now, informally, for the purpose of feeling out those of the Members of the Senate who are present, ask first unanimous consent that the vote shall begin to be taken upon this bill and pending amendments at 9 o'clock a. m. this day.

Mr. SMITH of Georgia. I understand that the Senator desires informally to find if any Senator present would object?

Mr. WILLIAMS. That is what I want to know.

Mr. WORKS and Mr. CLAPP addressed the Chair.

The PRESIDENT pro tempore. The Senator from California.

Mr. WILLIAMS. I ask the Chair to put that request.

Mr. CLAPP. I understood that suggestions were invited.

Mr. WILLIAMS. Yes.

Mr. WORKS. Mr. President, the Senator from Mississippi has contributed his share now to the taking up of time to prevent a vote upon this bill.

Mr. WILLIAMS. Well, Mr. President, the Senator from Mississippi, being a member of the Foreign Relations Com-

mittee, has had very little time. Now, I ask informally unanimous consent——

Mr. WORKS. I do not yield to the Senator. I think I have the floor.

Mr. WILLIAMS (continuing). That at 9 o'clock this day the voting shall begin upon the bill and all amendments pending to it.

Mr. LEWIS. Mr. President, a parliamentary inquiry. Who is recognized?

Mr. WORKS. Mr. President, have we any rights in the Senate now?

The PRESIDENT pro tempore. The Chair supposed that the Senator from California was replying to the request of the Senator from Mississippi to know whether there was objection to his request.

Mr. WORKS. Does not the Chair know that I was not doing that?

The PRESIDENT pro tempore. The Chair does not know it. The Senator from Mississippi has the floor. The Chair called attention to the Senator from California because he was not likely otherwise to have an opportunity to be heard, the Senator from Minnesota not having noticed that he wished to say something; that was all.

Mr. WORKS. Mr. President——

Mr. WILLIAMS. I have a suggestion to make now. While I am on my feet, as a part of my remarks I ask if there is objection from anybody present now? Of course, if there is no objection, then we will have to have a roll call and get everybody here so as to put it to the full Senate; but if there is objection on the part of anybody on the floor, we can save the time that would be lost by the roll call.

Mr. LA FOLLETTE. Well, Mr. President, reserving the right to object to the request when it is presented finally, I will say to the Senator, to save time, that I shall object when it is made.

Mr. WILLIAMS. Very well. Then, Mr. President, proceeding, I ask unanimous consent for the same purpose for a vote to begin at 10 o'clock.

Mr. WORKS. Mr. President, I desire to be heard before I respond to any request for unanimous consent to vote on this bill, in view of all that has been said and done.

Mr. WILLIAMS. Very well. The Senator evidently has that right; and with that suggestion, then—I will call it a suggestion—I shall surrender the floor.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. The Senator from California.

Mr. MYERS. Mr. President, will the Senator from California yield to me for a minute to make a personal statement—two or three minutes?

Mr. WORKS. Mr. President, I am quite willing to yield to the Senator from Montana if I do not lose the floor.

Mr. MYERS. I thank the Senator. I want to say——

Mr. WORKS. Mr. President, I intended to be interrupted only conditionally.

The PRESIDENT pro tempore. The Chair can not parcel out the floor conditionally.

Mr. MYERS. Then I will not accept the Senator's time, now.

Mr. WORKS. Mr. President, I have been a Member of the United States Senate now for six years, within a few hours. I regret exceedingly that I am to go out of the Senate after such an exhibition as has just taken place in this body. No denunciation of the Senator from Mississippi can reflect as seriously upon the fairness and integrity of the Senate as does the preparation, presentation, and use of such a paper as this for the manifest purpose of coercing the minority to the will of the majority.

It is a shameful exhibition on the part of the majority of the Senate, evidently intended for the purpose of closing the mouths of Senators who desired to be heard upon this question, a question that involves the question of war, a proceeding that may touch every fireside in this great country of ours, a step that may plunge us into the most horrible war that has ever taken place.

I have no intention of improperly or unnecessarily consuming the time of the Senate. If anything could induce me to take such a step as that, it would be just what has occurred within the last half hour. If this bill is to go to a vote by the coercion of the majority denying the Senators who desired to be heard the opportunity to discuss it, then the liberties of a Member of the Senate and the right to perform the duties that are imposed upon him by his oath have been taken away from him.

It is a most amazing thing to me that any Senator could have attached his name to a document of this kind with any knowledge that it was to be used as it has been used on the floor of the Senate. I do not wonder that some of these gentlemen who signed the paper have gone back to the cloakroom after the use that has been made of the paper.

Mr. President, after this exhibition of lawlessness on the part of the majority, they very considerately ask us to consent to a time to vote on this bill. Here is my distinguished friend from Connecticut [Mr. BRANDEGEE]. I presume he signed the paper. I do not know whether the Senator has the intention of closing my mouth and preventing me from discussing the bill. Here is the Senator from Washington [Mr. JONES], who I think spoke a couple of hours, and I suppose he signed the document after he consumed that quantity of time, but I acquit the Senator from Washington of any intention to coerce my action in dealing with this important measure.

The Senator from Montana [Mr. WALSH] I think consumed something like two hours of the time of the Senate in support of this bill. The Senator from New Mexico [Mr. FALL] delivered a very learned dissertation on international law that had nothing whatever to do with the merits of this question. My distinguished friend the Senator from Missouri [Mr. STONE] I suppose signed this document; he addressed the Senate for four hours and one-quarter, I believe.

Mr. HITCHCOCK. The Senator is mistaken. The Senator from Missouri did not sign the document.

Mr. WORKS. I am glad to hear that. The Senator from Nebraska [Mr. HITCHCOCK], who I presume has felt it to be his duty to institute a proceeding of this kind in order to force through this bill, has taken much more of the time of the Senate than I have. I could count these gentlemen by the dozen who are now trying to prevent me from discussing this important measure, who have absolutely wasted the time of the Senate in support of a bill which they knew they could pass when the time came without any discussion of it whatever.

Mr. President, while all this has been going on, while these distinguished gentlemen have been taking up the time of the Senate filibustering against this bill and doing what they could to kill it I have taken none of the time of the Senate. I tried several times to obtain the floor in order that I might discuss the bill in an orderly and entirely proper way. I last gave way to the junior Senator from Missouri [Mr. REED], who expressed a desire to address the Senate on the bill. He sent a page to me asking me if I desired to proceed, and I sent the Senator word that if he desired to go on I would give way. I am not saying this in criticism of the Senator from Missouri. He had a perfect right to take the floor, and I was glad to surrender it to him. He consumed some time in discussing the bill; not too much time. I want the Senator to understand I am not criticizing him. I am only making some sort of an explanation of my own course respecting the matter.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Missouri?

Mr. WORKS. I yield, Mr. President.

Mr. REED. I had the floor and had been recognized. It came to my knowledge that some Senator, I have forgotten which one now, desired to make some remarks appropriate to the little ceremony of the good-byes that were being said. I yielded to two or three Senators on that account, and during that time the Senator from California rose. I inquired whether the Senator from California desired to speak upon the bill, meaning whether he intended to speak on the bill or to speak in complimentary terms of some one who was retiring, or perhaps to express something about his own sentiments. That is what I had in mind.

Mr. WORKS. I think that is right.

Mr. REED. The word I got back was that the Senator would waive his right for the present to speak, or his desire to speak. A little later I got word that the Senator did desire to speak, and I gave way to him. So I think the fact is that I had the floor. However, I think it is quite immaterial.

Mr. WORKS. Mr. President, I think the Senator is wrong in his chronology a little. I had risen and addressed the Chair for the purpose of speaking to the bill, and I thought I had obtained the floor. The Senator from Missouri rose about the same time. As the Senator says, he sent over to know of me whether I was intending to address myself to the bill or to join in the other speeches which were taking place. I sent word to him at that time that it was my intention to speak on the bill. I had no intention of saying anything about what was then going on in the Senate, but later I changed my mind and concluded that I would like to say something myself, and did so, and then gave way to the Senator from Missouri.

Mr. President, I should like very much to have it figured out, as a matter of fairness and justice, how much of the time of

the Senate has been taken up by Senators who are favoring the passage of the bill and how much of it by those who have been opposing its passage. I am reminded by seeing my distinguished friend the Senator from Georgia [Mr. HARDWICK] come in that he consumed some little time.

Mr. HARDWICK. About 30 minutes.

Mr. WORKS. Very eloquently contributing his mite with the balance of them to the defense of the bill. After all these gentlemen had exhausted themselves and said everything they desired to say about the bill and about international law and about the rights of ships on the ocean that does not, in my judgment, enter into this controversy in the slightest degree, then they began to think about shortening the time, not before. I had expected to address the Senate for something like an hour; I did not expect to go beyond that. I endeavored a number of times to get recognition from the Chair, but failed. Finally, when I was about ready or supposed I was about ready to commence my address, a Senator on the other side of the Chamber rose with one of the conference reports, and it took up about two and one-half hours of time or longer in the disposition of that. During that time I went into the cloakroom and got a little sleep, in order to be ready to respond when my turn came. Then came along another conference report, and here I am, after 4 o'clock in the morning, ready and anxious to proceed with the discussion of the bill, when this document comes along.

Mr. President, I think I have been mistreated. I think it is an imposition. I think it is unworthy of this Senate, that is sometimes called the greatest deliberative body in the world. It is a shameful exhibition that will disgrace the Senate of the United States as long as it stands upon the records of the Senate.

Under these circumstances I do not feel very much like obliging the Senator from Mississippi [Mr. WILLIAMS] by consenting to the shortening up of the time in order that this bill may pass. Would you do it if you were in my place? No; you would not.

Mr. POMERENE. Mr. President——

Mr. WORKS. If you had any independence and any sense of right and justice, you would not submit to it.

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Ohio?

Mr. WORKS. I yield if I do not lose the floor.

Mr. POMERENE. Does not the Senator think that this question is of such grave importance, whether we look at it from one viewpoint or from the other, that we ought really to vote upon it before 12 o'clock?

Mr. WORKS. Mr. President, I think it is so grave and important a matter that every Member of this body ought to be given the opportunity to discuss it. I do not believe that any coercive measures should be resorted to until every Senator has had the right to exercise his right to be heard.

Mr. POMERENE. May I ask the Senator another question?

Mr. WORKS. Certainly.

Mr. POMERENE. Does the Senator really believe that any further discussion of this question is going to change the viewpoint of any Senator with reference to it?

Mr. WORKS. No, Mr. President; I think the heads of the 76 who signed this document are set. No course of reasoning will ever reach them.

Mr. POMERENE. Does the Senator think his views could be changed on this subject?

Mr. WORKS. No, Mr. President; but I think I have the constitutional right to discuss this question and to let the American people know what I think about it.

Mr. POMERENE. I think that is quite true.

Mr. WORKS. Why are you trying to deprive me of that right, then?

Mr. POMERENE. I am not trying to deprive the Senator of that right.

Mr. WORKS. You may not have participated in it, but it has been done.

Mr. POMERENE. The Senator has presided over the highest court in one of the great Commonwealths of this country where discussion of cases was always limited, and I dare say that there was more intelligent discussion before his court than we are permitted to hear in the Senate.

Mr. WORKS. Yes, Mr. President; but in the court over which I presided the time was equally divided. It was not all taken up by one side and the other side forced to submit its case without argument.

Mr. POMERENE. Those who believe in this legislation have offered to give to those who are opposed to it all of the time. That ought to be an equal division.

Mr. WORKS. Yes; they have been giving that sort of lip service and all the time have been consuming the time of the Senate and doing most of the talking.

Mr. JAMES. Mr. President, will the Senator yield for an interruption there?

The PRESIDING OFFICER. Will the Senator from California yield to the Senator from Kentucky?

Mr. WORKS. I will yield if I do not lose the floor.

Mr. JAMES. The Senator must know that a speech of five hours was made by a gentleman who opposed very vigorously this legislation.

Mr. WORKS. That is only one out of a dozen or so.

Mr. JAMES. And the Senator from Iowa [Mr. CUMMINS] made quite a lengthy speech, did he not?

Mr. WORKS. Certainly. I am perfectly willing, I will say to the Senator from Kentucky, to compare the time taken up by the two sides in this matter. I wish it was before us so we could deal fairly and justly with it.

Mr. JAMES. You will find there has been more time consumed in opposition to it, but we have offered to give you eight hours in addition to what you have already had, if we could get a vote, and yet the Senator thinks it is a disgraceful proceeding for Senators to state how they would vote in writing, when they were denied the right in reality to vote by filibuster.

Mr. WORKS. You are quite right; I think it was.

Mr. JAMES. I thought those who were opposing the measure were actuated by such high and patriotic motives that they were not only willing, but anxious to be placed on record as being opposed to it, that their opposition was so strenuous that they are willing to tie up the machinery of the Government in order that the proposed legislation may die with the expiration of the Congress.

Mr. WORKS. Mr. President, that is very plausible, but I know the Senator from Kentucky well enough to know that so far as he participated in this proceeding it was perfectly understood that the purpose of this document was to coerce other Senators and prevent them from taking the course they desired to take and had the right to take.

Mr. JAMES. If the Senator will permit me, the purpose, as I understood it, was to let the American people know and to let those in Germany who might be misguided by the conduct of a few in this Chamber know that back of the President of the United States stood practically a united people. That is the purpose of it. I would like to ask the Senator this question——

Mr. WORKS. I believe now the Senator is discussing the bill.

Mr. JAMES. I will not interrupt the Senator if he objects.

Mr. WORKS. I am not objecting to being interrupted.

Mr. JAMES. I should like to ask the Senator, does he believe that this conduct, which he describes as disgraceful, if he desires to use that word in applying it to men who merely register their will, is comparable to that of a few Senators who would deny to their colleagues, in a time of great stress and peril like this, the opportunity to vote for legislation to protect American lives and keep the commerce of the country from being destroyed on the high seas?

Mr. WORKS. No; they are not comparable at all. The Senators who are undertaking to discuss this bill are keeping themselves strictly within their rights as Senators. The course that was taken by the majority was an attempt to coerce the other Senators and prevent them from doing what they felt they had a right to do. The two can not be compared.

Mr. JAMES. The Senator speaks of the majority. There are no party lines in this fight, I rejoice to say. The Senators who signed that statement constitute a majority of his own party as they constitute a majority of our party.

Mr. WORKS. I was not speaking of political majorities.

Mr. HARDWICK. Mr. President, will the Senator yield to me for just one minute?

Mr. WORKS. Certainly.

Mr. HARDWICK. I want to say to the Senator——

Mr. WORKS. I suppose it is understood that by these interruptions I am not taken off the floor?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Georgia?

Mr. WORKS. I yield on that condition, Mr. President.

Mr. HARDWICK. I want to ask a question, Mr. President, but I want to make a short preliminary statement in connection with the question. I want to assure the Senator from California that whatever may have been the purpose of any other Senator who signed this document, I had no such purpose as the Senator has indicated.

Mr. WORKS. I never would suspect the Senator——

Mr. HARDWICK. My purpose and my sole purpose—because I would never undertake to coerce a Senator of the United States from any position he takes on this floor, no matter how violently I might disagree with him—was to demonstrate to the world abroad, and especially to Germany, how the Senate of the United States stood on this proposition, because it looked as if, under the rules, we would get no opportunity to demonstrate it in the manner usually prescribed by the rules, to wit, by voting. Now, does the Senator from California think there is anything wrong in that?

Mr. WORKS. How does the Senator from Georgia think the action that was taken would bring about any such result as that? The Senator from Georgia is a reasonably independent man——

Mr. HARDWICK. I hope so.

Mr. WORKS. And he is inclined to assert his rights, I am glad to say. Does the Senator think that he would take a suggestion of that kind patiently?

Mr. HARDWICK. I say——

Mr. WORKS. Just a moment. Does the Senator think that if that sort of thing had been directed at him he would have resented it?

Mr. HARDWICK. I say to the Senator that I would resent as quickly as would he or any other Senator any attempt to coerce me. I would no more be guilty of an attempt to coerce or to bulldoze or to intimidate any Senator on any question than would the Senator from California; but, if the Senator will pardon me, what other method could the Senator from Georgia and other Senators who signed this paper, without any intention whatever to reflect on their colleagues, take of demonstrating to the world exactly how the Senate stood on this question under the present situation?

Mr. WORKS. Mr. President, the Senator from Georgia must recognize the fact that this is a lawless proceeding, which was not in accordance with the rules of the Senate.

Mr. HARDWICK. There is nothing in the rules of the Senate to prevent any number of Senators from saying in writing or otherwise how they stand on a question.

Mr. WORKS. Certainly not; but it is not a question of the violation of the rules of the Senate; it is a question of propriety and justice and fairness, which ought to appeal to the Senator from Georgia.

Mr. HARDWICK. If the Senator from California will pardon me—and then I am not going to continue this discussion——

Mr. WORKS. I am not objecting to interruptions.

Mr. HARDWICK. The Senator from Georgia would no more be a party to a proceeding of the character described by the Senator from California than would the Senator from California; but the Senator from Georgia can not concede the propriety of the criticism made by the Senator from California, so far as he is concerned at least. It seems to me now, and it did then, as though this was the only way on earth that we could make it absolutely plain to the entire world how large a majority of the Senate stood ready to pass legislation of this character. That was why the Senator from Georgia signed the paper.

Mr. WORKS. I want to ask the Senator from Georgia—because I have always looked upon the Senator as being a fair and just-minded man—if he does not think that it would be infinitely worse, if this paper were really prepared and signed for that purpose, to coerce a Member of this body and prevent him from discussing an important measure like this, than to have this bill go over until another session of Congress?

Mr. HARDWICK. Well, the "Senator from Georgia" is unable to answer that question, because it is hard to weigh a question of that kind. I think both would be evil, but I think the Senator from California, if he will pardon me, is taking a strained view of the situation. I believe there are many Senators on both sides of the Chamber who signed this document who are not apologizing, and who are not ashamed of it, for reasons exactly like those described by the "Senator from Georgia."

Mr. WORKS. I am sorry to hear they are not ashamed of it after the use that has been made of it.

Mr. HARDWICK. Be that as it may, it was to be put in the RECORD. We knew that. I do not know what remarks were made in connection with the proceedings—I was not on the floor at the time—but I do say that Senators ought to put into the RECORD what their position is on questions of this sort, and that a statement of the position of a number of Senators who signed a document like that is no reflection on Senators who take an opposite position, and who ought not to be ashamed of their position, and doubtless are not ashamed of it.

Mr. WORKS. Mr. President, I am sorry the Senator from Georgia did not hear the remarks that were made in the presentation of the document——

Mr. HARDWICK. I did not hear them.

Mr. WORKS. For, if he had, he would be apologizing to the Senate.

Mr. HARDWICK. I do not know about that.

Mr. WORKS. Mr. President, this is not the first effort that has been made to control votes on this important question. Only a few days ago while this question was before the Senate there came out of the White House, through the newspapers, instead of coming directly to Congress, the Zimmermann letter. Does anyone doubt the fact that it was sent out for the purpose of influencing votes in the Senate and to secure the passage of this bill? I do not. I know, Mr. President, from the lips of some of the Senators on the other side of the Chamber that before this document was published in the newspapers no such authority as the President was asking for would have been given even by the other side of the Chamber. I was told that the Democratic Members had been polled upon that question, and that they were against it. Is it not a little singular that, after this information was brought to the attention of the Senate, and particularly to the attention of the people of the country, there should have been such a change of sentiment on the other side of the Chamber, and, I presume, on this side of the Chamber also?

Mr. OLIVER. Mr. President, will the Senator from California allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Pennsylvania?

Mr. WORKS. I yield to the Senator.

Mr. OLIVER. Mr. President, I desire to say that the Senate bill—and I think the other members of the Foreign Relations Committee will bear me out in the statement—was considered and adopted, according to the best of my recollection, in the Committee on Foreign Relations, and its report was ordered before the Zimmermann letter was published.

Mr. WORKS. I have no doubt of that. Mr. President, I was not talking about the Foreign Relations Committee. I think I could count noses in the Committee on Foreign Relations and tell pretty well what would come out of that committee upon a proposition of this kind. I was talking about the effect upon the Senate, and not upon the committee. I suppose, however, the committee was not unanimous, from what has occurred on the floor of the Senate.

Mr. OLIVER. Mr. President, I will say that, according to the best of my recollection, in the committee there were only three members out of the full committee who voted against reporting the bill, and they declined on matters of detail.

Mr. WORKS. I should like to know what the Senator from Pennsylvania regards as "matters of detail"? I know from the speech that was made by the Senator from Missouri that the difference in the Senate is upon what I regard as a most vital question, namely, the right to carry contraband—arms and munitions of war—to a belligerent and giving the President the power to protect the rights of people to carry munitions of war. Does the Senator from Pennsylvania regard that as a "detail"?

Mr. OLIVER. I will, if the Senator will allow me to state——

Mr. WORKS. I should be glad to know whether the Senator regards that as a matter of detail?

Mr. OLIVER. Of course, Mr. President, I regard that as a very important matter; but the difference of opinion—while I hesitate to state what happened in the committee——

Mr. WORKS. I was not seeking the secrets of the committee. The Senator volunteered the information.

Mr. OLIVER. I understand that, Mr. President. The difference was largely as to the adoption of amendments, practically those suggested by the Senator from Missouri.

Mr. WORKS. Mr. President, with this brief statement, much of the time having been taken up by Senators who are trying to hasten action on this bill, I object to the request for unanimous consent in its present form.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BRANDEGEE. Has the Senator from California yielded the floor?

Mr. WORKS. No; I have not yielded the floor.

Mr. BRANDEGEE. I beg pardon; I thought the Senator had yielded the floor.

Mr. WORKS. The Senator could hardly expect that I would do so under the circumstances. I have not had an opportunity to address myself to this bill at all.

Mr. BRANDEGEE. I thought the Senator had abandoned his intention. I thought when he said he objected he had concluded his remarks. I beg the Senator's pardon.

Mr. WORKS. If the Senator from Connecticut had abandoned his intention and had not discussed this bill, I might have found it unnecessary to discuss it.

Mr. BRANDEGEE. I had not the slightest idea of interrupting the Senator's remarks. I thought the Senator had concluded.

Mr. WORKS. I do not want it understood that I am taking any exceptions to the course of the Senator, except that I think that he ought not to have signed this document. I will say to him frankly that I think, when he comes to reflect upon it, he will be ashamed of it.

Mr. OLIVER. Mr. President, so far as I am concerned, I am proud of it.

Mr. WORKS. Then I am sorry for the Senator from Pennsylvania. It is an exhibition before the people of the United States of which the Senator ought to be ashamed.

Mr. OLIVER. I am glad to exhibit myself in that light.

Mr. WORKS. I am sorry to see the Senator from Pennsylvania do so, because I hold the Senator in very high regard.

Mr. BRANDEGEE. Mr. President——

Mr. WORKS. Does the Senator desire to interrogate me?

Mr. BRANDEGEE. I want to say to the Senator, inasmuch as he alluded to me by name——

Mr. WORKS. Good naturedly.

Mr. BRANDEGEE. I understand that, but the Senator alluded to me for having signed this paper——

Mr. WORKS. I hope the Senator is not undertaking to take me from the floor. I am sure he would not be so unkind as that.

Mr. BRANDEGEE. I would not, and I will not interrupt the Senator unless the Chair——

Mr. WORKS. If the rule is being enforced, I think that would be the effect.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Connecticut?

Mr. BRANDEGEE. With the understanding that he does not lose the floor.

The PRESIDING OFFICER. Of course.

Mr. BRANDEGEE. Very well. I simply want to say to the Senator that I signed this paper because, in my judgment, after some experience in this distinguished body, I in some way felt that we were not going to be able to reach a vote by 12 o'clock to-day on this bill. I thought it was an extremely important bill to the Nation, and I did not want it to go out to the world—to this country and to other countries—that the President of the United States having come before a joint session of Congress and asked for this authority in the present emergency the United States Senate had refused to give it to him. I was satisfied that the great majority of this body were in favor substantially of this legislation. I wanted an opportunity to record my position, I wanted it to go to the world what the situation was in the Senate. I had no idea whatever then or at any other time of coercing any other Senator or of influencing any other Senator in any way whatever.

The Senator has alluded to the fact that more time has been taken in support of this bill than in opposing it. What the fact about that is I do not know. If it is true, I would think it quite natural, for while some 60 Senators have signed the paper saying they were in favor of the legislation there are only a few against it, and I should think, if we count each Senator as entitled, at least, to equal rights, that more time would be consumed by the 60 than by the 7.

Mr. SMITH of Georgia. Seventy-six signed the paper.

Mr. BRANDEGEE. Very well; whatever the number is. Now, there are eight hours left. I am a member of the committee. I took one hour, and I am sorry I did. If that constituted any grievance or usurpation or intrusion upon the rights of any other Senator I apologize. I wish now that I had not said a word. But now the Senator from California and those who believe with him on this subject, I think, can have to themselves the whole eight hours which are left, if they so desire; and I think they ought to give every man an equal chance.

Mr. WORKS. Mr. President, I think we may, if Senators will let us alone; but if the Senator from Connecticut and others continuously take up time that belongs to us, we will reach 12 o'clock directly.

Mr. BRANDEGEE. I am willing to reach it. I do not think a Senator has a right to stand up here and criticize other Senators and attribute wrong motives to them or criticize them for giving their real motives and then decline to give them an opportunity to reply. That is all I have to say.

Mr. WORKS. I have no objection to the Senator giving his motives. I assume that they are always good; and I do not suppose the Senator from Connecticut realized that this paper would be used for any such purpose as it has been devoted to. I hope not.

Mr. BRANDEGEE. I realized that it was to be used for just the purpose that I have stated, to inform the world where the United States Senate stood on this question. That is what I signed it for, and I am proud of it, and I hope the world will take note of it. I have no apology to make for it, and I would do the same thing over again, without any intention of coercing anybody or infringing on the rights of any other Senator.

Mr. WORKS. Well, Mr. President, I agree entirely with the Senator that the statement might have been signed by any number of Senators who desired to sign it and might at the proper time have been incorporated in the RECORD, but it was certainly illegitimate; it was certainly unjust to use it at the time it was used and in the way it was used.

Mr. BRANDEGEE. Mr. President, I did not know when it was to be used. I am sorry if the Senator is offended because of the time selected for its use. I wanted to have the statement put in the RECORD and sent out to the press of the country, and I did not care whether it was done at 7 o'clock last night or at 7 o'clock this morning. That is perfectly immaterial. The Senator has all the time there is left until the time of adjournment of the Sixty-fourth Congress.

Mr. WORKS. I presume not. I think, perhaps, there may be other Senators who would like to be heard. I do not know; but certainly I am not going to take up all the time; and I should have taken less time in the actual discussion of the bill than I have taken up in discussing this document, if I had been let alone.

Now, Mr. President, some Senators seem to think that it is an important thing that this bill should be passed. They would like to have it passed by the Senate unanimously. They want it made unanimous principally because of its supposed effect upon the Imperial Government of Germany.

Mr. President, some Senators seem to think that it is an important thing that this bill should be passed. They would like to have it passed by the Senate unanimously. They want it made unanimous principally because of its supposed effect upon the Imperial Government of Germany.

I am not here for the purpose of making a record for the Government of Germany. I am here to stand by the President when, in my conscientious judgment, the President is standing for the best interests of the Government of which he is the Chief Magistrate. If I did not believe that, I would oppose this legislation although it had been requested by the President. I would oppose it if I were the only Member of this body who believed conscientiously that the bill should not become a law. If I did not, I would feel that I was unfit to be a Member of the United States Senate. I would feel that I had violated the oath that I took when I became a Member of the Senate. I would think, Mr. President, that I was betraying the people of the United States.

I do not believe that this bill ought to pass. I do not believe that it is in the interest of the people of the United States. I am here to say so in the name of what I believe to be the great majority of the people of this Nation. The people of the United States do not want war. They are more consistent in their attitude on this question than some of the Members of this body, who have declared over and over again that they wanted peace when, in the very same breath, they were agitating the passage of a law that in my judgment means war. They, some of them, are advocating it knowing that it meant war. Some of them are agitating it and saying at the same time that they regarded it as a declaration of war.

Mr. President, if the question were squarely presented to the Senate of the United States as to whether we should declare war on Germany, how many votes do you think it would get in the Senate? It would not get 76 votes I am morally certain. I do not believe a proposition of that kind would receive the votes of a half-dozen Senators if it were presented to the Senate this morning; and yet we are asked to do something that will lead us just as surely and as certainly to war as if we openly declared it, and there are Members of this body who are advocating the passage of this bill upon that very theory—that it does amount to a declaration of war.

If we believe in going to war with Germany because of the things that have already happened, we ought to have the courage of our convictions and exercise the constitutional right and duty that attaches to the office of a United States Senator, and openly and courageously declare war against that country. Why should we turn over to the President of the United States the responsibility that belongs to us? Why should we, with our assent, place in the hands of the President the right to make war which will force the Congress of the United States to declare it? Mr. President, I do not like that way of dealing with a question like this, which involves the future destiny of the Nation.

It has been asserted on the floor of the Senate over and over again that it is not necessary for Congress to take any such action as this. Senators maintain that the President already has the power to do just what we are proposing to authorize him to do. The President himself has declared in his message to Congress that he has the constitutional right to do what we are proposing to authorize him to do. Then why should the Congress meddle with it at all? Does it give it any additional force? Is it intended to vest this power in the President, or is it intended to affect the public mind, and especially to satisfy Germany that we are all for war and that we are going to stand by the President?

Mr. President, the attempt to pass this unfortunate, this unnecessary piece of legislation has led to some strange conditions, some remarkable situations, and some amazing inconsistencies. This bill was introduced in the Senate, I believe, by the senior Senator from Missouri.

Mr. STONE. No; it was not, except in this way: The bill was framed in the first instance by the Committee on Foreign Relations, and by direction of that committee I presented it to the Senate for reference to the committee.

Mr. WORKS. I am very glad to be corrected by the Senator from Missouri. I did not intend to misstate the facts respecting it; but it is not important to what I was about to say, and it only confirms what I intended to say about it.

This bill, being framed by the Committee on Foreign Relations, it might very well be expected that it would be reported to the Senate by the chairman of that committee, and that he would take charge of it in the Senate. That is customary. But it turned out, when the bill appeared in the Senate, that for some reason or other—I suppose it was because the Senator from Missouri desired to modify or change the bill by an amendment that he has subsequently discussed—the bill was turned over to the Senator from Nebraska [Mr. HITCHCOCK].

The Senator from Nebraska is as much of a pacifist as I am. Like myself, he introduced in the Senate a bill to prohibit the exportation of munitions of war. Those two bills went to the same committee—the Committee on Foreign Relations. Of course, I do not know what was done respecting them in the committee. The Senator from Nebraska does, because he is a member of that committee. I know that while the bill that was presented by me went to the committee some months ago, it never has come out of that committee.

Now, the Senator from Nebraska, who is the author of a bill to prevent the exportation of arms and munitions of war to the belligerent nations, appears here in charge of and the champion of a bill the principal object of which is to protect the exportation of munitions of war. The Senator from Missouri [Mr. STONE], the chairman of the committee—very properly, I think—is attempting to have this bill so modified that a ship carrying these contraband goods shall not be protected by the President in the way that is provided for by the bill. But it is a singular thing, and it seems to me to be a little bit inconsistent, that the Senator from Nebraska should appear here as the champion of this kind of legislation; but he tells the Senate why. He says it is because he thinks the President believes in peace, and that if we vest this authority in him to do any act which might involve us in war it never will be done.

If we are going to vest this power in the President, I hope the Senator from Nebraska is right; but why, if that be true, are Senators like the Senator from Massachusetts [Mr. LODGE], the Senator from Connecticut [Mr. BRANDEGEE], and the Senator from New Mexico [Mr. FALL] supporting this measure to turn over this power to the President, who will never exercise it? They do it because they believe in war. Some of them are quite frank enough to say that they believe in declaring war against Germany. One of them said that if it were left to him he would do it within 15 minutes.

But, Mr. President, the turning over to and vesting in the President of the United States this power is not the worst feature of this bill, by any means. We might expect the President to use it with caution and discretion and in the interest of the American people; but what we are proposing to do is to authorize the President to arm these privately owned ships and to place Government guns on them, making it in a sense an official act of the Government if anything is done, and then turn these privately owned ships loose on the ocean to determine whether or not the act shall be done that will constitute war. Mr. President, knowing the interest of these shipowners, and knowing why they are willing and anxious to go to war with Germany—because it will put money in their pockets—does it not seem to be a dangerout thing to put our guns upon those ships and allow them to go out on the ocean and exercise their discretion, or indiscretion, as to what shall be done in the way of making war upon German ships?

These Senators, or some of them, have discussed international law with a great deal of learning. I do not know very much about it myself; but what has that to do with this question, I ask Senators? If these ships go out in the way I have indicated, do you suppose that the men who are operating them are going to figure upon the technical rules of international law in dealing with this question? This bill gives the right to resist anyone who unlawfully interferes with the rights of an American citizen on the ocean. Who is going to determine that question? The President is not going to be able to do it. The President will not be there. The Congress of the United States will have parted with all power or authority or control over it, and it will be left to the mercy of these men who are sailing these ships, and they have it in their power to bring this country to war.

There is another inconsistency that presents itself by the terms of this bill, to which I have already adverted incidentally, and that is the fact that we are undertaking to confer on the President a power that he already has. I am not going to pursue that phase of the matter further; but the most amazing thing about it to me, in view of the fact that the Senator from Nebraska is in charge of this bill, is that he has so amended it that an American citizen traveling on the ship of another nation can be afforded no protection, and no authority is given to the President to protect an American citizen unless he is traveling upon an American ship.

Do Senators remember what was said about the *Lusitania* and the loss of American lives on that ship, which was not an American ship? Under this bill, if 100 American citizens should again travel on a ship just as our citizens did upon the *Lusitania*, if that amendment is adopted, they would have no protection from their Government at all; but the American ship that goes to Great Britain, loaded to the guards with munitions of war intended to slaughter German subjects would be protected. It would not make very much difference whether an American was traveling upon the ship or not. Under the provisions of this bill the ship itself must be protected, and we become the protectors of a nefarious trade in munitions and missiles of death that are being sold by American citizens to be sent over to be used in taking the lives of German subjects. I do not know whether that amendment will be adopted by the Senate or not, but I am directing attention now to the course of the Senator from Nebraska who wants to close my mouth in opposition to this bill.

As I construe the bill that came from the Committee on Foreign Relations of the Senate, and as I construe the bill that came over from the House, both of them undertake to protect the lives of Americans who are lawfully traveling on the sea. They would give the President of the United States the right to protect you or me if we were traveling upon a British or any other foreign-owned ship, and the President would have the right under the bill as it came from the Committee on Foreign Relations to convoy with United States battleships a British ship upon which one American citizen was traveling. That is the kind of legislation that came in from the Committee on Foreign Relations. When you undertake to change it, as suggested by the Senator from Nebraska [Mr. HITCHCOCK], then you become inconsistent. There is no question but that an American citizen traveling on a British ship is lawfully traveling on the ocean. Why should he not be protected by his Government just the same as the man who travels on an American ship if we are going to be consistent?

But, Mr. President, I am not contesting the right of an American citizen to be protected by his Government wherever he may be. That is not the question presented by this bill, in my judgment. Of course, the American citizen has a right to expect of his Government that he will be protected. Nobody needs to argue that question with me. But the question is, and that is the vital question in this matter, whether the Government of the United States should go to war with a great nation for the purpose of protecting one or half a dozen American citizens who are traveling in this danger zone and who might very well keep out of it as patriotic citizens?

I know that Senators say we have a right to go across that danger zone, that we have a right to go anywhere on the ocean. So has a man the right, if he does not trespass upon private property, to travel between the contending forces in France; and according to the provisions of this bill it would be the duty of the President of the United States to convoy him through between the lines by a battalion of American soldiers. Of course, the President would not do as unreasonable a thing as that, but there are fool Americans, I am afraid, who would be unwise enough to do that very thing. It is not very much worse than the case of an American citizen, after the declaration was issued by the German Government that ships would be sunk, who undertook to cross that zone, if he persists, not-

withstanding the known danger that presents itself, to travel across it. There is no more reason in justice that the Government should convoy him across that strip of the ocean than that it should protect him if he traveled between the contending forces on the land.

Mr. President, if I had the power to prevent it, no American citizen would be allowed to go into this danger zone, whether he traveled upon an American ship or any other ship. No American citizen would be allowed to ship munitions of war or any contraband into or across this danger zone if I had my way.

Mr. CLAPP. Will the Senator pardon a question?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Minnesota?

Mr. WORKS. Yes.

Mr. CLAPP. I presume, and yet I am not certain, and I ask the Senator the question whether he has observed that England prohibits the embarkation not of all people but of women and children from the colonial ports to the ports of England?

Mr. WORKS. I thank the Senator for attracting my attention to that fact. But, Mr. President, no good, patriotic citizen of this country ought to expect to be coerced into remaining out of this danger zone. If he were the right sort of an American citizen he would stay out of it voluntarily. Oh, but they say that would be cowardly; we must assert our rights; if we do not, other nations will be pointing the finger of scorn at us and saying, "You have not the courage to assert and maintain your rights on the ocean." Mr. President, if this great Government of ours had the moral courage to prevent that kind of travel it would be the greatest act of heroism ever enacted by a government. If we go into this war we will go into it because we are afraid; not afraid to fight; oh, no; but we are so afraid somebody will say that we are cowardly. The fact is that we have not the courage to remain out of this war and to waive for the time being the opportunity to make money by shipping munitions of war and other things across the danger zone. We lack the moral courage to keep out of danger because some one will call us physical cowards if we do.

Mr. President, is that really the reason why we want to go to war with Germany? If it is, why have we not gone to war with Great Britain? Great Britain closed the ports of Germany against us and we submitted to it patiently. We were willing to forego the trade, not only with Germany but other nations, at the command of Great Britain. It is true they did not, so far as I know, in maintaining their blockade that shut us out of the German ports, kill any of our people. It was not necessary. We simply submitted without question and did precisely what I think we ought to do now in the case of Germany—respect the blockade and keep out of the danger zone.

I have received letters running up into the thousands from good American citizens protesting earnestly against this step toward war. I wish some of the Senators who think this country wants to go to war with Germany could read the letters that I have received on that subject. I have just one of them here, which came to me to-day, that deals with the inconsistency of this Government in its conduct toward Great Britain and Germany respecting this question of blockade, and I would like to have it read at the desk.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it will be read.

The Secretary read as follows:

ALLENTOWN, PA., *February 26, 1917.*

Hon. JOHN D. WORKS,
Washington, D. C.

DEAR SIR: In view of the present grave international crisis, I am desirous of presenting to you a phase of the matter entirely too often disregarded at present.

Under stress of war Great Britain declared a blockade of Germany, which our Government declared was contrary to international law, but dropped the matter after a protest. No attempt was made by the President to arm vessels to run this blockade, nor was there any hint given of vigorous measures to enforce the undoubted right of our vessels to freely trade with Germany in the admitted absence of a legal blockade of her ports. Now, when Germany declared a retaliatory blockade of English ports, equally contrary to existing international law, although admittedly retaliatory in character, this blockade was taken up by our Government as a gross violation of our rights, while the first illegal blockade was passed over with an exceedingly mild protest. Now, the right to send vessels to German ports in the absence of a legal blockade was just as real as the right to send them to English ports; and if the true American spirit of justice controlled the attitude of the Government, the first blockade would have been dealt with first, or, at the very least, would have been dealt with as seriously as the second, which was conspicuously not the case. And as to the matter of loss of lives, this is a natural consequence of attempts to run any blockade. Can any reasonable person suppose that if our vessels had tried to run the blockade declared by England, instead of calmly submitting, they would not have been fired upon and sunk? The question, therefore, is entirely one of the legality of the blockades; both were illegal, and the British was the first.

Now, the proposal has been made to arm ships, or even take them under the protection of the Navy, to insure their right of sailing to England, which established the first illegal blockade, and not one word is spoken of arming ships to run the British blockade and exercise their undoubted right to trade with the Teutonic countries in the absence of a legal blockade of their ports.

We can not as a Nation take such a one-sided step without hypocrisy, for, to be genuine, any sincere enforcement of our rights upon the sea would mean their safeguarding against all the belligerents and not against one side only. Should such a one-sided and insincere program as the above involve the Government in war, we as a Nation will go into it with a lie on our lips.

So, therefore, earnestly hoping that the Senate of the United States will never so depart from true Americanism as to adopt an insincere program and follow it to an unjust war, I respectfully request you, as a Senator of a country founded on the highest ideals of justice, not to uphold any program for enforcing our national rights unless this program sincerely plans to uphold them against all the belligerents alike, with discrimination toward none, and is, furthermore, really essential to our national safety (not a mere temporary issue arising out of the war and not seriously or permanently threatening the Nation).

And I solemnly ask you to remember that it is God before whom we shall finally stand in judgment and not the President nor the partisan newspapers.

Hoping you will conscientiously look into the matter before deciding upon your course of action, I have the honor to be

Your obedient servant,

JOHN E. BAUMAN.

Mr. WORKS. Mr. President, the newspapers of this country are largely responsible for the condition in which we find ourselves to-day, and if we shall go to war with Germany the blood of the young men of this country who will be called upon to defend its rights will be on their hands. The Senator who undertakes to do just what I am doing here now in the performance of what I conceive to be my duty as a United States Senator is denounced and traduced by these newspapers for performing that duty. These attacks on him go out all over the country. The columns of these newspapers are filled day after day with misrepresentations, false accounts, insinuating articles that inflame and excite the public mind and arouse the prejudices and the anger and the hate of the American people against Germany. Some people have asserted that they are subsidized by the British Government, but that is not necessary. They are subsidized here at home. Those of them that are not subsidized or bought by selfish interests are themselves willing voluntarily to embroil this Government in a war with Germany in their own interests. Great Britain appreciates this, Mr. President. The English people like that sort of thing. They know very well that they have allies upon American soil. They know that there are thousands of American citizens to-day who are anxious to have this Nation go to war with Germany, not for the purpose of protecting American lives, but to aid Great Britain.

I have here just a brief extract from the London Daily Chronicle that shows something of the appreciation of the people over in England, and I will ask that it may be read by the Secretary.

The PRESIDING OFFICER. Without objection, it will be read.

The Secretary read as follows:

The debt that England owes the newspaper world of America can not be estimated. The editors of the best journals have been fearless and very shrewd champions of the allies' cause. It is these editors who have made the German monster a reality to the American people, and this quietly and with most deadly logic. We have no better allies in America than the editors of the great papers. (London Daily Chronicle.)

Mr. WORKS. Mr. President, the effort to corrupt the public mind and to incite our people to war and to create prejudice against any American citizen who is not willing and anxious to go to war with Germany is not confined to the newspapers. A short time ago we passed the birthday of George Washington, and the day was desecrated and the name of the Father of his Country dishonored by inflammatory speeches made on that day, which should be sacred in the minds of every American citizen to liberty and to peace. A Member of this body who made a speech on that day before a public assembly here in this city of Washington is reported to have said that George Washington had his Tories, Abraham Lincoln had his "copperheads," and that Woodrow Wilson has his pacifists. Well, Mr. President, if the people who are making speeches of that sort and comparing the pacifists with Tories could see how many times in the letters I receive they themselves are called Tories by the American people they would be a little bit cautious about charging those of us with being Tories who believe in peace. George Washington did have his Tories, but George Washington was not proposing to go to war with a foreign nation. He and his brave followers were risking their lives and sacrificing themselves for the establishment of the independent Government under which we now live. Abraham Lincoln was not proposing to go to war with a foreign nation. He and the brave soldiers who fought the Civil War were endeavoring to maintain and to preserve the Nation that George Washington had established. Does anybody suppose that if George Washington were here to-day he would be advocating war with Germany? Does anybody believe that Abraham Lincoln, who was a man of peace, if he were here to-day would be advocating a war with Germany?

Let us see what George Washington says about it. In his Farewell Address to the American people, in speaking of complications with foreign Governments existing at that time, he said:

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

He refers in this message to the course taken by him when foreign governments were at war and we were threatened with complications that would lead us into the strife, and covering that question he issued a proclamation that is evidently referred to in the Farewell Address, in which he says:

Whereas it appears that a state of war exists between Austria, Prussia, Sardinia, Great Britain, and the United Netherlands of the one part, and France on the other, and the duty and interest of the United States require that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent powers.

I have therefore thought fit by these presents to declare the disposition of the United States to observe the conduct aforesaid toward those powers, respectively, and to exhort and warn the citizens of the United States carefully to avoid all acts and proceedings whatsoever which may in any manner tend to contravene such disposition.

And I do hereby also make known that whosoever of the citizens of the United States shall render himself liable to punishment or forfeiture under the law of nations by committing, aiding, or abetting hostilities against any of the said powers, or by carrying to any of them those articles which are deemed contraband by the modern usage of nations will not receive the protection of the United States against such punishment or forfeiture; and further, that I have given instructions to those officers to whom it belongs to cause prosecutions to be instituted against all persons who shall, within the cognizance of the courts of the United States, violate the law of nations with respect to the powers at war or any of them.

In testimony whereof I have caused the seal of the United States of America to be affixed to these presents and signed the same with my hand.

Done at the city of Philadelphia the 22d day of April, 1793, and of the independence of the United States of America the seventeenth.

[SEAL.] GO. WASHINGTON.

By the President:

TH. JEFFERSON.

Mr. President, that shows pretty clearly what George Washington would have done under the present circumstances. If an American citizen saw proper to manufacture and to ship to belligerent nations munitions of war to help carry on the war between the belligerent nations, the then President of the United States declared that he would receive no protection from his Government, but that he would be left to suffer the forfeitures which might be imposed upon him for that violation of neutrality.

Mr. President, one who assumes at a time like this to speak for the American people should search his own conscience and know why he speaks and in whose interest. Are we speaking to-day in the interests of the great masses of the American people who are crying out all over the country against going to war? Are we speaking for the people who are following the advice of the President of the United States to maintain strict neutrality, who believe in neutrality and are doing their part to maintain it, or are we speaking for the selfish few who are after the almighty dollar, who like war because war means money in their pockets? Are we attempting to protect the rights of American citizens who are traveling upon the ocean, or are we trying to protect the trade out of which a few American citizens are growing rich?

Mr. President, this is a time for independent thinking and for honest, candid, fearless speaking, and may God protect this Nation from moral cowardice in high places. What we are doing this day may mean peace and happiness, or war and desolation for our people. It may mean that the young men and boys who are to-day at the workshop, in the counting house, in the schools and colleges shall have to be sacrificed by being forced by men who will never see the trenches into this horrible war. It may mean thousands of desolated homes, thousands of crippled, maimed young men, thousands more of widows and orphans; and yet the effort is made to prevent a Senator of the United States from protesting against the horrible effects that are likely to follow the legislation we are going to pass to-day, if we come to a vote.

Senators seem to think that because they have a majority they should be allowed to force this Nation into war; that they have the right by the simple force of numbers to close the lips of an American citizen representing 100,000,000 of other American citizens and prevent him from raising his voice against it.

I have letters by the hundreds from laboring men in this country protesting that they do not want war. They are protesting—and it has been made light of in the last few days on the floor of the Senate—that the honor of the United States is not involved; and it is not. Germany is not moving against this country. She has not been guilty of any aggression against us. She has taken the lives of a few of our citizens, because they got in the way when she was prosecuting a war against another nation and fighting to preserve her existence. If the German Government should make aggressive warfare against the United States, you would not need any exhortation in the Senate of the United States to arouse the patriotism of the American people. You would not be holding open your enlisting stations without getting any soldiers. Then, Mr. President, we would all be behind the President of the United States in preserving the honor and integrity of the American Nation. We would not find any pacifists; we would all be for war.

You talk about peace at any price! There are no good American citizens who believe in any such thing. It is an unjust imputation upon the people of this country. American boys have given evidence of their courage and their manhood on many a battle field; and the boys of to-day are just as patriotic, just as courageous as the boys of '61. But the boys of to-day before they go to the front want to know that there is cause for war, as there was in the Revolution and in the Civil War.

I sometimes think, when I see to what a fearful extent the American people are obsessed with the desire to get money and grow rich, that we may be losing our Americanism, that the patriotism of the American people is being undermined; and there has crossed my mind sometimes, and I have tried to banish it, the thought that it might be good for this Nation, maybe, to have a war. I do not believe it. I do not believe our commercialism and moneygrubbing have so far reached and degraded the American boy as to make it necessary to send him into the trenches in order to revive his patriotism. That has been left to the older men. I would not trust the patriotism or the Americanism of a good many of them. If it were not for the very fact that so many of the American people have placed the dollar above everything else, we would not be thinking about going across the danger zone that has been established by the German Government in order to prosecute our trade and make money. Whether these corrupting and degenerating influences that are so far affecting the grown people of this country have yet so far touched the boys and the young men as to make it necessary that we should resort to some such heroic remedy as that of going to war it is hard to tell; and I sincerely hope that that time has not come yet.

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Let the newspapers say what they may. I think they have pretty nearly exhausted their vocabulary so far as I am concerned, but they may think of some other mean things to say about me because of what I am saying to-night. But let them say what they please; they do not understand the sentiments of the American people. They are not representing the sentiments of the people of the United States. The people all over this country are crying out and protesting against the misleading tactics of the American newspapers; so they may say what they like about me. I am willing to leave my conduct to the candid judgment of the thinking people of this Republic.

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will be the last time that I shall be permitted to address the Senate of the United States on any subject.

I am leaving the service of the Government, as I think, at a critical time. Perhaps I might be of no service to my country if I were to remain here. I am leaving to other Senators a grave responsibility. I pray God they may be directed aright, and that the people of this country may be saved from the horrors of war that now threaten them, and that as a nation we may remain at peace with all the world.

Mr. CLAPP. Mr. President, about 12 o'clock last night a request was made that we agree to a time to vote. I indicated then a desire to voice my reasons for such action as I shall take upon the pending bill; and while, of course, I could not in so many express words say that I would consent after I had spoken, I indicated as clearly as one could indicate that thought without seeming to disregard the rights of anyone else.

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Mr. President, during this debate we have heard a great deal about international law. I shall devote no time to that subject, because anyone interested in the matter and deeming it of any possible relation to the question under consideration can consult the bulky volumes upon that subject wherein he will find opinions almost as much at variance as the opinions which have been expressed here.

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Mr. President, the Senator who presented this bill, the eminent Senator from Nebraska [Mr. HITCHCOCK], dwelt at some length upon the character of the President of the United States. Save for the fact that he is now President and taking the chances and possibilities of life, he may, and I certainly hope he will, live to the end of his term, and that after that he may enjoy that reflection which comes to one who has held a great office and feels that he has faithfully served the people in that capacity. Aside from this fact the President bears no relation whatever to this bill. No one holds Woodrow Wilson in higher esteem than I do, and ofttimes I have been met with a covert sneer from this side of the Chamber because of that fact. More than once my defense of him upon this floor has met with that sort of response. I do not agree with him as to our domestic policy, and I have voted, I think, against many of that group of policies that on the surface, it must be admitted, placed his first administration in the foremost rank of administrations of this Republic as a great constructive administration. To my mind, while they seemed to be great policies, and I will not take the time this morning to point out why, as I did from time to time while these policies were pending, it appeared that whatever may have been the purpose, and I always believed it was a lofty purpose, a desire to serve the American people, the President was dealing with questions and dealing with men, neither of which he thoroughly understood.

But, sir, in his foreign policy he has had no more ardent supporter than I have been, not because he is President of the United States, for I am no hero worshipper, but because I have believed where I could not have that information which I knew or thought I knew he must have, that with the information I could have, and trusting to the probability of his much more thorough information, he was acting up to high ideals and lofty purposes. When the troops went to Mexico the first time, while I would not, if it had been in my power, have sent soldiers to be sacrificed upon a foreign soil because a brigand would not salute our flag, yet after he had acted, when that resolution reached a vote in the Senate, I had no difficulty at all in reconciling my duty with a vote in the affirmative and of approval.

When he made his great speech here early in this session, I think one of the grandest utterances that ever fell from the lips of an American, if we except that wonderful oration of Lincoln's at Gettysburg, I was one of the first to congratulate him. When he severed diplomatic relations with Germany, that was a matter which rested entirely with the President. It was not the function of Congress to approve or condemn. I felt then that it was a mistake to bring the matter into the Senate; but it having been brought here, without any hesitation on my part, I supported the resolution of approval; and to-day, Mr. President, I know of no man in this country who in the light of his manifest purpose to keep this country out of war, in the light of the experience which these four years have given to him, I would intrust whatever should be intrusted to another, there is no one whom I would sooner intrust than the present incumbent of the White House.

But, Mr. President, that is the trouble. We are constantly passing laws with reference of our understanding of the man who for the time being is to be called upon to execute the laws. As I said a few moments ago, it is my firm hope that President Wilson may serve his term and that long years more may be his, but the President of the United States, like every incumbent of a public office, has one limitation which is common to us all, and that is that limitation which finds its significance in the utterance, "and no man knoweth when that hour cometh."

We should frame laws not with reference to the President but laws relating to the presidential office should be framed with reference to a President.

There is no limitation of time in this law. This is a law if it passes the two Houses and is signed by the President. Laws should be framed not with reference to what we think of some particular man, but with reference to the possibility of what any man might do if placed in that position, clothed with that power and possessed of the ordinary attributes of human nature. So, I think we would understand the scope and effect of proposed laws far better if we would lose sight for the time being of the particular individual who is in office and frame our laws with reference to the possibility of some unknown man occupying that office before the law itself ceases its operation.

Mr. President, I regard this bill as one of extreme significance. It is a step along that pathway which has wrecked every great republic and which will wreck ours if time should finally write the history of our Republic as a past institution.

The founders of this Government, while they had little to guide them as to possibilities of the future, had one great experience, the experience of centuries, and that experience among other great nations has taught man that whatever there is wrong, whatever there is of evil, whatever there is to be guarded against, always seeks to minimize the human equation with which it has to deal. It had taught man that in all those ages that have gone, marked by sacrifice, one thing has kept eternal step with the others, and that is that human liberty had advanced as the human equation of power broadened.

So they established our form of government, with its executive, its legislative, and its judicial branches. I am no blind worshipper at the shrine of any human expression. Nothing to my mind is sacred simply because it is in the Constitution; but the principles in that great document are to be revered because they are in themselves sacred. The reiteration of a principle adds nothing to its force. The denial of a principle takes nothing from its force. But that principle—the broad equation essential to preservation of rank—is enunciated in the American Constitution and it is to be respected, because human experience has demonstrated its wisdom.

The natural thing for mankind seems to be that no matter how wise the equation, mankind seems to constantly revert to the one-man power in government. I presume this is due to the fact that in the mind of the voter casting his vote, beginning with the lowest office and reaching finally the Executive, he naturally regards that office highest in the scale as a beneficiary of his suffrage as his particular representative.

Then there is another reason. While the great mass of that portion of humanity which we call Christians worship an unseen God, yet somehow there seems to be a tendency on the part of man to desire something that he can see to reverence and revere.

Let us see what George Washington says about it. In his Farewell Address to the American people, in speaking of complications with foreign Governments existing at that time, he said:

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

He refers in this message to the course taken by him when foreign governments were at war and we were threatened with complications that would lead us into the strife, and covering that question he issued a proclamation that is evidently referred to in the Farewell Address, in which he says:

Whereas it appears that a state of war exists between Austria, Prussia, Sardinia, Great Britain, and the United Netherlands of the one part, and France on the other, and the duty and interest of the United States require that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent powers.

I have therefore thought fit by these presents to declare the disposition of the United States to observe the conduct aforesaid toward those powers, respectively, and to exhort and warn the citizens of the United States carefully to avoid all acts and proceedings whatsoever which may in any manner tend to contravene such disposition.

And I do hereby also make known that whosoever of the citizens of the United States shall render himself liable to punishment or forfeiture under the law of nations by committing, aiding, or abetting hostilities against any of the said powers, or by carrying to any of them those articles which are deemed contraband by the modern usage of nations will not receive the protection of the United States against such punishment or forfeiture; and further, that I have given instructions to those officers to whom it belongs to cause prosecutions to be instituted against all persons who shall, within the cognizance of the courts of the United States, violate the law of nations with respect to the powers at war or any of them.

In testimony whereof I have caused the seal of the United States of America to be affixed to these presents and signed the same with my hand.

Done at the city of Philadelphia the 22d day of April, 1793, and of the independence of the United States of America the seventeenth.

[SEAL.] GO. WASHINGTON.

By the President:

TH. JEFFERSON.

Mr. President, that shows pretty clearly what George Washington would have done under the present circumstances. If an American citizen saw proper to manufacture and to ship to belligerent nations munitions of war to help carry on the war between the belligerent nations, the then President of the United States declared that he would receive no protection from his Government, but that he would be left to suffer the forfeitures which might be imposed upon him for that violation of neutrality.

Mr. President, one who assumes at a time like this to speak for the American people should search his own conscience and know why he speaks and in whose interest. Are we speaking to-day in the interests of the great masses of the American people who are crying out all over the country against going to war? Are we speaking for the people who are following the advice of the President of the United States to maintain strict neutrality, who believe in neutrality and are doing their part to maintain it, or are we speaking for the selfish few who are after the almighty dollar, who like war because war means money in their pockets? Are we attempting to protect the rights of American citizens who are traveling upon the ocean, or are we trying to protect the trade out of which a few American citizens are growing rich?

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Then there is another reason. While the great mass of that portion of humanity which we call Christians worship an unseen God, yet somehow there seems to be a tendency on the part of man to desire something that he can see to reverence and revere.

So between these two twin forces in a Republic founded upon the broadest equation there is always the danger that it will gradually gravitate toward a recognition of the one-man power.

We have seen evidence of this in the past few years. We have seen the prerogatives of Congress constantly, I do not say invaded, but surrendered by Congress itself. Year by year we more and more surrender to the executive department of the Government those functions which the fathers, in my judgment, wisely placed in the hands of Congress.

There is a reason why certain powers should be in the hands of Congress. I do not care how perfect a man may be; I do not care how lofty his ideals and purposes, the evil forces in human nature are ever weaving around a man in office their network and their pitfalls, and unconsciously a great man may be surrounded and influenced by forces of which he little dreams. It is more difficult to influence a large body like Congress, because there is naturally always that diversity of opinion where a number are involved.

This bill does one of two things. We might stand here and spin theories about the constitutional law involved and the international law involved; it does one of two things: It either seeks to give the President a power which he does not have, or it does not enlarge his power. We can not quote the President on the bill itself. The President asks the power which he said he already had. But this bill was not before him and I do not know that it has ever come to his personal consideration. All I do know is that he stated that that for which he asks he undoubtedly possessed the power to do now. If it is a mere repetition of the power which he has, I see no particular service which it renders. If it is an enlargement of power, then the question is whether Congress should abdicate this great function of declaring war or exercise that function itself.

Mr. President, I am not willing to confer that power upon any man, no matter how highly I esteem him, no matter how great regard I have for his purpose or his ability.

I am going now to trace somewhat briefly the genesis of this matter, and I shall do it now, as I have always done it before, with ungloved hands.

For several years every time the naval bill came up we had a war scare. Poor Japan was used for that purpose until Japan as a background of the war scare got sort of threadbare and weather beaten. About that time the war broke out in Europe, and then we had a new phantom. We suddenly had developed in this country a cry for preparedness. I propose to show that notwithstanding the half billion of dollars that we voted under the alleged plea of preparedness we have not secured any great amount of preparedness. But where did this cry originate? It always seemed to me that the time when Europe was rapidly becoming one great graveyard, when millions of her men were in their graves and millions more on crutches, when the credit of those great nations was sinking day by day, that of all times in the history of this Republic this was the time when we might abate somewhat our great expenditure for war. When the European war broke out we were expending, as I remember, 70 cents of every dollar of the revenue of the Republic for wars, past and prospective.

But it did not take long to discover the source of this cry for preparedness. We soon began to have defense leagues organized, national defense leagues and some others the names of which I do not now recall. But it was a singular fact that there was a very close relation between certain great interests in the East and the personal make-up of those leagues. It did not take long to see through them. I personally know of men being sent throughout the country organizing defense leagues who could not have done so had they not been paid by somebody. Later one of them called on me in my office. In a spirit of sarcasm I said to him, "It is a great thing for this country that we have men like you, possessed of large wealth and willing to devote their time and great wealth to the general welfare." He smiled; he recognized the sarcasm, of course.

This condition went on until there grew up in Europe a demand for munitions of war, and at the same time there was growing a sentiment in this country in favor of taking the profit out of war by building our own armor-plate plant. In spite of all the efforts of the "invisible government" that spirit grew until finally the bill passed through the Senate Committee on Naval Affairs, when, as I recall, we were met with the threat that if we dared to build our own armor-plate factory the armor-plate manufacturers in the interim would penalize the Government by the charge they would make for armor plate for use upon our battleships.

Mr. President, there may be those who fear that out of the graves of Europe may come forth the dead, who in martial array may invade this Republic; but I fear more a condition when a concern in our own midst has grown so great and so bold that cunning is no longer a part in its methods, and when it threatens to penalize this great Government if we dare to build our own armor-plate factory. The threat fell, thank Heaven, upon deaf ears; but, while that threat did not frighten the committee or Congress, it seems still to have worked its purpose some way. At the close of the last session of Congress we had five heavily armored battleships, of which, if I recall correctly, three had been partially built. We added eight more to that list, and at this session of Congress we have added three more, putting upon the American taxpayers the cost of all these heavily armored dreadnaughts, when there is not a man within the range of my voice but knows that not one of them could be built to meet any possible contingency that confronts us to-day. Not only that, but they were ordered built when the experience of the war in Europe had shown that it is not the great, heavy dreadnaught that a nation needs. There never were two schoolboys who had a scrap in the back yard of the school but knew that the boy who could reach quickest and farthest would win over his adversary.

Experience had taught us that the swift-sailing cruiser, with guns that threw shells farther than the adversary, was the winner and victor upon the water; and yet we have kept on providing for the construction of these great, heavily armored dreadnaughts. Not only that, Mr. President; it has been done at a time when a German submarine—not a war submarine, but a German merchant submarine—defied the greatest navy on earth by crossing and recrossing the Atlantic Ocean.

No; the threat of the armor-plate companies that they would penalize this Government did not frighten Congress; but somehow or other it seems, notwithstanding that, the American people to-day are bearing this heavy burden. That is the reason why I voted against the naval bill in the last session and why I should also have voted against the recent one had there been a roll call.

Following up the talk of preparedness and this war scare came this German submarine situation. To-day in this country there is a strong demand that before Congress declares war we submit the question to the American people. I confess there would be some difficulty in taking a referendum vote of the American people upon that question; but instead of listening to the appeal of the American people for a referendum Congress now proposes to go the other way and to abdicate its own function of declaring war.

Mr. President, war broke out and Great Britain promptly blockaded the German ports and filled the North Sea with its mines and torpedoes. Strangely enough, no great complaint was made of that, and as our people kept out of that zone none of them, as I now recall, were killed by those means, although I think the Senator from Iowa [Mr. CUMMINS] this afternoon stated that some had lost their lives. When, however, Germany proceeded with her submarine warfare there arose a complaint. I am inclined to think—and Heaven knows if I had it in my power I would banish the last submarine and make it impossible to ever construct another, as I would also every other weapon of war—but I am inclined to think that we have got to recognize one of two things: Either that the submarine is going to be used as an instrumentality of war and, if used, its peculiar condition has got to be recognized, or we have got to banish it.

The Senator from North Dakota [Mr. MCCUMBER] night before last introduced an amendment in which he proposed to tolerate the submarine, but to provide that the submarine should follow the old-fashioned custom of the man-of-war. The man-of-war could throw a shot across the bows of a ship, which was a warning to that ship that she must then heave to and submit to seizure and search, or suffer the consequences. A submarine, from the very nature of things, can not, of course, throw a shot across the bows of another ship; it can not carry a crew that can board a ship; it can not take care of the crew of a ship; it can not take care of the cargo of a captured ship. There is only one thing that the submarine can do, and that is, through the Government which owns it, to give out a public notice where it proposes to go and where it is proposed to be used.

Now we are building submarines, and I want to say here to-night that the time may come, if we go on building them, when we shall have to insist that the notice given in the case of a submarine is a public notice, a public warning. The world has either got to recognize such a rule or has got to abandon the use of the submarine, for it is idle to talk about a submarine seizing an armed ship when a ball the size of a man's fist will put it out of commission. It is useless to talk of a submarine seizing an armed ship and then searching a ship, taking that care of its passengers and crew which under the old rule the blockade ship had to do if it sought to interfere with the passage of a

blockade runner. I hope that, by keeping out of this war ourselves, by extending peace rather than war, the time may not be far distant when the world will recognize that the submarine has got to be discontinued. If it is not, then, whatever may be our ethical view of this question, if the submarine is to become the great factor in the wars of the future, Sherman's expression that "War is hell" will faintly convey the thought of war when the submarine becomes on both sides a controlling force and factor in the conduct of war.

I do not believe that the conditions as they exist to-day warrant me in voting war or in voting for a measure which, in my own judgment and in the judgment of some of the most eminent friends of the measure, is bound to result in war. As I could not vote for war to-day, so I can not abdicate my function as a Senator and delegate to another the power to declare war.

There is one condition in this country that I very much deprecate. I can understand, of course, how a man who was born in France or whose immediate ancestors came from France, or from Germany, or from England, should in this great struggle sympathize with the land of his nativity or the nativity of his more direct ancestors, but why those of us in this country who can trace our ancestry back to this soil for two to three centuries should become so partisan in the struggle between the allied and the central powers is beyond my understanding. It can probably only be traced primarily to one cause, and that is this eternal greed for gain which has been the curse of mankind, is its curse to-day, and will be its curse until in the wisdom and providence of Heaven some relief may be found for it.

There came no great outcry from certain quarters until the submarine blockade interfered with trade. Then from this source we began to hear the more and more insistent cry about protecting American trade.

Mr. President, so far as trade is concerned, there can be no difference between blockades, except that one party to that great struggle in Europe is more of a customer for American munitions than the other, except for the fact that one party in that great struggle affords a greater market and is a greater consumer of American material other than munitions than the other. We are confronted to-day by that spirit in this country that would make war for gain. It is here and we can not disguise it. Thank God it is confined to a small portion of the American people, but, unfortunately, there are a great many people in our country who on account of the tradition of war being associated with the processes of human liberty and the establishment of free governments, associate war and patriotism as synonymous terms, forgetting that every page of the world's history teaches the eternal truth that patriotism is required more in time of peace than in time of war. War is the supreme test of patriotism, but war can not make patriots out of men from whose natures every spark of patriotism has gone. The story of those nations that have come and gone is the story of the decadence of patriotism in time of peace. The story of those nations that have been born as republics and have drifted into imperial powers is the story of people that have permitted power to grow up as a matter of greed and power under the guise of a republic. The story of the rise and fall of these nations points with unerring finger to one eternal fact, and that is that nations decay in time of peace. Nations may seem to be born of battle and to die of battle, but nations are born of that vigorous citizenship that stands sponsor at the birth of a nation. Nations have perished because citizenship has become so enervated and so corrupted that it could not even shed a tear at the death of the nation that had been its home.

No! We are too much given to think that the only test of patriotism is a willingness to talk war or make war; but the real test, after all, is in the walks of private life and in the years of peace that come to a nation. That is when a nation needs patriotism. But this thought that patriotism and war are synonymous creates a condition that this invisible and sinister spirit of greed seizes upon; and to-day we find in our country thousands of people, honest, of lofty purpose and altruistic motives, but who, having been brought into this atmosphere of war, somehow believe that the cry of greed for war must find a lodgment in the heart and spirit of the patriot. We find that condition to-day; and, Senators, that is the condition that we have got to face and have got to confront.

Thank Heaven, aside from these two forces the great rank and file of the American people are opposed to war. They were opposed to war with England because England blockaded German ports. They are opposed to war with Germany because Germany blockaded English ports. Why should we go to war or talk of going to war? It is a singular fact that we are the only people to-day who are talking about war with the United States. No other nation wants to engage in war with us. Then why this constant talk of war with someone else?

But it is said that our honor is at stake. It is true that we have lost many lives by this policy; and yet, after all, war means the slaughter of many. One of the Senators favoring this bill declared that our policy with Mexico was the most shameful in our Nation's history. I agree with him; but not as to the Mexican War he refers to. I believe that while it is true that we sent troops to Mexico, and while it is true that some men were killed there, among those things that Woodrow Wilson can look back to as he reaches that age when a man reflects upon the past, none will stand out brighter than the fact that he had so little slaughter, so little bloodshed, so little murder, in the Mexican policy as there was. There will only be one brighter star, and that will be the fact that so far—and Heaven grant for the balance of the time—he has succeeded in averting war with any nation in Europe, and succeeded in keeping us, so far as it is in the power of a President or one man to do so, out of that awful vortex of war.

Is there a Senator who will say here that England has become cowardly? Is there a Senator who will say here that England is not sensitive of her honor? But what has England done? On the 22d of last month, on page 3898 of the CONGRESSIONAL RECORD, I put two articles in the RECORD. From one of these articles it appears that Australia, one of the great colonial possessions of England, has by law forbidden the embarkation of any woman or child to an English port. From the other it appears that the Indian Government has passed the same law, except that its law provides that they may embark if a case of extreme urgency presents itself. Canada has done the same thing.

On the 23d of February the following item of news came from Halifax. I think I cut this from the Washington Post. The other two articles were taken from the Washington Star. The Halifax article reads as follows:

HALIFAX, NOVA SCOTIA, *February 23.*

A number of women and children who arrived here on a steamship from the United States for Europe were taken off to-day by the Government authorities under a regulation which provides that women and children may not sail from a British port for England at present.

Three American women aboard the liner, which arrived in port last night, were permitted to continue the voyage. Clearance papers were refused the ship until 25 Canadian women and children had been removed. They were taken ashore in tugs.

Which would be the wiser and the more humane thing for England—to defy, with her mighty navy, this submarine blockade, or to require that women and children shall no longer enter the danger zone? Can we not gain something from the wisdom of England? Would we lose anything in national honor by adopting the policy that that great power adopted? I repeat again, knowing that it can pass without a challenge accepted, that no man in this Chamber would accuse England of cowardice in protecting her honor as a nation, yet on that very ship from which England removed her women and children there sailed into that danger zone three American women, and still we say that we must maintain our honor! Theoretically a person has a right to travel. But should the peace of a great country be jeopardized by individuals risking their lives, where there is no occasion for it, accentuated with the harm it may bring to others?

Mr. President, it would not cost me an effort to vote the last dollar of our resources if it was required to defend America in a matter of real honor that really affected her, but the defense of a nation is one thing and the needless plunging of a nation into war is another proposition. I would not want my own son sacrificed in a war into which we needlessly plunged; and more than that, I would feel for the mothers of this land and for the sons of this land.

It may be said that there has been every now and then in this debate, sometimes, a spirit almost bordering on levity, but we stand to-day face to face with the question. Before the Civil War we did have a war with Mexico, and it is one of the blackest pages of American history. On the other hand, the effort of Woodrow Wilson, mistakes though he may have made, resulting in as little loss as it has resulted in in Mexico, stands out as a bright and luminous page by the side of that outrage when this Nation invaded Mexico in the old Mexican War.

War may be honorable, and war may not be honorable. War may be waged for a real purpose; it may not be waged for a real purpose. I, for one, would not at this time even seriously consider the question of going to war with Germany for any existing condition or any past facts involved in that condition, and would not delegate to another the act of declaring war.

Senators, you have been told by one of the great leaders in favor of this bill that the acts contemplated by this bill mean war. Mr. President, I hope for the opportunity to vote to try and amend the Senate bill by the amendments offered to it by the Senator from Iowa [Mr. CUMMINS] and the Senator from

Missouri [Mr. STONE]. By prohibiting the carrying of munitions in the ships proposed to be armed they at least rob the bill of much of that element that in the first place would constitute war, and in the second place would most likely lead to war. I ask now what has become of the effort to prevent the shipment of munitions led by the Senator from Nebraska, the Senator now in charge of this bill? I was thrilled, sir, as others were thrilled in this Chamber, when he stood on the floor two years ago and pleaded for human rights in a plea to prevent the shipment of arms and munitions of war to a country engaged in war. It was a great effort. It was a patriotic effort. It was an effort that found a response in the heart and the breast of every lover of humanity in this land. The man who sells to another an instrument of death, knowing that he is going to commit murder with that instrument, can not escape his share of the responsibility; and that great truth was put forth so eloquently by the Senator from Nebraska then. To-night he was offered an opportunity—aye, before the Senate bill came out here the opportunity was given—to take the language of the Senator from Missouri and eliminate the carrying of munitions and arms. That is accomplished by his amendment. It is also accomplished by the amendment of the Senator from Iowa.

If you are going to pass this law, whether you think the President needs a power that he already has, or whether you want to abdicate the great function of declaring war conferred upon the Congress by the fathers of the Republic and turn it over to the President, at least minimize the danger of this transaction by prohibiting the shipment of arms and munitions on the ships which it is proposed we are to protect; at least withdraw from the protection of this bill ships that are conveying arms and munitions to the seat of war. They invite attack; they contribute to murder over there; and the time will come—as it comes to a man, so it comes to a nation—when, standing at the bar of a tribunal of absolute justice, the American Republic will pay a penalty for that crime as we paid a penalty for the awful crime of slavery. Attribute it to the purpose of the Divine Power, or attribute it to an eternal law of retribution, I care not which; men can not escape penalties, neither can nations.

I appealed to the Senator when this matter was before his committee, when as I understand the great Senator from Missouri urged this course; if there is now an opportunity to embrace this in the bill, why should it not be included in the bill? If we must pass this law, if we must give these ships this protection, if we take them out of the category of the pirate and lift them to the protection of a ship that in a measure is commissioned by a government because the Government furnishes arms for the ship—if we are going to throw that protection about the ship, let us at the same time impose upon that ship the condition that it shall not invite destruction and death by carrying arms and munitions, that we shall not contribute to the murder upon the battle fields of Europe by the furnishing of arms and munitions, at least through ships under guaranteed protection.

Mr. President, it is a sad thought, it is a sad spectacle, that this great Nation of ours, with its splendid history in the past, is so thoroughly to-day in the hands of commercialism that we propose to lend ourselves to a war for commercialism, born of commercialism, feeding upon commercialism, and fattening the commercialism of our own land. No, Mr. President. I have no apology to offer for insisting that it might be my privilege, in this closing hour of my service in the Senate, to give some of the reasons why I can not vote for the bill as reported by the Senate committee.

Mr. LANE. Mr. President, I wish to state my position upon this bill. It is all very simple, or at least it seems so to me, and it seems to me also that it is my duty to do so.

I have made no speeches on the bill. I will not occupy much of your time. I have been willing, at any and all times, if the bill could be amended in a simple way, which I have thought would be better and keep us out of war, to vote for it. I did not, however, want to vote for it until I heard a full discussion of the subject, a pretty general discussion of it—I do not mean to say an exhaustive one, but a clean and logical expression of views from both sides of the Chamber.

I regret to say that I have noted, upon the part of the committee, a disposition to be suspicious, impatient, and distrustful of any interference or suggestions coming from anyone with their plans, which are apparently fixed, unalterable, and not to be questioned. That attitude, I confess, does not appeal to me. When a man or a committee or anyone else comes to me in that spirit and tells me that I have "got to do this," or that I have "got to do that," I find it to be irritating.

There was circulated to-night a so-called "round robin" among the Senators, which has caused a good deal of bitterness. And it has left a bad taste in the mouths of some of those who signed it, as well as those who did not sign it. I have not read that document, and merely got a glance at it after it had been brought in here and waved around before this body. A folded document was brought to me and I was asked if I had seen it, and I said I had not, and I was asked if I would sign it. I said I would not sign anything binding myself to anything concerning this bill until after a full discussion of it and the House bill. That was my right. There was nothing wrong about it.

I would not have done my duty either by myself or the people whom I represent if I had not reserved that right. I have learned several things in this body along that same line, and have found that it is well to scan carefully such agreements, and also that it is well to be careful how you agree to vote on unanimous-consent agreements which are so smilingly presented to one, where you afterwards find yourself gripped in a vise, in a very tight vise, with no smiles attached to it, but a pinching down relentlessly of its jaws.

That was one reason why I did not pay any attention to this document and even refused to read it. I had an idea that it would work perhaps that way, and it struck me, too, that it might be used, or would be used, to coerce.

In respect to our right to interfere, to intervene, by way of granting rights to arm vessels engaged in carrying munitions of war to one of the warring nations in order that it may kill more of the people of another nation, it does not and never has, and I fear never will, appeal to me as being a wholesome or reputable task to be engaged in. And it has seemed to me that we had better be doing something more useful for our own people. Some day we may have to meet as nations, as we meet our neighbors as individuals, and if we can meet them in a manner in which we can look them in the eye without blushing or without having to carry a gun in our hip pocket.

I am not reflecting on the President in this. I am taking the measure as I analyzed it for myself. If there is any man on earth whom I would trust with this, I would as lief select the President as anyone; but to be quarreling for the right to arm ships fore and aft with 6-pounders or 8-pounders, or whatever they decide to use, in order that they may be prepared to fight off attacks from one nation which is trying to protect its own national existence, to put such vessels under our protection, with our guns aboard, with men from our Navy to handle those guns, and loaded with ammunition, powder, shells, and everything for destructive purposes—designed to do harm to a friendly nation—did not appeal to me either. It does not appeal to me yet. There are so many other things that we could do and be doing now, and which are overdue, and which it is our duty to do, and which we have neglected, which would bring happiness and prosperity to this country and no hard feelings reaching to us from any corner of the globe, that it seems to me to be our first duty.

A short time ago—you have all read it—there were food riots in the large cities in the East—and, by the way, there will be more of them. Potatoes were selling at 8 and 10 cents a pound retail; sugar at 10 and 12 cents a pound retail; meat was selling at 35 and 40 cents, except for the very cheapest cuts; flour up to $8 and $10 a barrel; and bread at a price where the poor people of this country are unable to get enough of it to eat, where the women, with children in their arms, were pleading and are now pleading for enough bread to eat, "If you please, just enough bread to eat," and some of them begging for the crusts off of your table—old, old bread that you can not eat, no matter how old it is, they ask for it; stale bread, three or four or five days old, a week or a month old; and they are willing to dig the mold out from between the cracks where the loaf has shrunk.

Our own people, our own citizens, to whom we owe the duty of seeing that they do not starve—at least that they do not starve when the country has more money than any other nation has ever possessed in the history of the world, gained in large part by visiting death and suffering and misery on other people.

For that reason I have no great enthusiasm for this bill. It is a large grant of power, also, to place in the hands of an executive official, one of the best we have ever had, a man whom I like personally, whom I would love to please wherever I could if I thought I could do so consistent with my duties to others, not Presidents or other high officials, but thousands and hundreds of thousands who have never been Presidents nor Senators, nor received a salary large enough to keep them from crowding the edge of hunger and starvation all their lives. There lay my larger duty, as I understood it, and there is where I would like to help you make some appropriation of money for their relief.

There is one amendment I would like to put on this bill, say, an appropriation of another hundred million to buy food for suffering American citizens. I am not opposed to this bill if it is necessary, and if you will accept a part of the Stone amendment, or one upon the House bill, which would provide that it shall be used in a manner in which we are lawfully and justly entitled to use it, and not merely to purchase and place guns aboard ships which will load themselves down with ammunition and then go across the route which they know is infested with torpedoes or mines, spending money to hunt periscopes, on a submarine hunt, trying to get by them with munitions of war to be used in the sacrifice of lives of people who are as yet our friends—as yet our friends, as yet our neighbors. It looks like the measure might in the hands of a malicious person be turned into such a use—these vessels with the guns aboard them—that it would drive us into war, and that an able, evil-minded captain or commander of a vessel could bring on a war and make millions of dollars by doing so, and bring other millions of dollars into the hands of munition makers and others, people for whom I do not care to legislate.

I do not care to fight or legislate or appropriate money, the money of the people of this country, for a certain gentleman who has made millions and millions and hundreds of millions of dollars out of the misery and the death and the destruction of unfortunate people across the seas, who are dying and going hungry by the thousands. I have not much respect for a man who makes large sums of money by any such traffic. I will not fight for him if I can help it; I will not convoy him or furnish him guns. He can buy his own guns and go, yes, quite freely. I will not interfere with him, but I will not accompany him.

If we have citizens who want to go around over the world during war times selling munitions, I do not wish to take care of them. I would vote to put up a lot of big signs warning them to stay at home and put their energies to work to help feed our own people who need it.

Suppose some of these craft armed fore and aft with guns do go out to sea and shoot the periscope off a German submarine; that is an act of war, and we will have war.

These nations are ruining one another, and there is no reason why we should get into it too. I have thought of that in the consideration of this bill. I do hope that our good old friend here from Missouri, the senior Senator from Missouri [Mr. STONE] might have his amendment modified and adopted. It would please the people better. I do not see much use for any of it at this time, unless there is something going on beneath the surface which is not presented to us for our consideration. I am no mind reader and I can only pay attention and give credence to that which I see before me.

There is another little matter in this bill which appeals to me, or rather which attracted my attention, and that was this: I am not an attorney, but all the lawyers here have conceded that in the past and up until this time no one had a right to declare a war on any other nation except the Congress, the representatives of the people—not the executive department nor the Department of Justice. The actual power lies close to the people who have to do the fighting, the people are now going hungry, if you please, and it looks to me as though Congress would be abdicating its constitutional rights, as though the Congress was divesting itself of the constitutional right and placing the power in the hands of the Executive. That thought presented itself to me. It seemed to me that I had no right, as one of the Senators here, to give away the rights of the people whom I represent, or those of any of the people of the United States.

It seems to me we are hunting to make enemies. It seems to me that in this bill we go out of our way; we act as if we were placing a chip upon our shoulder. I do not say this in bitterness, and I do not say it in any harsh criticism. I do not feel that way about it, but that is the way it suggests itself to me as I read the bill and as I look about as a citizen of this country and view other nations. I tried to realize to myself what I would like to have done to me under similar circumstances. "Do unto others as you would have them do unto you." I am no man of peace. I would fight to the last ditch or the last trench, and I expect I would use submarines, if I could get them, against anybody or any nation that attempted to invade this country; but it seems to me to be unwise that we should go out of our way, and such a long distance out of our way, to get into trouble, acquire a greater indebtedness, and incur enormous expenditure at a time when there are so many of our own citizens in distress.

Mr. HITCHCOCK. Mr. President, does the Senator think we have any neutral rights?

Mr. LANE. We have just as many neutral rights as any other nation, and no more.

Mr. HITCHCOCK. Does the Senator think that they are now being trampled upon?

Mr. LANE. It seems to me we have taken every chance of putting our toes under the heels of nations with whom we are supposed to be friendly.

I will give an illustration——

Mr. HITCHCOCK. I am only asking the Senator a question. If he thinks we have neutral rights and they are being trampled on, does he not think we ought to defend them?

Mr. LANE. I do not think our citizens have any neutral rights to load ships with ammunition with which to kill the citizens of a country we are at peace with and then go inside of the war zone which they marked out around the nations with whom they are fighting in a death grapple. I think that man has no neutral rights that should cause us much concern. He is a big fool.

Mr. HITCHCOCK. Does the Senator know that it is not the practice of American vessels to carry munitions of war?

Mr. LANE. We have not any vessels; that is one reason.

Mr. HITCHCOCK. Yes, we have.

Mr. LANE. How many? Three?

Mr. HITCHCOCK. We have quite a fleet of them, but they do not carry munitions of war.

Mr. LANE. Have we lost any of them?

Mr. HITCHCOCK. They are in our ports, afraid to go out. They can not go to German ports or neutral ports, because England prohibits it, and they can not go to English ports, because Germany prohibits that.

Mr. LANE. One would blow them up with mines and the other torpedo them.

Mr. HITCHCOCK. Does not the Senator think we ought to insist on having our commerce protected?

Mr. LANE. Under those circumstances I think it would be a matter of plain common sense and we would preserve our neutrality with all nations better by letting them fight it out in their nice little selected zones or prize ring, or whatever they wish to call it, and we could be the referee or help sponge them off when they get their noses bloody and help in little kindly platonic matters like that. It does not appeal to me that it is good sense for us to keep intruding ourselves, if you please, inside of the barbed wire or zones which some of the belligerents have filled with mines and with chains to catch torpedo boats, and the other contending nation has the seas swarming with these little stingarees. It is a matter simply of common sense to keep out of there and not to go hunting their periscopes and get shot at, for if they accidentally mistake you for an enemy, which mistake may happen any day, it would plunge this country into war. So I do not see why we should undertake to go so far to get into trouble. It is like buying a lawsuit and paying a bonus for it. That is the way it seems to me as a Senator, and that is one of the reasons why, with all due respect to Senators and to the President whom I admire, that I do not feel that I could support the bill in its present form and did not evince that interest in it that I otherwise might have done; but I wish it could be drawn, and I will help in that direction, or so modified that we could not get into that position unless other nations seek our destruction. If they should, then I will vote for bills to help clean them off the ocean. But I have not come to the conclusion that they are a people that ought to be exterminated. There are very few people in the world, when you become acquainted with them, if you do get acquainted with them and associate with them, that you would want to kill. You would not want to kill a Chinaman, for instance. They are a poor unfortunate people who are run down by everybody, but when you deal with a Chinaman—and there are many of them in the section of country where I live—you get so after a while that you like him, and when it comes to a friend, he is the most faithful friend of any man I know. If he is your friend he is your friend to death, but if you try to trick him, if you play false with him, or try to get the better of him, then you want to beware, for he has the keen Asiatic brain, and he will protect himself; but treat him fairly and honestly and he is to be trusted. So also the Eskimo. They are the kindest people in the world, although they are not pretty; and so with the wild Indian who goes around with nothing on but a breech clout and leggins, but he will make camp with you and stay with you, undergoing the most severe hardships. I have never known any people yet after I became acquainted with them that did not possess fine points, and certainly they have a right to live. I have no bloodthirsty disposition toward any of them.

As I said, you need have no fear but that I will support you to any extent in the defense of this country against all comers, but I would first put this country in a state of defense, and I would save the money that is uselessly expended, and use it

to feed our own people and to manufacture supplies at a reasonable cost, at a fair price, and put this country in a position so that no nation would dare think of coming over here or would think a long time before they would try it. Then, after feeding our people and putting them in condition, they could fight if they had to, and not have to fight cold and hungry, we would be much better off.

These are some of the reasons why I did not read or sign that round robin, these other matters being of larger consideration to me, and I did not like to be tied down to something which might leave me without any opportunity to express dissent and with provision which I might think would be against our own interests. I think it is our duty to look over the whole situation calmly. If munitions are taken abroad, let them be taken at the owner's risk. That would be a different matter with me. When our boats carry munitions, that is still another question, and it will involve much trouble if pursued. Under the terms of this bill, when I read it, I feared that probably war would be on us within 30 days, and I would not be at all surprised now if 30 days should bring a great calamity to this country.

Who would profit by it? Would the poor people of this country, who are short on food, short to an extent that is beginning to affect their nourishment? Would they get more to eat or be happier? No; they would get no benefit and their families would lose.

Perhaps the corporation which made last year $322,000,000 over and above all costs of marketing, sinking fund, and depreciation might profit. Of course, it would not affect their health, nor would they have to march shoeless. They probably would not march at all, but would be kept busy attending to social functions and giving dinners to others. The other men, like those around town here, would feel the pinch. There are 90,000,000 or 95,000,000 of that kind. The mass of the people of the country would do the fighting and the suffering, and they are the backbone of the country, and upon their back rests the Nation's existence; that back may not be washed as often as it might be with fine-scented soap, but your wife's life and the lives of your family and your property and your prosperity and our future rests on that back; and we want to pat and treat it well, treat it kindly, give it enough nourishment to enable it to fight for us. When we have more of that kind of men than we need, and they are prosperous, then let us get out and have war, universal war, and whip the world. There are enough men in the country to do it, but we will have to lay in additional food supplies first, and we had best keep our munitions at home, for I think we are going to need them badly soon, and are going to need more than we have.

That was the reason I did not want to vote for the bill unamended. I have not refused to vote, nor have I at any time attempted to delay a vote on this bill. I have indulged in no filibustering, and I have no objection to anybody doing what they please about it, and if it suits them it will suit me, but I ask in return the same privilege from them, and I am going to take it whether it is granted to me or not, for I have the right to demand the same privilege.

Mr. NORRIS. Mr. President.

The VICE PRESIDENT. The Senator from Nebraska.

Mr. NORRIS. I request that during my remarks I be not interrupted. Contrary to my usual custom, I intend to decline interruptions, as I do not want to take unnecessary time in the discussion of the bill.

Mr. President, while I am most bitterly opposed to this bill in the form in which it is before the Senate, and I should be deeply grieved and very fearful of results if it should be passed, yet if it is passed at this session or at a special session, which everybody knows must soon be called, and if under this bill the President, exercising the authority that is given to him, shall take the steps in accordance with the law that is laid down in the act and our Nation becomes involved in difficulty or war on account of it, even though I believed or might believe that the steps he took were wrong, I would be found, both as a citizen and as a member of this legislative body, backing him up to the very limit of my ability. If this bill should be passed and war should result, as I fear it would, even though I would bitterly regret the fact that the bill had passed, there would be no man who favors the legislation who would go any further than I would go, both as a citizen and as an official, in doing my utmost to bring to a successful issue such a war.

I regret that there has been some feeling displayed. I am sure that, so far as I know, the Members of this body who have taken positions have been conscientious in doing so. There are Senators who favor this legislation for the reason that, in their judgment, it will have a tendency to get us into the war. There are many honest people all over the country who believe that we should take part in this war, and, of course, such people, whether they are Members of Congress or private citizens, desire this bill passed without amendment. Before I finish I shall analyze to the best of my ability this bill, and it seems to me that I can demonstrate to the satisfaction of any fair-minded person that there is great danger, if we pass this bill, that the very passage of it will be considered an unfriendly act, and that if the President undertakes to carry it out it will be regarded at once as an act of war.

There has been considerable said about a paper that was circulated for signatures among the Senators in which it was stated, in substance, that on account of its being impossible to bring this discussion to a close during the few hours that remain before noon on the 4th of March it would be impossible to pass the bill, and making the further statement that those who signed were anxious to vote for the bill, and believed in its passage. Some Senators have been offended at that.

Mr. President, to my mind the circulation of that paper, the signing of it, and the printing of it in the RECORD is not ground for offense. I certainly want those who have done it to know that I do not feel offended. I do not think it improper, although some of the remarks made at the time it was placed in the RECORD I believe in time will be considered by the men who made them as out of place, coming about, no doubt, on account of overzealousness of the Senators who made them.

Mr. President, it has been asserted for some time that there was a filibuster carried on by those who were opposed to the bill. That has been the charge for the last two or three weeks in this session. It has been made every time there has been any criticism or discussion of any appropriation bill. We find ourselves near the close of the session with an attempt to finish the business before the session closes, and more business than could possibly be transacted if we worked 24 hours in a day, 7 days in a week, in three times the time we have left. Here was the Navy appropriation bill. It appropriated more millions of dollars than had ever been carried in a Navy bill in the history of this country, either in time of war or in time of peace. The most stupendous Navy appropriation bill that was ever presented to Congress in the history of the United States was brought in here, and every time a question was asked there was an intimation from some of those behind the bill that the motive was not right and that, as a matter of fact, there was an attempt to delay.

Here is the sundry civil appropriation bill on the calendar—it is impossible to pass it—appropriating money for all the departments of the Government in all parts of the United States. Here is the great Army appropriation bill, the largest Army appropriation bill that was ever presented to Congress. We are unable to pass it. All these appropriation bills, together with this bill and the so-called espionage bill, were hurled upon Congress during the last few days of the session; and when anybody objected, when anybody thought it was his duty to find out what was being done with the taxpayers' money, or what kind of statutes we were placing upon the books, the cry always came, "You are filibustering."

Mr. President, there was no necessity for all this conglomeration of business to be hurled in the face of the Senate in the last few days of a session that is limited by the Constitution of the United States. We took a recess during the holidays when we should have been here at work. We dillydallied along at various times through the session, and sometimes it seemed to me there was a deliberate attempt to delay, to get matters in such a condition that in the closing hours of Congress it could be said, "If you debate this bill, or inquire about this appropriation, we will charge you with being a filibusterer."

Mr. President, is it incumbent upon a Senator or a Member of the House to sit quietly, without opening his mouth or saying a word, while hundreds of millions of the people's money are voted away? Are we to be browbeaten into submission with the charge that we are filibustering if we dare to ask a question?

It has not been confined to appropriations, Mr. President. We passed the espionage bill, which was hurled right in upon us in the midst of all this work. The espionage bill might just as well have been presented to Congress on the first day of the session; but it was not introduced, it was not brought on the floor of the Senate until just about the close, with all these appropriation bills there. If the House of Representatives passes that espionage bill and it becomes a law, the people will wake up some day to find that thousands and thousands of things have become criminal that were not criminal before. They will wake up to find that they can not exercise the privileges and prerogatives of citizens of a free Republic on many occasions, if it is the desire of the Chief Executive that they should not. They will find the press muzzled—muzzled by the President under this law. They will find the liberties of the people curtailed.

You might walk down toward the navy yard in this city and meet a policeman. He will ask you where you are going. You will tell him, "To the navy yard." He will ask you why, and your answer may be that you want to find how long a 14-inch gun is; and he will say, "You are a private citizen. You are not entitled to that information. You are guilty of a crime if you approach the place with the intent of getting that information to which you are not entitled." All that would be true even in time of peace.

There are a thousand other things similar to that. There is no limit; and yet it was done with practically no consideration. Senators engaged in the other business of the Senate that we know was crowded upon them were unable even to read that bill; and you will remember that the committee was supported by nearly a unanimous party front in every vote. Why? The President wanted the bill. That was the cry, "The President wants this bill." It is a shocking increase of his power. I sincerely trust the House of Representatives will not pass it.

Mr. President, if it is filibustering to try to find out about something, to do the best you can—when it all comes at once, you can not do much—then I am guilty of filibustering. To the limit of my weak ability I have tried to uncover these things. I have tried to debate them and expose them where I thought they were wrong, and I know I have not even scratched the surface. But always it is said, "You are going to cause an extra session if you do it. You must swallow these bills whole. You must not cross a 't' or dot an 'i.'" It has been that way for several weeks now, since this wonderful embankment of legislation has been shoved down upon the Senate.

Mr. President, it is claimed in the case of this bill, just as in the others, that the men who are opposed to it are filibusterers; and yet some careful student will some day look up the RECORD, and he will find that those who favored the bill have taken the most of the time in its discussion.

Mr. President, is that a crime? Must I, in order to maintain my patriotism, swallow this bill without amendment or be charged with being disloyal to my country? Is it for me to say, "The President wants this bill; therefore the Senate must pass it without any change?" and is it my duty to submit?

Why, Mr. President, while Senators have been talking about a filibuster, let me suggest that in all this long, weary night there has never been a point made of "no quorum." Do you not suppose that we knew enough to suggest that point a dozen times during the night?

Mr. HUGHES. Mr. President——

Mr. NORRIS. I do not yield, I will say to my friend. I prefer not to be interrupted.

Mr. HUGHES. Well, the Senator ought not to ask a question if he does not want to be interrupted.

The VICE PRESIDENT. Perhaps the Senator intends to answer it himself.

Mr. NORRIS. I did not know that I had asked the Senator a question. If I have, I think I will answer it.

I said that during all the night there has not been a roll call. Why, Mr. President, if there had been a filibuster on when these conference reports came in that have been taken up by unanimous consent and passed by unanimous consent, do you not suppose objections would have been made to them? Do you not suppose they would have been debated? Do you not suppose there would have been roll calls on each one of them?

Mr. President, it seems to me it comes with poor grace to say, "You are filibustering," when the very means used in a filibuster have never been resorted to. You have had at least a dozen unanimous-consent agreements to expedite business during the night. Right now, while I am talking, there are just five Senators on the Democratic side of the Chamber, and it is 5 minutes to 8 o'clock in the morning. I am not complaining that there are not more there; but it must be evident to you that if there were a filibuster over here the Sergeant at Arms would be scurrying around over the city, arresting Senators and bringing them in here, and we would not be talking; we would be resting.

Mr. President, has anybody discussed this bill who has not confined his remarks entirely to it? No one. Has anyone made a long speech? I do not know of any, unless you would call that made by the Senator from Missouri [Mr. STONE], who is chairman of the committee, a long speech; and he was justified, I think, in making the speech that he made. I do not believe anybody would criticize him for it.

But you say, "It will bring on an extra session." That is what you said about every appropriation bill; and when some of us insisted on debating some of them, opening up some of them, considering some of the items, it was found that the smallest consideration was going to make it impossible for us to pass the bills in time to avoid an extra session. I said in the Senate just the other day, on an appropriation bill, that notwithstanding the fact that every time anybody objected to an item or asked a question about it he was charged with being a filibusterer, I was going to try to bring out the light on some of these items, even though it did bring about an extra session.

Mr. President, there is no excuse for all this business being piled up at the close of the session unless it was so arranged for a purpose, and I think it would be a good thing to force an extra session when such things are done with that motive, in order to prevent its being repeated at the next short session. If we should submit now and pass these appropriation bills, containing items running up into the hundreds of millions, by unanimous consent, without reading and without consideration, at the next short session we probably would not get an appropriation bill until the evening of the 3d of March, and we would have to pass all of those and any other bills that the President might want enacted. It might be well to know now that as far as I am personally concerned, to the limit of my ability, as long as I remain a Member of this body, I am going to insist upon the proper consideration of such items where they are of such a nature that they might just as well have been presented weeks before, even though it does bring about an extra session.

Since an extra session is necessary, and everybody concedes that it is absolutely necessary, and I do not believe anybody seriously questions but that under the condition of things it was a physical impossibility to pass these appropriation bills from the time they were put upon us, what is the great importance of hasty action on this legislation?

Mr. President, I do not believe it will be an unmixed evil for Congress to be called in extra session. Let me take the President's message. Let me read just a little from the President's last message, which he delivered to us in person, and on account of which, I presume, this bill is here.

I want to read the very first sentence of that message, delivered just the other day, February 26. The President in the first sentence said:

> I have again asked the privilege of addressing you because we are moving through critical times, during which it seems to me to be my duty to keep in close touch with the Houses of Congress, so that neither counsel nor action shall run at cross purposes between us.

What does that look like? When I listened to the President and heard him begin in those words I supposed the finish of his sentence was going to be "I have, therefore, decided to call Congress in special session soon after the present Congress adjourns." But instead of that it seems the President does not want us to be in session. We learn it from the newspapers and get intimations of it from this discussion that he wants us to adjourn. In other words, he does not want a special session. It is an open secret that unless he finds it necessary to call a special session on account of this bill's failure, if it fails, he will not call a special session until the 15th of June, so that we can make appropriations before the 1st day of July. But, Mr. President, if that is what the President means, why did he say:

> We are moving through critical times, during which it seems to me to be my duty to keep in close touch with the Houses of Congress.

If the President wants to keep in close touch with the Houses of Congress, then Congress must be in session, according to his own words delivered to us officially. Can we say that the President meant, "I want to be in close touch with you, and therefore I want you to separate and go to the four points of the earth"?

There is another sentence I want to read from that same message a little further on. On the next page he said:

> It would be foolish to deny that the situation is fraught with the gravest possibilities and dangers. No thoughtful man can fail to see that the necessity for definite action may come at any time, if we are in fact, and not in word merely, to defend our elementary rights as a neutral nation. It would be most imprudent to be unprepared.

If he wants to keep in touch with us and the situation is fraught with great possibilities of danger, then why is not a special session in order? He says further:

> I can not in such circumstances be unmindful of the fact that the expiration of the term of the present Congress is immediately at hand, by constitutional limitation; and that it would in all likelihood require an unusual length of time to assemble and organize the Congress which is to succeed it. I feel that I ought, in view of that fact, to obtain from you full and immediate assurance of the authority which I may need at any moment to exercise.

Why, Mr. President, I remember several years ago, when a special session was called, a proclamation was issued on the 5th day of March for Congress to assemble on March 15. I am not sure, but I think an examination of the precedents will disclose that even less time is actually essential. It is not a difficult matter to convene the Senate in special session to pass upon presidential appointments. Some appointments recently made have not been confirmed, and I assume they will be renewed, as a special session of the Senate has already been called by the President. With one branch of Congress already called to convene at the close of the present session, it would not be a difficult

matter to convene the other branch, and thereby have the entire Congress in Washington and ready for business. If we were to follow our personal convenience in the matter, I am sure we would prefer not to have Congress in session; but I believe it is the conscientious belief of nine-tenths of this body and of the House of Representatives that Congress ought to be in session during this critical period. Therefore, with an extra session of Congress easily obtainable, it will be no great calamity, in my judgment, if these numerous important bills, including the bill now under consideration, fail of passage at this session.

I want to say just a word about my position and what I would like to have. I am not one of those who believe in peace at any price. I am not and never have been strongly partisan. I do not believe in rigid partisanship in official life. I am not going to ask or care about the politics of the President in my official action in passing on matters of legislation he may desire or request in an official way. But why does it follow that when the President asks something it is my duty to blindly follow that request and comply with it whether I believe it is right or whether I do not? Does it follow that I show disrespect to the Chief Magistrate because I will not follow his dictation unless I think he is trying to lead me right?

Mr. President, this bill, in my judgment, is one of the most dangerous things that we have yet been called upon to enact into law, if we enact it in the form in which the President wants it. I will take the bill up in detail soon.

I want to say that although I would like to pass some legislation at this Congress, I am most bitterly opposed to passing this bill, because I think it is dangerous to our peace. I believe it means war. I would like to pass legislation that would give to the merchant ships of the United States the right to arm themselves, furnish their own guns and their own ammunition and their own gunners, to defend themselves against unlawful attack by submarines, I would vote for such a bill. I would be glad to vote for this bill if it were amended that way, and I would be willing to go further; I would vote for a provision that would permit the President to loan to owners of merchant ships the guns to go on the ships and to supply them with the ammunition, because it is claimed that the guns and ammunition can not be obtained anywhere else; and if that be true I would permit that to be done. I am willing that that should be in the law, but I would insist that all merchant vessels which were supplied with guns and ammunition by the Government of the United States should be prohibited from carrying munitions of war. If the bill were amended that way it would receive my vote.

I am in favor of the amendment offered by the Senator from Missouri [Mr. STONE]. I am in favor of the amendment offered by the Senator from Iowa [Mr. CUMMINS], which, if it were adopted, would carry out that idea. If either one of them were put in the bill, I should vote for the bill, but it is no secret here that no such amendments will be permitted because the President is opposed to them. I have no sympathy with the submarine warfare of Germany. I believe it is cruel; I believe it is illegal and wrong and inhuman. But, Mr. President, I am not ready to declare war. If Germany made these attacks upon us as a people or a Government, I would be willing to go to war for those attacks; but she has no intention or desire of injuring the Government of the United States or the people of the United States in making these attacks. I think she is wrong in claiming the right that she does; but, at least, I want to say in her behalf that it is not because of malice against the United States; it is not because she wants to injure us or get into trouble with us that she does it.

I think that both parties to this great war in Europe have violated international law. England has violated it over and over again, but she has never violated it to the extent that I would be willing to go to war on account of it. Up to the present time I would not vote for a proposition to declare war against Germany or England or any of the belligerent nations, and as long as I do not believe in declaring war I can not consistently or conscientiously vote for a bill that in my judgment, while it does not directly declare war, gives a power to the President, which, if he exercises it, will make war, and there is no escape from it.

The difference in the violation of international law—and I am not going to consider it at great length—between England and Germany is mostly in degree. England has violated the law and interfered with our shipping; she has not taken human life. Germany has violated it in the same way without regard to human life, and, of course, that makes a great difference. Under international law a ship carrying contraband going to a belligerent nation can be seized by a vessel of the other belligerent nation; her cargo can be destroyed, the ship taken as a prize and condemned, and under certain conditions sunk. But the vessel taking the ship has no right to do that unless the passengers, the people on board, the human beings, are cared for in at least a reasonable way. They can not be turned adrift in small boats in midocean or on a stormy sea.

Under the law which now exists and is on the statute books of the United States an armed merchant vessel that would fire on another vessel sailing under the flag of a country with which we are at peace would be an act of piracy. That is, if a merchant vessel sailing under the flag of the United States should sink a submarine, although it might be admitted that the submarine was trying to sink her, the sailors and officers of the boat if captured and taken into the belligerent country owning the submarine could be punished for piracy. That law is wrong under present conditions. It never was intended to apply to such conditions. It ought to be repealed. I think in this bill we have before us we ought to repeal it in direct terms. The Senate bill, while not repealing it in so many words, does so by implication in the clause which gives to merchant vessels the right to arm and to defend themselves from unlawful attack. That ought to be their right, and I want to say to you, Mr. President, there is no man here who is more anxious to pass a law that will give that right to them than I am.

But let me take up now the Senate bill and see what is provided. I want to read it:

That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks, and the President of the United States is hereby authorized and empowered to supply such vessels with defensive arms, and also with the necessary ammunition and means of making use of them; and that he be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States thereon in their lawful and peaceful pursuits on the high seas.

Then the remainder of the bill provides for the issuing of $100,000,000 of bonds and turning them over to the President. That is something as to which we should inquire. Why should we issue these bonds and turn over that much money to the President?

Mr. President, in nearly every bill which we have passed there have been bonds—bonds in the naval bill; bonds in the emergency-revenue bill; bonds in the President's bill; bonds in the joint resolution which is still to be passed, as I understand. Bonds! Bonds! Bonds! Nothing but bonds. I have not yet been able to compute the aggregate amount of bonds, because I suppose if word came from the White House to-day to pass an authorization for another $100,000,000 worth of bonds we should have to pass it without asking why, or we should be called filibusterers. Bonds! The President and other high officials of the Government seem to have some kind of disease that nothing but bonds will cure. We will find that bonds and certificates of indebtedness, authorizations for which have been asked—if all these bills authorizing bonds to be handled alone by the President or by his Secretary of the Treasury become laws—will amount to nearly a billion dollars; all this during the last few weeks of a short session of Congress. That is an astounding proposition; yet anybody who objects to it is characterized as a filibusterer and as one who may bring on an extra session. Provided for between the leaves of these appropriation bills have been such large amounts that they will almost stagger the imagination of the oldest legislator, who is somewhat used to it.

In referring to these provisions for expenditure I have spoken only of bonds and certificates of indebtedness which are under the control and are to be turned over to the President or to the Secretary of the Treasury. I have not mentioned all of the other bonds which have been issued. There are going to be enough bonds to go around; everybody will have some. I think I am doing a public service when I call attention to the fact that in this bill it is proposed to put through there is a provision for $100,000,000 more bonds. This Congress, if all these bills get through and become laws, will have saddled upon the backs of unborn generations taxes that will keep them almost prostrate. We may not pay them; we may be thinking of war and forgetting the "jokers" in these bills, and we may "get away with the goods," but our children are going to suffer by reason of it and some day they are going to find out who it was that brought this huge extravagance and indebtedness upon them.

If I wanted to do so I could go through some of these bills by memory and show the enormous amount of bonds contained in them. There has never been in the history of the world such an instance of so much money turned over to the control of one man. There has never been in the history of the world so much power turned over to the President of the United States as there was in the espionage bill.

Mr. President, are we guilty of treason because we object to it; because nearly all of the Senators on the Democratic side and a large number over here—perhaps a majority over here—are in favor of it?

Are the few of us who can not bring ourselves to support that kind of a proposition traitors to our country or are we cowards?

Yet, Mr. President, I think that the bond part of this bill is its smallest evil, although that is great. Let me consider it now. It reads:

That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks.

That far, I say "Amen." That far the bill I think is right and I would be glad to support it. I want to support that kind of a proposition. That is in effect a repeal of the ancient statute that I mentioned a while ago. Now, let me read on:

And the President of the United States is hereby authorized and empowered to supply such vessels with defensive arms and also with the necessary ammunition and means of making use of them.

"And means of making use of them" means we are going to supply gunners for the private ship. Do you think that an act of war if we do it? It is true the President does not have to do it, and you might say the present President will not do it, but that is no answer. I would not trust the present President of the United States with that power, nor would I trust any other President with it so long as we live under a Constitution which says that Congress has the sole right and power to declare war.

Let us see. Is not that an offense against any government against whose ships this power is used? The President is empowered to supply such vessels with defensive arms and also with "means for making use of them." Do you suppose you will fool anybody by that term? Do you suppose a belligerent nation is not going to know what those words mean? Why did you not say "gunners," and be done with it? Do you suppose that Germany—and so far as this bill is concerned it might be used against some other country—do you suppose their statesmen have not ordinary education and will not know what is covered by those words? Does it not look worse to cover it up with deceptive words than it would to go straight to the point and put in what you mean? But that is not all. Let me read some more of it. The bill provides—

that he—

The President—

be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States thereon in their lawful and peaceful pursuits on the high seas.

What does that mean? Why, Mr. President, if the President carries out that authority, this is what he will do: He will take a merchant ship and load it down to the guards with ammunition, with destructive weapons of war, with munitions, and he will put on that ship the guns of the United States; he will take the ammunition of the United States; he will put gunners of the United States on that boat; then they will cross the ocean, and they will fire upon the first submarine they see. Then what has happened? Why, Mr. President, the Government of the United States has made an attack. You may answer that we are justified. I know many people believe we are, but I do not believe we are. I concede there is some reason in this kind of an argument, and that many honest men believe that; but if that is your defense, then, why not declare war at once? Why go around the bush? The bill provides that the President can use "such other instrumentalities and methods"; that is, anything on earth. He can send the Navy, the battleships, the torpedo boats, in addition to guns that he puts on the private ship, and convoy them across the ocean, and, as has been well said by the Senator from California [Mr. WORKS] in his able address, the President does not go with the ships; Congress does not go with the ships; they will not be there; but there will be a captain on the boat, who will decide when it is necessary to use the power that is intrusted to his hands. This captain will be in the employment of the owners of the ship. He will thus be in command of gunners who are part of the United States Navy, and it may well happen that an official of the Standard Oil Co., acting in the capacity of captain or commander of one of that company's numerous merchant vessels, will command officers of our Navy and tell them when to fire on a foreign ship.

Mr. President, are we not trying to deceive somebody else, and are we even deceiving ourselves as to what this language means—"such other instrumentalities and methods"?

The President can send flying machines; he can send Zeppelins; he can send submarines; he can do anything he can think of that would destroy a submarine or any other vessel, for it does not have to be a submarine. Under this bill the President can do anything; his power is absolutely limitless. The Constitution says that Congress has the sole power to declare war. This, in effect, is an amendment of the Constitution, an illegal amendment. We are abdicating, we are surrendering our authority. Are we willing to do it? More important than that, however, is it right that we should do it? If I wanted to do so, I could hurl back the charge that we are trying to shirk a duty, by saying that those who favor the bill are shirking the duty put upon them by the Constitution, which they have sworn before God that they would support and defend.

We have the sole authority under the Constitution to declare war, and while this bill does not in express terms say that we abdicate that power and turn it over to the President, it gives the President authority which, if he exercises it, takes that power away from Congress just as completely as if we had amended the Constitution and taken those words out of it. There can not be any doubt about that. It will not answer to say the President will not exercise that authority. For God's sake, why give it to him if you do not expect him to exercise it? Others say the President has it now. Well, then, what is the use of giving it to him again in a statute? Will that make it any better?

Mr. President, I can not understand how any Senator can read those words and get out of them anything except that we place absolutely in the President's hands the power to make war with any nation on earth. In the first place, we give the vessels the right to defend themselves against unlawful attacks. I think that is all right. Then we say to the President, "You can put the men"—men drawing their pay from the taxpayers of the United States—"to act as gunners on a private ship." Does not that make it a Government ship, in effect? Now, here comes the Government and loans or sells Government guns to owners of private ships. That may be defended on the ground that the Government can give its guns to anybody it pleases; but the Government can not send its soldiers and put them under the command of a captain of a private ship, and when those soldiers commit any act, escape the responsibility of that act. There is no escape from that.

Here is another proposition to which I wish to call your attention; not so much that I complain of it, but it absolutely does away with every cause which it is claimed on behalf of the bill has made the bill necessary. This bill as originally introduced in that particular part of it, reads as follows, referring to the President:

authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

But the bill now pending has been amended by adding after the words "citizens of the United States," the word "thereon." If that word were not in the bill, then it would extend to the citizens of the United States traveling in a foreign vessel, because it says the President shall do whatever, "in his judgment and discretion," may "seem necessary and adequate to protect such vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas." A citizen of the United States traveling on a foreign vessel is engaged in a peaceful and lawful pursuit. So, under this bill, the President would have the authority, if this change had not been made, to protect that class of citizens; but the way in which it is now changed it reads—

to protect such vessels and citizens of the United States thereon.

So, in order to be protected, the citizens of the United States must be on a United States merchant vessel.

Mr. CLAPP. Mr. President, what is the Senator reading from?

Mr. NORRIS. I am reading from the substitute bill now pending, offered by the acting chairman of the committee. It is the Senate bill modified in the way I have noted.

Now, let us see what that does. What is the cause of all this cry for this legislation? Has anybody been killed on a United States vessel? Where have the people been killed that have brought on this demand for this very power? Why, on the *Lusitania*, on the *Laconia*, and other foreign vessels. That was why the President delivered his message. That was why he asked for this power. That is why you introduced this bill and reported it here from the Foreign Relations Committee. But as you have it now, it will not protect a single soul on a foreign ship; and if this bill as it is now proposed had been in force when the *Lusitania* was sunk, there would have been absolutely no liability. There would have been no right to protect any of those citizens. Not a single soul who went down the other day on the *Laconia*, a British ship, would get any protection under this bill as it now stands. So that after all your clamor and after all the furor, the bill that you propose to enact into law will be no remedy for the particular wrong that has brought about the agitation that resulted in its introduction, and will result in its passage if it be passed.

Mr. President, I say that we ought not to pass this bill because, as I tried to explain a while ago, it abdicates our power; it gives to the President in effect the right to make war, to get the country in such condition by the exercise of the power given him that the constitutional provision giving to Congress the sole right to declare war would be absolutely meaningless and useless. Do we want to surrender that power? Do we want to surrender to the Executive the power that is ours under the Constitution? And, whether we want to or not, have we any right to do it?

I am going to read you an opinion from a leading American authority on that subject. This writer says:

Members of Congress ought not to be censured too severely, however, when they fail to check evil courses on the part of the Executive.

Do you get that, now? Let me read it again:

Members of Congress ought not to be censured too severely, however, when they fail to check evil courses on the part of the Executive. They have been denied the means of doing so promptly and with effect. Whatever intention may have controlled the compromises of Constitution making in 1787, their result was to give us not government by discussion, which is the only tolerable sort of government for a people which tries to do its own governing, but only legislation by discussion, which is no more than a small part of government by discussion. What is quite as indispensable as the debate of problems of legislation is the debate of all matters of administration.

Do you get that point? This writer says it is just as important for Congress to debate the administration and see what the administration is doing as it is to debate legislation.

Reading again:

It is even more important to know how the house is being built than to know how the plans of the architect were conceived and how his specifications were calculated.

Later on he says as follows:

It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees.

That is what I have been advocating about these appropriation bills and about all the other legislation, including this bill.

Then again, says this writer:

It is meant to be the eyes and the voice and to embody the wisdom and will of its constituents.

Remember, he is speaking now of a legislative body like this.

Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the Government, the country must be helpless to learn how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct.

Instead of Congress being controlled by the Executive, this great writer thinks Congress should investigate every act of the Executive. How different is that from a Congress obeying every command of the Executive and passing laws at his dictation—laws that in effect surrender the constitutional prerogatives of Congress and turn them over to the Executive! How different from a Congress like this, which obeys the Executive as the servant obeys the master!

There is a direct charge of wrong against the methods of this very Senate, of this very session, Mr. President, of this very hour.

The informing function of Congress should be preferred even to its legislative function. The argument is not only that discussed and interrogated administration is the only pure and efficient administration but more than that—that the only really self-governing people is that people which discusses and interrogates its administration.

Listen to that, Senators. This great writer says that a self-governing people is that people which discusses and interrogates its administration. That means, when the administration asks you to pass a bill that will give to it the power to make war without consulting Congress, in violation of the Constitution of the United States, that it is the duty of Congress to inquire and interrogate that administration. That is what I have been trying to do.

Now, this writer has something else interesting that I want to read along the same line. He says:

It was notorious that the subservient parliaments of the day represented the estates and the money of the peers and the influence of the king rather than the intelligence and purpose of the nation.

Did you get that? Subservient parliaments represent the influence of the king rather than the intelligence of the nation. Apply that to our Government. We would then say, "Subservient Congresses represent the estates and money of the millionaires and the influence of the President rather than the intelligence and purposes of the nation."

Reading further:

The whole "form and pressure" of the time illustrated only too forcibly Lord Bute's sinister suggestion that "the forms of a free and the ends of an arbitrary government are things not altogether incompatible."

Now, I was about to read some more here, but I am reading too much, I see, and taking too much time. This writer, in speaking of the Constitutional Convention, said:

It was something more than natural that the convention of 1787 should desire to erect a Congress which would not be subservient and an Executive which could not be despotic.

Listen to that. This great man says that it was the object of our forefathers—

to erect a Congress which *would* not be subservient and an Executive which *could* not be despotic.

Do you see the difference? He says our forefathers thought they were getting a Congress that would not be subservient and an Executive that could not be despotic. By this bill we are transferring to the President our constitutional power in regard to war—the most important duty we have to perform anywhere. By this bill we make Congress subservient and the President despotic. The President demands it, and we obey. This is just contrary to what this great writer said our forefathers intended.

Then, reading further:

It was equally to have been expected that they—

That is, our forefathers—

should regard an absolute separation of these two great branches of the system as the only effectual means for the accomplishment of that much-desired end. It was impossible that they could believe that Executive and Legislature could be brought into close relations of cooperation and mutual confidence without being tempted, nay, even bidden, to collude.

I am not speaking of any particular President; I have no reference now, in referring to this power, to the present Executive. It would be just as bad if it were any other Executive; and we are going to have other Executives, even if you would not be afraid to trust this one. But he will not be there forever.

This writer continues:

How could either maintain its independence of action unless each were to have the guaranty of the Constitution that its own domain should be absolutely safe from invasion, its own prerogatives absolutely free from challenge? "They shrank from placing sovereign power anywhere."

We are going to place by this bill all in the President's hands. But this great writer says that our forefathers, when they made the Constitution, shrank from placing sovereign power anywhere.

He goes on:

They feared that it would generate tyranny; George III had been a tyrant to them, and come what might they would not make a George III. They would conquer by dividing the power they so much feared to see in any single hand.

That is what our forefathers thought they were doing. We are putting it, however, all in one hand; and have we a power under the Constitution more important, one in which all the people, yea, the people of other nations as well as ours, are interested, than the right to declare war? Have we anywhere a greater power than that? And this writer said our forefathers, when they adopted the Constitution, thought they had divided up the power so that no Congress would be subservient and so that no President could be despotic. We are changing it all. We are making a George III, and that George III is the President of the United States.

Mr. President, I could read for hours from this same writer along the same lines, and I want to say to my Democratic friends that this is an authority that you dare not dispute. I have been reading from Congressional Government; a Study in American Politics, by Woodrow Wilson. He is the man from whose pen has come those beautiful gems about government. If he believes now as he believed then, it seems to me that he would hesitate a long while before he would undertake the power, even if we gave it to him. He would blush with shame for our "subserviency." But here we have him asking for it, and here we have, apparently, what he called a subservient Congress, ready to grant it.

Mr. President, I wish I had time to read on from that book the doctrines in which I believe, doctrines that I believe are near and dear to the heart of every liberty-loving American citizen, so beautifully depicted, to show that our forefathers, when they framed the Constitution, thought they were preventing the President from having anything like the power that you propose to give him in this act.

It has been noted here by some other speaker that Australia has a law or regulation that prevents women and children from sailing even on English vessels into these danger zones surrounding England, even to English ports; that Canada has the same kind of law; that India has the same kind of law; and the Senator from Minnesota [Mr. CLAPP] gave an illustration where a British ship, stopping at a Canadian port from the United States on its way to Liverpool, had on board 3 American women and 25 women and children who were Canadians, and under that law they took off of that British ship every Canadian woman and child and left the Americans on. We have

made no law to prevent it. When England has that kind of a rule as to her own colonies, why should we be so anxious to say we want our citizens to go out upon the sea in any old boat, loaded to the brim with munitions of war, and demand that the United States shall send its fleet along to protect them?

Mr. President, it is not right. No other Government does it. England does not do it herself. We have passed laws that boats on our rivers in Alaska that carry passengers can not carry explosives. You can not travel upon interstate railroads on cars containing explosives. It is contrary to law. But you can go to New York and go across the ocean, sleeping every night upon tons and tons of explosives. If I had my way about it, I would pass a law that would not permit any American citizen to leave an American port upon a vessel carrying munitions of war to a belligerent country. I have said before in this Chamber that we ought to have a law that would prevent that from being done. We do it with everything else. We have no right to demand that an American passenger shall become an insurance policy against loss of a shipload of munitions of war going from this country to a belligerent nation.

Mr. President, during this same Congress I think, or in the Congress preceding this, the Senator from Nebraska [Mr. HITCHCOCK], my colleague, who has charge of the pending bill, introduced a bill the effect of which was to place an embargo upon ammunition and munitions of war. His idea then was to prevent any munitions of war being shipped from the United States to any of the belligerent nations. I presume he meant it. I do not believe he did that to practice deception on the people at home or here. I do not suppose he did that because he thought it would be popular at home or get votes because he wanted them in an election. I suppose he did that because he believed it was right. He is now, after reelection, fathering a bill that not only permits American ships to carry munitions of war, but if in addition to the munitions of war they can get an American citizen to sail as a passenger on her the entire Navy of the United States can be called out to convoy those munitions of war on that vessel and see that they are delivered to the belligerent nations in safety. If there is anything on earth that could make us a party to that war, that kind of conduct would do it. I do not believe the Congress of the United States would enact that kind of a law if every Senator would follow his own conscientious convictions.

There has been a great deal said about Mexico, and there is a great deal I wanted to say about a portion of it, and some other things that I will have to omit, because I am not going to talk much longer. I have already taken up probably more time than I ought to have done.

But we have had some experience in the power exercised by this same President. We delegated some power to him in Mexican affairs, and I am only going to speak of one branch of it. Some American sailors landed at Tampico. They were arrested by Huerta's soldiers. Huerta at that time was in control more than any other one person, probably, in Mexico, and was in absolute control at Tampico. Huerta had not been recognized by our Government. I want to pause right here to say that I was one of the citizens of this country who always commended our President because he did not recognize Huerta. I have not only said it here, but I have said it many times in public. Huerta was a murderer, a butcher. He obtained power through the overthrow of Madero by foul and inhuman murder, and our President refused to recognize him, and I have always been glad that he did.

But Huerta's men arrested some United States seamen who had gone to Tampico for gasoline. These seamen had violated a rule established by Huerta in regard to that port. They did not know about it. They were innocent of it, but they were arrested by the guards. They were under arrest for about an hour and a half. When Huerta found out that some American seamen had been arrested he immediately ordered their release and their return to their boat, and it was done. They never were confined in jail. They were only technically under arrest. They were not injured in any way.

When that happened our Government that had never recognized Huerta demanded two things of Huerta. They said Huerta must apologize, and he must also salute the American flag. He did apologize, an apology that was accepted by our Government, but he declined to salute the American flag; and because he did not salute the American flag the President sent our Army and Navy into Vera Cruz. We captured the city. We killed several hundred Mexicans who were innocent and were not to blame because that old pirate did not salute the flag. We lost 19 or 20 precious American lives in the attack, and the taxpayers of our country have not yet paid the bill. We just passed a law the other day to authorize an issue of $162,000,000 in bonds to settle up the Mexican situation. Our children and grandchildren will be paying that debt after we are dead, but the stock gamblers of Wall Street will get their rake-off in a few days now in handling the bonds.

I know it is always asked when anyone complains about Mexico, "What would you have done if you had been President?" I admit that is a fair question and ought to have a fair answer. In the first place, if I had been in charge of it, I never would have asked Huerta to salute the flag. That would have avoided all trouble and saved the sacrifice of human blood. It was absolutely useless and should have been done under no circumstances. It was not an incident of sufficient importance in the circumstances to justify making war, and yet we did go to war because of that abominable butchering pirate refusing to salute the American flag. Mr. President, I not only would not have asked him to salute the flag, but, if I could, I would have prevented the old devil from saluting it even if he had wanted to.

Are we going to do something like that again? Are we going to get into trouble over some technicality like that? If we pass this law we may make it possible to go even further and do worse, if not with the present administration, with some succeeding administration. After we went in and captured Vera Cruz, we stayed there a few months, and then we came out, and during all the time we were there Huerta never saluted the flag. I think the President, when he heard about the flag incident, instead of sending the Army and Navy down there to fight and kill people and get killed, ought to have wired down there to the admiral: "For God's sake hide the American flag for fear the old butcher will salute it."

Then we left, and the flag has never yet been saluted. Huerta followed us, as a matter of fact, and landed in New York and lived and died on American soil and never saluted the flag. I think it is one of the dark pages in our Nation's history. Without any cause and without any reason there are altogether seven or eight hundred mounds where lie that many innocent people, all because a brute would not salute the American flag and because a President was exercising a power similar to that which you propose to give him in this bill.

If Mexico had been a great nation instead of a weak one, we would have had war then and there. There is no room for doubt on that proposition.

Mr. President, I do not feel that we are under any obligation to the President to do what he wants us to do unless we believe what he wants us to do is right, and I think if we did that there would not be any doubt but that this bill would fail or be amended.

There is one thing about the course we are pursuing that I dislike, and it is the charge that in foreign countries, if we do not pass this legislation, there will be a feeling that we are divided among ourselves, but I am inclined to think that the statement to which I have before referred and which is printed in the RECORD will disabuse the minds of those who feel that way. I am sure I do not want that impression to go out, and yet, Mr. President, this matter is forced upon us here in the last two days of Congress, and not only this proposal from the President, but all the appropriation bills and some other important bills that the President wants, and he wants them all at once—within a few days. I do not feel that I am called upon to violate what I believe to be my oath and my conscientious conviction of duty without being convinced that from the condition confronting us there is no other outlet. If Congress were going to adjourn to-morrow or to-day and there was no way of reassembling it until next year or for the next nine months, I would swallow some serious objections of that kind. I would not be so insistent that we should perform what I believe to be our duty. But, Mr. President, it is an easy thing for us to be reassembled, in fact, we ought to be reassembled. The President himself says he thinks he ought to remain in touch with us. He ought to be in close and intimate touch with us; and if he does want to be in close and intimate touch with us, then we ought to be here in Congress assembled, and if he means what he says in his message he can and will at once call Congress in special session.

PNEUMATIC TUBE COMMISSION.

The VICE PRESIDENT. The Chair appoints as members of the joint commission provided for in the Post Office appropriation act Senator BANKHEAD, Senator HARDWICK, and Senator WEEKS.

ARMED MERCHANT SHIPS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes.

Mr. OWEN and Mr. LA FOLLETTE addressed the Chair.

The PRESIDING OFFICER (Mr. LEA of Tennessee in the Chair). The Senator from Oklahoma.

Mr. OWEN. Mr. President, it is my purpose to support the request of the President of the United States. I do so in the belief that the great body of the people of the magnificent State of Oklahoma who sent me here desire that I should do so. I do so because I believe a public exigency of the highest importance requires it. I do so trusting in the representation made by the President of the United States in his message to Congress a few days ago. I place the utmost reliance on the words of the President in asking for the means with which to protect our merchant ships. He said:

It is devoutly to be hoped that it will not be necessary to put armed force anywhere into action. The American people do not desire it, and our desire is not different from theirs. I am sure that they will understand the spirit in which I am now acting, the purpose I hold nearest my heart and would wish to exhibit in everything I do. I am anxious that the people of the nations at war also should understand and not mistrust us. I hope—

Says the President—

that I need give no further proofs and assurances than I have already given throughout nearly three years of anxious patience that I am the friend of peace and mean to preserve it for America so long as I am able. I am not now proposing or contemplating war or any steps that need lead to it. I merely request that you will accord me by your own vote and definite bestowal the means and the authority to safeguard in practice the right of a great people who are at peace and who are desirous of exercising none but the rights of peace to follow the pursuits of peace in quietness and good will—rights recognized time out of mind by all the civilized nations of the world. No course of my choosing or of theirs will lead to war. War can come only by the willful acts and aggressions of others.

Mr. President, before this unhappy war arose it was the international law—and I think that neutrals are still compelled under the rules of that international law to regard it now as the international law—that merchant vessels, with or without contraband, had and now have a free right to pass without being subject to destruction without notice through the high seas; that even those ships which carried contraband had and now have a right before being summarily sunk to be visited, to be examined, and an opportunity afforded to the crew of such vessels for safe conduct to port before being sunk.

I am not unaware of the exigencies with which the Imperial German Government is faced. The Imperial German Government can not command the high seas because of an ineffective naval force. The Imperial German Government, feeling keenly the blockade established by the superior naval force of the British Empire, has declared it a necessity of war to disregard the established international code and to carry on a submarine warfare that shall be ruthless, and to sink ships without notice in a certain zone, armed or unarmed, contraband or not contraband, with or without cargo.

THE INTERNATIONAL LAW OF NEUTRALS.

It was hoped a year ago that the United States had arrived at an adjustment with the Imperial German Government. In my own judgment the reservation of the Imperial German Government that it reserved the right to carry on the submarine warfare without notice to ships, to sink them without notice, was a reservation that was not permissible or recognizable by our Government under the international law governing neutrals as it has been recognized prior to the breaking out of this great controversy in August, 1914. We can not change this law without violating our obligations as neutrals to other belligerents and setting a precedent which may fatally affect our own future. The President of the United States, in charge of the conduct of the foreign affairs of the United States, found himself compelled to deal with the Imperial German Government in numerous cases in which American vessels were sunk in which American citizens lost their lives, and he was compelled, as the Chief Executive of a great neutral power, to declare the duty of the United States and the rights of the United States under international law as it existed. He solemnly declared this law and is compelled by the laws of neutrality to maintain it. The President of the United States was not responsible for the ships owned by individual Americans going from one port to another upon business voyages, which they in the course of commerce had the right under international law to make. It was not contrary to but in accordance with international law that ships should carry munitions no matter if distasteful to any nation affected by it. The unfortunate thing for the German Empire was that because she could not command the seas this law gave an advantage to Great Britain and her allies because they could in greater degree command the seas.

The President was therefore compelled to take his course to defend the rights of the Government of the United States and of her citizens under international law. Having taken this step in pursuance of international law, the question with which he is confronted, as our representative, is, Shall he withdraw from the assertion of the rights of the United States as a great neutral or shall he stand firmly upon those rights, not changing them in the midst of this gigantic conflict, but observe them as he is obliged to do as a neutral? If he tried to change them, he would violate our neutrality with Great Britain and her allies and give them a serious grievance under international law against us. The question then is, when he is in this position under international law, whether the American people will hold up his hands or whether they will not do so.

In my judgment it would be a great national calamity if the people of the United States and if the Congress of the United States should refuse to hold up the hands of the Chief Executive of this Nation under these painful circumstances. The Imperial German Government has notified the world that all neutral ships of commerce, even if unarmed, free from contraband, loaded with passengers on lawful voyages, innocent of wrongful intent to anyone, will be sunk on the high seas without notice, without a chance for their passengers to escape with their lives. That Government seems determined to force us to acknowledge her right in the midst of this conflict to change the law of nations and bring us in conflict with her antagonists. In that exigency the President of the United States calls upon Congress and says:

I ask a sufficient credit to enable me to provide adequate means of protection where they are lacking, including adequate insurance against the present war risks.

The question for Congress is, Shall that reasonable request be granted or shall it not?

Mr. President, if prayers or sacrifice could adjust this gigantic conflict in Europe we would all be glad, I think, to make our just contribution to secure peace on that torn and unhappy continent; but this conflict will only terminate by the triumph of the strongest arms. It is a conflict unrelenting, ruthless, carrying on means of destroying human life, gigantic, novel, and of extraordinary efficiency in the engines of destruction.

WE MUST CONSIDER THE FUTURE.

It is well for us, in considering the eventualities that will flow in the immediate future from the triumph of one or the other of these titanic forces to consider what these great powers in conflict stand for in relation to the United States if one or the other be victorious. On the one side I believe are ranged, in many forms, great democracies—Great Britain with her colonies and dependencies, France and Italy and Belgium and their colonies, Russia and her democratic people. On the other side are ranged many military autocracies, those of Germany, of Austria, of Bulgaria, of Turkey, ruling by so-called "divine right" and by organized military power and not "by the consent of the governed," except by the involuntary consent which dare not oppose superior force. On the one side are the ideals of democracy, of the right of the people to rule themselves justly and with liberty under the principle declared by Abraham Lincoln as expressed in his message to Congress, in which he said, "Let us have faith to believe that 'right makes might.'"

And on the other side is the military ideal that "MIGHT MAKES RIGHT."

THE DOCTRINE "MIGHT MAKES RIGHT."

Mr. President, the doctrine that lies at the base of military autocracy is a fixed ideal of power alone, a permanent ambition to rule by force of the cannon's mouth and machine gun, an ambition long maintained and without the shadow of a doubt as to its significance. I call your attention to the bronze cannon on the north entrance of our War Department Building, a great cannon whose name is "Le Marechal le Duc d'Humieres," cast by the Bourbons nearly two centuries ago, and on its face in three different mottoes is this false doctrine that "might makes right."

At the mouth of the cannon you will find these words: "Le passe par tous"—"the passway through everything"—the cannon's mouth the passway, it may be, through justice and mercy and innocence and righteousness and industry and honor—"Might makes right."

On the base of that cannon you will find the words, "Nec pluribus impar"—"not unequal to many." The cannon commands the people, and is "not unequal to many." It can slay and dominate and tax millions without the consent of the governed. On the body of that Bourbon cannon you will find the phrase, "Ultima ratio regum"—"the final argument of kings." When the people argue that right is right, they hear the final argument of kings—the cannon's roar—and learn that MIGHT MAKES RIGHT.

Do you think that this is merely a romantic suggestion cast in bronze in honor of le Duc d'Humieres? Not at all. The

doctrine of armed power over the people with or without their consent is at the base of the German Empire to-day.

This was the doctrine of Frederick the Great and of his father, the Great Elector, and this is the doctrine of William, the present Emperor.

LOCAL DEMOCRACY RULED BY AUTOCRACY.

It is true that after the Franco-Prussian War Bismarck made many concessions to the democratic sentiment of the German people in the management of their local affairs and developed a very high degree of democratic efficiency through various forms of municipal ownership, so that in a city like Munich the people not only controlled, through their own municipal powers, such as city water works, city gas works, electric light, heat, and power plants, city hospitals, city schools, city tramways, but city bakeries, city packing houses, and city breweries.

The industrial conditions of Germany have been wonderfully stimulated by democratic cooperation among the people, stimulated by the Imperial Government, and the Imperial Government has provided many forms of democratic cooperation, such as State insurance against old age, industrial accidents, and diseases, vocational education, rural-credits associations, cooperative marketing and buying, the cartel system, State-owned railroads, telegraphs, telephones, and parcel post, etc.

The Imperial Government has thus greatly benefited the development of the German people and is entitled justly to very great credit for this service rendered to the people by using the powers of the people in the interest of the people.

This has led to a warm attachment of the people to their Imperial Government, and justly so; it has led to a magnificent development of the German people which is the admiration of all of the lovers of men, but, nevertheless, along with this splendid internal democratic organization there has remained the dominance of the German Empire by Prussia and the dominance of Prussia by the House of Hohenzollern, claiming to rule by *divine right*—the right to rule the people with or without their consent, the right to command the army and the navy, and the Emperor has become surrounded by a tremendous highly organized military power of which he is made, either willingly or unwillingly, the spokesman.

It was this group, I believe, who forced the sword into William's hand and compelled him to sign the order of mobilization the 1st of August, 1914.

THE SECRET TREATY OF VERONA—WORLD-WIDE DEMOCRACY THREATENED.

I call your attention again to the secret treaty of Verona, which I had printed in the CONGRESSIONAL RECORD on April 25, 1916, for the purpose of attracting the attention of this country to the policy which lies at the basis of these great contending powers. This treaty, the secret treaty of Verona, was framed by Metternich, of Austria, in 1822, after Napoleon had seized the organized powers of democracy and turned them into an engine of monarchy which out-Heroded Herod and was overthrown.

Listen to the philosophy and historical admonition of the secret treaty of Verona:

The undersigned, specially authorized to make some additions to the treaty of the Holy Alliance, after having exchanged their respective credentials, have agreed as follows:

ARTICLE 1. The high contracting powers being convinced that the system of representative government is equally as incompatible with the monarchial principles as the maxim of the sovereignty of the people with the divine right, engage mutually, in the most solemn manner, to use all their efforts to put an end to the system of representative governments, in whatever country it may exist in Europe, and to prevent its being introduced in those countries where it is not yet known.

ART. 2. As it can not be doubted that the liberty of the press is the most powerful means used by the pretended supporters of the rights of nations to the detriment of those of princes, the high contracting parties promise reciprocally to adopt all proper measures to suppress it, not only in their own States but also in the rest of Europe.

The King of *Prussia* and the Emperor of Austria were the real autocratic monarchs behind this deadly compact to destroy the democracies of the world and establish "world power" for themselves and their allies as the military autocrats of mankind.

Mr. LEWIS. Mr. President, will the Senator permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Illinois?

Mr. OWEN. I yield to the Senator.

Mr. LEWIS. Would the Senator forgive me for merely calling his attention, in support of his very classic and historic address, to the fact that the very treaty to which he alludes had for its purpose the preventing of Spain and Portugal, which had broken out then into the form of a republic, from emulating the form of this, the United States of America, in both its democracy and republicanism of form, to prevent the spreading of our doctrines to Europe?

Mr. OWEN. Mr. President, this treaty continues, in the fourth article, as follows:

ART. 4. The situation of Spain and Portugal unite unhappily all the circumstances to which this treaty has particular reference. The high contracting parties, in confiding to France the care of putting an end to them, engage to assist her in the manner which may the least compromit them with their own people and the people of France by means of a subsidy on the part of the two empires of 20,000,000 of francs every year from the date of the signature of this treaty to the end of the war.

Spain had established a limited monarchy based on recognition to some degree of the rights of the people. These nations sent armies, under Louis XVIII, into Spain for the purpose of reducing this limited monarchy to an absolute monarchy, *with the same prince on the throne*. The contest was absolute military autocracy against any form of democracy. They sent an army into Italy also—an Austrian army—to reduce a like limited monarchy to an absolute monarchy, the same issue of absolute military autocracy against the principle of democracy, and then they proposed after succeeding in Spain and Italy to send their armies to the Western Hemisphere for the purpose of reducing all revolting colonies of Spain and Portugal, overthrowing western democracy and establishing absolute military autocracy and then it was that Great Britain, the greatest of all democracies, through Canning, the prime minister, notified the Government of the United States of this dangerous purpose, and notified the Holy Alliance, so-called, that Great Britain would regard with disfavor any attempt by the Holy Alliance to reduce the revolting colonies of Spain and Portugal in the Western Hemisphere. The matter was considered by Thomas Jefferson, and he regarded it as the most important occurrence that had transpired since the establishment of the United States of America. It led to the doctrine, the so-called Monroe doctrine, in which President Monroe sent a message to Congress in which it was stated that the United States would regard it as an unfriendly act for any European power to attempt to establish its system of government on the Western Hemisphere, and that prevented the Holy Alliance from subjecting the Western Hemisphere to the powers of absolute monarchy which would have destroyed the democracies of the Western Hemisphere at their birth.

VON BERNHARDI.

Mr. President, in October, 1911, there was published a work of profound significance by Gen. Friederich von Bernhardi, translated by Allan H. Powles, entitled "Germany and the next war." I think it is generally understood and conceded that Gen. von Bernhardi represents the view of the military powers of Germany, that he may be fairly called a spokesman for that group, and for that philosophy, if we may call it philosophy. Let me read just a few words from Gen. von Bernhardi. He said that "A rude shock was needed to *awaken* the German people," to *awaken* the *warlike instincts* of the German people, and *compel* them to show their military strength. He speaks of them as "a peace-loving, almost too peace-loving, nation." He speaks of the good-natured character of the German people, and with that I agree, but he says that it is necessary *to move them to war*. He says:

I must try to prove that war is not merely a necessary element in the life of nations but an indispensable factor of culture in which a true civilized nation finds the highest expression of strength and vitality.

He says further:

Our people must learn to see that the maintenance of peace never can or may be the goal of a policy. The policy of a great State has positive aims. It will endeavor to attain this by pacific measures SO LONG as that is possible *and profitable*.

He says further:

The inevitableness, the idealism, and the blessing of war as an indispensable and stimulating law of development must be repeatedly emphasized. The apostles of the peace idea must be confronted with Goethe's manly words:

"Dreams of a peaceful day?
Let him dream who may!
'War' is our rallying cry,
Onward to victory!"

Mr. President, he says:

The Great Elector laid the foundations of Prussia's power by successful and deliberately incurred wars. Frederick the Great followed the example of his glorious ancestors. He noticed how his State occupied an untenable middle position between the petty States and the great powers, and showed his determination to give a definite character (*decider cet être*) to his anomalous existence; it had become essential to enlarge the territory of the State and *carriger la figure de la Prusse*, if Prussia wished to be independent and to bear with honor the great name of KINGDOM. The King made allowance for this political necessity and took the bold determination of challenging Austria to fight. *None of the wars which he fought had been forced upon him*; none of them did he postpone as long as possible. *He had always determined to be the aggressor*—

Frederick the Great had always determined to be the aggressor, and he still is the idealized leader of the military group

that now controls the German and the Austrian Empires, and we were given a testimonial of this idealism by the United States being presented by Wilhelm recently with a figure of Frederick the Great, which stands in front of our War College.

He had always determined to be the aggressor, to anticipate his opponents, and to secure for himself favorable prospects of success.

Mr. President, this book glorifies war. It has a chapter entitled "World power or downfall," and the outline of the next war is indicated, the forces that will take part in it, the part that must be played by the German Empire.

There is a wide distinction between the German people and their autocratic leadership that has led them to ruinous war.

Mr. President, I can hardly say whether I feel a keener sympathy for the unhappy people of Germany or the distressed people of France and Great Britain. The German people are by nature, outside the military autocrats, peace loving, good natured, lovable—the people of France and of Great Britain are by nature even more peace loving and lovable and are moved by a magnificent patriotism and spirit of joyful self-sacrifice and enthusiasm—but when Wilhelm gives the order for mobilization and for war the people of both countries are thrown into a frenzy of war, and the insane passion of war finds expression in unnumbered excesses and violence beyond all belief. When the order of mobilization was given by the Emperor of Germany it mattered not how peace loving or good natured or lovable the people were; they had no choice whatever but to respond to the battle cry. The German citizen had no choice but death except to march to the trenches under the command of this military autocracy, and, Mr. President, if this military autocracy wins in this war, if this military autocracy by virtue of this war can dominate the democracies of France and Italy and Great Britain and Europe, it will become, indeed, the "world power," idealized and prayed for by the military autocracy, and our country, from a peaceful, industrial, happy democracy, where liberty is idealized, may by military force be driven to become a part of a great military machine, controlled by the same forces which are in control now of the central Empires. Mr. President, if war does come by virtue of our sustaining our neutral rights, I shall be reconciled in the belief that at least the United States has at last thrown her great powers on the side of democracy, on the side of liberty and justice and mercy and humanity, on the side of the doctrine that "right makes might" and against the infinitely pernicious doctrine that "*might* makes *right*."

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Nebraska?

Mr. OWEN. I yield the floor.

Mr. LA FOLLETTE. Mr. President——

Mr. HITCHCOCK. At this time——

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. The Senator from——

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from——

Mr. LA FOLLETTE. Mr. President, I do not ask the Senator from Nebraska to yield to me. You asked the Senator from Oklahoma if he would yield the floor to the Senator from Nebraska. No Senator can yield the floor to another Senator.

Mr. HITCHCOCK. Mr. President, I ask for the floor in my own right.

The PRESIDENT pro tempore. The Senator from Nebraska first addressed the Chair and is recognized.

Mr. LA FOLLETTE. But, Mr. President, one moment.

Mr. HARDWICK. I suggest the absence of a quorum.

Mr. HITCHCOCK. I decline to submit to——

The PRESIDENT pro tempore. The Senator from Georgia suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Norris	Smith, Mich.
Bankhead	Husting	Oliver	Smith, S. C.
Borah	James	Overman	Smoot
Brady	Johnson, S. Dak.	Owen	Sterling
Bryan	Jones	Page	Swanson
Chamberlain	Kenyon	Phelan	Thomas
Chilton	Kirby	Pittman	Tillman
Clapp	La Follette	Pomerene	Townsend
Colt	Lane	Reed	Underwood
Cummins	Lea, Tenn.	Robinson	Vardaman
Curtis	Lee, Md.	Saulsbury	Wadsworth
Dillingham	Lewis	Shafroth	Walsh
du Pont	Lodge	Sheppard	Weeks
Fernald	McLean	Sherman	Williams
Gronna	Martin, Va.	Shields	Works
Hardwick	Martine, N. J.	Simmons	
Hitchcock	Myers	Smith, Ga.	
Hollis	Nelson	Smith, Md.	

Mr. CURTIS. I desire to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER]. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Sixty-nine Senators have answered to their names. There is a quorum present. The Senator from Nebraska.

Mr. HITCHCOCK. Mr. President——

Mr. LA FOLLETTE. Mr. President——

Mr. HITCHCOCK. This filibuster——

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska——

Mr. LA FOLLETTE. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LA FOLLETTE. Well, I should like recognition when I rise and address the President, to know——

Mr. HITCHCOCK. Mr. President, I object to any——

Mr. LA FOLLETTE (continuing). Whether I am to have an opportunity on this floor which belongs to me.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. LA FOLLETTE. I will state it, Mr. President, when I am assured that I am recognized.

My parliamentary inquiry is this: I was informed by the Presiding Officer, one of the Senators who was last in the chair, when I sought recognition at about 8 o'clock this morning, that when the Vice President left the chair—I will wait until I can have the attention of the President of the Senate.

The PRESIDENT pro tempore. The Senator shall have his attention.

Mr. LA FOLLETTE. I was informed that when the Vice President left the chair he left a list with the names of two Senators upon it who must be recognized before I could be recognized. The names of those two Senators were Senator OWEN and Senator HITCHCOCK. I then asked to have my name placed upon the list to be recognized next.

Now, Mr. President, I recognize the fact that it has been customary to make up lists at the desk and enter upon them the names of Senators who ask for recognition. I recognize, furthermore, that sometimes those lists have been disregarded by presiding officers. Indeed, only yesterday, when the Vice President was in the chair, I asked as to whether I could get my name upon a list of those who were to speak upon this bill, and I was told that all lists had been destroyed, and that Senators would be recognized in the order in which they addressed the Chair.

Mr. HITCHCOCK. Mr. President, a parliamentary inquiry.

Mr. LA FOLLETTE. Now, I simply want to know what the practice of the Senate is to be for the remainder of this session. I am here to contend for certain rights that belong to me as a Member of this Senate under the Constitution, and to contend for those rights pretty earnestly; and all I want to know is whether the list that lies upon the desk before the President of the Senate—a list made up in part, as to two names, by the Vice President and passed on to the Senator from Tennessee [Mr. LEA], who was called to the chair and who, at my request, entered my name upon that list next after that of the Senator from Nebraska [Mr. HITCHCOCK]—I want to know whether that list is to be observed or whether it is to be disregarded by the President of the Senate.

Mr. ROBINSON. Mr. President, I make the point of order that the Senator does not state a parliamentary inquiry.

Mr. LA FOLLETTE. I am stating a parliamentary inquiry.

Mr. ROBINSON. Mr. President, I made the point of order——

Mr. LA FOLLETTE. I do not care what point of order the Senator makes.

Mr. ROBINSON. I make the point of order that the Senator does not state a point of order.

Mr. LA FOLLETTE. I am stating a parliamentary inquiry.

Mr. ROBINSON. I make the point of order——

Mr. LA FOLLETTE. I will continue on this floor until I complete my statement unless somebody carries me off, and I should like to see the man who will do it.

Mr. ROBINSON. Mr. President——

Mr. LA FOLLETTE. Now, Mr. President, what I want to know is this——

Mr. ROBINSON. Mr. President, I make a point of order.

The PRESIDENT pro tempore. The Senator from Arkansas will state his point of order.

Mr. ROBINSON. The Senator from Wisconsin rose to make a parliamentary inquiry. I make the point of order that upon being given the opportunity he has not stated a parliamentary inquiry.

Mr. LA FOLLETTE. I have not yet completed my statement.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. LA FOLLETTE. I appeal from the decision of the Chair.

Mr. ROBINSON. I move to lay the appeal of the Senator from Wisconsin on the table.

Mr. LA FOLLETTE. On that I demand the yeas and nays.

Mr. ASHURST and other Senators. Call the roll!

Mr. LA FOLLETTE. We will see whether Senators are to be deprived of their constitutional rights on this floor.

Mr. ASHURST. The matter is not debatable.

The PRESIDENT pro tempore. Is the demand for the yeas and nays seconded? [A pause.] Evidently a sufficient number have seconded the demand, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. STONE (when his name was called). In the absence of the Senator from Wyoming [Mr. CLARK], with whom I have a standing pair, I withhold my vote.

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the junior Senator from Ohio [Mr. HARDING] to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. WALSH (when his name was called). In the absence of the Senator from Rhode Island [Mr. LIPPITT], with whom I have a general pair, I withhold my vote. If at liberty to vote, I would vote "nay."

The roll call was concluded.

Mr. DU PONT (after having voted in the affirmative). I should like to inquire whether the junior Senator from Kentucky [Mr. BECKHAM] has voted?

The PRESIDENT pro tempore. He has not.

Mr. DU PONT. I have a general pair with that Senator. I am informed that if present he would vote the same way that I do, and I will let my vote stand.

Mr. BRADY. I have a general pair with the junior Senator from Mississippi [Mr. VARDAMAN], and therefore withhold my vote.

Mr. OVERMAN (after having voted in the affirmative). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer my pair to the senior Senator from Oklahoma [Mr. GORE] and let my vote stand.

Mr. CHILTON. I have a general pair with the Senator from New Mexico [Mr. FALL]. He is absent and I can not vote. I could get a transfer, but as I was not in when the point of order was raised I do not know how to vote.

Mr. WILLIAMS (after having voted in the affirmative). I have a pair with the Senator from Pennsylvania [Mr. PENROSE]. As he would vote if he were present as I did, I will let my vote stand.

The result was announced—yeas 52, nays 15, as follows:

YEAS—52.

Ashurst	Fletcher	Newlands	Smith, Ga.
Bankhead	Hardwick	Oliver	Smith, Md.
Brandegee	Hitchcock	Overman	Smith, Mich.
Broussard	Hollis	Owen	Smith, S. C.
Bryan	Hughes	Phelan	Smoot
Catron	James	Pittman	Sterling
Chamberlain	Johnson, S. Dak.	Pomerene	Swanson
Colt	Lewis	Reed	Thompson
Curtis	Lodge	Robinson	Tillman
Dillingham	McCumber	Shafroth	Underwood
du Pont	McLean	Sheppard	Wadsworth
Fall	Martin, Va.	Shields	Weeks
Fernald	Nelson	Simmons	Williams

NAYS—15.

Clapp	Jones	Lee, Md.	Sherman
Cummins	Kirby	Martine, N. J.	Thomas
Gronna	La Follette	Myers	Works
Husting	Lane	Page	

NOT VOTING—29.

Beckham	Gore	O'Gorman	Townsend
Borah	Harding	Penrose	Vardaman
Brady	Johnson, Me.	Poindexter	Walsh
Chilton	Kenyon,	Ransdell	Warren
Clark	Kern	Saulsbury	Watson
Culberson	Lea, Tenn.	Smith, Ariz.	
Gallinger	Lippitt	Stone	
Goff	Norris	Sutherland	

So the appeal from the decision of the Chair was laid on the table.

Mr. HITCHCOCK. Mr. President, I am very much surprised at the storm that has been raised over my very natural attempt to secure the floor for the purpose of making reply to the very long and very exhaustive debate that has been had against the bill which I was put in charge of. It seems to me it would be an ordinary course of the man in charge of a bill to have the opportunity, after hours and hours of attack upon that bill, to make some reply to such attacks, and I am still more surprised because the Senator from Wisconsin [Mr. LA FOLLETTE] apparently realized and conceded that I had placed myself in a position to be entitled to recognition for this purpose.

Mr. LA FOLLETTE. Will the Senator yield?

Mr. HITCHCOCK. For a question merely.

Mr. LA FOLLETTE. My parliamentary inquiry addressed to the Chair was not whether the list upon which the Senator from Nebraska had placed his name was to be observed by the present occupant of the chair. I could not get, through a personal inquiry from the present occupant, whether it was to be observed or not, and I ask the Senator from Nebraska if he thinks it strange I should have sought the floor by parliamentary inquiry to ascertain that information?

Mr. HITCHCOCK. It is hardly worth while for us to discuss that. I am sure the Senator from Wisconsin is too good a parliamentarian to feel, after he has opportunity to cool off and think this over, that that was a parliamentary inquiry. It had nothing to do with the rules of the Senate of the United States.

Mr. LA FOLLETTE. But it had something to do with procedure, if the Senator will permit me.

Mr. HITCHCOCK. Yes; I can excuse the Senator's curiosity.

Mr. President, it has struck me as most extraordinary that this bill should have received the shabby treatment which has been accorded it. Not quite one week ago the President of the United States came before the Congress in what was thought to be a great emergency. Congress was drawing to a close, and the President felt he ought to have from Congress some expression of its support and some expression of its opinion as to the course he proposed to take under his constitutional powers during the next few months. That address of the President was listened to by both Houses of Congress, and apparently it was received with most intense approval, not only by the Congress of the United States but by the people of the United States, as expressed in the newspapers all over the country. It at once became the duty under that appeal of the President in this emergency for the chairman of the Committee on Foreign Relations of the Senate to introduce a bill, in order that the Senate might have an opportunity of seeing whether it indorsed the position of the President or not, and whether it was ready to afford him the powers and the support which he asked.

Therefore, on the 27th day of February the Senator from Missouri [Mr. STONE] introduced a bill, and to the surprise of the whole country instead of permitting that bill to take the ordinary course, not a course of expedition, every device known to parliamentary law, as far as the Senate was concerned, was put into force to prevent this bill from coming before the Senate of the United States. Ordinarily when bills are introduced they are read the first and second times, by common consent, and referred to the committees to which they belong. In this case, however, one of the Senators in this body, responsible for this long delay, and my recollection is that it was the Senator from Wisconsin [Mr. LA FOLLETTE] himself who has managed this campaign of delay, objected to its consideration, and under that objection and the almost obsolete and unused rules of the Senate that bill went over for one day.

On March 1, which was the next legislative day of the Senate, the bill came up again under its right and was read a second time and referred to the Committee on Foreign Relations, where it should have been a day or two before that. On the same day with great expedition the Committee on Foreign Relations, realizing the urgency of the matter, reported the bill immediately back to the Senate and here it has been under consideration since that time.

Mr. President, the RECORD will show the reiterated and oft-repeated effort I have made to bring that bill to a vote. The RECORD will show that time after time some Senator, belonging to the small number of Senators who had impeded the progress of this bill, objected to any device by which the bill might be brought to a vote at this session, and even my appeals to this very small minority of the Senate, probably one-tenth of the Senate, for a limitation of debate have been objected to and defeated every time they have been made.

Mr. President, that of itself is an extraordinary proceeding in a legislative body of intelligent men representing the 48 States of the Union. Certainly when the President of the United States representing the international affairs of the country comes before Congress and appeals for support the least that can be done is for the upper House of the Congress to give an answer to his appeal; but that has not been accorded.

I know, Mr. President, of no bill which has been treated in the shabby way that this bill has been treated, which ought of all other measures to have received the most considerate atten-

tion, not only because it is evoked by the appeal of the President of the United States, but the most considerate attention, because it has to do with the weighty affairs of State, because it involves not only the rights of American citizens and the powers of the President of the United States, but also it involves the solemn question of peace or war for the American people.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. HITCHCOCK. I do for a question. I must be careful not to lose my right to the floor.

Mr. THOMAS. Does not the Senator think that this is a conspicuous and perhaps the most conspicuous illustration of an obsolete rule adopted in 1804 for the transaction of business, in that it shows that whatever the Senate may be able to do, it is unable to reach a vote when one or two men object?

Mr. HITCHCOCK. Mr. President, I agree with my friend from Colorado. This experience has demonstrated that even if an enemy were at our gates and the President appealed to the Congress of the United States for instant support, it might be possible for a handful of Senators in this body to defeat action.

Mr. OVERMAN. Mr. President, will the Senator from Nebraska yield to me?

Mr. HITCHCOCK. I will yield for a question, making the same reservation as heretofore to protect my rights.

Mr. OVERMAN. I want to say that there is a resolution on the calendar proposing to amend the rules, which we have tried to get considered. If that resolution had been passed a month ago, we would not have had these scenes and this pending bill would have been passed days ago.

Mr. HITCHCOCK. Well, Mr. President, I must reply to my friend from North Carolina as I have to my friend from Colorado. This experience to me is shocking; it is absolutely amazing.

Mr. WILLIAMS. And humiliating.

Mr. HITCHCOCK. And humiliating, as the Senator from Mississippi says, coming, as it does, from men who aver that they have faith in representative government and yet who are not willing to trust the greatest body of legislators in the United States to vote upon a bill which the President has laid before them. It is an experience, Mr. President, which must inevitably lead to a modification of the rules of this Senate. I am not a radical on that subject. I believe that the Senate of the United States should have rules somewhat different from the rules of the popular body at the other end of the Capitol; but certainly this experience shows that the Government may be in actual danger at some time if a few determined men set about to defeat essential legislation.

Mr. President, I have said that much with regard to the treatment accorded this bill. I took the floor for the purpose of making some reply to criticisms that had been made upon it.

Mr. STONE. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. HITCHCOCK. I yield for a question under the same reservation to protect my rights.

Mr. STONE. I desire to make a suggestion to the Senator. It has been stated by the Senator from North Carolina [Mr. OVERMAN] that there is a Senate resolution pending proposing to change the rules of the Senate so as to effect some form of cloture; I can not say just what form it is, but the Senator from North Carolina says it would bring a speedy vote. I should like to have the Senator from Nebraska lay aside his bill temporarily and ask unanimous consent that that resolution be laid before the Senate for an immediate vote.

Mr. HITCHCOCK. Well, Mr. President, I can not yield to that request at this time, for I realize that it would be futile to do so.

Mr. JAMES. It would be futile, if the Senator will pardon me, for the reason that Senators could talk that to death just as they are talking this bill to death.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Georgia?

Mr. HITCHCOCK. I yield for a question.

Mr. SMITH of Georgia. I merely desire to ask a question. Is it not true that the rule we have pending before the Senate requires a calendar day to pass before a motion to bring on a vote can be acted upon?

Mr. STONE. But it can be done by unanimous consent.

Mr. HITCHCOCK. I think the Senator from Georgia has correctly stated the rule.

Mr. STONE. If, however, that is refused, then it can not be done; but it will not do any harm to ask for it.

Mr. HITCHCOCK. Mr. President, I do not want to be diverted entirely from what I have to say in reply to the hours and hours of argument that have been made against this measure, not with any idea, I think, of enlightening the country, but largely for the purpose of making it impossible for the Senate to vote upon the bill.

Mr. President, what did the President of the United States ask for in his address to Congress? He asked for a few very simple things. In the first place, in the great international emergency which has confronted the President of the United States how could he have come to Congress and asked for less, taking into account the information which we now know he has had in his possession? He asked for no war power; he did not ask Congress to declare war; he did not ask Congress to authorize him to make war. He merely asked Congress for these things: First, he asked that the merchant vessels of the United States be authorized to arm themselves for defense, a right which merchantmen have enjoyed since international law became known. He asked that he be authorized to furnish those vessels with arms and to employ other instrumentalities for the same purpose. He asked that money be provided for the purpose.

Mr. President, I have already drawn attention to the fact that when the Committee on Foreign Relations began the consideration of the President's request it was confronted by a law which has been upon the statute books of the United States since 1819; a law which prohibits a merchantman of the United States to make armed resistance to the public vessels of any country with which the United States is in amity. The discovery of this law compelled the Committee on Foreign Relations to put into the new act a provision authorizing such vessels, after they had been armed by the President, to defend themselves against unlawful attack whether from pirates or from the public vessels of other countries. Mr. President, that is the bill. It is the beginning and the end of the bill. There is nothing more in the bill.

Senators here in attacking this measure have sought to show that in this bill Congress sought to delegate its constitutional power to the President to make war, and the Senator from Missouri [Mr. STONE] has cited two enactments during our trouble with France in 1798, I think it was, which, to my mind, instead of demonstrating that the present bill was defective, demonstrates conclusively that it follows the same lines as were followed in the law which authorized the President of the United States to seize French vessels that were attacking the vessels of the United States without any international right to do so.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. HITCHCOCK. I yield for a question under the same reservation which I have heretofore made.

Mr. WILLIAMS. In that connection, does not the Senator from Nebraska remember that a hundred years after that, in 1898, the House of Representatives and the Senate unanimously gave to President McKinley, quite a while before the act of intervention was passed, $50,000,000, to be used as he chose, in protecting American citizens and American property—"to be used in his discretion" was the language?

Mr. HITCHCOCK. Yes, Mr. President.

Mr. WILLIAMS. Does the Senator, then, not think that it is a little late, after the acts of 1798 and 1898, to come here and say that this bill, with the limited powers granted to the President, is a delegation of an authority to make war, when, especially in the last case that I have mentioned, the money was put at the discretion of the President, to be used in using the Army and the naval forces of the United States, if necessary, in the manner he thought best calculated to protect American life and property?

Mr. HITCHCOCK. That is unquestionably true, Mr. President.

Mr. STONE. The language of the act was "for the national defense."

Mr. HITCHCOCK. But was it not to be used in his discretion for the national defense?

Mr. WILLIAMS. The term "national defense" is broader than the language used in this bill.

Mr. HITCHCOCK. One is for national defense and the other is to protect American vessels in their unquestioned neutral rights; and, in either case, Congress authorized the President to act and gave him all necessary powers for the purpose of acting.

Mr. WILLIAMS. Mr. President, I will ask the Senator from Nebraska——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield further to the Senator from Mississippi?

Mr. HITCHCOCK. I yield with the same reservation.

Mr. WILLIAMS. Can there be any broader lodgment of power than to give to the President authority to act in the national defense, in his discretion, and to use the naval and military forces of the United States?

Mr. HITCHCOCK. Certainly not, Mr. President. Much has been said to the effect—and I think the Senator from Missouri [Mr. STONE] dwelt upon the fact—that this bill authorizes the President to employ other instrumentalities. If the other instrumentalities are limited to the specific duty of protecting American ships and American citizens in their peaceful rights upon the seas, it is simply a device of the English language to give real power to the President to enable him to do the things which Congress authorizes him to do. As long as the use of the other instrumentalities is limited to certain purposes, there can be no excuse, in my opinion, for saying that it is a grant of unlimited war powers to the President.

Mr. President, what, in short, is this bill? It is not a bill authorizing the President to declare war; it is not a bill to authorize him to take part in that great struggle on the other side of the earth. It is a bill which authorizes him to do what he said he wanted to do. What was that? To maintain an armed neutrality. And that, Mr. President, implies in its very terms that it is not to make war, but to maintain peace and the rights of peace.

Now, Mr. President, another objection which Senators have made to this bill is that, while, as they admit, it only provides for an armed neutrality and the protection of our rights as a neutral, it may lead to war. Well, Mr. President, I think I have shown by my attitude since this terrible war in Europe broke out that I am not in favor of war; that I would be one of the last men to vote for war. I believe in my heart that I am as nearly neutral between the great belligerents as a man can be; and I believe, furthermore, that my appreciation of the horrors of that awful war would restrain me a long time from voting for any measure which I thought or had reason to think would lead to war.

What is our experience with armed neutrality? The act of Congress read by the Senator from Missouri, passed in 1798, which empowered the President to use the warships of the United States in seizing French men-of-war and either subduing them or conquering them or taking them into American ports, was a more extreme measure than the one proposed here, and yet, happily, it did not lead to a terrible war between the United States and France. Moreover, we have illustrations in this very conflict to-day of armed neutrality. Holland is maintaining an armed neutrality at the present time. Her soldiers stand on guard, and have stood on guard since the very day the war broke out. Switzerland is maintaining an armed neutrality at the present time against all of the combatants in this terrible war. To a lesser extent Sweden is maintaining an armed neutrality, defying the belligerents on either side who encroach upon her rights. It is easy to see that if those lesser nations of Europe had not assumed such a position of armed neutrality their rights would have been gone at the present time. Mr. President, instead of involving those nations in possible war their armed neutrality has been a protection from war. So I say, by the historic experience of the United States in the case of France, by the instances which we now see in Europe, armed neutrality is the only attitude which a country can take with dignity and honor in order to avoid becoming involved in the war.

Mr. President, certain amendments have been offered to this bill. I stated, when I presented the bill to the Senate, that it did not fully meet my views and prejudices. I believe I can fairly say, without revealing secrets of the committee room, that I voted in the committee for some of the restrictions which the Senator from Missouri proposes to insert in this bill. The most essential element of the amendment offered by the Senator from Missouri, and the one which naturally appeals to me most, is that which prohibits vessels armed by the United States or protected by the United States carrying or conveying munitions of war.

Mr. President, I naturally would support such an amendment. I am the author, as has been stated here to-day, of the bill which was introduced shortly after the outbreak of this war, to prohibit munitions of war being sold by the United States to countries involved in war with other countries with which the United States was at peace. I was the first to introduce such a bill and the first to advocate it, and I secured upon this floor 37 votes of Senators here to engraft that bill upon the shipping bill when it was before the Senate for consideration. I believe to-day that it was a great mistake for the United States to permit the enormous traffic in munitions of war to be built up here, under which the United States has in a way become a base of supplies for the belligerents upon one side or upon the other.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. HITCHCOCK. For a question, under the same reservation.

Mr. LA FOLLETTE. Yes; just for a question. I wanted to ask the Senator if he did not remember that the Senators he has criticized as holding up this bill furnished a very large proportion of the votes in support of his amendment to the shipping bill to prohibit the shipping of munitions of war abroad; indeed, if every one of them did not vote for his amendment?

Mr. HITCHCOCK. Mr. President, I think the Senator has correctly stated the case.

Mr. LA FOLLETTE. And now, if the Senator will permit me another inquiry, does he not think that those Senators, in resisting the passage of a bill to arm merchantmen and send the wooden hulls out on to the ocean, are more consistent with the position that the Senator held before election than he now takes in opposing this measure?

Mr. HITCHCOCK. I can not agree with the Senator there. I have, Mr. President, held the same opinion all the time with regard to the manufacture and sale of munitions of war on this enormous scale. I think morally it was bad, and I believe that it will turn out to have been a curse to this country, because of the harvest of hate it has bred in Europe in order that it might coin profits in the United States.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. HITCHCOCK. Mr. President, if the Senator from Michigan will wait a moment—the Senator from Wisconsin has not correctly stated the case. It is not proposed in this bill to authorize the President of the United States to violate the laws of neutrality, and the President of the United States could neither arm vessels loaded with munitions of war for one of the belligerents, nor could he convoy a vessel loaded with munitions of war for one of the belligerents, without violating the neutrality of the United States.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. HITCHCOCK. I yield, with the same reservation.

Mr. LA FOLLETTE. It can scarcely be expected that the Senator from Wisconsin can, in one brief sentence comprising one interrogatory, state his position upon this bill, or state his belief of the scope of this bill, or define it properly. The Senator from Nebraska has spoken twice upon this bill. The Senator from Wisconsin has not had an opportunity to speak at all upon this bill. I ask the Senator from Nebraska if he does not think that fairness to Senators upon this floor who are regarded as peers from their respective States, representing equally constituencies here that ought to be heard, requires that each one of them should be permitted at least an equal chance with the others to be heard, in so far as it is possible under the rules? And I ask the Senator if he does not think that it would be fair for him, this being the second time he has spoken regularly upon the bill and the fourth or fifth time he has had the floor, while other Senators who are opposed to this bill not having had an opportunity to utter a word upon it, to give those Senators a portion of the hour and 45 minutes remaining for discussion of this measure?

Mr. HITCHCOCK. I will reply to the Senator with a question: Will he now consent to vote upon the bill which is before the Senate?

Mr. LA FOLLETTE. I shall be very glad to answer the Senator—delighted, Mr. President. I should like to state the reasons why I can not conscientiously, in the discharge of my duties under the Constitution, consent to the closing of this debate until every Senator who wants to be heard shall have the opportunity; and I suggest to the Senator from Nebraska that there is no reason why this debate should be limited to the hour and 45 minutes. The President has the opportunity to convene us in session Monday, and we can go on with this debate, and everybody have a fair and a full hearing; and then, Mr. President, that body which is fixed by the Constitution as the body to pass upon whether we shall have war or peace will say whether or not Senators shall have an opportunity to be heard.

Mr. HITCHCOCK. Mr. President, I decline to yield further.

The PRESIDENT pro tempore. The Senator from Nebraska declines to yield further.

Mr. HITCHCOCK. Mr. President, I have been very anxious to hear from the Senator from Wisconsin what argument he had to make against this bill, and I have noticed that he has been in the Senate Chamber here, and has apparently engineered those whom he put forward to speak; and I have regretted that he had allotted them so much time and reserved so little for himself, at such risk of losing the opportunity to speak.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. HITCHCOCK. No; I can not yield.

Mr. LA FOLLETTE. No; I should think the Senator could not after that statement. It would not be safe.

Mr. WILLIAMS. He ought not, whether he could or not.

Mr. HITCHCOCK. Mr. President, I have stated my position, which is fairly well known, on the subject of the munitions bill. I would be immeasurably chagrined if the United States Government should do anything either to insure or to protect the transportation of munitions of war to any of the belligerents in Europe to continue the destructive conflict there; and I have satisfied myself, by inquiry at Government sources, that our Government has been scrupulous to observe the laws of neutrality, which prohibit it from doing anything to facilitate or protect or insure the transportation of munitions of war to any belligerent country.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. HITCHCOCK. I yield for a question.

Mr. SMITH of Michigan. Mr. President, the Senator has referred to the attitude which he assumed two months ago upon the question of the shipment of American arms to belligerent countries. I should like to ask the Senator if he knows whether there are or have been, during the present European war, shipments of munitions to belligerent countries in American bottoms and under the American flag?

Mr. HITCHCOCK. I think not, Mr. President. I have been informed——

Mr. SMITH of Michigan. I think not, too, Mr. President, so far as my information goes. If the Senator will pardon me one word, one question, I feel very well satisfied that the answer of the Senator from Nebraska is in accord with the facts. Now, one more question. The Senator has referred to those who have discussed this bill. I am a member of the Committee on Foreign Relations, and I have not discussed it. Does not the Senator from Nebraska feel that I have a fair right to be heard upon this bill?

Mr. HITCHCOCK. I certainly think that the Senator from Michigan, who has been for many years a member of the committee, might be as equally entitled to time for the discussion of this bill as the Senator from any State, however eminent, who is not a member of the committee; and I regret that the Senator——

Mr. SMITH of Michigan. Mr. President, I will not pursue the matter further; but I give notice that I propose to be heard on this bill before 12 o'clock, and that I shall exercise my right as an American Senator to be heard; that I remained here all last night with the hope that I might be heard, and I propose to be heard before the vote is taken.

Mr. HITCHCOCK. Mr. President, I shall have to ask the Senator from Michigan not to endanger my position upon the floor. But the Senator from Michigan has correctly stated the situation. Such inquiry as I have made convinces me that American ships have not been used during the present war to convey munitions of war to belligerent countries of Europe. And that is not all. Some three years ago Congress created a bureau of insurance and placed it under the authority of the Treasury Department. I made inquiry of that bureau, and I find that under the advice of the proper authorities that bureau has refused to issue Government insurance on either munitions of war or vessels carrying munitions of war, or even carrying contraband of war, an extreme position, possibly, in the fine recognition of the duties of a neutral government.

Having found that out, having found that under the administration of Woodrow Wilson the Government has been scrupulous not to violate the rules of neutrality, not to do any act to facilitate the transportation of munitions of war or even contraband to the countries at war, I felt that an amendment such as that proposed by the Senator from Missouri was unnecessary, and was, in fact, a reflection upon the President, to whose hands the power was to be intrusted.

Mr. President, I shall not take time to any extent with the amendment offered by the Senator from Iowa [Mr. CUMMINS]. It is not very materially different from the bill. It seems to me a little like splitting hairs, as far as its essential particulars are concerned; and it is particularly obnoxious to me because it specifies submarines as the vessels against which the President is to arm the merchant shipping of the United States. I object to that because it seems to single out one belligerent against whose unlawful acts the neutral rights of the United States are to be protected. I believe that armed neutrality means the maintenance of neutral rights against all belligerents, and I do not want in this bill to incorporate any phrase which would seem to indicate that war was intended against one of them, because that would inevitably involve us in the dangers of war.

Mr. President, what is the present war? It broke out suddenly, in the twinkling of an eye, like a flash from a clear sky, on or about the 1st day of July, 1914.

The PRESIDENT pro tempore. The Chair must request that better order be maintained in the Chamber.

Mr. HUGHES. Mr. President, I make the point that there is no quorum present.

The PRESIDENT pro tempore. The Senator from New Jersey suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Norris	Smith, S. C.
Beckham	Hughes	O'Gorman	Smoot
Borah	Husting	Oliver	Sterling
Broussard	James	Overman	Stone
Bryan	Johnson, S. Dak.	Owen	Sutherland
Catron	Jones	Page	Swanson
Chamberlain	Kenyon	Penrose	Thomas
Chilton	Kern	Phelan	Thompson
Clark	Kirby	Pomerene	Tillman
Colt	La Follette	Ransdell	Townsend
Cummins	Lane	Reed	Underwood
Curtis	Lea, Tenn.	Robinson	Vardaman
Dillingham	Lee, Md.	Saulsbury	Wadsworth
du Pont	Lewis	Shafroth	Walsh
Fall	Lodge	Sheppard	Warren
Fernald	McCumber	Sherman	Watson
Fletcher	McLean	Shields	Weeks
Gronna	Martine, N. J.	Simmons	Williams
Harding	Myers	Smith, Ga.	Works
Hardwick	Nelson	Smith, Md.	
Hitchcock	Newlands	Smith, Mich.	

The PRESIDENT pro tempore. Eighty-two Senators have answered to their names. There is a quorum present. The Senator from Nebraska has the floor.

Mr. LA FOLLETTE. Mr. President——

Mr. HITCHCOCK. Mr. President, in the interest again of an effort to bring this matter to a vote I should like to inquire of those who oppose this bill whether they will give unanimous consent that all amendments and substitutes be laid aside and that the House bill be put to a vote at 11.30 o'clock.

Mr. STONE. I only want to say in this connection that I am opposed to that bill, but I am not opposed to voting upon it.

Mr. HITCHCOCK. I understood the Senator's position.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. LA FOLLETTE. I very much wanted an opportunity to be heard on this important measure.

Mr. HITCHCOCK. If there is any objection——

Mr. LA FOLLETTE. I still desire the opportunity to be heard upon it, Mr. President.

Mr. HITCHCOCK. Is there objection to my request for unanimous consent?

Mr. LA FOLLETTE. Mr. President, I was about to state an objection when I was interrupted.

Mr. ROBINSON. Mr. President, the regular order.

Mr. WILLIAMS. I make the point of order that when there is objection to a unanimous-consent request it is not in order to make a speech.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. LA FOLLETTE. I make the point of order that the request for unanimous consent has not been presented under the rule. When it is I will answer. If the Senator from Nebraska wants to make it, let him make it.

The PRESIDENT pro tempore. Is there objection to the unanimous consent asked by the Senator from Nebraska?

Mr. LA FOLLETTE. Yes; I object now; and I will object again——

The PRESIDENT pro tempore. Objection is made.

Mr. LA FOLLETTE. And as often as the request is made until I have an opportunity to be heard. The Senator from Nebraska is being heard the second time.

Mr. WILLIAMS. I call the Senator from Wisconsin to order.

The PRESIDENT pro tempore. The Senator will be in order.

Mr. WILLIAMS. He is habitually and constantly violating the rules of the Senate.

Mr. LA FOLLETTE. So are you. You have not been recognized yet.

The PRESIDENT pro tempore. The Senator from Nebraska will proceed.

Mr. HITCHCOCK. Mr. President, the outbreak of the war on the 1st of August, 1914, constituted the greatest disaster that ever came upon this world. It only involved a few nations of the world at first, but one by one others were drawn into it until to-day some 14 nations of the earth are involved as participants in that terrible conflict. It has swallowed up already thousands and thousands of millions of dollars of the savings of the people. It threatens Europe with bankruptcy. It means repudiation for many nations. It means unparalleled tax burdens upon generations yet unborn, and in addition to that awful waste of the savings of the people there has been already the still more awful waste of life. Men by the millions have died in the war, and to every nation that has become involved in it it is not only a terrible calamity but an awful horror.

As I said, when the war broke out, it only involved a few nations. One by one these others have been drawn into it. Why was our country not drawn into it? Under our form of government there is only one man in the United States who possesses the awful power, the awful responsibility to keep our country out of an unnecessary war, or by some mistake in judgment or some failure to act may involve us in it.

Mr. President, for nearly three years our Chief Executive has kept us out of that war. He has done it in the face of agitation and importunity. He has done it in the face of cajoling and threat and caricature, but he has had steadily before him all the time the high humanitarian duty to save this people from the awful horrors that now afflict the rest of the world.

This bill proposes to give to him power to take practically the only step that can be taken to preserve and maintain the neutrality of the United States. The time has come when our neutrality must be armed as the neutrality of other countries has been armed. Shall we hesitate to intrust these powers to the Executive who has shown during such a long course of time and in the face of such innumerable embarrassments the sturdy determination to keep the horrors of war away from the people of the United States? What excuse have gentlemen for fearing that the small powers intrusted to the President in this proposed bill are to be abused? If he were a jingo, if he were a radical, if he were a reckless man, we might hesitate. But, being the man that he has shown himself to be, it seems to me, as a believer in peace, the safe thing for the United States to do is to give the President of the United States the right to exercise these powers of armed neutrality.

What is our position at the present time? Our position at the present time is one of infinite difficulty and uncertainty. We hardly know what is to become of our commerce. Our ships are detained in our own ports. Our mails are only irregularly transported. The traffic upon our railroads is becoming clogged and congested and all the business connected with our foreign shipments is becoming dislocated and demoralized.

So much for the condition at home. What is it abroad, Mr. President? Do any of the belligerents know exactly the position of the United States? We have been the victims of aggressions, lawless aggressions, from the belligerents on both sides of this conflict. Heretofore, with protests to be sure, we have submitted to some impositions. Shall we continue? Has Germany any means of knowing at the present time what is the position of the United States? Has Great Britain any means of knowing what is the position of the United States in this new crisis?

The President came to Congress and made a recommendation. The House took the first step toward granting to him the power he seeks. By an overwhelming majority, by a vote of 403 to 13, the House of Representatives granted to the President of the United States the power he seeks; and here in the Senate, when the bill was introduced, when it was reported by the committee, it becomes the football of a number of Senators who are not only opposed to it themselves, but who will not permit other Senators to express by their votes what they will do.

Mr. THOMPSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Kansas?

Mr. HITCHCOCK. For a question.

Mr. THOMPSON. I wish to call the Senator's attention to the fact that 75 Senators on both sides of this Chamber signified their desire to vote favorably upon the bill reported.

Mr. HITCHCOCK. Yes, Mr. President; that is true. That was the only device which 75 Senators of this body of 96 Members could resort to in order to indicate by record to the outside world and to the belligerents of Europe that the Senate by an overwhelming majority stands back of the President.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from South Carolina?

Mr. HITCHCOCK. I do for a question.

Mr. TILLMAN. I was absent last night when the paper which was mentioned a little while ago was signed. I am sorry that I did not have a chance to sign it, and I ask leave to add my name to it.

Mr. HITCHCOCK. I hope the Senator's request will be granted, and I know other Senators besides the Senator from South Carolina would like the privilege of going on record in that respect. But it is almost, to my mind, a disgraceful situation when an overwhelming majority of the Senate of the United States are compelled to resort to a written statement placed upon the RECORD in order to indicate to the outside world that this body is not repudiating the advice and the leadership of the President of the United States, whose advice and whose leadership ought to be followed without hesitation and without question by the other departments of the Government in international affairs.

Mr. President, the present situation is almost unbearable. Under the present situation none of the belligerents of the world have any official advice as to whether or not the Congress of the United States stands upon the recommendation of the President. We can very well imagine what headlines may be printed in the newspapers of Europe to-morrow, if not to-day, to the effect that the President of the United States has been repudiated by Congress and that his recommendations to place the United States upon the footing of an armed neutral have been rejected by the Congress of the United States. Such a humiliation for our national Executive, such a humiliation for the American people is, to my mind, one of the most disgraceful things that has occurred in the history of the United States. The Senator from Missouri [Mr. REED] suggests to me that it is one of the most dangerous to our own safety also, and that is very true. If the United States takes, under the leadership of the President and the authority of the Congress, a firm, unqualified position, we may expect that the potentialities of our great Nation are such that the belligerents on both sides will give it respect. What respect, however, will they give, what respect need they give, when it is advertised that the coordinate branches of the Government of the United States are at loggerheads and that the President is not able to get from the Congress of the United States the simple authority by which he sought to maintain the country in a position of armed neutrality?

Mr. President, the course of this war has not been unknown. The history of the war, as it has been brought to us in the newspapers day by day, is a common topic. We see, in the first place, the whole German commerce, of an enormous value, swept from the seas of the earth; we see the German armies triumphant in many countries; we see them seize nine-tenths of Belgium and one-tenth of France, and hold what they have taken; we see the Teuton armies overrun Serbia and Montenegro, most of Roumania and Poland, and a part of Russia. We see the entente allies enter upon what I think was an illegal effort to starve the civilian population of Germany, and we see Germany retaliate by resorting to hitherto unknown and probably illegal acts of submarine warfare for the destruction of vessels going to and coming from Great Britain. To-day we behold the two great combatants in this war resorting to the most desperate methods to win the struggle. In all the history of the world and in the history of warfare, there has never been anything like the spectacle that we now behold.

It is not a war between soldiers and sailors; it is not a war between armies and navies; it has become a war between peoples; whole races of people, organized and mobilized down to the finest resources for the purpose, as each thinks and as each proclaims, of defending itself, but for the purpose, as the other insists, of crushing and destroying the antagonist.

Mr. President, I have here a few verses which impressed me so deeply when they were sung at a peace meeting in Philadelphia lately, at which I was one of the speakers, that I shall venture to read them, because they show in a striking way how sincerely each one of these peoples now engaged in this titanic struggle believes that the right is on their side. The title is "Five Souls," and the words are by W. N. Ewer. The song was sung by Mr. Lewis James Howell:

First Soul:

I was a peasant of the Polish plain;
I left my plow because the message ran:
Russia, in danger, needed every man
To save her from the Teuton; and was slain.
I gave my life for freedom—this I know;
For those who bade me fight had told me so.

Second Soul:

I was a Tyrolese, a mountaineer;
I gladly left my mountain home to fight
Against the brutal, treacherous Muscovite;
And died in Poland on a Cossack spear.
I gave my life for freedom—this I know;
For those who bade me fight had told me so.

Third Soul:

I worked in Lyons at my weaver's loom,
When suddenly the Prussian despot hurled
His felon blow at France and at the world;
Then I went forth to Belgium and my doom.
I gave my life for freedom—this I know;
For those who bade me fight had told me so.

Fourth Soul:

I owned a vineyard by the wooded Main,
Until the Fatherland, begirt by foes
Lusting her downfall, called me, and I rose—
Swift to the call—and died in fair Lorraine.
I gave my life for freedom—this I know;
For those who bade me fight had told me so.

Fifth Soul:

I worked in a great shipyard by the Clyde,
There came a sudden word of wars declared,
Of Belgium, peaceful, helpless, unprepared,
Asking our aid; I joined the ranks, and died.
I gave my life for freedom—this I know;
For those who bade me fight had told me so.

The Conscientious Objector:

I was a soldier of the Prince of Peace,
"Thou shalt not kill" is writ among His laws.
So I refused to fight, and for this cause
Myself was slain. 'Twas thus I gained release.
I gave my life for freedom—this I know;
For He for whom I fought has told me so.

Mr. President, I have read these verses because to some extent they express my idea of this awful conflict that is raging in Europe. When I look at the different countries, think of their history, observe their situations, and analyze their surroundings, I find in each some justification for the attitude taken by those people. I feel that this war is one which we should not hastily judge; I feel that we in the United States have fallen short in performing our duty of neutrality. I know that the overwhelming majority sympathize with one side largely because access to the other side has been cut off; largely because a common language connects us more closely with England than we are connected with Germany; largely also because the means of information are controlled in England and that Germany is deprived of them. I feel, Mr. President, therefore, a sympathy for the German people, who, after all, are only living the lives that their destiny has required them to lead.

That great people has grown up in the last 45 years under the great powers of an Empire. They occupy what for centuries has been the battle field of Europe. Only within the last 45 years have the Teuton people been privileged to live in security and in prosperity. We are wont to condemn their Government, Mr. President, and because our sympathies go strongly to the other side, we forget that the Government of Imperial Germany has done more for the common people, the masses of the German people, during the last 45 years than any country in Europe, at least, has done for its people.

So, Mr. President, I hope that there will be nothing done, and I have felt that nothing will be done by the President of the United States in using the great powers of his office in a way that might even be interpreted as according different treatment to one of the peoples of Europe than to another. I believe that if this bill could have been passed, if these powers could have been intrusted to his hands, the President of the United States, in the exercise of these powers, would have gone no further than was necessary to protect the neutral rights of the United States.

Mr. President, to my mind, if the United States must ever taste of blood, if it shall prove to be impossible for us to keep entirely out of this awful conflict, certainly the honorable course for the United States to maintain is one of neutrality. We can conscientiously as Americans empower our President to protect our neutral rights. If bloodshed follows, we will not have ourselves to blame. I sincerely hope that we may never enter this awful conflict as a party to the struggle, and I do not believe that the American people will ever justify for any reason at all the Congress or the Government of the United States entering this conflict as a party to it.

We behold before us two great belligerent powers, allied forces, fighting each other, not simply the armies and the navies, but whole peoples in an awful death struggle with each other. Naturally they will do desperate things. When a man is crowded against the wall or is fighting for his wife and his children, he will not think of the means that may be necessary; he will take every means to protect them. That is what the nations of Europe are doing. Great Britain is doing it, and that has led her to adopt unlawful means to starve the German people into submission. Women and children and old men and invalids in Germany to-day are suffering because they can not secure enough food to keep their bodies in good condition. Do Senators think that the parents of those children or that the husbands of those wives or that the statesmen who have the responsible duty of protecting those millions of women and children are going to observe the ancient rules of international law in fighting each other as strictly and as scrupulously as the writers on international law say should be done?

On the other hand, Great Britain, Germany having filled the sea with these new-fashioned underwater boats which dart like submarine assassins through the water, miserably drowning men, women, and children who may be their victims—do Senators think that Great Britain, under those circumstances, will be moved to observe the strict letter of international law, will adhere strictly to the Marquis of Queensberry rules of ancient lore? No. So, I say, the policy of the United States in this hour should lead us to take into account the fact that we can not expect of those two great belligerent nations quite the same observation of international law that we have required and expected in other days.

Mr. President, I yield to the President of the United States my heartfelt sympathy and admiration that he has taken these great facts into account in dealing with the situation. By men learned in international law he has been prodded and assailed because, as they thought and as they argued, he has not gone the limit in requiring the belligerent nations to observe the strictest letter of old international law.

So I feel, Mr. President, that the American people owe to this President who has thus stood the brunt and taken criticism for what, after all, has kept this great people out of war, a debt of everlasting gratitude, so that they can well trust him with whatever additional powers may be necessary to continue the fight he is making for peace.

It is not only the people of the United States who owe this great debt of gratitude to the President; it is the people of all the world; because if our great Nation does actually become embroiled in this war, if the only great neutral power of the earth disappears and is by some unhappy chance forced to plunge into the awful maelstrom of war now enguifing the earth, the miseries of mankind will be enormously increased. The German in his little home or on the battle field, the Frenchman in his little home or on the battle field, the widow, the wife, the daughter, the son of any one of these countries is indebted to the President of the United States for having succeeded through these three long years in having kept the light of international law burning in one of the great countries of the world, in having succeeded in keeping one of the great nations out of this awful calamity.

Mr. President, the hour of 11 o'clock and 43 minutes having arrived, I make my final request for unanimous consent. I send it to the desk and ask to have it read.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Without objection, it will be so ordered.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 11.45 o'clock a. m. on Sunday, March 4, 1917, the Senate will proceed without further debate to vote upon the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes, through the regular parliamentary stages to its final disposition.

Mr. LA FOLLETTE and Mr. WILLIAMS addressed the Chair.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska?

Mr. LA FOLLETTE. Mr. President, I object.

Mr. HITCHCOCK. In order to comply with the rules——

The PRESIDING OFFICER. Objection is made. The Senator from Nebraska.

Mr. HITCHCOCK (continuing). I ask to have the roll called to demonstrate the presence of a quorum.

Mr. WILLIAMS. That is all I wanted.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Chamberlain	du Pont	Hughes
Bankhead	Chilton	Fall	Husting
Beckham	Clapp	Fernald	James
Borah	Clark	Fletcher	Johnson, S. Dak.
Brady	Colt	Gronna	Jones
Brandegee	Culberson	Harding	Kenyon
Broussard	Cummins	Hardwick	Kern
Bryan	Curtis	Hitchcock	Kirby
Catron	Dillingham	Hollis	La Follette

Lane	Overman	Sheppard	Thomas
Lea, Tenn.	Owen	Sherman	Thompson
Lee, Md.	Page	Shields	Tillman
Lewis	Penrose	Simmons	Townsend
Lodge	Phelan	Smith, Ga.	Underwood
McCumber	Pittman	Smith, Md.	Vardaman
Martin, Va.	Poindexter	Smith, Mich.	Wadsworth
Martine, N. J.	Pomerene	Smith, S. C.	Walsh
Myers	Ransdell	Smoot	Warren
Nelson	Reed	Sterling	Watson
Newlands	Robinson	Stone	Weeks
Norris	Saulsbury	Sutherland	Williams
Oliver	Shafroth	Swanson	Works

The PRESIDING OFFICER. Eighty-eight Senators have answered to their names. A quorum is present. Is there objection to the request of the Senator from Nebraska?

Mr. LA FOLLETTE. Mr. President, I object.

The PRESIDING OFFICER. The Senator from Wisconsin objects. The Senator from Nebraska.

Mr. HITCHCOCK. Mr. President, that is really deplorable. Here we have present at this time—the last chance to pass the House bill—88 Senators.

Mr. LA FOLLETTE. Mr. President, I rise to a point of order.

Mr. HITCHCOCK. I decline to yield.

Mr. LA FOLLETTE. I do not ask the Senator to yield. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Wisconsin rises to a point of order. The Senator will state his point of order.

Mr. LA FOLLETTE. This is my point of order, Mr. President: That the Senator from Nebraska has spoken twice upon this bill already; that he was taken off his feet by the roll call; that he has spoken early in opening the debate upon the bill, and has spoken at very great length to the exclusion of other Senators who have not spoken at all. Therefore, Mr. President, I make the point of order that he is not entitled to the floor.

The PRESIDING OFFICER. The Senator from Wisconsin makes the point of order that the Senator from Nebraska has spoken twice upon the pending question and that therefore it is not in order for him to proceed.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LA FOLLETTE. That is, if the Chair will permit me; business has intervened since he made his second speech, and that that takes him off the floor.

Mr. BRANDEGEE. Mr. President——

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. HUGHES. I do not quite catch the Senator's point of order. Is he making the point of order that the Senator from Nebraska has spoken twice, or is he making the point of order that business has intervened since the Senator from Nebraska last yielded the floor?

The PRESIDING OFFICER. The Senator from Wisconsin, as the present occupant of the chair understands, makes the point of order that the Senator from Nebraska yielded for the suggestion of the absence of a quorum.

Mr. LA FOLLETTE. No; for the submission of a unanimous-consent agreement, if the Chair will pardon me.

The PRESIDING OFFICER. For the submission of a unanimous-consent agreement; and therefore that he has spoken twice upon the pending question, and for that reason it is not in order for him to proceed.

Mr. LA FOLLETTE. That the submission of the request for unanimous consent and the roll call is the transaction of business, and that the Senator could not hold the floor during that intervening transaction.

The PRESIDING OFFICER. The Chair understands the question as submitted by the Senator from Wisconsin.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. The Chair will hear the Senator from New Jersey on the point of order.

Mr. HUGHES. It seems to me it has been the universal practice of the Senate in recent years to permit a Senator to submit a request for unanimous consent without thereby losing the floor. If the Chair cares to hear from me on that point, of course, I shall be glad to draw on my recollection and on the recollection of other Senators present, and thus produce numerous instances which have occurred in the last few days wherein Senators have been permitted to do what the Senator from Nebraska is being complained of for doing.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Wisconsin?

Mr. LA FOLLETTE. Will the Senator yield just for a suggestion at that point? That is, that this is not the ordinary unanimous consent that Senators often ask when they are upon the floor; but this is a unanimous consent asked for under the rules, which is the transaction of business, and that therefore it terminated the right of the Senator from Nebraska to the floor.

I thank the Senator for yielding to me.

Mr. HUGHES. I am delighted to yield to the Senator at any time.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia.

Mr. SMITH of Georgia. I desire to call the attention of the Chair to the rule upon this subject:

> No Senator shall interrupt another Senator in debate without his consent——

Mr. HUGHES. That is just what the Senator has done. [Laughter.]

Mr. SMITH of Georgia (reading)—

> And no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

Mr. President, if the Chair has any doubt about the right of the Senator from Nebraska to proceed, I move that he be given that privilege.

The PRESIDING OFFICER. The Senator from Georgia moves that the Senator from Nebraska be permitted to proceed. The question is on the motion of the Senator from Georgia. As many as favor that motion will vote "aye."

Mr. LA FOLLETTE. Mr. President, a point of order.

SEVERAL SENATORS. It is not debatable.

The PRESIDING OFFICER. The Senate is now dividing or voting upon the motion.

Mr. LA FOLLETTE. Yes; but I had addressed the Chair.

The PRESIDING OFFICER. As many as are opposed will vote "no."

Mr. LA FOLLETTE. I had addressed the Chair before the motion was put, Mr. President, but in the confusion in the Chamber I could not be heard.

Mr. SMITH of Georgia. But, Mr. President, the rule says the question is not debatable.

Mr. LA FOLLETTE. No; I did not rise to debate it, but simply to make the point of order.

Mr. WILLIAMS. I make the point of order——

The PRESIDING OFFICER. Just a moment, now. Those who are opposed will vote "no." [A pause.] The "ayes" seem to have it.

Mr. LA FOLLETTE. Mr. President, I would ask for a division under those circumstances.

The PRESIDING OFFICER. The Senator from Wisconsin demands a division. As many as favor the motion will rise and remain standing until counted. [A pause.] Sixty-four Senators have risen. Those who are opposed will rise and remain standing until counted. [A pause.] Two Senators have risen. The motion is agreed to, and the Senator from Nebraska will proceed.

Mr. HITCHCOCK. Mr. President, I am deeply grateful to the Senate for according me the opportunity to proceed. There is little more that I can say, or ought to say, at this time.

I had intended, if the time sufficed, to read certain portions of the address delivered by the President to Congress a week ago, when we applauded his lofty sentiments and heard his solemn pledges that he would continue to lead the United States, if it were possible, in the ways of peace. It was an unusual speech for a President asking for what his critics have termed war powers to declare, as he did—

> It is devoutly to be hoped that it will not be necessary to put armed force anywhere into action. The American people do not desire it, and our desire is not different from theirs. I am sure that they will understand the spirit in which I am now acting, the purpose I hold nearest my heart and would wish to exhibit in everything I do. I am anxious that the people of the nations at war also should understand and not mistrust us. I hope that I need give no further proofs and assurances than I have already given throughout three years of anxious patience that I am the friend of peace and mean to preserve it for America so long as I am able.

That, Mr. President, is the language of the Chief Executive of the United States, to whose request unfortunately the Senate has not been able to accord an affirmative answer. Twelve men in this Senate have defeated the will of 70 or 75 or possibly 80 men, and have defeated that will by resorting to one of the most reprehensible filibusters ever recorded in the history of any civilized country. Mr. President, I am using rather strong language and possibly I ought to apologize——

Mr. LA FOLLETTE. Oh, no; not at all. It is perfectly safe when no one has a right to reply.

The PRESIDING OFFICER. The Senator from Nebraska is entitled to the floor.

Mr. HITCHCOCK (continuing). To the Senators who have been so kind and considerate to me, I assure the Senator from Wisconsin that I do not cherish any personal feelings in any——

The PRESIDING OFFICER. The Senator will please suspend. The hour of 12 o'clock noon having arrived, under the Constitution of the United States I now declare the Senate of the United States adjourned sine die.

HOUSE OF REPRESENTATIVES.

SUNDAY, *March 4, 1917.*

(Continuation of proceedings of Saturday, March 3, 1917.)

AFTER RECESS.

The recess having expired, the House was called to order by the Speaker at 10 o'clock a. m.

The SPEAKER. The Chair is not going to recognize anybody who does not agree if anything important comes along they will withdraw the matter, because that is fair to everybody, fair to the House and the Government. The Chair recognizes the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill H. R. 358.

Mr. LEVER. Mr. Speaker, I would like to call up the conference report on the Agriculture bill.

The SPEAKER. Call it up.

EXTENSION OF REMARKS.

Mr. PHELAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER. Mr. Speaker, I ask unanimous consent to print as a document the military data which the War College prepared in connection with the universal military training bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. CALDWELL. Mr. Speaker, I object.

Mr. GARDNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. HASTINGS. Mr. Speaker, I would ask the same privilege.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks.

Mr. BAILEY. Mr. Speaker, I ask the same privilege.

Mr. MANN. Mr. Speaker, I would suggest to the gentleman that he ask general leave to print for 10 calendar days.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that gentlemen of the House may have the privilege of extending their remarks in the RECORD for five days——

Mr. MANN. Make it 10 days.

The SPEAKER. The gentleman from North Carolina asks unanimous consent——

Mr. KITCHIN. Up to the time of the printing of the final edition of the RECORD.

Mr. MANN. Make it 10 days.

The SPEAKER. Is there objection to gentlemen of the House having 10 calendar days in which to extend their remarks? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had agreed to the amendment of the House to the bill (S. 5270) for a public building at Paris, Tex.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 20632. An act making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes; and

H. R. 19359. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8120) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed without amendment joint resolutions of the following titles:

H. J. Res. 392. Joint resolution providing that section 5 of an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, shall not be in effect until July 1, 1917; and

H. J. Res. 390. Joint resolution to expedite the delivery of materials, equipment, and munitions, and to secure more expeditious construction of ships.

The message also announced that the Vice President had appointed as members of the joint commission provided for in the Post Office appropriation bill Mr. BANKHEAD, Mr. HARDWICK, and Mr. WEEKS.

PUBLIC BUILDING, BINGHAMTON, N. Y.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 358.

The SPEAKER. The gentleman from Florida asks unanimous consent for the consideration of the bill indicated. Is there objection?

Mr. LEVER. Mr. Speaker, reserving the right to object, may I ask the gentleman from Florida if this is a contested matter and will take any time?

Mr. CLARK of Florida. Not a particle, I think. If it does, we will have to withdraw it.

Mr. LEVER. Mr. Speaker, I withhold my motion for the present.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 358) providing for the construction of a public building at Binghamton, N. Y.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract, within the limit of cost hereinafter fixed, for the erection and completion on the site now owned by the United States at Binghamton, N. Y., of a suitable and commodious building, including fireproof vaults, heating, hoisting, and ventilating apparatus, and approaches, complete, for the use and accommodation of the post office, courts, and other governmental offices at Binghamton, N. Y., at a cost not to exceed $500,000.

An open space of such width, including streets and alleys, as the Secretary of the Treasury may determine, shall be maintained about said building for the protection thereof from fire in adjacent buildings.

And the Secretary of the Treasury is further authorized and directed to sell, at such time and upon such terms as he may deem for the best interests of the United States, the present Federal building and the site thereof at Binghamton, N. Y., and convey the last-mentioned property to the purchaser thereof by the usual quitclaim deed, and to deposit the proceeds derived from such sale in the Treasury of the United States as a miscellaneous receipt, such sale to be made after the completion and occupancy of said new building.

The committee amendment was read, as follows:

Page 2, strike out the last paragraph, included in lines 5 to 14.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Florida asks unanimous consent for the present consideration of this bill. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Florida. Now, Mr. Speaker, I ask unanimous consent to consider the bill in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CLARK of Florida, a motion to reconsider the vote by which the bill was passed was laid on the table.

DRAINAGE DISTRICTS.

Mr. SEARS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Florida rise?

Mr. SEARS. Mr. Speaker, I ask to take from the Speaker's table the bill (S. 7710) and ask its present consideration.

The SPEAKER. The gentleman from Florida asks unanimous consent for the present consideration of the bill, which the Clerk will report.

The Clerk read as follows:

An act (S. 7710) to amend the irrigation act of March 3, 1891 (26 Stat., 1095), section 18, and to amend section 2 of the act of May 11, 1898 (30 Stat., 404).

Be it enacted, etc., That section 18 of what is generally known as the irrigation act of March 3, 1891 (26 Stat., 1095), be, and is hereby, amended so as to read as follows:

"SEC. 18. That the right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company or drainage district formed for the purpose of irrigation or drainage and duly organized under the laws of any State or Territory, and which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation and due proofs of its organization under the same, to the extent of the ground occupied by the water of the reservoir and of the canal and its laterals, and 50 feet on each side of the marginal limits thereof; also the right to take from the public lands adjacent to the line of the canal or ditch, mate-

rial, earth, and stone necessary for the construction of such canal or ditch: *Provided*, That no such right of way shall be so located as to interefere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the department of the Government having jurisdiction of such reservation; and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories."

SEC. 2. That section 2 of the act of May 11, 1898 (30 Stat., 404), be, and is hereby, amended so as to read as follows:

"SEC. 2. That rights of way for ditches, canals, or reservoirs heretofore or hereafter approved under the provisions of sections 18, 19, 20, and 21 of the act entitled 'An act to repeal timber-culture laws, and for other purposes,' approved March 3, 1891, may be used for purposes of a public nature; and said rights of way may be used for purposes of water transportation, for domestic purposes, or for the development of power, as subsidiary to the main purpose of irrigation or drainage."

The SPEAKER. Is there objection?

Mr. KEATING. Mr. Speaker, reserving the right to object, what is the object of this bill?

Mr. SEARS. Mr. Speaker, the object of this bill is to permit drainage districts. In my State five or six counties form drainage districts and the people vote a tax——

Mr. KEATING. Has the Interior Department been consulted with reference to this matter?

Mr. SEARS. On February 9 I asked for a letter on the subject, and they unanimously indorsed it and I had it published so the Members of the House could become familiar with it.

Mr. MANN. It only permits the construction of drainage districts.

Mr. KEATING. The point I desired to know was whether the Committee on the Public Lands had considered it—the men who are familiar with this question of irrigation.

Mr. SEARS. Mr. FERRIS has.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SEARS. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

PAINTING OF THE LATE GOV. HOWELL COBB.

Mr. CRISP. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 536.

Resolved, That in view of the fact that the State of Georgia has in its capitol a life-size oil painting of the late Gov. Howell Cobb, and that the House of Representatives of the United States, of which he was once Speaker, has recently replaced the portrait of Mr. Cobb, which for years hung in its corridors, by an oil painting, and that said portrait, if disposed of under the provisions of the present existing law by being given to the State of Georgia, would not be hung in the capitol of that State, the Clerk of the House of Representatives of the United States is hereby authorized to give and deliver said portrait of Mr. Cobb to Mrs. Mary Ann Lamar Erwin, of Athens, Ga., the oldest surviving daughter of Mr. Cobb.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

EDITH BLANKART FUNSTON.

Mr. HELVERING. Mr. Speaker, I desire to call up the bill (S. 8316), the engrossed copy of which we could not find on yesterday.

The SPEAKER. The gentleman from Kansas asks unanimous consent for the present consideration of the bill, which the Clerk will report.

The Clerk read as follows:

An act (S. 8316) granting a pension to Edith Blankart Funston, widow of the late Maj. Gen. Frederick Funston.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edith Blankart Funston, widow of Frederick Funston, late a major general in the United States Army, and pay her a pension at the rate of $100 per month in lieu of that to which she is entitled by law.

The SPEAKER. Is there objection to its present consideration? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CAMPBELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

GUY A. RICHARDS, JESSE L. ROBBINS, ISAAC M. C. GRIMES, WILLIAM L. IRVINE, AND DAVID COX.

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 7766 for present consideration.

The SPEAKER. The gentleman from Colorado asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read as follows:

An act (S. 7766) for the relief of Guy A. Richards, Jesse L. Robbins, Isaac M. C. Grimes, William L. Irvine, and David Cox.

Be it enacted, etc., That Guy A. Richards, of Cambridge, Nebr.; Jesse L. Robbins, of Lamont, Nebr.; Isaac M. C. Grimes, of Lamont, Nebr.; William L. Irvine, of Witherbee, Colo.; and David Cox, of Holyoke, Colo., who made entries under the homestead laws in accordance with the official plat of survey approved November 23, 1881, of public lands shown by said plat to be a part of township 5 north, range 42 west of the sixth principal meridian, and prior to the resurvey of said township evidenced by plat approved January 30, 1915, which resurvey and plat thereof show the nonexistence of the land as entered and described by said parties, be, and they are hereby, authorized to make individual selections, within one year from the date of approval of this act, of unappropriated, surveyed, nonmineral public land, in area approximately equal to that entered by them and shown not to exist.

SEC. 2. That upon filing formal relinquishment of all right and claim asserted under said original homestead entries and making proof satisfactory to the Commissioner of the General Land Office of having so complied with the requirements of the homestead laws in connection with their original entries as would have entitled them to patents therefor, patent shall issue for the land selected: *Provided*, That if any of said parties is unable to show that he had earned title to the land formerly entered he shall perfect said selection as a homestead and receive credit for residence and improvements had in connection with such former entry.

SEC. 3. That the right of selection hereby granted shall not be assignable, but must be exercised by the said parties in person or, in case of death, by or in behalf of the decedent's heirs: *Provided*, That the land selected shall be of similar character to that actually claimed and occupied by the said parties under their original entries, but if selection is made of lands designated as subject to entry under the stock-raising homestead act approved December 29, 1916, double the area embraced by said original entries may be selected: *Provided further*, That the sections hereby authorized may be made subject to existing laws relating to surface entry, with reservation of minerals to the United States.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, reserving the right to object, I would like to have the bill explained.

Mr. NORTON. Reserving the right to object——

Mr. TIMBERLAKE. Mr. Speaker, it will take but a minute to explain the provisions of this bill. I desire just to explain this in a few words. These gentlemen filed upon lands shown to be vacant by the Government plot in the land office at Sterling, Colo., while I was receiver of that office. Their entries were accepted, and they resided for from seven to eight years on this land. Recently the land has been withdrawn for resurvey, and upon a resurvey they find that they are not occupying the land upon which they have filed and there is no Government land there. They were residing on deeded land, acting in perfect good faith, and the Government is to blame, for the reason that its plots were wrong. Now, these men find themselves without any of the land. This is simply to allow them to go on any Government land and select the same amount of land in character, and upon proof of the residence and cultivation on their former entries receive title by the Government to the land they may under the provisions of this bill select.

Mr. TAYLOR of Colorado. Mr. Speaker, I hope there will be no objection on this side of the House or on the other side of the House, for that matter.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. TIMBERLAKE. Mr. Speaker, I ask that House bill 20037 of similar tenor be laid on the table.

The motion was agreed to.

EXTENSION OF REMARKS.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to extend my remarks on the record of the Sixty-fourth Congress.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks on the record of the Sixty-fourth Congress. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

DISPOSITION OF USELESS PAPERS IN EXECUTIVE DEPARTMENTS.

Mr. TALBOTT, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, submitted a report (No. 1637) that the files and papers described in the report of the Secretary of Commerce in House Document No. 1974, and in the report of the Secretary of the Treasury in House Document No. 1949, and in the report of the Secretary of the Treasury in House Document No. 2068, are not needed in

the transaction of the current business of such departments and bureaus and have no permanent value or historical interest.

WITHDRAWAL OF PAPERS.

Mr. SMITH of Minnesota, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of House bill 15928, Sixty-third Congress, second session, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. DICKINSON, by unanimous consent, was granted leave of absence for two days, on account of illness in his family.

AGRICULTURAL APPROPRIATIONS.

Mr. LEVER. Mr. Speaker, I call up the conference report on the Agricultural appropriation bill.

The SPEAKER. The gentleman from South Carolina calls up the conference report on the Agricultural bill, of which the Clerk will report the title.

The Clerk read as follows:

An act (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

CONFERENCE REPORT (NO. (1635).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 14, 21, 24, 26, 29, 30, 44, 45, 48, 67, 68, 69, 70, 71, 75, 76, 77, 79, 82, 84, 98, 99, 100, 101, 102, 103, and 104.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 9, 12, 16, 17, 18, 20, 22, 25, 34, 35, 38, 39, 40, 41, 42, 43, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 72, 78, 80, 81, 83, 87, 89, 92, 94, 95, 96, and 105, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: After the word "establishment" in said amendment insert a comma and the word "equipment," and strike out "$20,000" and insert in lieu thereof "$6,500"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: On page 9, line 5, strike out "$1,468,740" and insert in lieu thereof "$1,455,240"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: On page 9, line 5, strike out "$1,468,740" and insert in lieu thereof "$1,783,140"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of "$269,200" insert "$277,580"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: After the word "equipment" in the Senate amendment strike out the words "and maintenance"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of "$2,604,956" insert "$2,613,236"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of "$3,445,326" insert "$3,555,326"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of "$90,010" insert "$82,510," and in lieu of "$15,000" insert "$7,500"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of "$112,200" insert "$107,200," and in lieu of "$14,000" insert "$9,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of "$2,460,530" insert "$2,480,530"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of "$3,123,630" insert "$3,143,630"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Before the figures "1,200" in the Senate amendment insert the words "not exceeding"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: Transpose the comma and the figures "$66,100," following the Senate amendment, to a position preceding said amendment; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of "$1,814,567" insert "$1,817,567"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of "$3,261,475" insert "$3,264,475"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of "$5,709,275" insert "$5,712,275"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of "$2,992,580" insert "$2,972,580"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of "$3,127,660" insert "$3,107,660"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of "$813,395" insert "$843,395"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of "$1,688,575" insert "$1,718,575"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: Strike out the language "same to be additional to the existing 80 acres now used as a plant-introduction field station" and transfer the paragraph as thus amended to page 24, between lines 18 and 19, of the bill; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of "$139,500" insert "$104,500"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of "$160,000" insert "$125,000"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of "$24,581,213" insert "$24,679,113"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of

"$25,831,213" insert "$25,929,113"; and strike out the new language added by the Senate amendment; and the Senate agree to the same.

A. F. LEVER,
GORDON LEE,
G. N. HAUGEN,
Managers on the part of the House.

E. D. SMITH,
HOKE SMITH,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

On amendment No. 1: This amendment reduces by $1,680 the appropriation for expenses of the Weather Bureau outside of the city of Washington. The House recedes.

On amendment No. 2: This amendment reduces by $1,680 the amount which may be expended by the Weather Bureau for salaries outside of the city of Washington. The House recedes.

On amendment No. 3: This amendment increases by $15,140 the amount which may be expended by the Weather Bureau for special observations and reports. The House recedes.

On amendment No. 4: This amendment provides $20,000 for the establishment and maintenance of a Weather Bureau station at Greenville, S. C. The House recedes and agrees with an amendment inserting the word "equipment" after the word "establishment" and reducing the appropriation from $20,000 to $6,500.

On amendments Nos. 5 and 6: These amendments represent amended totals.

On amendment No. 7: This amendment authorizes repairs and improvements to buildings at quarantine stations. The House recedes.

On amendment No. 8: This amendment increases by $18,900 the appropriation for animal husbandry investigations. The House recedes and agrees with an amendment making the amount $277,580 in order to conform to the action of the managers at the conference on amendment No. 10.

On amendment No. 9: This amendment provides $15,000 for the purchase of lands in the vicinity of the Morgan Horse Farm near Middlebury, Vt. The House recedes.

On amendment No. 10: This amendment reduces by $8,380 the amount which may be expended for experiments in poultry feeding and breeding. The Senate recedes.

On amendment No. 11: The first part of this amendment strikes out the language relating to ostrich investigations. The second part adds new language and provides that $12,280 may be expended for the equipment and maintenance of the United States sheep experiment station in Fremont County, Idaho. The House recedes and agrees with an amendment striking out the words "and maintenance" after the word "equipment."

On amendment No. 12: This amendment strikes out the words "investigation of tuberculosis in cattle." The House recedes.

On amendment No. 13: This amendment represents an amended total.

On amendment No. 14: This amendment reduces by $101,620 the appropriation for meat inspection. The Senate recedes.

On amendment No. 15: The amendment represents an amended total.

On amendment No. 16: This amendment increases by $5,000 the appropriation for fruit-disease investigations, with a proviso that $8,000 shall be available for pecan-disease investigations. The House recedes.

On amendment No. 17: This amendment adds new language and appropriates $300,000 for the eradication or control of the white-pine blister rust. The House recedes.

On amendment No. 18: This amendment increases by $2,500 the appropriation for soil-fertility investigations. The House recedes.

On amendment No. 19: This amendment increases by $15,000 the appropriation for crop acclimatization and fiber-plant investigations, and provides that this sum shall be used for experiments in cottonseed interbreeding. The House recedes and agrees with an amendment reducing the $15,000 for such purpose to $7,500 and reducing the total by a like amount.

On amendment No. 20: This amendment increases by $10,000 the appropriation for cereal investigations. The House recedes.

On amendment No. 21: This amendment increases by $10,000 the allotment for black-rust and stripe-rust investigations. The Senate recedes.

On amendment No. 22: This amendment inserts after the words "flax straw" the words "and hemp" in the paragraph for paper-plant investigations. The House recedes.

On amendment No. 23: This amendment increases by $10,000 the appropriation for pomological investigations and provides that $14,000 shall be available for the investigation and improvement of the pecan. The House recedes and agrees with an amendment reducing the amount for such purposes by $5,000 and reducing the total by a like amount.

On amendment No. 24: This amendment increases by $2,500 the appropriation for horticultural investigations. The Senate recedes.

On amendment No. 25: This amendment increases by $4,000 the appropriation for the testing and distribution of new and rare seeds and for forage-crop investigations. The House recedes.

On amendment No. 26: This amendment adds new language authorizing the expenditure of $4,000 for forage-crop investigations in cooperation with the Washington State Experiment Station. The Senate recedes:

On amendments Nos. 27 and 28: These amendments represent amended totals.

On amendment No. 29: This amendment reduces by $1,000 the appropriation for the Coronado National Forest. The Senate recedes.

On amendment No. 30: This amendment reduces by $2,000 the appropriation for the Lincoln National Forest. The Senate recedes.

On amendment No. 31: This amendment strikes out the language authorizing the expenditure of $1,200, out of any funds hereafter appropriated for the Nebraska National Forest for any fiscal year to and including the fiscal year ending June 30, 1920, for the purchase of land now under lease and used as a nursery site for the Niobrara division of said forest, and inserts new language appropriating $1,200 for the purchase of the land during the next fiscal year, increasing the total appropriation for the Nebraska National Forest by that amount and providing that the cost of any building erected at the nurseries on the Nebraska National Forest shall not exceed $1,000. The House recedes and agrees with an amendment inserting the words "not exceeding" before the figures "$1,200."

On amendment No. 32: This amendment provides that all moneys received on account of permits for hunting, fishing, or camping on lands acquired under the authority of the Weeks Forestry Act shall be disposed of as is provided by existing law for the disposition of receipts from national forests. The House recedes and agrees with an amendment transposing the position of the proviso so that it appears after the amount of the appropriation.

On amendment No. 33: This amendment represents an amended total.

On amendments Nos. 34 and 35: These amendments insert language authorizing the eradication of poisonous plants in the national forests. The House recedes.

On amendments Nos. 36 and 37: These amendments represent amended totals.

On amendment No. 38: This amendment reduces by $10,000 the appropriation for poultry and egg investigations. The House recedes.

On amendment No. 39: This amendment reduces by $4,600 the appropriation for fish investigations. The House recedes.

On amendment No. 40: This amendment increases by $3,000 the appropriation for table-sirup investigations. The House recedes.

On amendments Nos. 41 and 42: These amendments represent amended totals.

On amendment No. 43: This amendment increases by $5,000 the appropriation for the investigation of insects affecting deciduous fruits, with a proviso that $9,600 shall be available for the investigation of insects affecting the pecan. The House recedes.

On amendment No. 44: This amendment makes immediately available $10,000 of the appropriation for the investigation of insects affecting southern field crops. The Senate recedes.

On amendment No. 45: This amendment provides that $20,000 of the appropriation for the investigation of insects affecting truck crops and stored products may be used for the investigation of diseases of beans and peas. The Senate recedes.

On amendments Nos. 46 and 47: These amendments represent amended totals.

On amendment No. 48: This amendment restricts the experiments and demonstrations in destroying predatory animals and animals injurious to agriculture to the lands of the United States. The Senate recedes.

On amendment No. 49: This amendment decreases by $2,440 the appropriation for general administrative expenses of the Bureau of Biological Survey. The House recedes.

On amendments Nos. 50 and 51: These amendments represent amended totals.

On amendment No. 52: This amendment strikes out the language limiting the loaning, renting, or selling of films to educational institutions or associations for agricultural education not organized for profit and substitutes a proviso that such institutions or associations shall have preference. The House recedes.

On amendment No. 53: This amendment reduces by two the number of clerks, class 3, in the Bureau of Crop Estimates. The House recedes.

On amendment No. 54: This amendment reduces by one the number of clerks at $900 each in the Bureau of Crop Estimates. The House recedes.

On amendment No. 55: This amendment reduces by three the number of messengers or laborers at $720 each in the Bureau of Crop Estimates. The House recedes.

On amendment No. 56: This amendment represents an amended total.

On amendment No. 57: This amendment provides that hereafter the Monthly Crop Report shall be printed and distributed on or before the 12th day of each month. The House recedes.

On amendment No. 58: This amendment reduces by $4,078 the appropriation for the field investigations of the Bureau of Crop Estimates. The House recedes.

On amendments Nos. 59 and 60: These amendments represent amended totals.

On amendment No. 61: This amendment reduces by one the number of clerks at $900 in the library. The House recedes.

On amendment No. 62: This amendment represents an amended total.

On amendment No. 63: This amendment reduces by $4,000 the appropriation for the general expenses of the library. The House recedes.

On amendment No. 64: This amendment represents an amended total.

On amendment No. 65: This amendment increases by $15,000 the appropriation for miscellaneous expenses. The House recedes.

On amendment No. 66: This amendment provides for the appointment of a joint committee to investigate the advisability of the erection of additional buildings for the Department of Agriculture. The House recedes.

On amendment No. 67: This amendment strikes out the language authorizing the Secretary of Agriculture to prescribe the form of the annual financial statement required under the acts cited in the paragraph. The Senate recedes.

On amendment No. 68: This amendment increases by $20,000 the appropriation for the insular experiment stations. The Senate recedes.

On amendment No. 69: This amendment increases by $10,000 the allotment for the Hawaii Experiment Station. The Senate recedes.

On amendment No. 70: This amendment increases by $10,000 the allotment for the Porto Rico Experiment Station, with a proviso that $10,000 may be expended for the maintenance of an experimental substation. The Senate recedes.

On amendment No. 71: This amendment increases by $5,000 the amount which may be expended for agricultural extension work in Hawaii. The Senate recedes.

On amendment No. 72: This amendment reduces by $4,000 the appropriation for home economics investigations. The House recedes.

On amendments Nos. 73 and 74: These amendments represent amended totals.

On amendment No. 75: This amendment reduces by $3,400 the appropriation for general administrative expenses of the Office of Public Roads and Rural Engineering. The Senate recedes.

On amendments Nos. 76 and 77: These amendments represent amended totals.

On amendment No. 78: This amendment makes immediately available $40,000 of the appropriation for the Market News Service. The House recedes.

On amendment No. 79: This amendment strikes out the paragraph providing $50,000 for the investigation of the production and marketing of agricultural food products, and inserts a new paragraph appropriating $25,000 to enable the Secretary of Agriculture to certify to shippers the condition of fruits and vegetables at points of destination. The Senate recedes.

On amendment No. 80: This amendment corrects a typographical error. The House recedes.

On amendment No. 81: This amendment reduces by $5,000 the appropriation for cotton standardization. The House recedes.

On amendment No. 82: This amendment authorizes the Secretary of Agriculture to use $25,000 of the appropriation for grain standardization for the installation of an experimental flour mill and chemical and baking laboratories in Washington to aid in establishing standards for wheat and other grains. The Senate recedes.

On amendment No. 83: This amendment provides $4,000 for the administration of the standard basket and container act. The House recedes.

On amendment No. 84: This amendment reduces by $5,000 the appropriation for general administrative expenses of the Bureau of Markets. The Senate recedes.

On amendments Nos. 85 and 86: These amendments represent amended totals.

On amendment No. 87: This amendment gives the Secretary of Agriculture power to administer oaths, examine witnesses, and call for the production of books and papers. The House recedes.

On amendment No. 88: This amendment adds new language and appropriates $35,000 for the purchase, preparation, and irrigation of 150 acres of land at Chico, Cal., as an addition to the existing plant-introduction field station. The House recedes and agrees with an amendment striking out the reference to the existing field station.

On amendment No. 89: This amendment adds new language and appropriates $50,000 to meet the emergency caused by the existence of the pink boll worm of cotton in the Laguna district of Mexico. The House recedes.

On amendments Nos. 90 and 91: These amendments represent amended totals.

On amendment No. 92: This amendment authorizes the Secretary of Agriculture to establish a quarantine without necessary regard to the determination of the fact of the existence of a dangerous plant disease or insect infection, in the State, Territory, or District quarantined. The other changes consist in the incorporation, for purposes of effective administration, of desirable legislation for enforcing effectively the gypsy moth and brown-tail moth quarantine. The House recedes.

On amendment No. 93: This amendment represents an amended total.

On amendment No. 94: This amendment increases by $10,000 the appropriation for demonstrations on reclamation projects. The House recedes.

On amendment No. 95: This amendment increases by $16,396 the appropriation for experiments in dairying and live-stock production in the western United States. The House recedes.

On amendment No. 96: This amendment reduces by $250,000 the appropriation for the eradication of foot-and-mouth and other contagious diseases of animals. The House recedes.

On amendment No. 98: This amendment amends the total carried by the bill for the Department of Agriculture and adds new language imposing certain restrictions upon the expenditure in connection or in cooperation with certain corporations and individuals of the funds appropriated to the department. The House recedes and agrees with an amendment making the amount of the total $25,929,113 instead of $25,831,213 and striking out the new language.

On amendments Nos. 98, 99, 100, 101, 102, 103, and 104: The effect of these amendments is to lower the limit of salary to which the percentage increases shall apply from $1,800 to $1,000, and to provide a 15 per cent increase in salary for employees receiving $480 or less and a 10 per cent increase for employees receiving more than $480 and not exceeding $1,000. The Senate recedes.

On amendment No. 105: This amendment authorizes the President to extend invitations to other nations to appoint delegates to the International Farm Congress to be held at Peoria, Ill. The House recedes.

A. F. LEVER,
GORDON LEE,
G. N. HAUGEN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. LEVER. Does the gentleman from Illinois [Mr. MANN] desire five minutes? If so, I will yield it to him.

ASHER HINDS.

Mr. MANN. Mr. Speaker, we are about to reach the end of this term of Congress. There are a good many valuable men whose terms in Congress will cease, or at least temporarily cease, with the end of this term. There are very strong characters on both sides of the House who are not coming back to the next Congress. There is one whom I think ought not to be permitted to go out without receiving at least some passing reference. There are many who are entitled to have fine things said about them because they deserve them.

There is one Member of the House who came to Congress a good many years ago in the capacity of a clerk, or secretary, who became the parliamentarian of the House, and served for many years as the clerk to the Speaker at the Speaker's table, and who established a reputation not only for his knowledge of parliamentary law and practice and the practice of the House, but who established his reputation with all Members of Congress for his absolute fidelity to truth and his perfect fairness. [Applause.]

I often had occasion to preside over the deliberations of the House when it was in Committee of the Whole House on the state of the Union and came in close personal contact with Mr. HINDS, the then parliamentarian. He never had any prejudices. Every proposition that was presented to the House for construction was looked at by him purely from the standpoint of right and correctness. He would discuss with the presiding officer parliamentary propositons when presenting both sides of the proposition and give his opinion when asked for. He is one of those rare characters who can sit at the side of the Speaker and carry apparently three different lines of thought in his head at the same time. He worked on his parliamentary precedents at the little desk at the right of the Speaker, and at the same time kept in his head the procedure of the House and also kept in his head the parliamentary propositions that came before the House. Apparently he could keep going in his brain questions relating to the history many years back of procedure and parliamentary practice and law in the House and, at a second's warning, could know who was entitled to the floor in the House, what were the rights of Members for recognition in the House, and at the same time carry in his head difficult parliamentary propositions. It was a wonderful gift of mind, perhaps too great a gift for his own physical good.

He was elected a Member of the House, coming into the House with this knowledge, and it was assumed by the House that he would be the lawgiver on parliamentary law. Personally I advised him when he came as a Member of the House to endeavor to forget, so far as he could, parliamentary law, because I thought he was entitled, with his great mind, to give his attention to the great questions of statesmanship and not permit himself to be used merely as an authority on parliamentary procedure.

It is unfortunate for us and for the country that because of his ill health he has been compelled to retire to private life. But he goes to private life with the greatest of respect of all men who have known him or who have known of him, and with the love and affection of every Member of this House.

Mr. LEVER. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. CLARK].

Mr. BARNHART assumed the Chair as Speaker pro tempore.

Mr. CLARK of Missouri. Mr. Speaker, I indorse everything that Brother MANN has said about Mr. HINDS. When I was first elected Speaker, if Mr. HINDS had not been elected to Congress, notwithstanding the fact that he is a Republican, I would have unhesitatingly made him parliamentary clerk [applause], because my judgment is that he knows more about parliamentary law than any other man that ever lived. [Applause.]

I had this curious experience: Of course I had been here 16 years, and in the State legislature 2 years, and a man of ordinary sense can not serve in a legislative body that long without learning something about parliamentary law. But I was not an expert in it, and I wanted to make a success of my Speakership; and Mr. HINDS having been elected, I started in to find somebody who had had experience with these rules, and there were only two in the United States. One of them was incapacitated by being crippled and the other was Mr. CRISP, of Georgia. [Applause.]

I had not seen Mr. CRISP since he was comparatively a boy. He was his father's parliamentary clerk, very young, and in the lapse of 20 years a man's habits may change very much. So I went to Judge HUGHES, of Georgia, and asked him what kind of a man CHARLIE CRISP had grown into—whether he had developed any ability and whether he was sober. [Laughter.] Also, whether he was a good lawyer. The judge gave him a very high recommendation, which he deserved. [Applause.]

Mr. DAVIS of Texas. Amen! [Laughter.]

Mr. CLARK of Missouri. I suppose Mr. CRISP was very much surprised when he received a letter from me stating that I wanted to appoint him parliamentary clerk. That is one case where the office sought the man. [Applause.] He did so well here that he got elected to Congress himself, and I am glad of it. [Applause.]

I remember how Speaker Henderson and Speaker Reed and Uncle JOE depended upon ASHER HINDS. I have seen Mr. Speaker CANNON and Mr. Speaker Henderson stand up there and argue with him five minutes at a clip before they would render an opinion. [Laughter.] One day Mr. Speaker CANNON was rendering an elaborate opinion, and Mr. JOHN SHARP WILLIAMS, of Mississippi, kept interjecting queries and remarks into it. Mr. Speaker CANNON laid down one proposition and Mr. WILLIAMS dissented from it, and they got into a wrangle, and at last Uncle JOE settled it by saying, "ASHER says—"; and what ASHER said went. [Applause.]

I am exceedingly sorry that he is going out of the House. [Applause.]

Mr. LEVER. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. STEENERSON].

The SPEAKER. The gentleman from Minnesota is recognized for five minutes.

THE BINDER-TWINE TRUST.

Mr. STEENERSON. Mr. Speaker, in the discussion of the Agricultural appropriation bill it is proper to call attention to the Comision Reguladora del Mercado de Henequen, of Yucatan, Mexico, the Twine Trust. It is well known that the Government of Yucatan a few years ago appointed a commission for the disposition of sisal fiber, out of which binding twine is made. At that time the people of the United States were getting fiber at 6½ cents a pound f. o. b. New York. Now it is 16½ cents a pound, adding something like thirty-seven and a half million dollars to the annual expenses of the farmers of the United States.

This monopoly was investigated by a Senate committee last year, and they found not only that it was a monopoly, but a self-confessed monopoly, and recommended that the State Department and the Attorney General take action.

The Secretary of Commerce wrote me a letter recently, in which he said in substance that he was informed that under the auspices of the Reguladora Mr. Norman Lind went to Manila to inquire into the possibility of making arrangements in the Philippines of such a character as would support the sisal monopoly in the markets of the United States; that Lind had now returned, but intended to go back again to the Philippines in order to carry out, if possible, this proposed arrangement.

The Reguladora as first organized was composed of five persons appointed by the governor and had for its purpose the purchase and sale of sisal, or henequen, and to maintain the price thereof to the planters. They entered into competition with private buyers, but were not able to monopolize the market or to materially affect the price. In 1915, however, a revolution occurred, and Gen. Alvarado was appointed governor by Carranza, and with a military force of 8,000 men took possession of the Government and became dictator with absolute powers. He reorganized the Comision Reguladora, giving it a monopoly over the purchase and export of sisal hemp and compelling all producers to turn over to them their product at 4 cents a pound, American gold; and should any surplus remain after paying taxes and expenses of operation, it should be turned over to the planters. The establishment of this monopoly drove out all other purchasers. It was necessary, however, in order to advance the required amount of money to the planters, to have a large credit, and arrangements were then made with Sol Wexler and Lynn H. Dinkins, bankers of New Orleans and New York, to organize the Pan American Commission Corporation under the laws of New York and to furnish the Reguladora with $10,000,000 as a working capital. The effect of this was that whereas the manufacturers of binder twine had obtained the raw material at prices of from 3 to 5½ cents a pound, it was now raised, first, to 7½ cents per pound, and then the latter part of 1916 to 10 cents per pound. This created a great apprehension among the manufacturers and farmers in the United States. Over a million and a quarter bales of sisal hemp were produced in Yucatan in 1916, and this is about 90 per cent of the world's supply of this product. The only competitor is abaca, or manila hemp, from the Philippine Islands. The twine from manila hemp goes about 25 per cent in length to the pound more than does sisal, and consequently is more valuable. The amount of manila hemp used for binder twine is very nearly equal to that of sisal, but manila hemp is more valuable for ordinary cordage and rope. The cost of manufacturing hemp into binder twine

runs from one-fourth to 1 cent a pound. The average cost of material to the manufacturer for the last 15 years was 5⅞ cents per pound, and the twine sold at from 6 to 7 cents per pound. The first advance was in May, 1916, to 7⅞ cents, then to 10¾ cents a pound in July following, and in the fall of 1916 it went to 14½ cents a pound f. o. b. New York. According to the last quotations, it was 16½ cents a pound, an increase of more than 300 per cent since the creation of the monopoly.

In January, 1916, the Senate adopted a resolution authorizing the Committee on Agriculture and Forestry to investigate the subject and to find out to what extent prices were controlled by combinations with monopolistic powers. The investigation continued until last summer, but no report was made until in January, 1917, when a report was filed to the effect that there was a combination to control the output of sisal which constituted a monopoly; that without the aid of the American bankers and the Pan American Commission Corporation and the $10,000,000 furnished by them the Comision Reguladora would not have been able to perfect and carry out its monopolistic combination to control the sisal market and fix the price regardless of the law of supply and demand and entirely at its own option. The report urged the Department of Justice to make an investigation and take suitable action to check the power of this monopoly, and directed that a copy of the hearings, together with the report, be filed with the Attorney General. The committee also referred its report to the State Department with suggestion that the matter be taken up through diplomatic channels to see if some measure of relief could be obtained. Shortly thereafter I introduced three resolutions, as follows, to wit:

1. Resolution of inquiry to the Department of Justice as to what, if any, steps had been taken against these combinations (H. Res. 477, 64th Cong., 2d sess.).

2. Resolution of inquiry to the State Department as to what, if any, steps had been taken to obtain relief from the extortions practiced by these combinations (H. Res. 478, 64th Cong. 2d sess.).

3. Resolution directed to the War Department, inquiring for the correspondence between the Bureau of Insular Affairs of that Department with the Governor of the Philippine Islands with relation to an alleged attempt by the Reguladora to organize a similar combination in the Philippines of the producers of manila hemp (H. Res. 483, 64th Cong., 2d sess.).

The answers of these departments are as follows, to wit:

Hon. E. Y. WEBB,
Chairman Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. WEBB: The department has received your letter of the 31st ultimo transmitting a copy of House resolution 477, making inquiry as to whether or not any action has been taken against the Comision Reguladora del Mercado de Henequen and the Pan American Commission Corporation, an alleged combination to monopolize the sale and increase the price of sisal in the United States.

A suit against the Pan American Commission Corporation, the Comision Reguladora del Mercado de Henequen, and others for alleged violations of the Federal antitrust laws was instituted in the United States District Court at New York City on January 30, 1917. There are inclosed herewith two copies of the Government's petition.

Action against this combination was withheld until the report of the Senate committee, referred to in the resolution, at the request of the committee itself.

Yours very truly,

T. W. GREGORY, *Attorney General.*

The War Department furnished copies of two communications, as follows:

[Cablegram.]

WASHINGTON, D. C., *December 16, 1916.*

HARRISON, *Manila:*

Reported here that Lind, employee of the Mexican Comision Reguladora, now in Manila in effort to organize combine abaca interests. Please report facts, and if any effort being made to corner manila hemp. Caution should be exercised in dealings with Comision Reguladora. Outlook here indicates desirability of pushing hemp and maguey cultivation. Rush answer by cable.

MCINTYRE.

—

[Cablegram.]

MANILA, P. I., *December 19, 1916.*

SECRETARY OF WAR, *Washington:*

Referring to telegram from your office of 16th instant, Lind informed me that he is looking into the fiber situation here. Beyond that I know nothing of his actions in connection with abaca, and no mention was made by him of the Comision Reguladora.

HARRISON.

The State Department communicated the following to Chairman FLOOD, of the Foreign Relations Committee of the House, to wit:

DEPARTMENT OF STATE,
Washington, February 16, 1917.

The Honorable HENRY D. FLOOD,
Chairman Committee on Foreign Affairs,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter of February 12, 1917, with which you inclosed a copy of House Resolution No. 478, dated January 30, 1917, requesting me to inform the House whether any action has been taken by the Department of State, either as recommended in Senate Report No. 919, Sixty-fourth Congress, second session, or otherwise, to secure relief from the extortions practiced by the Comision Reguladora del Mercado de Henequen and the Pan American Commission Corporation, which control the supply of sisal hemp suitable for the manufacture of binder twine in the United States.

You ask me to furnish you with an expression of my views in the matter and with any information in regard thereto.

In reply I have the honor to inform you that the Department of State has not taken any diplomatic action with the de facto Government of Mexico on the subject of the Binder Twine Trust in line with the recommendation contained in the Senate report mentioned, or otherwise, on account of the fact that the political situation in Mexico has not for some time appeared to be such as to make it advisable to go into this matter with the de facto Government. However, as the Attorney General may have taken some action against the Pan American Commission Corporation, I suggest that you might consider it advisable to obtain an expression of opinion on the subject from him.

I have the honor to be, sir,

Your obedient servant,

(Signed) ROBERT LANSING.

Secretary of Commerce Redfield also sent a letter, which is as follows, to wit:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, February 1, 1917.

Hon. HALVOR STEENERSON,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: My attention has been repeatedly called by merchants and manufacturers connected with the twine and cordage industries to the extraordinary advance in price of sisal imported from Yucatan. I have watched with great interest the increase in price, which has now gone so far as to make the present figure of 16½ cents nearly or quite three times the price that existed before the so-called Comision Reguladora took charge of the matter. I have been quite unable to learn from any source of any justification for such an increase in figure, and have regarded, and do still regard, the advance in price as an injurious act of monopoly hurtfully exercised on our soil to the material damage of our farmers and consumers. I earnestly hope that the pending litigation begun by the Government may result in restoring more normal conditions.

I am informed that, under the auspices of the Comision Reguladora, Mr. Norman Lind went to Manila to inquire into the possibility of making arrangements in the Philippine Islands of such a character as would support the sisal monopoly in the markets of the United States. I am informed that Mr. Lind has returned to this country with the intention of going back again to the Philippines, in order to carry out, if possible, this proposed arrangement. It is my understanding that thus an effort is to be made to back up one monopoly by the more or less complete establishment of another, and that in both of these the interests of the American farmer and consumer are the last things to be considered.

I should be very glad for anything that could be done, by legislation or otherwise, which would defeat purposes of this kind.

I beg to remain,

Yours very truly,

(Signed) WILLIAM C. REDFIELD,
Secretary.

This is the situation up to date. It will be observed that the Department of Justice has begun a suit in equity against the Reguladora and its officers, but no criminal prosecution.

The Reguladora recently published in the daily newspapers a page advertisement, in which they defended their action in raising the price, on the ground that their prices were regulated by the prices of their only competitor, manila hemp.

It will also be noted that the Bureau of Insular Affairs suspected that the Reguladora was sending an emissary to effect a combination of producers of manila hemp in the Philippine Islands to establish a complete monopoly of both sisal and manila hemp producers. The Reguladora sent several newspaper clippings to me defending their action, and I wrote them inquiring about the price and about the employment of Mr. Norman Lind. Their answer is as follows, to wit:

[Comision Reguladora del Mercado de Henequen. Main office at Merida, Yucatan, Mexico. New York office, 120 Broadway. Menalio Marin, agent.]

JANUARY 27, 1917.

Hon. HALVOR STEENERSON, M. C.,
Washington, D. C.

DEAR SIR: We beg to acknowledge receipt of your esteemed favor of January 24. We were pleased to note that you welcomed the opportunity of reading a statement from us in reply to some of the charges that have been made against the Comision Reguladora del Mercado de Henequen. In reply to your queries, we beg to advise you that we are now selling sisal to the American manufacturers at 16¼ cents f. o. b. Gulf ports and 16½ cents f. o. b. Atlantic ports.

Respecting Mr. Norman Lind, he has been employed in the statistical department of the Comision Reguladora since March 1, 1916. Last year he visited American manufacturers of twines and rope for the purpose of ascertaining their normal and probable future requirements of sisal fiber and to hear any complaints they might have concerning the quality of sisal fiber deliveries, the method of handling, etc., and to receive suggestions for any improvements that the manufacturers might deem advantageous for them. Recently Mr. Lind was sent to the Philippines to gather statistical data respecting manila hemp and other fibers produced in the islands and to study methods of cleaning, handling, and marketing the Philippine fibers. * * *

Very respectfully, yours,

COMISION REGULADORA DEL
MERCADO DE HENEQUEN,
(Signed) MENALIO MARIN, *Agent.*

In their published advertisements the Reguladora maintains that their prices are determined by the price of manila hemp. It is also to be noted that they sent their agent to "gather statistical data respecting manila hemp and other fibers produced in the Philippine Islands and to study methods of cleaning, handling, and marketing the Philippine fibers." This points to the fact that they were at that time contemplating effecting world-wide combination or monopoly of the fiber markets. Probably the suit begun the other day by the Department of Justice against the Comision Reguladora del Mercado de Henequen, Pan American Commission Corporation, Sol Wexler, Lynn H. Dinkins, Juan Martinez, Menalio Marin, and Nicolas Ferraez will have a tendency to check this attempt at an extension of the monopoly. It is to be regretted, however, that the Department of Justice should not also have resorted to criminal proceedings.

The Senate committee found—

"Beyond question this association is a monopoly formed for the purpose of controlling the sisal market, which it does most effectively."

Also—

"The official representatives of the Comision Reguladora admitted before your committee that their organization was indeed a complete and effective monopoly, and furthermore that the contract entered into between the Comision Reguladora and the Pan American Commission Corporation was an essential factor in making the monopoly complete and effective."

Certainly a clearer case of criminal violation of the antitrust laws would be hard to find. It is true that the Reguladora had put forth the claim that they are a farmers' cooperative organization, and that they are exempt under the recent amendments of the antitrust laws. They also, in a recent advertisement, called attention to the Webb bill, which authorizes the combination of American manufacturers who deal in foreign countries. This bill they say has been recommended by the President and passed by the House of Representatives by a majority of 8 to 1, and legalizes combines in foreign countries, and that this is intended especially for the Latin-American countries. How, then, they ask, can this country consistently object to an association of farmers solely for mutual help for marketing their products, especially when the association is under regulation by the Government? I opposed the Webb bill and hope that it will never become a law; but regardless of that and the principles embodied therein, the answer to this contention is that the Reguladora is not an organization of farmers, but an agency of a military and despotic Government imposed upon the people of Yucatan, which denies not only to its own citizens but to all others the right to purchase or to export henequen fiber, the staple commodity of that country. According to reliable reports, this Government, although it pretends to act for the farmers, and although it has extracted many millions of dollars from the people of the United States in exorbitant fiber prices, has never divided a single dollar among the actual producers of henequen. It was testified to by men who had been in the business for 30 years that the cost of producing henequen fiber was 3 cents a pound. The agents of the Reguladora claimed that the combination was paying a higher price for their peon labor, but it turned out upon cross-examination that they were being paid in paper money that was almost valueless, and that when it was reduced to gold they were paid about the same now as formerly.

A few years ago a somewhat similar or analogous scheme originated in one of the provinces of Brazil, in South America, which produced most of the coffee. It was called the valorization scheme, and the Government advanced to the planters a certain amount on their coffee and then shipped and stored it in New York and in European ports and borrowed money on it there in order to keep it off the market until the price they demanded was paid. This worked for a while and the American people were compelled to pay several cents a pound more for their coffee. Attorney General Wickersham brought suit against Hermann Sielcken and others in 1910, and I have been informed that the State Department also called the attention of the Brazilian Government to the fact that we were their best customers for coffee and admitted it free of duty. It ended soon after. The coffee stored was sold and the valorization scheme was abandoned, and the price of coffee fell to normal. It seems to me that this administration is neglecting the interests of the American farmers in not making an effort in the same direction in this instance. The Reguladora is, as has been proven, a mendacious and insolent monopoly. Sol Wexler at the hearing testified that conditions as to prices would be normal as soon as all opposition to the Reguladora ceased. He said, "When those people let up in the fight, which they will do when they are thoroughly licked, things will be normal."

I have received petitions from hundreds of farmers and protests from the National Grange, and something effective ought certainly to be done to crush this monopoly. Talk about the high cost of living! The increase of 10 cents per pound in the price of binder twine means 20 cents an acre for all the grain raised, which means 1½ cents per bushel of wheat, or 7½ cents for every barrel of flour consumed in the United States. I understand the Reguladora is going to invoke the antitrust laws that exempt farmers' organizations without capital from its operations. This is what they claimed in their advertisements, but this plea will not be sustained. It is a sham. It is as fraudulent as the claim they made a year ago when they testified before the Senate committee to explain the abnormal rise in prices, that there was a shortage in the supply of fiber. They had refused to sell to American manufacturers on the pretext that the supply was below normal. With the consent of the committee they then agreed to have the Federal Trade Commission distribute to the manufacturers such supply as they had in proportion to the capacity of each.

The Trade Commission did so, and found and reported that they had received orders from the manufacturers for 107,950 bales, leaving a surplus of 17,050 bales on hand, showing that there was an actual surplus instead of a shortage. This proved that the Reguladora had been practicing deception, not only on the committee but on the manufacturers. Circumstantial evidence also pointed to the fact that they had for a long time been studying the supply and demand of fiber, not only in this country but in other countries as well, and they had sent Mr. Norman Lind to the Philippines for that purpose. There could be no object in all this except to form a world-wide combination to control the prices of fiber. This is the most dangerous attempt at monopoly and to increase the cost of living that has ever been conceived.

The Senate committee found that the price of hemp had been increased while the hearings were being held from 7¾ cents per pound to 14½ cents per pound, an annual increase to the American people of more than $26,000,000. The annual production of sisal hemp is about 1,000,000 bales, and practically all this is consumed in the United States. A bale weighs 375 pounds. This makes a total of 375,000,000 pounds. An increase of 2 cents a pound; that is, the rise in price since the committee report was filed, from 14½ to 16½ cents per pound, amounting to $7,500,000, added to the $26,000,000 makes a total of $34,500,000 we will contribute to this monopoly this year. This trust is enabled to rob the American people of this sum annually because it is financed by American bankers with the express approval of Carranza and

apparently the tacit approval of our own State Department. [Applause.]

The Reguladora should not escape punishment because of its claim to be a government agency. That would be a good plea in Yucatan but not here. When a government engages in private business, especially outside of its own domain, it is governed by the law applicable to individuals. All these agents of the Reguladora and the bankers are in the United States, and subject to our penal laws for acts done here. We demand they be prosecuted, criminally as well as civilly. This robbery must be stopped.

[From the Tribune, Sanford, Me., Nov. 3, 1916.]

The latest product of Democratic legislation and policy, the Binder Twine Trust—the Comision del Mercado de Henequin Reguladora, of Yucatan—controls absolutely the world's sisal supply, out of which binder twine is made. This trust was organized by the military governor of Yucatan and was approved by Carranza. It was financed in the United States with approval of the State Department. Norman Lind, whose father, John Lind, was sent as President Wilson's "personal representative" to Mexico, is its American representative. This trust has already doubled the price of binder twine. The money, wrung from American farmers, will not go to the peons of Yucatan in increased wages but to Carranza. It will help him buy more arms and ammunition with which to murder Americans.

—

[From the Washington Post, Jan. 29, 1917.]

CABINET TO DISCUSS SISAL—NEW RAISE IN PRICE LIKELY TO BRING IMMEDIATE FEDERAL ACTION.

Announcement of another rise in the price of Yucatan sisal, the base for binder twine, it was learned yesterday, will hasten action by Government agencies investigating operations of the commission reguladora, the Yucatan state monopoly which markets sisal in the United States. The situation will be put before to-day's cabinet meeting for discussion of measures contemplated for relief of American users.

New York representatives of the commission have just put sisal up 2 cents, which makes the price now charged American binder-twine manufacturers 16 cents a pound. When the commission took control of the Yucatan output, less than two years ago, users in this country were paying less than 5 cents.

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PRICE OF SISAL AGAIN UP—MEXICANS ASK 16½ CENTS FOR FIBER, AGAINST 5¼ CENTS IN 1915.

NEW YORK, *January 29.*

Another boost—this time of full 2 cents a pound—was announced yesterday by the Mexican commission which controls the supply of sisal, from which practically all of the binder twine made in the United States is manufactured. The new quotation is 16½ cents a pound for February-March delivery, and it compares with the last quotation of 14½ cents, a quotation in November of 10⅝ cents and the low price in September, 1915, of 5¼ cents.

The increase has tended to stiffen the Manila market, too. Fair current is quoted at 16 cents, while 25 per cent over fair current is quoted at 19 cents.

A Senate agriculture committee which investigated workings of the commission for the sale of sisal reported recently that it was unable to do anything to stop the advances, but requested the Department of Justice to begin such action as is deemed necessary and the State Department to ascertain whether relief can not be obtained through diplomatic channels. The committee also requested the Department of Agriculture to begin laboratory experiments to find a suitable and economic substitute for sisal. Practically the entire world's supply is grown in the State of Yucatan, in southern Mexico.

[From the Washington Post, Jan. 31, 1917.]

SUES SISAL INTERESTS—GOVERNMENT CHARGES CONSPIRACY UNDER ANTITRUST LAWS—GREGORY ISSUES STATEMENT—ASSERTS REQUEST FOR INJUNCTIONS AGAINST PAN AMERICAN COMMISSION AND OTHERS IS OF VITAL IMPORTANCE TO FARMERS—POINTS TO RISE IN PRICES AS RESULT OF ALLEGED COMBINE.

NEW YORK, *January 30.*

The Government to-day filed a suit in the Federal court here against the Pan American Commission Corporation, Sol Wexler, and others, charging conspiracy under the antitrust laws to restrain interstate and foreign trade in sisal and to increase the market price of sisal throughout the United States.

Injunctions were asked against the corporation, the Comision Reguladora, the Yucatan combination of sisal producers which received its financial assistance, and against several individuals connected with them, to prevent their further operation in interstate or foreign commerce. The other individual defendants named are Lynn H. Dinkins, Juan Martinez, Menallo Marin, and Nicholas Ferraez.

FORMED AS MONOPOLY, HE SAYS.

"The combination attacked was formed late in 1915 to monopolize the field and increase the price of sisal in the United States," reads a statement issued by Attorney General Gregory in filing the suit.

"Sisal is produced as an article of commerce only in Yucatan and is the only fiber available for the manufacture of binder twine, of which from 250,000,000 to 300,000,000 pounds is required annually for harvesting the grain crops of the United States.

"The parties to the combination are American bankers, the Pan American Commission Corporation, organized and controlled by them, and the Comision Reguladora, which has an office in New York and imports and sells sisal in the United States.

CONTINUOUS CREDIT OF $10,000,000.

"To enable the commission to purchase the entire output of Mexico and import and sell it at the prices and on the terms fixed by the combination, the bankers through their corporations are supplying to the commission in the United States a continuous credit of $10,000,000 and otherwise assisting the commission in the United States. For this service the corporation receives a minimum compensation of $450,000 a year in addition to the regular rates of interest on loans made to the commission.

"At the time the combination was effected the price of sisal at New York was 5¼ cents a pound and for five years before had averaged about 5¼ cents. As a result of the combination the price has been advanced until it is now 16½ cents. This price, if maintained, means probably an increase to our farmers of more than $25,000,000 in binder twine for 1917 over the cost in 1915."

CONFERENCE REPORT (NO. (1635).

Mr. NORTON. Will the gentleman yield for a moment?

Mr. STEENERSON. Yes; for just one question.

The SPEAKER. The time of the gentleman has expired.

SEVERAL MEMBERS. "Vote!" "Vote!"

Mr. STEENERSON. Just one moment——

Mr. LEVER. I move the previous question.

Mr. NORTON. Just one moment. I want to ask the gentleman a question.

The SPEAKER. The gentleman from South Carolina moves the previous question.

Mr. NORTON. I just want a minute.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. NORTON. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from North Dakota demands a division. Those in favor of agreeing to the conference report will rise and stand until they are counted. [After counting.] Two hundred and eighty-six Members voting in the affirmative. Those opposed to agreeing to the conference report will rise and stand until counted. [After a pause.] Not a soul has risen against it. [Applause.]

Accordingly the conference report was agreed to.

COMMITTEE TO NOTIFY THE PRESIDENT.

Mr. KITCHIN. Mr. Speaker, I send to the Clerk's desk a resolution which I ask the Clerk to report, and I ask its immediate consideration.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 555.

Resolved, That a committee of three Members be appointed by the Speaker to join a similar committee to be appointed by the Senate, to wait on the President of the United States and inform him that the two Houses are ready to adjourn unless the President has some communication to make to them.

The resolution was agreed to; and the Speaker appointed Mr. KITCHIN, Mr. LLOYD, and Mr. MANN as the committee on the part of the House.

DUTIES ON FLAX-PREPARATORY MACHINES.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4384) providing for the refund of duties collected on flax-preparatory machines, parts, and accessories imported subsequently to August 5, 1909, and prior to January 1, 1911.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read the title of the bill.

Mr. FORDNEY. Mr. Speaker, I do not wish to discuss the matter at all, unless some gentleman wants information.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Linen Thread Co., of No. 96 Franklin Street, New York City, the sum of $23,239.35, being the amount of duties collected on flax-preparatory machines, parts thereof, and accessories thereto imported subsequently to August 5, 1909, and prior to January 1, 1911.

Mr. AUSTIN. Mr. Speaker, this is unanimously recommended by the Secretary of the Treasury.

The SPEAKER. Is there objection?

Mr. KEATING. I object, Mr. Speaker.

Mr. FORDNEY. I ask the gentleman to withhold his objection a moment, when perhaps he will withdraw it.

Mr. KEATING. I withhold the objection.

Mr. FORDNEY. I wish to state to the gentleman from Colorado that this is a bill to refund, under paragraph 187 of the Payne tariff law, duties paid on machinery which under that act was to be brought in free of duty between the enactment of the law and January 1, 1911. That machinery was brought in in accordance with the law, but because of an erroneous ruling made by some man in the customs department it was held beyond the time within which the duty could be refunded under the law. Now, they come in and ask, with the consent of the Treasury Department, that a law be passed permitting the repayment of that duty. Everything was in accordance with the law, and it would have been refunded, except for a wrong ruling of the Treasury Department at that time. I hope the gentleman will withdraw his objection.

Mr. AUSTIN. I have examined this bill, and it is strongly recommended by the Treasury Department. It has been reported by the Committee on Claims of the House.

Mr. KEATING. I insist on my objection.

Subsequently,

Mr. FORDNEY. Mr. Speaker, the gentleman from Colorado withdraws his objection which he made a few minutes ago to the consideration of the bill, S. 4384, and I ask that the bill be taken up.

The SPEAKER. The gentleman from Colorado withdraws his objection. The bill has been read. The question is on the third reading of the bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. FORDNEY, a motion to reconsider the last vote was laid on the table.

Mr. MANN. Mr. Speaker, I ask unanimous consent that my colleague, Mr. CANNON, have leave to address the House for five minutes.

The SPEAKER. The gentleman from Illinois asks that his colleague, Mr. CANNON, be allowed to address the House for five minutes.

Mr. NEELY. Mr. Speaker, reserving the right to object, unless I can get recognition——

The SPEAKER. The gentleman can not get recognition now.

Mr. NEELY. Then I object to anybody having unanimous consent.

EULOGIES OF PULASKI AND KOSCIUSZKO.

Mr. BARNHART. Mr. Speaker, I ask to take from the Speaker's table House concurrent resolution 59 to print and bind the proceedings upon the unveiling of the statue of Count Casimir Pulaski and Gen. Thaddeus Kosciuszko in Washington, May 11, 1910, with accompanying illustrations, and so forth, and to concur in the Senate amendments.

Mr. NEELY. Mr. Speaker, I withdraw my objection to the request of the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman withdraws his objection. As soon as this pending resolution is disposed of the Chair will recognize the gentleman from Illinois. The Clerk will report the Senate amendments to House concurrent resolution 59.

The Senate amendments were read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on concurring in the Senate amendments.

The motion was agreed to.

THANKS TO THE SPEAKER.

Mr. MANN. I ask the Speaker to call the gentleman from Illinois [Mr. CANNON] to the chair. I desire to present a privileged resolution.

The SPEAKER. The gentleman from Illinois will take the chair. [Applause.]

Mr. CANNON took the chair as Speaker pro tempore.

Mr. MANN. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Illinois. [Applause.]

Mr. MANN. I rise to present a privileged resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 556.

Resolved, That the cordial thanks of this House are presented to the Hon. CHAMP CLARK, its honored and distinguished Speaker, for the able, impartial, courteous, and dignified manner in which he has presided over its deliberations and performed the arduous and important duties of the Speakership during the present term of Congress now about to end.

[Applause.]

Mr. MANN. Mr. Speaker, I think we have the time for a moment's discussion in this connection, and I desire to pay a tribute not only to the distinguished Missourian who has presided so ably and justly over this House now for three Congresses, but to another distinguished Missourian who has been an able Member of this House for 20 years. He and I and others in the House came here together in the Fifty-fifth Congress. He is leaving the House by his own decision, and I sometimes envy him the choice he has made and the quiet and contentment with which he may pass the remaining years of his life. It is a loss to the House for him to go out. He has had the confidence and respect of the House for many years. We leaned heavily upon him, especially in matters relating to the Post Office Department, and have always valued his advice and his judgment, and I would feel remiss in my duty if I did not express to the House our sincere appreciation of the value of his services and our regret at his leaving us. We really lose a great and able Member in the loss of Mr. LLOYD, of Missouri. [Applause.]

Mr. CONNELLY. Mr. Speaker, I ask unanimous consent that my colleague, Mr. TAGGART, of Kansas, be allowed five minutes.

Mr. MANN. I will yield to the gentleman five minutes.

Mr. TAGGART. Mr. Speaker, I shall avail myself of the few minutes assigned me to take leave of the House. I have had the honor of serving three terms in Congress, and during that time have represented one of the most progressive and enterprising districts in America. The last two terms have been under the administration of President Wilson, and I am glad to look back over the record and feel that I have faithfully supported the President of the United States in all of the great measures that he has proposed.

The memory of the many friends that I have made here, the kindness and patience with which I was listened to on the few occasions that I addressed the House, and the good fellowship of those I have met will inspire me to make the remainder of my life the best part of it. I shall always feel that I was honored most by the character of those who sat with me here, and I hope that it may be said, in the language of a principle of law, that I was known by my companions—noscitur a sociis. Having attained the honor of being with you was the greatest achievement of my life.

Again, in our history it may be said, as it was said before, that "These are the days that try men's souls." The fidelity and patriotism of the American people are once again put to the test. In such an hour it is my earnest hope that the ordinary rivalries of the political arena will disappear—that the petty and trifling questions that have seemed to divide the people will sink into insignificance, and that every man who wears the dignity of an American citizen will stand like Gibraltar behind the flag of the United States.

Humiliation never did secure peace; neither did discrimination and unfairness ever promote peace in the history of the world. The two Congresses in which we have served and which have dealt with our foreign relations have spared no effort to be magnificently fair. I can bear most cheerful witness to the efforts of men of all parties here to maintain the United States at peace with all the world. But we have come to that pass where the duty has arisen of protecting the lives of American citizens throughout the world. The glory of America has been tarnished by our failure to do this in the past. We have been indifferent to the fate of the American citizen that has left our border or our shore. We have abandoned him to his fate in Mexico and on the high seas. The manhood of America is called upon for a more vigorous policy than this, and I feel that this great duty will finally be well performed.

I want the American citizen to know, wherever he is under the whole heavens, that he is in the shadow of the eagle's wing. At the same time I believe it to be the patriotic duty of an American citizen to forego his private interests and to remain away from war zones and scenes of battle in this crisis. In France there is a law providing a heavy penalty for anyone who will do any act to cause a war between France and any other nation. Even the warlike and volatile people of France took this precaution long ago. It is a wise and humane law. I hope the American citizen, in addition to exposing his life to destruction by going into a war zone on a foreign ship, under a foreign flag, and committing his protection to a foreign Government, will not also bring upon his country the calamities of war. Our own ships, under our own flag, and all those who are in them, are most certainly entitled to protection on the high seas, and I have every faith to believe that the next Congress, as well as this Congress, will have the manhood to insist on this right.

If war must come, we are willing to make the same sacrifices that our fathers made. If it does come, we shall find the same truth that was discovered more than 50 years ago—that is, that all classes of men, regardless of creed or lineage, will be equally willing to serve the United States. I have no dread of the disloyalty of any American citizen. It ought to be a crime, and it is a crime, if written and published, to accuse an American citizen of disloyalty to his country where he has done no overt act to justify the accusation. If war must come, the roll of the dead on the field of honor will show names that originated in every country in western Europe—men of the soldier races of the world who were rivals in glory. [Applause.]

Should I never again have the honor to perform any duty within these walls, let me say these few words more, and let me beg whoever reads them to appreciate fully the real blessings that have been brought to mankind by the Government of the United States. There have been attempted trespasses against liberty in this land, but they were laughable. There have been thoughts of some class or separate group of people ruling this Nation, and these thoughts are still more laughable. The sovereignty of this Government is not in any officer, nor in this body, nor in the other body, but in the whole people; and

the sovereign must be true to himself. Whoever loves his neighbor most serves his country best. [Applause.]

This great inheritance must and shall be preserved. Its place in the world could not be filled if it were vacated. Let the curse of Job fall upon him who is not willing to defend this inheritance! Let the day perish in which he was born, and the night in which his history began. The more loyally men stand together in this crisis, the more certainly we can remain at peace. [Applause.]

Just a moment more. I can not, without the deepest emotion, take leave of our beloved Speaker. He is one of the few friends that I have ever had who were truly great. It might not be becoming in me to enter upon an encomium here and now upon his virtues. "His praise is hymned on loftier harps than mine." But let me say that he has that democracy which recognizes that every soul has an equal right to rise to its full measure in this world; that he has the philosophy and learning to know that a variety of thought is as essential in a republic as a variety of talent; that the nation where men are alike will stagnate and decay; that where they all think alike they will not go forward; and he has the supreme American citizenship to declare that he claims no right for himself that he is not willing to give to every human being on the face of the globe. And all these virtues are crowned with a patriotism that is without ostentation and a love for his fellow man that is as much a part of his nature as the beating of his heart. The richest reward of my service in Congress is that affection which I shall cherish for him until my last hour. The Speaker is too great to be the victim of disappointment; it has written no wrinkle on his brow. Neither chance, nor accident, nor mistake, nor the cunning plans of the ambitious could shake his faith or leave one trace of bitterness in his soul. He will go down in history as standing forth in these trying hours as one of the giant figures in American public life—

> As some tall cliff that lifts its awful form,
> Swells from the vale and midway leaves the storm;
> Though round its breast the rolling clouds are spread,
> Eternal sunshine settles on its head.

[Prolonged applause.]

Mr. MANN. Mr. Speaker, if it is not trespassing on the time of the House, I yield three minutes to the gentleman from Mississippi [Mr. COLLIER].

REUNION BETWEEN THE BLUE AND THE GRAY.

Mr. COLLIER. Mr. Speaker, many of you recollect that during the last session of Congress the sum of $150,000 was appropriated by Congress to help defray the expenses of carrying on the reunion between the Blue and the Gray at the peace jubilee that is going to be held on the battle field of Vicksburg next October.

That reunion is for the twofold purpose of celebrating the 50 years of peace and good-fellowship which happily exists in our American Republic, and also for the purpose of bringing together those battle-scarred veterans of the Civil War, that they might again meet, not as of yore, in the shock of conflict, but around the camp fires at Vicksburg, in jest, in story, and in pleasant reminiscence. [Applause.] Mr. Speaker, it has been over 50 years since the close of the Civil War. Those crucial days are past and gone. The smoke of battle has lifted, and instead of listening to the opening roar of thundering cannon, the ear is greeted with the busy humming of countless spindles; the air that once was filled with deadly hail of shot and shell is now colored by the smoke of many factories; and where the gunboats once hurled their thunderbolts of death and destruction, there now are seen the rippling waters of our mighty rivers dotted with countless boats and sails, and upon whose ample bosoms half the commerce of our Republic is destined to be borne.

It is my pleasing privilege, in behalf of the Vicksburg Peace Jubilee Committee, through its chairman and secretary and in behalf of the citizens of Vicksburg, to extend a sincere and cordial invitation to Congress to visit Vicksburg when you attend the reunion next October. We will give you a hearty, a sincere, a cordial welcome. We want you to see our city and meet our people. We want you to see Vicksburg, a city rich in the historic memories of the past, and bright with the glowing prospects of the future; a city whose rugged hills, furrowed with intrenchments once red with the blood of fratricidal strife, but now, thank God, marked by lofty and enduring monuments which commemorate alike the virtue and the glory and the heroism of those who, as some one so beautifully said upon this floor on another occasion, wore those colors which suggested the gray of the early morning and the blue of the noonday sky. [Applause.]

Again I say to you, I hope that you will come and visit Vicksburg. We will give you the best welcome we can, and permit me to express the hope that you will have as much pleasure in visiting our city as the people of Vicksburg will experience in having you with us. [Applause.]

The SPEAKER pro tempore. I think it is always in order for the Speaker—and I am the Speaker for five minutes—to say a word. I knew the present Speaker of the House for many years before I was Speaker and before he was Speaker. We had many contests. I have seen some pretty wild scenes in this hall. At times I have had feeling, sometimes of resentment, sometimes of disapproval, but as the sun came up and the sun went down from day to day in the lapse of months and years I have recognized that in a government of the people there must be organizations of party, and as the citizenry of the United States is a virile one, where there is an honest difference as to policies, there must at times be heat and sometimes thunder. I take great pleasure in saying that in all my service with the Speaker of the House, when we were upon the floor and when I was Speaker and since he has been Speaker, he has always commanded, and never more than now, my earnest approval.

The question is on agreeing to the resolution.

The resolution was agreed to unanimously.

The SPEAKER resumed the Chair.

The SPEAKER. The best service that the present occupant of the Chair can render at the present time is to be very brief. The House thanks me, and I thank the House. I want to make one or two remarks about this House. In my judgment it is the best-behaved House that has been in Washington in my time. [Laughter and applause.] Some of you new Members may not believe that, but if you had been here as long as Brother MANN or myself or especially my revered and beloved friend Mr. Speaker CANNON, you would know that what I say is the absolute and literal truth. Mr. Speaker CANNON says that he has seen wild scenes here, and so have I—among them several fights—in days long gone by. There has been hardly an intimation of an ugly scene in this House. One other word. I congratulate the House, and I do it from the bottom of my heart, that partisanship in the acute stages in which I found it 24 years ago has almost vanished from this House. It augurs well for the perpetuity of the Republic. Amid alarms, at times under intense excitement, this House has kept a level head and has done an immense amount of work. My own opinion is that the longer a man is Speaker, the more easily he performs the duties of his office. [Applause and laughter.]

Mr. MANN. Mr. Speaker, I had a request pending that my colleague, Mr. CANNON, be permitted to address the House for five minutes.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] is recognized for five minutes.

ASHER HINDS.

Mr. CANNON. Mr. Speaker, I shall not consume the five minutes. It is greatly to my regret that I was not present in the Hall when my colleague, Mr. MANN, and the Speaker of the House referred to our colleague, Hon. ASHER HINDS. Just in a word or two I am very glad to say that I was acquainted with Mr. HINDS from the Fifty-first Congress, while he was clerk to the Speaker's table, parliamentarian under Mr. Speaker Reed, later under Mr. Speaker Henderson, and for eight years while I had the honor to be Speaker, after which time he became a Member of the House. He is a lovable character. Some man once asked another, "What is an apostle?" Well, the answer to that was easy. Then he asked, "What is an epistle?" The reply was, "An apostle is one who was on the fighting line, and an epistle was said to be the wife of an apostle." [Laughter and applause.] Mr. HINDS did not often seek the floor of the House, although when he addressed the House he always had its attention and always talked well. He was an apostle in achievement, in writing the history of this Congress for posterity, the most valuable history that has been written so far, and yet he was as kind and courteous as any woman you or I ever met. Men come and men go; the House changes rapidly. Very few men are in the House now who were here when I entered the Congress. The only one, I believe, is the gentleman from Ohio [Mr. SHERWOOD], the chairman of the Committee on Invalid Pensions. [Applause.] I think there is no one who was in the House succeeding that and the next Congress. We change rapidly. Our colleague, Mr. HINDS, sacrificed his health in bringing forth the great work that is involved in Hinds' Precedents. While it is a parliamentary work, yet it is a work that represents the progress and the contests in the House of Representatives from the beginning of the Government under the Constitution up to the time that he ceased to be clerk at the Speaker's table and became a Member of this House. I think, Mr. Speaker, 50 or 100 years from now, when somebody may ask who were the

leaders of the minority and the majority, who was Speaker now, who was Speaker for the eight years I was in the chair, and those who preceded us, there would have to be an inquiry, but Hinds' Precedents, to the historian and to the parliamentarian, will live through the centuries. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

REVIEW OF THE APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, I wish to make a statement of considerable importance to the House. It has been customary at the close of each session to have a review of the appropriations made by the Congress by the chairman of the Committee on Appropriations and by the ranking member of the minority on that committee. The unusual conditions confronting the House at this time makes impossible the character of statement that has customarily been made. It is now known as a certainty that the sundry civil bill, carrying $139,028,513.77; the Army appropriation bill, carrying $278,197,702.67; the general deficiency bill, carrying $62,610,464.81; the Military Academy bill, carrying $1,344,196.18, and the river and harbor bill, carrying $38,809,639, will not be enacted before Congress adjourns. The aggregate of those five appropriation bills that will remain undisposed of is the enormous sum of $520,080,516.43. Some conception of the wonderful growth and progress of the United States may be had when it is realized that 26 years ago the country was startled by the announcement that the Fifty-first Congress in two sessions had exceeded $1,000,000,000 in the appropriations which called for the famous remark of Speaker Reed, that this was a billion-dollar Congress——

Mr. MANN. Billion-dollar country.

Mr. FITZGERALD. Billion-dollar country—but my remark was equally proper, it was a billion-dollar Republican Congress. In five of the thirteen appropriation bills are sums aggregating a sum in excess of the total appropriations for any session of Congress prior to the Fifty-first, except during the Civil War, and because of such unusual conditions it is impossible, until Congress reconvenes and the bills are disposed of, to make any statement of any value.

I wish before I conclude, speaking what I believe to be the unanimous sentiment of the Democratic side of the House, to express its appreciation for the very generous tribute which, upon the motion of the gentleman from Illinois [Mr. MANN], was paid to the Speaker of this House. [Applause.] However we may be tried at times and however acrimonious the controversies between the two sides, underlying all in this House is a great patriotic friendship that is sincere and loyal between men upon both sides of the House. We appreciate, if the Republican side does not, the industry, the integrity, the capacity, and the ability of the gentleman from Illinois [Mr. MANN]. [Applause.]

Whenever I am inclined to boast of being an industrious man I think of him and restrain my inclination. He is the best-informed Member of Congress whom I have known in my 18 years of service, and I am speaking the unanimous sentiment of the Democratic side of the House when I express the hope that the Republicans in the Sixty-fifth Congress will have sufficient common sense to elect the gentleman from Illinois minority leader in that body. [Applause.]

INAUGURAL CEREMONIES.

Mr. MANN. Mr. Speaker, will the gentleman from North Carolina yield to me to ask him a question?

Mr. KITCHIN. I will.

Mr. MANN. I think we ought to have some understanding about to-morrow. Members of the House have invitations, of course, for the Senate galleries and the right of the Members themselves to go upon the floor of the Senate to-morrow when the Vice President is sworn in.

Now, we ought to know whether it is the desire to meet here and go over there in a body or whether we shall straggle in as we please.

Mr. FITZGERALD. I suggest that the House should proceed to the Senate with the Speaker at its head, although he may not technically be the Speaker of the House.

Mr. KITCHIN. It is my opinion that we should do that, and I understand that is the provision in the official program.

The SPEAKER. It is the Chair's understanding that the House will meet here at 11.30 a. m., in this Hall, and that we will all go over together. It will make a better impression.

Mr. KITCHIN. Mr. Speaker——

The SPEAKER. The Chair recognizes the gentleman from North Carolina [Mr. KITCHIN]. [Loud applause.]

MINORITY LEADER MANN.

Mr. KITCHIN. Mr. Speaker, I trust the House will indulge me just a moment to say something that I think the country ought to know.

Mr. Speaker, the House, Democrats and Republicans alike, have met every responsibility and performed every duty imposed upon it by the Constitution and by the country. [Applause.] We have passed every needful appropriation bill. Recognizing that responsibility and that duty, we have on our part supplied the Government with the authority and the means to perform all of its functions. If hereafter, when this Congress adjourns, the Government finds itself embarrassed for want of full and ample authority and means to maintain itself the fault will lie, not with this House, but with another body. [Applause.]

If the President should find this country in the midst of a sudden emergency, and should look about him for authority and means to protect the rights of American ships and American citizens from unlawful attacks upon the high seas and find it not, the fault will lie, not with this body, but with another body. [Applause.] I believe, Mr. Speaker, that the country ought to know this truth.

While that was all I intended to say, I will avail myself of the opportunity as majority leader to thank and express to the distinguished gentleman from Illinois [Mr. MANN], and to the minority under his superb leadership, my sincere appreciation of their generous cooperation with me and the majority in expediting all needful legislation, not only during this session but during the last session. [Applause.]

Since I have been a Member of this House, now 16 years, there never has been in any Congress less partisan bitterness, less partisan unpleasantness than in this Congress which is about to expire. In all matters not partisan the Republicans, under the leadership of my distinguished friend from Illinois, Mr. MANN, have heartily cooperated with us. In matters partisan he and the minority have resorted to no filibustering tactics nor thrown any unreasonable obstruction in our path, but they have had the courage to come to a showdown in all votes and put responsibility where it belonged, ready and willing for time to test the wisdom of our actions. [Applause.]

I want to say one more word concerning the minority leader. I must say that before I became majority leader I thought he was a mighty partisan kind of a fellow. I used to think that he was a little mean sometimes in not permitting this man or that man to get up some bill by unanimous consent; but I have watched him more closely and have been thrown in closer contact with him in the last two years, and have come to regard him as one of the most useful and patriotic men that ever sat in this body. [Applause.] I have had many conferences with him in the last two years, as majority and minority leaders must have, and there has never been one unkind word, one ungenerous feeling, one unpleasant difference between the gentleman and myself. We have differed when the principles and policies of our parties compelled us to differ, but he has always treated me with the utmost courtesy, with perfect candor, and he has never budged a hair's breadth from any promise he has ever made to me or to the majority party. [Applause.] It is a genuine pleasure to acknowledge in this presence my indebtedness to him for his aid and assistance and cooperation with us in all matters of procedure and nonpartisan legislation. I am glad to record here my esteem and my affection for him and to pay my tribute to his exalted character, his high integrity, his matchless industry, his magnificent ability, his lofty patriotism. [Loud applause.]

Mr. NEELY. Mr. Speaker——

Mr. MANN. I hope the gentleman will let me have a few minutes.

Mr. NEELY. I can not yield any further. I have yielded for two days, and I insist on my rights. However, how much time does the gentleman want? I would be glad to yield, but I understand there is going to be an adjournment at 12 o'clock, and I have an important matter of legislation I want to present to this House.

Mr. MANN. I want to say a word about the majority leader, but I can not do it if the gentleman will not yield.

Mr. NEELY. Very well. After that I will not yield to anybody.

Mr. MANN. Mr. Speaker, I think the most impressive scene I have ever witnessed was when we counted the electoral vote, where amidst joke and laughter and constant expressions of good nature we entered the formal declaration of the result of a bitterly contested election, which was very close in the States which decided it. But that represented the great power of the American Republic, the good nature of the people personally who enter into political contests. That extends to this House.

When Mr. KITCHIN became the majority leader of this House he entered upon a very difficult task. He has kept the admiration of the Democratic end of the House and he has won the admiration of the Republican side of the House. [Applause.] It is due largely to him that we passed through this session of Congress with but little bitter partisan feeling.

His firmness, combined with good nature, render him a remarkable leader. While I should like to have had time to say more in regard to him, I want to express the feeling of the Republican side of the House, and I believe the feeling of all the Members on both sides of the House, of our sincere affection and respect for his remarkable qualities and for his kindness and able leadership of the whole House. [Applause.]

SUITS AGAINST THE UNITED STATES.

Mr. NEELY. Mr. Speaker, I move to take Senate bill 5126 from the Speaker's table, suspend the rules, and pass the bill.

The SPEAKER. The gentleman from West Virginia moves to take from the Speaker's table Senate bill 5126, suspend the rules, and pass the bill. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 5126) giving the consent of the United States for the bringing of certain suits in the Supreme Court of the United States, and for other purposes.

Be it enacted, etc., That any State which now has or hereafter shall have a cause of action against the United States, which, as between individuals, would be cognizable in a court of justice, is hereby authorized to sue the United States thereon in the Supreme Court of the United States. The United States shall have the right in any such suit to interpose any counter claim, set-off, equitable or other defense which could be made by the defendant were such suit between individuals.

The SPEAKER. Is a second demanded?

Mr. VOLSTEAD. I demand a second.

The SPEAKER. The gentleman from Minnesota demands a second.

Mr. NEELY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from West Virginia asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. VOLSTEAD. I object.

The SPEAKER. The gentleman from Minnesota objects.

Mr. NEELY. Let us have tellers, then, Mr. Speaker.

The SPEAKER. Tellers are demanded. The Chair appoints the gentleman from Minnesota [Mr. VOLSTEAD] and the gentleman from West Virginia [Mr. NEELY] to act as tellers.

The House divided; and the tellers reported—ayes 120, noes 134.

So a second was refused.

JOINT COMMITTEE ON PNEUMATIC-TUBE SERVICE.

The SPEAKER. The Chair appoints Mr. ROUSE, of Kentucky, as a member of the Joint Committee on the Pneumatic Tube Service in lieu of Judge MOON, who declines; and the Chair asks to have Judge MOON's letter printed in the RECORD.

The following is the letter referred to:

WASHINGTON, D. C., *March 4, 1917.*

Mr. SPEAKER: Having served on the conference committee on the Post Office and Post Roads bill, and upon a full investigation expressed my opinion against the continuation of the pneumatic-tube service as it now exists in certain cities, it would, I think, be unjust to the tube companies for me to act as a member of the tube commission appointed by you yesterday, and therefore resign from said commission.

Yours, etc.,

JOHN A. MOON.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, communicated to the House of Representatives by Mr. Sharkey, announced that the President had approved and signed bills and joint resolutions of the following titles:

On March 3, 1917:

H. R. 20573. An act to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes;

H. R. 19119. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes;

H. R. 19300. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918;

H. R. 19410. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes;

H. R. 20748. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1918, and for other purposes;

H. R. 18542. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes;

H. R. 5948. An act for the relief of Hays Gaskill;

H. R. 20082. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914;

H. R. 20451. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. J. Res. 334. Joint resolution authorizing the President to appoint delegates to attend the tenth international congress of the World's Purity Federation, to be held in the city of Louisville, State of Kentucky, November 8 to 14, 1917;

H. J. Res. 335. Joint resolution for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers;

H. R. 20755. An act to provide a temporary government for the West Indian Islands acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916, and for other purposes;

H. R. 12030. An act to amend an act entitled "An Act to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.," approved August 3, 1914;

H. R. 20496. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors; and

H. R. 20827. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

On March 4, 1917:

H. R. 655. An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes;

H. J. Res. 390. Joint resolution to expedite the delivery of materials, equipment, and munitions and to secure more expeditious construction of ships;

H. J. Res. 392. Joint resolution providing that section 5 of an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, shall not be in effect until July 1, 1917;

H. J. Res. 393. Joint resolution making appropriations for the construction and operation of railroads in the Territory of Alaska;

H. R. 20632. An act making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes; and

H. R. 19359. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. J. Res. 392. Joint resolution providing that section 5 of an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, shall not be in effect until July 1, 1917;

H. J. Res. 390. Joint resolution to expedite the delivery of materials, equipment, and munitions and to secure more expeditious construction of ships;

H. R. 20632. An act making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes; and

H. R. 19359. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 8120. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 5270. An act for a public building at Paris, Tex.;

S. 4384. An act providing for the refund of duties collected on flax-preparatory machines, parts, and accessories imported subsequently to August 5, 1909, and prior to January 1, 1911;

S. 8316. An act granting a pension to Edith Blankart Funston, widow of the late Maj. Gen. Frederick Funston;

S. 7710. An act to amend the irrigation act of March 3, 1891 (26 Stat., 1095), section 18, and to amend section 2 of the act of May 11, 1898 (30 Stat., 404); and

S. 7766. An act for the relief of Guy A. Richards, Jesse L. Robbins, Isaac M. C. Grimes, William L. Irvine, and David Cox.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills and joint resolutions:

H. J. Res. 393. Joint resolution making appropriations for the construction and operation of railroads in the Territory of Alaska;

H. J. Res. 392. Joint resolution providing that section 5 of an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, shall not be in effect until July 1, 1917;

H. J. Res. 390. Joint resolution to expedite the delivery of materials, equipment, and munitions, and to secure more expeditious construction of ships;

H. R. 20632. An act making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes; and

H. R. 19359. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918.

WITHDRAWAL OF PAPERS.

Mr. LANGLEY, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, papers in the following cases, no adverse reports having been made thereon:

John F. Rudd.
James Mosley.
Sylvester B. Miller.
H. Clay Colson, H. R. 19476.
William Freeman, H. R. 7199.
J. P. Neikirk, H. R. 14883.
Robert McCarthy, H. R. 5330.
Robert McDowell.
Byron W. Kash.
George W. Blanton, H. R. 8987.
Isaac Daniel Gibson, H. R. 20101.
Leslie Higgins, H. R. 17927.

TELEPHONE SERVICE AT THE CAPITOL.

Mr. MILLER of Delaware. Mr. Speaker, I present a privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Delaware presents a privileged resolution from the Committee on Accounts, which the Clerk will report.

The Clerk read as follows:

House Resolution 490 (H. Rept. No. 1623).

Resolved, That the three telephone operators now authorized to be employed from December 1, 1916, to March 31, 1917, continue to be employed during the period between March 31 and December 31, 1917, and be paid out of the contingent fund of the House, at the rate of $75 per month.

With a committee amendment, as follows:

Amend, line 5, by striking out the words "December 31" and inserting in lieu thereof "November 30."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

EXTENSION OF REMARKS.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Indian wars pension bill.

The SPEAKER. The gentleman already has that privilege.

LEAVE TO ADDRESS THE HOUSE.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. MURRAY] be permitted to address the House for three minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Oklahoma [Mr. MURRAY] be permitted to address the House for three minutes. Is there objection?

There was no objection.

Mr. MURRAY. Mr. Speaker, it has been my privilege to enter the Sixty-third Congress and serve four years during the greatest crisis of the present generation. I retire in a few minutes with this House [laughter], but in parting I can not resist the temptation of expressing my regret, my only sorrow, on breaking the association with friends made on both sides of the aisle.

If I had the time I should recite the pleasant relations with the Members of the four committees upon which I have served, but I shall conclude with but this sentence: When I came here, Mr. Speaker, you had the right, perhaps, to feel that I had wronged you in crossing the path of your ambition in 1912—I did not know you then—but from the first day until this hour you have treated me with the greatest consideration. [Applause.] So much so that after I returned to my State from the first 12 months of my service here I told the people of Oklahoma that CHAMP CLARK was the fairest man I ever knew.

Posterity will wonder why CHAMP CLARK was never President, and it is the duty of this generation to make him President while he lives. [Applause.]

FINAL ADJOURNMENT.

The SPEAKER. The hour of 12 o'clock having arrived, under the Constitution I declare the House in the Sixty-fourth Congress adjourned sine die. God bless you all. [Applause.]

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reparted from commitees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5086) amending section 4 of the public buildings act approved March 4, 1913, providing for the purchase of a site for a building for post office and customhouse at Nogales, Ariz., reported the same without amendment, accompanied by a report (No. 1634), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENRY, from the Committee on Rules, to which was referred the resolution (H. Res. 532) for the immediate consideration of the bill (S. 5126) giving the consent of the United States for the bringing of certain suits in the Supreme Court of the United States, and for other purposes, reported the same without amendment, accompanied by a report (No. 1636), which said resolution and report were referred to the House Calendar and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DILLON: Memorial of Legislature of South Dakota, urging Congress to provide at the Little Bend and the Big Bend of the Missouri River in South Dakota for the development of electric power for pumping water for irrigation of agricultural lands, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Legislature of the State of South Dakota, favoring legislation for the development of power on the Missouri River through the Reclamation Service; to the Committee on Interstate and Foreign Commerce.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DENISON: Petitions of 52 citizens, of 23 citizens, of 56 citizens, and of 142 citizens, all of Randolph County, Ill., for a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DILLON: Petition of sundry citizens in favor of a referendum on war; to the Committee on Foreign Affairs.

By Mr. ELSTON: Telegraphic memorial of the Livermore Echo, of Alameda County, Cal., proposing means to avoid war; to the Committee on Foreign Affairs.

By Mr. GRIEST: Petition of 70 citizens of Lancaster County, Pa., for a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MORIN: Petition of Chamber of Commerce of Pittsburgh, Pa., Mr. Logan McKee, secretary, opposing the passage of the proposed Poindexter bill, S. 5704; to the Committee on Interstate and Foreign Commerce.

By Mr. HULBERT: Memorial of Congressional Union for Woman Suffrage, for woman suffrage; to the Committee on the Judiciary.

Also, memorial of New York Produce Exchange, in re foreign situation; to the Committee on Foreign Affairs.

Also, memorial of Society of Colonial Wars, pledging loyalty to the President and Government in international situation; to the Committee on Foreign Affairs.

By Mr. PHELAN: Memorial of mass meeting of 5,000 Lithuanians, of Lawrence, Mass., opposing war; to the Committee on Foreign Affairs.

Also, memorial of Lynn Hebrew Benevolent Society, pledging loyalty and support to the President of the United States; to the Committee on Foreign Affairs.

By Mr. ROWE: Petition of sundry citizens of New York, against going to war; to the Committee on Foreign Affairs.

Also, memorial of National Grange, Patrons of Husbandry, against the Underwood oleomargarine amendment to the revenue bill; to the Committee on Ways and Means.

Also, memorial of Chamber of Commerce of the State of New York, on reduction of war profits; to the Committee on Ways and Means.

Also, petition of sundry citizens, opposing war; to the Committee on Foreign Affairs.

Also, memorial of Chamber of Commerce of the State of New York, on preparedness; to the Committee on Military Affairs.

By Mr. SNELL: Order of Helen M. Parker, department president of the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, Department of New York, consisting of over 10,000 members, offering their services to the Nation if needed; to the Committee on Military Affairs.

By Mr. TAYLOR of Arkansas (by request): Petition of Fred Kirshoff, G. A. Meyer, and others, of Stuttgart, Ark., against this Nation going to war because of Americans being injured at sea; to the Committee on Foreign Affairs.

By Mr. WM. ELZA WILLIAMS: Petition of First Baptist Mothers' Club, of Decatur, Ill., for prohibition legislation; to the Committee on the Judiciary.

Also, petition of various citizens of La Salle, Ill., and Streator, Ill., for war referendum; to the Committee on Foreign Affairs.

Also, proclamation of Socialist Party of Livingston, Ill., against war; to the Committee on Foreign Affairs.

Also, petition of citizens of East St. Louis, Ill., and various members of Baptist Sunday School, Decatur, Ill., for prohibition legislation; to the Committee on the Judiciary.

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